


MEMORANDUM

TO: Faculty Senate

FROM: The Faculty Affairs Committee 

RE: Edits to Sections II.F.8 and III.D.14 in the *Faculty Manual*

DATE: October 3, 2021

The Faculty Affairs Committee recommends to the Faculty Senate the attached changes to Sections II.F.8 and III.D.14 of the *Faculty Manual*. Additionally, the committee recommends that any approved changes to the *Faculty Manual* resulting from this recommendation be updated in the *Faculty Manual* immediately upon final approval by the president. The WSU Office of the Attorney General initiated the proposed changes to the *Faculty Manual*, which were then reviewed by the Executive Committee, the Faculty Affairs Committee, and the Steering Committee.

Section II.F of the *Faculty Manual* deals with the disciplinary process and types of disciplinary action. If the provost concludes that a faculty member's conduct subjects that faculty member to termination or suspension, the faculty member has ten (10) days to either accept the imposed discipline or initiate formal disciplinary proceedings, which include a formal hearing (see II.F.10, p.40). Normally, during the disciplinary proceedings, the faculty member continues to perform regular duties and receives appropriate compensation.

There are two instances when a faculty member may be immediately suspended or placed on leave without pay:

1. "If at any time the provost becomes aware of information that causes him/her to believe there is an immediate threat to the public health, safety, or welfare, to University property, or to the safety or welfare of any member of the University community (including the subject faculty member), the provost shall immediately institute summary suspension procedures" (Section II.F.8, p. 39, see also Section II.F.4, p. 37).
2. "Going on strike and/or otherwise willfully failing to perform regular duties shall be considered an automatic request by a faculty member for leave without pay" (Section III.D.14, p. 99).

The proposed addition to the *Faculty Manual* for Section II.F.8 is to clarify that if a faculty member is legally prohibited from performing assigned duties, the faculty member can be placed on leave without pay, while the faculty disciplinary process is pending, without a provost recommendation to the president for a summary suspension.

Section III.D deals with leaves of absence and vacation. Section III.D.14 specifically addresses leave of absence without pay. There are a variety of ways in which a faculty member may take a leave of absence without pay including willfully failing to perform assigned duties. It is the responsibility of the principal administrative officer (typically a dean) to confirm with the immediate administrative officer (typically a chair or director) whether the faculty member is on strike or otherwise not performing assigned duties. Following the chain of authority, the principal administrative officer recommends to the provost that the leave of absence without pay be implemented, with the provost making the final decision. The purpose of the proposed amendment to Section III.D.14 is to explicitly point out that following "statutory, regulatory, or other legal prerequisites to the faculty member's performance of their assigned responsibilities" is considered part of the assigned duties of faculty.

RECOMMENDED CHANGES TO THE *FACULTY MANUAL*
SECTION II.F.8 AND SECTION III.D.14

Additions recommended by the Attorney General are in red.

Another addition recommended by the Faculty Affairs Committee and subsequently reviewed by the Attorney General is in blue.

II.F.8 First Paragraph (Page 39 of the *Faculty Manual*):

Summary Suspension is the responsibility of the president. Ordinarily, the disciplinary authority of the University will be invoked only after completion of the procedures established for the review of discipline cases and after the individual has utilized any appeal procedures desired as described in the following sections of the disciplinary regulations. **A decision by the provost to place an individual faculty member on leave without pay while the faculty disciplinary process is pending is not considered a summary suspension if the individual is legally prohibited from performing their assigned responsibilities.**

III.D.14 Second Paragraph (Page 99 of the *Faculty Manual*):

If a faculty member chooses to strike against the University or otherwise not perform assigned responsibilities, **including the intentional refusal to comply with any statutory, regulatory, or other legal prerequisites to the faculty member's performance of their assigned responsibilities**, he or she shall inform the immediate administrative superior of such intention at least twenty-four (24) hours in advance of action. Going on strike and/or otherwise willfully failing to perform regular duties shall be considered an automatic request by a faculty member for leave without pay. Such a request will normally be granted for the period during which the faculty member is not on duty. When the faculty member fails to perform assigned responsibilities, without providing notification of intent to strike, the principal administrative officer, after consultation with the immediate administrative officer, will determine whether that person is on strike **or otherwise not performing assigned responsibilities**. These provisions shall not prejudice the right of the University to initiate disciplinary action in accordance with the regulations provided. See also BPPM 60.56.