

The USG Policy is located at

[https://www.usg.edu/policymanual/section8/C245/#p8.3.9 discipline and removal of faculty members](https://www.usg.edu/policymanual/section8/C245/#p8.3.9_discipline_and_removal_of_faculty_members)

8.3.9 Discipline and Removal of Faculty Members

The President of a University System of Georgia (USG) institution or his or her designee may at any time remove any faculty member or other employee of an institution for cause. Cause shall include willful or intentional violation of the Board of Regents' policies or the approved statutes or bylaws of an institution or as otherwise set forth in the Board of Regents' policies and the approved statutes or bylaws of an institution.

8.3.9.1 Grounds for Removal

A tenured or non-tenured faculty member may be dismissed before the end of his or her contract term for any of the following reasons, provided that the institution has complied with procedural due process requirements:

1. Conviction or admission of guilt of a felony or of a crime involving moral turpitude during the period of employment or prior thereto if the conviction or admission of guilt was willfully concealed;
2. Professional incompetency, neglect of duty, or default of academic integrity in teaching, research, or scholarship;
3. Unlawful manufacture, distribution, sale, use, or possession of marijuana, a controlled substance, or other drugs as defined by applicable laws; teaching or working under the influence of alcohol or illegal or dangerous drugs, which interferes with the faculty member's performance of duties or responsibilities to the institution or his or her profession;
4. Conviction or admission of guilt in a court proceeding of any criminal drug offense;
5. Physical or mental incompetency as determined by law or by a medical board of three or more licensed physicians and reviewed by a committee of the faculty;
6. False swearing with respect to official documents or statements filed with or given to the institution;
7. Disruption of any teaching, research, administrative, disciplinary, public service, or other authorized activity;
8. Violation of Board of Regents' policies; and,
9. Other grounds for dismissal as may be specified in the institution statutes of the institution, which may supplement the Board of Regents' policies governing causes and procedures for dismissal.

Each institution should provide for standards governing faculty conduct, including sanctions short of dismissal and procedures for implementing such sanctions. In imposing sanctions, the burden of proof lies with the institution.

8.3.9.2 Procedures for Dismissal

These procedures shall apply only to the dismissal of a faculty member with tenure or a non-tenured faculty member before the end of the term specified in his or her contract.

These procedures are the minimum standards of due process and do not limit an institution from adopting its own additional standards or procedures consistent with the Board of Regents' policies and bylaws. Such additional standards or procedures shall be incorporated into the statutes of the institution.

Preliminary Procedures

The dismissal of a tenured faculty member or a non-tenured faculty member during his or her contract term should be preceded by:

1. Discussion between the faculty member and appropriate administrative officers looking toward a mutual settlement.
2. Informal inquiry by an appropriate faculty committee which may, upon failing to effect an adjustment, advise the President whether dismissal proceedings should be undertaken, though the advisory opinion shall not be binding upon the President.
3. A letter to the faculty member forewarning that he or she is about to be terminated for cause and informing him or her that a statement of charges will be forwarded to him or her upon request. The faculty member may request a formal hearing on the charges before a faculty committee. Failure to request charges or a hearing within a reasonable time shall constitute a waiver of the right to a hearing.
4. A statement of charges, if requested by the faculty member, framed with reasonable particularity by the President or his or her designee. Along with the charges, the faculty member shall be advised of the names of the witnesses to be used against him or her together with the nature of their expected testimony.

A dismissal shall be preceded by statement of charges or grounds for dismissal if requested by the faculty member, including a statement that the faculty member shall have the right to be heard by a faculty hearing committee, which shall consist of not fewer than three or more than five impartial faculty members appointed by the executive committee (or its equivalent) of the highest legislative body of the faculty, from among the members of the entire faculty of the institution. Members of the hearing committee may serve concurrently on other committees of the faculty.

When the hearing committee is called into session, it shall elect a chair from among its membership. The hearing committee will meet as a body when it is called into session by the chair at the chair's discretion or upon the request of the President or the faculty member who is subject to dismissal. A minimum of three committee members is required for any vote or official action to be taken.

A hearing committee member should remove himself or herself from the case, either at the request of a party or on his or her own initiative, if he or she deems himself or herself

disqualified for bias or interest. Each party shall have a maximum of two challenges without stated cause that shall be made in writing and filed with the chair of the hearing committee at least five days in advance of the date set for the hearing.

Additionally, the chair may decide whether a member of the committee should be disqualified for cause. If a committee member is removed, the replacement shall be made in the same manner as the original committee was selected. If the chair is removed, the committee shall elect a new chair after committee replacements have been appointed.

Dismissal Procedures

When a hearing is requested, the following hearing procedures shall apply:

1. Service of notice of the hearing with specific reasons or charges against the faculty member together with the names of the members of the hearing committee shall be provided to the charged faculty member in writing at least 20 days prior to the hearing. The faculty member may waive a hearing or respond to the charges in writing at least five days in advance of the date set for the hearing. If a faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing committee shall evaluate all available evidence and rest its recommendation upon the evidence in the record.
2. The hearing committee, in consultation with the President and the charged faculty member, may exercise its judgment as to whether the hearing should be public or private in accordance with applicable law.
3. During the proceedings the charged faculty member, the administration, and the hearing committee may each have advisory or counsel of his, her, or their choice.
4. At the request of either party or the chair of the hearing committee, a representative of a responsible education association shall be permitted to attend the hearing as an observer.
5. A tape recording or transcript of the proceedings shall be kept in accordance with institution policies and procedures and made available to the charged faculty member and the administration in the event an appeal is filed.
6. An oath or affirmation shall be administered to all witnesses by any person authorized by law to administer oaths in the State of Georgia.
7. The hearing committee may grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
8. The charged faculty member and the administration shall be afforded a reasonable opportunity to obtain necessary witnesses and documentary or other evidence.
9. The charged faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear but the committee determines that the interests of justice require the admission of his or her statement, the committee will identify the witness, disclose the statement, and, if possible, provide for interrogatories.
10. The hearing committee is not bound by strict rules of legal evidence and may admit any evidence that is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available. All questions relating

to admissibility of evidence or other matters shall be decided by the chair or presiding officer of the committee.

11. The findings of fact and the decision of the hearing committee will be based solely on the hearing record.
12. Except for announcements concerning the time of the hearing and similar matters, public statements, and publicity about the case by either the charged faculty member or administrative officer should be avoided until the proceedings have been completed, including consideration by the Board of Regents in the event an appeal is filed.
13. The President and the charged faculty member shall be notified in writing of the decision and recommendation, if any, of the hearing committee. If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will advise the President. If the President does not approve the committee's decision, he or she should state his or her reasons in writing to the committee for response before rendering his or her final decision. If the committee concludes that an academic penalty less than dismissal would be more appropriate than dismissal, it may so recommend with supporting reasons. The President may or may not follow the recommendations of the committee.
14. After complying with the foregoing procedures, the President shall send an official letter to the charged faculty member notifying him or her of the President's decision. Such letter shall be delivered to addressee only with receipt to show to whom and the address where delivered. The letter shall clearly state any charges that the President has found sustained and shall notify such person that he or she may apply for discretionary review as provided for in Board of Regents' Policy.
15. Upon dismissal by the President, the faculty member shall be suspended from employment without pay from the date of the final decision of the President. Should the faculty member be reinstated pursuant to an application for discretionary review under Board of Regents' Policy, he or she shall be compensated from the date of the suspension.

8.3.9.3 Dismissal of Temporary, Limited Term, or Part-Time Instructional Personnel

Temporary or part-time personnel serving without a written contract hold their employment at the pleasure of the institution President and chief academic officer and their immediate supervisor, any of whom may discontinue the employment of such employee without cause or advance notice.

8.3.9.4 Temporary Suspension for Violation of State or Federal Laws

When a faculty member of any USG institution is charged with the violation of a state or federal law, or is indicted for any such offense, a thorough review of the circumstances shall be carried out by the President or his or her designee.

In the event a faculty member is temporarily suspended, the administration shall immediately convene an ad hoc faculty committee or utilize the services of an appropriate existing faculty committee for the purpose of hearing an appeal by the faculty member. The appeal shall be

submitted in writing in accordance with procedures to be established by the hearing committee, which shall render its decision within ten days from the conclusion of the hearing. Thereafter, the faculty member may apply for discretionary review under Board of Regents' Policy.