FACULTY DISCIPLINARY POLICY

Abstract
This document outlines the policies and procedures governing disciplinary action that is taken when faculty standards of conduct are broken. It replaces the Faculty Disciplinary and Appeals Policies and Procedures and ensures coherence with the Appointment, Promotion and Tenure Policy and LUMS Governance and Structures.
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1 Definitions

1. In this Policy and Procedures document, unless the context or the subject matter otherwise requires:

a) “Board” means the Board of Trustees of the University;

b) “Convener” means a convener of any committee as decided by the appointing authority of the committee;

c) “Dean” means the Dean of a school of the University;

d) “Disciplinary Committee” means a committee of Faculty Members made by the Dean as per Clause 4(2);

e) “School Appointment Promotion and Tenure Committee” or “SAPTC” means a committee set up for the purposes of appointment, promotion and tenure of Faculty Members, comprising ex-officio members and elected or appointed representatives from the School for fixed terms of office. The appointment or the electoral process of the said committee shall be initiated by the Dean.

f) “Faculty Member” means a faculty member of a school, college or institute of the University as appointed by the appointing authority exercising powers delegated by the Board.

g) “Managing Committee” means a managing committee of the Board as may be appointed from amongst its members as it may deem necessary;

h) “Policies and Procedures” or “Policies” or “Procedures” means the faculty disciplinary and appeals policies and procedures made by the University hereunder and altered from time to time by the University in accordance with this policy;

i) “Rector” means the Rector of the University;

j) “School” means school, college or institute of the University as the case may be;

k) “University” means the Lahore University of Management Sciences, established under the President’s Order No.25 of 1985; and

l) “Vice Chancellor” means the Vice Chancellor of the University.

1 This document borrows from Vanderbilt University, Disciplinary Actions, Standards of Conduct, Procedures, http://www.vanderbilt.edu/facman/actions.htm and (2) Academic Personnel Manual (APM-15 and APM-16) University of California
2 Standards of Conduct

2. The faculty of the University is a community characterized by personal interaction and mutual trust. Standards for faculty conduct, therefore, need to be defined to give clarity to faculty in respect of expected conduct. Accordingly, when such standards of conduct are broken, disciplinary action must be taken if the community is to be sustained. At the University, the Deans of the Schools are responsible for ensuring adherence to the University's standards for faculty conduct. This document defines conduct which does not meet such standards. It also sets out disciplinary actions and procedures which may be initiated if these standards are not met by faculty.

3. The types of faculty conduct which may attract disciplinary action are specified below:

a) Failure to meet the responsibilities of instruction, including:
   i. arbitrary denial of access to instruction;
   ii. significant intrusion of material unrelated to the course;
   iii. significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
   iv. evaluation of student work by criteria not directly reflective of course performance;
   v. undue and unexcused delay in evaluating student work

b) Discrimination, or baseless incrimination of another member of the university community on political grounds, or for reasons of race, religion, sex, ethnic origin, national origin, ancestry, marital status or other arbitrary and personal reasons.

c) Violation of canons of intellectual honesty which may include the taking of decisions for reasons other than merit, research misconduct and/or intentional misappropriation of the writings, research and findings of others.

Explanation: The University defines misconduct by individuals involved in research or research training as: 1) falsification, fabrication, or theft of data or samples; 2) plagiarism; 3) unauthorized use of privileged information; 4) abuse of authorship; and 5) significant failure to comply with any University rules governing research (or with appropriate professional or international rules when research is conducted outside Pakistan).

d) Intentional disruption of functions or activities sponsored or authorized by the University.

e) Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University’s central functions will be significantly impaired.
f) Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political or religious purposes.

g) Violation of University policies or agreements made with the University.

h) Allowing personal interests, opinions or reasons to conflict or interfere with the interests and functioning of the University.

i) Willful refusal to follow, whether alone or in combination with others, any reasonable instructions of the academic heads (such as Head of the Department, Dean and Vice Chancellor) where such refusal results in significantly impairing the central functions of the University.

j) Habitual absence without leave of absence for more than ten (10) days.

k) Acts which are prohibited under a law in force in Pakistan.

Explanation: Disciplinary action in respect of these acts may be taken based on facts ascertained through the process set out in this document, even though action under the law may not have been initiated against the concerned faculty member.

4. “Harassment,” as defined by the Sexual Harassment Policy of LUMS, would be dealt with as per the Sexual Harassment Policy.

5. An act may be committed by a Faculty Member which is not covered under any of the heads specified in Section 2(paragraph 3) above, but which in the opinion of the Dean constitutes a violation of the standards of faculty conduct. In such event disciplinary action shall only be taken if the Disciplinary Committee, unanimously, agrees with the Dean’s opinion that the act complained of violates standards of faculty conduct, and if the Disciplinary Committee so decides, the sanction entailed will either be a written warning or a letter of reprimand.
3 Types of Disciplinary Penalties

6. A major or minor penalty may be imposed depending on the nature of the misconduct.

3.1 Major Penalties

7. The major penalties include but are not limited to:
   a) Dismissal from the employment of the University;
   b) Reduction in salary without change in rank or office;
   c) Demotion to a lower rank with corresponding reduction in salary.

3.2 Minor Penalties

8. The minor penalties include but are not limited to:
   a) Oral or written warning;
   b) Letter of reprimand in form of a formal written expression of institutional rebuke, distinguished from written warning, that contains a brief description of the censured conduct conveyed by the competent authority, delivered confidentially to the recipient;
   c) Demand for a written apology;
   d) Revised work assignment;
   e) Denial of annual increment for a period not exceeding one (1) year; and
   f) Deduction from salary for any loss/damage sustained by the University by reason of negligence or misconduct of the employee.
4 Procedures for Disciplinary Action

9. In reaching a decision to discipline a Faculty Member, the Dean shall afford that Faculty Member appropriate procedural protections to assure that the decision is fully informed and fair. To that end, the general procedures provided herein, shall apply in all cases of alleged faculty misconduct.

10. Any allegation of misconduct should immediately be brought in written form to the attention of the Dean of the relevant School, who in turn will notify the Vice Chancellor of the existence of the allegations. Initial allegations of misconduct that are found to be false and maliciously motivated may themselves become the basis of a disciplinary action. But no allegations made in good faith, however incorrect, will be the basis for discipline against a complainant, and efforts will be made to assure that no retaliatory actions occur over the good faith reporting of alleged misconduct.

11. Upon receiving a report of misconduct against a Faculty Member made in writing, the Dean will review the case and within thirty (30) days try to resolve the matter at his/her level. If personal efforts of the Dean fail to resolve the matter, the Dean shall proceed with an initial inquiry.

4.1 Initial Inquiry

12. The purpose of the initial inquiry will be to determine whether the allegations have merit and whether a formal investigation is warranted. This initial inquiry will also determine whether the complaint was made with malicious intent and recommend minor or major penalties. The initial inquiry will commence with the issue of a “Notice of Allegations” to the accused faculty member.

4.1.1 Notice of Allegations

13. The individual for whom disciplinary action is being considered will be given written “Notice of the Allegations,” including references to the time, place, and people present when the alleged acts occurred. This notice shall reasonably inform the individual of the specific activity that is the basis of the allegations. The accused individual will be afforded confidential treatment to the maximum extent possible. Persons having or reasonably believed to have direct knowledge or information about the activity that is the basis of the allegations will be consulted and those consulted will maintain the confidence of the consultation. The person or persons bringing allegations of misconduct may request that their identity be withheld during this stage of the initial inquiry; however, their identity will be disclosed to the accused should the process proceed to the stage of formal investigation.

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2 The following policy and procedure presume that the positions of the Dean and the VC are held independently by different individuals. In case any two positions are temporarily held by the same person, the processes given in this section have to be modified. In those circumstances, the modified disciplinary and appeals process will be clarified by the VC if the need arises.

3 Allegation of misconduct initiated by the Dean, will follow the same course as an allegation initiated by any other member of the university community.
Regardless of whether the Dean decides to conduct an initial inquiry, the accused Faculty Member will be invited to make a response in writing to the Dean regarding the allegations of misconduct. At his or her option, the accused Faculty Member may also respond in person.

4.1.2 Procedure for Initial Inquiry

The initial inquiry will be completed as expeditiously as possible with a goal of completing it within thirty (30) days after its initiation. The Dean, at his or her discretion, may appoint one or more persons, including an ad hoc committee, to conduct the initial inquiry and make a recommendation to the Dean. The initial inquiry is not a formal hearing, but a gathering and reviewing of facts to determine whether a full investigation is warranted or, alternatively, whether the facts do not sufficiently support the need for a full investigation.

4.1.3 Conclusion of Initial Inquiry

The Dean will notify the Vice Chancellor of the outcome of this initial inquiry. Where the initial inquiry involves allegations of misconduct in research, the records of the inquiry will be kept for at least three years and may be provided to authorized funding agency personnel.

Based on the allegations, the conclusions of the initial inquiry, if any, and the response of the accused, the Dean shall make a decision falling into one of three categories:

a) That insufficient grounds have been presented to warrant further pursuit of the allegation and, therefore, that the accused will be subject to either no disciplinary action or only minor penalty. The Dean will maintain sufficiently detailed documentation of inquiries to permit a later assessment, if necessary, of the reasons for determining that an investigation was not warranted;

b) The Dean determines that minor discipline is warranted for which the final disciplinary action will be taken by the Dean at that point with the matter being subject to appeal to a committee set up by the Vice Chancellor.

c) That there is presumptive evidence for major penalty and that a formal investigation through a Disciplinary Committee is warranted. The Dean will so notify the Faculty Member and will refer the matter to a Disciplinary Committee within thirty (30) days for investigation
4.1.4 Initial Procedure Flowchart

A flowchart of the procedure described above from receipt of initial written complaint to the conclusion of the inquiry committee is given below:

- Written Complaint to Dean
  - Dean's personal efforts for resolution
    - Successful. No further Action
    - Not Successful. Proceed with Initial Inquiry
      - Notice of Allegations
      - Response of Faculty Member. May form Ad Hoc Committee
      - Initial Inquiry Conclusion
        - Insufficient grounds for further action. May impose Minor Penalty, if warranted
        - Presumptive evidence for major penalty. Formal Investigation Warranted
          - May Appeal to Vice Chancellor

4.2 Disciplinary Committee

If the Dean concludes that grounds for major penalty exist, the Dean will so notify the Faculty Member, providing:

a) List of allegations
b) Summary of evidence received
c) Summary of relevant interviews
d) Conclusions of initial inquiry
e) Report of initial inquiry, if prepared

The Dean will then refer the matter to a Disciplinary Committee within thirty (30) days for investigation.

The Disciplinary Committee shall explore further the allegations in order to determine whether misconduct has actually occurred, and recommend penalties. In appointing the Disciplinary Committee, the Dean will include not less than three (3) individuals with knowledge and background appropriate to carry out the investigation. The Dean will also take precautions against real or apparent conflicts of interest on the part of members of the Disciplinary Committee. Such conflicts of interest may include: (i) administrative dependency,
(ii) close personal relationships, (iii) collaborative relationships, (iv) financial interest, or (v) scientific bias. The Disciplinary Committee members will state in writing that they have no conflicts of interest.

22. The Disciplinary Committee will be given the notice of the allegations as provided against the accused, and will be given charge to investigate the matter. In its investigation, the Disciplinary Committee will interview the witnesses and review documentary evidence, secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence, advise the accused of the evidence against him or her, and offer the accused a reasonable opportunity to respond and present evidence. As in the initial inquiry stage, persons having or reasonably believed to have direct knowledge or information about the activity that is the basis for the allegations will be consulted, and that those consulted will maintain the confidence of the consultations.

23. Complete summaries of the Disciplinary Committee interviews with witnesses shall be prepared, provided to the interviewed party for comments or revision, and included as a part of the investigation file. Detailed minutes of the investigation will be kept in the record.

24. Attorneys will not appear with or on behalf of the accused or any witness in proceedings before the Disciplinary Committee. The accused and other witnesses may rely on their own legal counsel in the preparation of any documents or the collection of any evidence to be presented to the Disciplinary Committee.

25. During the formal proceedings before the Disciplinary Committee, the accused shall have full access to all evidence that may form the basis of the disciplinary action within a reasonable time to respond to the evidence, including knowledge of the person or persons alleging misconduct. Only with such full access is the accused afforded an adequate opportunity to refute or explain the evidence against him/her. Evidence must be acquired by the Dean or Disciplinary Committee for use in the formal investigation with no assurances of confidentiality of sources. If such an assurance of confidentiality must be given to facilitate investigation, the evidence obtained under that assurance will not be used as a basis of disciplinary action.

4.2.1 Report of the Disciplinary Committee

26. The Disciplinary Committee will reach findings of fact in regard to the Dean’s charge. If the Disciplinary Committee finds facts that appear to constitute a breach of relevant University or scholarly standards of performance or conduct, the Disciplinary Committee shall make a report which shall state the nature of the breach and assess the seriousness of the breach. A written report containing the methods of procedure, how and from whom the information was obtained, including the views of those found to have been engaged in misconduct, conclusions, and recommendations of the Disciplinary Committee will be submitted to the Dean with a copy to the accused at the end of the investigation. All records of the investigation will be maintained under the control of the Dean.

27. After receiving the report with findings of fact from the Disciplinary Committee, the Dean will reach a decision and determine the disciplinary action and the appropriate sanctions to be taken against the accused.
4.2.2 Process Timeframe

28. The process of a misconduct investigation will be conducted as expeditiously as possible within one hundred and twenty (120) days from the date when the misconduct was brought to the notice of the Dean. This period includes conducting the investigation, preparing the report of findings, making the report available for comment by the subjects of the investigation, and submitting the report back to the Dean for decision.

29. All of the foregoing procedures should be carried out promptly and in confidence so that the risk to the reputation of the person under investigation is minimized. Diligent efforts will be made to restore reputations of persons alleged to have engaged in misconduct when allegations are found not to be supported.

4.2.3 Dismissal Proceedings

30. If the Dean determines that the nature of misconduct warrants dismissal from employment, i.e. immediate removal of the faculty member from the rolls of the faculty of the university on disciplinary grounds, the matter is referred to the Faculty Council of the University to be dealt with as per the procedure outlined in the Tenure Track Policy, Section 8.2.2.

4.3 Notice of Outcome

31. After a final decision is reached, the University may, in its discretion, provide notice of the outcome to those persons who were informed about the investigation, may have been affected by the misconduct, or otherwise have a professional need for such information.

4.4 Suspension of Faculty Member

32. During the proceedings of the case, the Vice Chancellor on the recommendation of the Dean may decide suspension of the concerned Faculty Member; suspension will be with full salary and monetary benefits to the Faculty Member. Suspension may include loss of normal faculty privileges such as access to University property, participation in departmental governance, voting rights, administration of grants, supervision of graduate students and use of University administration staff, and may include loss of other campus privileges such as parking, computing and library privileges. The degree and duration of the suspension shall be clearly specified. Authority for the suspension of a Faculty Member rests with the Vice Chancellor and may not be re-delegated.
4.5 Flowchart of Disciplinary Committee Procedure

A flowchart of the procedure described, following the decision of the Dean to establish a disciplinary committee to the conclusion on sanctions to be imposed, is given below:
5 Other Rules and Procedures Concerning Disciplinary Action

34. Accused and accusing Faculty Members will not be part of any Committee whose actions may have bearing on the case such as the Disciplinary Committee, SAPTC, etc.

35. Upon constitution of the Disciplinary Committee, the accused Faculty Member will be given written details of the complaint and not less than ten (10) working days to respond to the complaints in writing.

36. Resignation during the disciplinary proceedings shall not be considered effective.

37. The quorum for a meeting of the Disciplinary Committee will be one half (1/2) of its members; the quorum for the SAPTC would be three fourth (3/4th) of its members, a fraction being counted as one.

38. Decisions of the Disciplinary Committee will be expressed as views of majority of the members present and voting, except as otherwise provided in Section 2(Paragraph 5).

39. Decisions of the SAPTC will be expressed as views of two-thirds of the members present and voting.

40. If the members are divided, the Convener of the committees, other than the SAPTC, will have and exercise a casting vote.

41. In case of dismissal of faculty member, the letter informing the Faculty Member of his/her dismissal will be issued by the appointing authority.

42. If the complaints involve Faculty Members from different Schools, the Deans of the respective schools will jointly constitute the disciplinary committee as required. In case of a recommendation for dismissal from the university that is endorsed by each of the concerned Deans, the matter will be referred to the Faculty Council of the University to be dealt with as per the procedure outlined in the Tenure Track Policy, Section 8.2.2.

43. In the case where the complaint is against the Dean, the process of registration of complaint will start at the level of the Vice Chancellor who will follow the same process as described in this section, and play the same role as assigned to the Dean.

44. In case the complaint is against the Vice Chancellor, the process of registration of complaint will start at the level of the Managing Committee, excluding the Rector, who will follow the same process as described in this section, and play the same role as assigned to the Dean.
6 Appeals

45. In every case of a major penalty as provided in Section 3.1, a Faculty member shall have the right of appeal within fifteen (15) days of the decision to the Rector who shall be the appellate authority and who may at his discretion delegate this role to a committee consisting of not less than two (2) Faculty Members or experts. The appellate authority may either (a) confirm the Order appealed against, or (b) remand the matter to the concerned Disciplinary Committee for reconsideration on grounds which shall be set out in the remand Order. The matter shall be remanded only if the appellate authority concludes that such grounds are material and have not been taken into account in the Order appealed against.

46. In every case of a minor penalty as provided in Section 3.2 a Faculty Member, other than Dean or Vice Chancellor, shall have the right of appeal to the Vice Chancellor.

47. For disciplinary action/penalty against Dean or Vice Chancellor the appellate authority is the Rector.

48. In all cases of minor penalties, the appellate authority, as the case may be, may at his discretion delegate this role to a committee consisting of not less than two (2) Faculty Members or experts who may modify or endorse the decision.

49. The decision on the appeal must be taken within thirty (30) days of the appeal.

50. No Appeal shall lie against the decision by the appellate authority and shall not be entertained or forwarded.
7 Exemptions and Revisions

5. The University, its officers, or any other person or entity associated with them shall have no liability whatsoever for any losses, damages, claims, legal costs, or other expenses that a person may suffer or incur, whether directly or indirectly (including any loss of profit or damage to reputation) by reason of any proceedings instituted or measures taken pursuant to these procedures.

6. These procedures may be revised by the University from time to time in its absolute discretion provided that any revision or amendment in the procedures shall not apply to any proceedings that have commenced or affect the validity of any decision or anything done prior to the revision.