

FACULTY DISMISSAL POLICY

The San Juan Bautista School of Medicine (SJBSM) is committed to promote the well-being of faculty through teaching, research, and service, furthered by the intellectual integrity and professional honesty of faculty members mindful of their rights and responsibilities. It is essential to sustain an environment of mutual trust and respect needed for impartial investigation of alleged violations of policies related to faculty conduct; due process; and, when necessary, disciplinary action up to and including cause for dismissal. Discipline, dismissal, or the threat of either action, it not be used to restrain faculty members in their exercise of academic freedom.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships among the faculty's special professional competencies, its academic freedom, and the central functions of the SJBSM.

A. Confidentiality

All proceedings and records with regard to disciplinary action or dismissal for any cause must kept confidential to the degree permitted by the law.

B. Notification

In matters involving minor discipline, serious discipline or dismissal, a notice will be sent to the faculty member through an official letter, with a courtesy copy by mail to the address of record.

C. Grounds for Discipline

Disciplinary actions are divided into two general categories: minor discipline (M) and serious discipline (S).

1. Types of Discipline

a) Minor discipline: Occurs when a faculty member performs an unacceptable action in the workplace that have a relatively minor impact on the institution good practice but still require intervention. Each case will be evaluated and action will be taken according to the cause.

b) Serious discipline: Occurs when a faculty member performs an act of misconduct of a more serious nature that significantly impact the institutional good practice and can harm the institution, faculty, students, and staff (including administration).

Serious discipline includes suspension with or without pay, temporary or permanent reduction in appointment. A suspension without pay may not exceed six months. In seriously cases of wrongdoing, or where attempts at discipline have not successfully remediated, the faculty member may be dismissed for cause. Refers to the grounds for discipline.

A faculty member may be disciplined or dismissed, for cause on grounds including, but not limited to:

- 1) Lack of skills (M)
- 2) Refusal to perform tasks related to the fitness of faculty member's duties and responsibilities (M)
- 3) Discrimination, including harassment, prohibited by SJBSM policies (M, S if persist)
- 4) Unmanaged or unreported conflict of interest (M, S if persist)
- 5) Poor attendance (M, S if persist)
- 6) Intellectual dishonesty (S)
- 7) Theft or misuse of SJBSM property (S)
- 8) Violation of regulations substantially related to the fitness of faculty members to engage in teaching, research, service, and/or administration (S)
- 9) Conduct which is shown to violate the institution rules and procedures (S)
- 10) Dissemination of confidential information (S)
- 11) Mistreatment to the: faculty, students, and staff (including administration) (S)
- 12) Use of professional authority to exploit others (S)
- 13) Disruptive behavior (M/S)

D. General Processes for Disciplinary Actions

1. Process to report minor incident and initiate an investigation

- a) The affected person must notify verbally and in written to the immediate supervisor about the incident.
- b) The immediate supervisor of the affected person must notify in written to the immediate faculty member's supervisor.
- c) The faculty member's supervisor must notify in written and meet with the faculty member involved in the incident to discuss the notification received by the superior's affected person. The purpose of such informal consultation is to reconcile disputes early and informally, when that is appropriate, by clarifying the issues involved, resolving misunderstandings, considering alternatives, disciplinary actions and noting applicable bylaws.

2. Process to report serious incident and initiate an investigation

- a) Before proceeding with any disciplinary action, the faculty member will have the right and opportunity to request a meeting with the Faculty Board representative, as the governance body responsible for the interaction and collaboration between the members of the Faculty and the President/Dean regarding issues affecting the faculty. The Faculty Board representative will have orientated the faculty member in relation to the faculty's right, the procedures and possible discipline actions.

b) After this meeting the Faculty Board representative will send a written report with recommendations to the faculty member supervisor and the affected person for disciplinary action to be taken.

c) If the affected person is not satisfied with the taken disciplinary action, the affected person's supervisor will refer a written notice to the Dean of Human Resources who will investigate within ten labor (10) days from the day officially received of the notice and will submit to the President Dean for a decision.

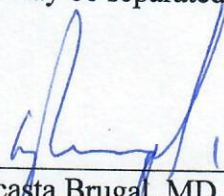
E. Process for Dismissal

The faculty member is entitled to bring an impartial observer (member of the school of medicine community) to any meeting regarding disciplinary action referenced in this policy.

- 1) If a cause for dismissal against the faculty member involved is determined, a written request must be file to the Human Resources Dean providing the reasons for considering dismissal with detail to address the specifics of the charges, if necessary, and provides copies of all relevant documentation, including copies of any past disciplinary action or warnings to the faculty member conduct might lead to dismissal.
- 2) Upon receipt the request, the Human Resources Dean must send a written notification to the faculty member of the request and refer the cause for recommendations to the President/Dean.
- 3) In those cases of serious disciplinary issues an Ad-Hoc Committee will be designated composed of three (3) members appointed by the President/Dean that includes a member of the Faculty Board, within fifteen (15) labor days from the date officially received the notification of the charges and have a hearing with the faculty member affected.
- 4) The Ad-Hoc Committee shall present recommendation in a term not to exceed five (5) labor days to the President/Dean who will review the decision and inform in writing the faculty member affected.
- 5) In the case that passed fifteen (15) days, the faculty member does not solicit a hearing, the decision informed will be final.
- 6) After the decision is informed if the faculty member is not satisfied, he/she can appeal to the President/Dean within 15 days of receipt of the notification and have a legal representative. After the process is over the President/Dean decision will be final

In those cases of misuse of funds or when there is a reasonable ground of a real danger to life or moral of the faculty or the community that it serves, the faculty may be separated from work and salary before the administrative hearing.

Approved: August 11, 2017



Yocasta Brugal, MD
President/Dean