

SECTION III

LEAVES AND TERMINATION OF APPOINTMENT

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HR-MANAGED POLICIES

***For information related to the following policies, please refer to the HR Intranet.**

(Academic Staff) Family and Medical Leave, Salary Continuance and Academic Leave Policies

(Academic Staff) Appointment of Individuals Under the Federal Intergovernmental Personnel Act

(Academic Staff) Military Leave of Absence Policy

(Academic Staff) Jury Duty/Court Appearances

(Academic Staff) Death in the Family

INTRODUCTION

This section contains the Medical College's policies and procedures concerning leaves of absence and termination of appointment. The policies related to leaves of absence for academic staff covered by a collective bargaining unit may differ from those included in this section. Academic staff members with questions about these policies and procedures are welcome to contact the Office of Faculty Affairs [(646) 962-8770 or facultyaffairs@med.cornell.edu].

Employees of the Medical College are strongly encouraged to refer to the HR Intranet,” and to consult with the HR Solution Center [(646) 962-9247 or hrsc@med.cornell.edu] prior to requesting a medical or other leave of absence or leaving the paid staff of the Medical College. The recipients of extramural funding should also consult with the Office of Sponsored Research Administration when considering a leave or termination of appointment [(646) 962-8290 or grantsandcontracts@med.cornell.edu].

A. LEAVES OF ABSENCE

I. Description

A leave of absence is an approved period of absence from normal academic duties. The Medical College allows its academic staff members to take the following types of leave:

- Sabbatical Leave of Absence
- Personal or Professional Leave of Absence
- Leaves Pertaining to Academic Staff- Disability, Academic Family Leave, Military, and/or Family & Medical Leave of Absence
- Other Leaves

Based upon the reason for the leave request, the availability of leave may be discretionary on the part of the department or non-discretionary. Discretionary leaves of absence are generally for reasons based upon the academic staff member's professional or personal needs and opportunities, such as fellowships, government service, sabbaticals. Non-discretionary leaves are required by either law or Medical College policy and, in general, concern military service or either the academic staff member's own illness or injury, an ill or injured family member, or the arrival of a newly born child, an adopted child or child placed with the academic staff member for foster care. The needs of the Medical College's academic programs take precedence over the advantages to the individual when leaves are discretionary.

Depending on the situation, an academic staff member may continue to be paid on a full or reduced salaried basis, or may not be paid. The funds released by a leave of absence without salary revert to the Dean of the Medical College and may be used to cover the costs of replacing the faculty member on leave.

Leaves of absence granted to academic staff members on the professional staffs of affiliated institutions may be designated as with salary or without salary, in compliance with the policies and procedures of the affiliated institution.

II. General Provisions of a Leave of Absence

A. Benefits. Employees of the Medical College on leaves of absence with either full or reduced salary continue to receive full fringe benefits. Employees of the Medical College on leaves of absence without salary are entitled to continue certain benefits depending on the type or reason for the leave and should contact the HR Solution Center [(646) 962-9247 or hrsc@med.cornell.edu] for specific details.

B. Extramural Support. When contemplating a leave of absence, academic staff members who are the recipients of extramural funding should consult with their program officer or other appropriate representative of the funding agency. It is the

individual's responsibility to comply with the agency's policies and procedures and to obtain any necessary approvals for the leave of absence and for reallocations of funds. Assistance is available from the Office of Sponsored Research Administration [(646) 962-8290 or grantsandcontracts@med.cornell.edu].

C. Term of Appointment. A leave of absence does not automatically extend the term of an academic appointment. Policies and procedures concerning terms of appointment may be found in “Appointment and Promotion of Faculty” (Section I), as an item in the subsections on faculty appointments, and in “Appointment and Promotion of Non-Faculty Academic Staff” (Section II, “Terms of Appointment”). When appropriate, there should be a written understanding between the department chair and the faculty member, approved by the Dean, whether the time on leave will be counted towards the term in rank, and should be included with the documents submitted in support of the request for a leave of absence.

D. Probationary Period for Tenure Review. If the individual requesting the leave is eligible for tenure review, there should be a written understanding between the department chair and the faculty member, approved by the Dean, whether the time on leave will be counted towards the probationary period for tenure review. This understanding should be included with the documentation submitted in support of the request for a leave of absence. (For further information, see “Tenure” (Section I), “Probationary Period for Tenure Review”).

E. Return to Position. The guarantee to return an academic staff member to the same or equivalent position lasts a maximum of twelve (12) weeks under the Family and Medical Leave policy (FMLA), and a maximum of eight (8) weeks under the Academic Family Leave policy. These policies run concurrently; both provide job protection, but the types of leave covered may be different. If a leave lasts more than the job-protected period, the individual may request that their position be held for him/her, but there is no requirement that the Medical College agree to hold the position open for longer than the job-protected periods, unless a workplace accommodation has been approved. For a leave that lasts more than the job-protected periods, the academic staff member must make arrangements with the chair prior to departure about what position, if any, will be available upon return from the leave and how long the stated position will be available to the academic staff member going on leave. (See below, item III, B. and refer to the provisions of the Family and Medical Leave policy.)

F. Time Accrued for a Sabbatical Leave of Absence. Normally, a leave of absence with or without salary does not count towards time accrued for a sabbatical leave of absence.

III. Application Process

Authority for granting a leave of absence due to Disability, Academic Family Leave, and/or Family & Medical Leave (FMLA) rests with the Department of Human Resources. For all other leaves, the academic employee's department chair has discretion to grant

leaves of up to eight (8) days. Authority for granting a leave of absence for up to two (2) weeks rests with the Dean of the Medical College upon the recommendation of the department chair. Authority for granting a leave of absence for longer than two (2) weeks rests with the Dean or their designee, upon the recommendation of the department chair.

For leaves greater than seven (7) days, and which are unrelated to the employee's own health issues or family leave purposes, the following materials are required in support of a request for a leave of absence:

- A.** Recommendation for Leave of Absence form (Appendix I)
- B.** A detailed description of 1) the purpose and exact dates of the leave of absence; 2) the financial arrangements to be made, e.g., whether the leave is to be with or without salary, reallocation of the individual's extramural support during the leave, etc.; 3) the academic duties which will need to be covered while the individual is on leave; and 4) any prior arrangements concerning the individual's position upon return to the Medical College. This description may be in the form of a letter from the academic staff member to the department chair. If applicable, it may also include a request for an extension of the probationary period for tenure review. Copies of all supporting materials, e.g., fellowship awards, contracts, acknowledgments from extramural funding agencies, etc., should be attached to the description.
- C.** Letter of recommendation from the department chair in support of the proposed leave of absence.

These materials should be forwarded to the Office of Faculty Affairs at least two (2) months prior to the anticipated leave of absence. Once the leave is authorized, the academic staff member and department chair will receive notification of approval from the Office of Faculty Affairs. It is then the responsibility of the department chair to submit the necessary forms to the Human Resources Department. Documentation requesting the leave cannot be honored until the leave of absence has been authorized.

For leaves due to Disability, Academic Family Leave, and/or FMLA, academic staff should refer to the Salary Continuance, Academic Family Leave, and FMLA policies. Academic staff are encouraged to contact the HR Solution Center [(646) 962-9247 or hrsc@med.cornell.edu] for further details.

A1. SABBATICAL LEAVE OF ABSENCE

I. Description

When a professor, associate professor or assistant professor has continuously served the University in one or more of such ranks for at least six years, or the equivalent thereof, the President of the University or her/his designee, may grant him or her a sabbatical leave of absence for one year at half pay or for six months at full pay for the primary purpose of increasing the value of their further services to the University. Such leaves are for specific and usually continuous periods.

Because a sabbatical leave implies an individual's further service to the Medical College, it is not granted for the year prior to retirement or termination of an appointment. Only under the most exceptional circumstances may this rule be waived.

II. Calculating Service

A sabbatical leave of absence may be granted to eligible faculty members after six years of full-time service, or the equivalent, at the Medical College. For example, a part-time salaried faculty member on a half-time appointment will be eligible for a sabbatical leave after twelve years.

Time spent on a leave of absence with or without salary does not count towards time accrued for a sabbatical leave of absence. The counting of service for the next sabbatical leave of absence begins with the end of the previous sabbatical leave.

III. Postponement of a Sabbatical Leave of Absence

The responsibilities within each department should be distributed so as to permit every professor, associate professor, or assistant professor to have sabbatical leave when it comes due without overburdening the other department members. If, in the opinion of the department chair and the Dean, the requested leave would seriously impair the discharge of the responsibilities of the department, or would impose financial hardship on the department, the faculty member may be required to postpone the sabbatical leave of absence for one year, with the year of postponement to be credited towards eligibility for the next sabbatical leave. In no case shall the period of service between two sabbatical leaves be reduced by more than eighteen (18) months because of such postponements. Such arrangements must be stipulated in writing and have the approval of the President of the University.

A faculty member eligible for a sabbatical leave of absence who is being considered for tenure may request the postponement of the leave. In such cases, the request for postponement for up to one year is automatically credited towards the subsequent sabbatical.

IV. Provisions of a Sabbatical Leave of Absence

A. Salary and Benefits

- 1) **General Conditions.** The financial support for a sabbatical leave of absence is drawn from the sabbatical fund in the Medical College's fringe benefit pool; these payments cover only base salary. Individuals receiving Medical College compensation other than base salary should consult their departments about continuation of compensation other than base salary during sabbatical leave.

If the individual's salary is normally derived partially or entirely from extramural sources, arrangements must be made about how and whether those funds from extramural sources can be expended during the leave.

Faculty members may not receive more salary from the University during sabbatical leave than they would ordinarily receive for full-time service.

While on sabbatical leave, the faculty member may receive remuneration from outside sources in addition to the compensation received from the Medical College. In no case, however, will a sabbatical leave be granted primarily in order to augment one's income.

Depending on the individual's source(s) of salary support, it may be feasible for the faculty member to request a six-month sabbatical leave of absence at full salary in conjunction with a six-month leave of absence with or without salary. Faculty members should carefully consider how the arrangement would affect income tax rates, benefits, extramural funding, etc.

A faculty member who is awarded a sabbatical leave has an obligation either to return to the University for at least a year after the leave or to return the salary and benefits paid by the University during the leave.

- 2) **Six-Month Sabbatical Leave of Absence.** Individuals on sabbatical leaves of absence for six months continue to receive their base salary and benefits. Within the academic appointment year, twenty four (24) days of vacation are allowed in addition to the leave.
- 3) **Twelve-Month Sabbatical Leave of Absence.** Individuals on sabbatical leaves of absence for twelve months receive half their base salary and their full medical, dental and business travel accident insurance

benefits. They also remain eligible for the Cornell Children's Tuition Scholarship Program. Annual vacation time is used in a twelve-month sabbatical leave of absence.

Some benefits will be affected by the reduction in salary during the twelve-month leave. For example, the level of life insurance coverage will be recalculated on the basis of the individual's base salary received while on sabbatical leave of absence. The Medical College's contribution to the retirement plan will also decrease for the period of the sabbatical leave, though the percentage of salary contributed will remain consistent with the plan.

In order to know fully the possible ramifications of the decrease in salary while on a twelve-month sabbatical leave of absence, faculty members should review all coverages with the HR Solution Center [(646) 962-9247 or hrsc@med.cornell.edu].

B. Extramural Support. When contemplating a sabbatical leave of absence, academic staff members who are the recipients of extramural funding should consult with their program officer or other appropriate representative of the funding agency. It is the individual's responsibility to comply with the agency's policies and procedures and to obtain any necessary approvals for the sabbatical leave and for reallocations of salary support. Assistance is available from the Office of Sponsored Research Administration [(646) 962-8290 or grantsandcontracts@med.cornell.edu].

C. Term of Appointment. Sabbatical leaves of absence do not automatically extend the term of an academic appointment. Policies and procedures concerning terms of appointment may be found above in Section I as an item in the subsections on faculty appointments and terms of appointment.

D. Probationary Period for Tenure Review. If the faculty member requesting the sabbatical leave of absence is eligible for tenure review, there should be a preliminary written understanding between the department chair and the faculty member whether the time on sabbatical leave will be counted towards the probationary period for tenure review. This understanding should be included with the documentation submitted in support of the request for a sabbatical leave of absence and requires the Dean's approval. (For further information, see Section Three, Probationary Period for Tenure Review.)

E. Adjustment of Time in Rank. If a faculty member requesting a sabbatical leave wishes to request that the time in rank be tolled for the period of the leave and the chair agrees, the faculty member should make such a request to the chair. This request with the chair's written approval should be included with the documents submitted in support of the request for a sabbatical leave of absence and requires the Dean's approval.

F. Privileges. The status of the faculty member while on sabbatical leave shall not exclude such member from the privilege of continuing to serve on any faculty

committee when so requested by the committee or from performing an ongoing administrative assignment, nor preclude such member from exercising the right to vote at a meeting of the faculty, nor prevent the normal use of library.

V. Application Process.

Authority for granting a sabbatical leave of absence rests with the President of the University or their designee. Approval by Human Resources, Office of Budget and Financial Strategy, and subsequently, the Department Chair, and the Dean of the Medical College, are required. The following materials are required in support of the recommendation:

A. A detailed description of: 1) the faculty member's proposed activities and their benefit to the individual's professional development and to the Medical College; 2) the exact dates of the sabbatical leave, specifying whether it is six months at full salary or twelve months at half salary; 3) arrangements for the reallocation of the individual's extramural support during the leave; and 4) the academic duties which will need to be covered while the individual is on leave. This description may be in the form of a letter from the faculty member to the department chair. If applicable, it may also include a request for an extension of the term in rank or of the probationary period for tenure review. Copies of all supporting materials, e.g., fellowship awards, contracts, acknowledgments from extramural funding agencies, etc., should be attached to the description.

B. Letter of recommendation from the department chair in support of the proposed sabbatical leave of absence. (This may be the faculty member's letter countersigned by the department chair.)

These materials must be forwarded to the Office of Faculty Affairs at least one (1) year preceding the time during which the sabbatical leave is requested.

Once the leave is authorized, the faculty member and department chair will receive notification of approval from the Office of Faculty Affairs. It is then the responsibility of the department chair to submit the necessary forms to the Human Resources Department. No payroll authorization can be honored until the sabbatical leave of absence has been authorized. A permanent record of all applications and actions thereon shall be kept in the Office of Faculty Affairs.

B. TERMINATION OF APPOINTMENT

I. Introduction.

Many circumstances may necessitate the termination of an appointment on the Medical College's academic staff. The termination may be effective at the end of the appointment or earlier, in special cases. For example, a department may decide not to renew a term appointment that is due to expire on a previously agreed upon date. Or, an academic staff member may elect to retire from professional activities at the Medical College as of a particular date. Although a brief description of termination policies is given below, reference should be made to Sections I and II. (Dismissals are discussed in a separate subsection below.)

The Office of Faculty Affairs is available as a resource to academic staff members and departmental administrators whenever a termination is under consideration. [(646) 962-8770 or facultyaffairs@med.cornell.edu]

II. Types of Appointments

At the Medical College, all academic appointments can be divided into three categories: term appointments, renewable appointments and tenure appointments. The criteria and procedures for appointment are described in Sections I and II. This section focuses on how termination differs for these types of appointment.

III. Termination of Appointment By the Medical College

A. Termination Related to Term of Appointment

- 1) **Term Appointments.** Term appointments to the academic staff have a definite time period and without further action will end on the date specified. (See Section I, Letter of Appointment, and Section II, Letter of Appointment.)

Renewal of term appointments is not a matter of right and is not automatic. Renewal depends on satisfactory performance, the availability of funds and space, or the continuation of the particular program. Receipt of extramural support for salary or research through grants, contracts or other mechanisms in no way commits the institution to retaining an individual on the academic staff beyond the end of a term appointment. In accordance with the Bylaws of the University, such appointments cease at the expiration of the stated term, subject to notification requirements for full-time and paid part-time academic staff members employed by the Medical College.

- 2) Renewable Appointments are made with the prospect of renewal at the end of the term, such that a renewable appointment remains in effect unless and until there is notice of “non-renewal”. Minimum notice of non-renewal (i.e., termination) of renewable appointments shall be as follows:

- a. no less than six (6) months’ notice shall be provided to members of the regular part-time academic staff;
- b. no less than six (6) months’ notice shall be provided to members of the paid full-time academic staff who are in the first six (6) years of their appointment; and
- c. no less than twelve (12) months’ notice shall be provided to members of the paid full-time academic staff who have held their appointment for more than six (6) years.

Copies of all notifications of non-renewal should be forwarded to the Office of Faculty Affairs.

Academic staff members employed by the Medical College who are appointed on the Affiliate Clinical Faculty are entitled to three (3) months’ notice of non-renewal of the appointment.

The time spent holding certain nonfaculty- academic appointments, e.g., Fellow, Postdoctoral Associate, etc., is not included when calculating how long an individual has been on the academic staff. Most often, such nonfaculty- academic appointments are made for specified periods and are considered term appointments. (See Section II, Terms of Appointment.)

Associate professors without tenure and professors without tenure who have been reviewed for tenure and have not been granted tenure are entitled to twelve (12) months’ notice of non-renewal from the time that the decision is made not to grant tenure, so that the total period includes at least one full academic year.

Even though advance notification is not required in the case of non-renewals of appointments which are less than regular (50%) part-time salaried or are held by individuals on the professional staffs of affiliated institutions, such individuals should be given sufficient notification of termination of appointment. The faculty member will receive written confirmation of their termination from the Office of Faculty Affairs.

- 3) Tenure Appointments. There are no terminations related to term for

tenure appointments.

IV. Procedures for Recording a Termination of Appointment

There are two ways of recording a termination of appointment with the Office of Faculty Affairs. The appropriate procedure to use depends on the effective date of the termination (i.e., during the academic year or at the end of the academic year [June 30th]); the reason for the termination; and the nature of the individual's appointment. In the case of salaried members of the academic staff, the department must submit the required form or notification to the Human Resources Department as soon as the termination date is known.

A. Termination Effective during the Academic Year. Most academic appointments will terminate effective June 30th. However, due to resignations, retirements or other causes, it may be necessary to terminate an appointment during the academic year.

To record such terminations, the department must submit in a timely manner a Recommendation for Termination of Appointment form along with any documentation, e.g., a copy of the individual's letter of resignation or the department's notification letter. Supporting documentation is not required in the following cases, but the reason for termination should be noted on the form under "Comments regarding recommendation":

- 1) Completion of training/project at the expiration of a term appointment (in the cases of Assistants, Clinical Associates, Senior Clinical Associates, Postdoctoral Associates, Fellows, Adjunct, Visiting, and Courtesy academic staff);
- 2) Academic staff whose Letters of Appointment (or reappointment) stated that the appointment was term, i.e., not renewable, as of the specific date of termination; and
- 3) Termination due to death or illness.

B. Termination Effective on June 30th. It is not necessary to submit a separate Recommendation for Termination of Appointment form for each academic staff member whose appointment is to be terminated as of June 30th. Such actions can be taken on the Academic Staff List submitted annually to the Office of Faculty Affairs, along with any documentation, e.g., the individual's letter of resignation or the department's notification of termination. Such documentation is not required in the following cases but the reason for termination should be noted under "Reason for Termination":

- 1) Completion of training/project at the expiration of a term appointment on June 30th (in the cases of Assistants, Clinical Associates, Senior Clinical Associates, Postdoctoral Associates, Fellows, Adjuncts, Visiting, and Courtesy academic staff); and

- 2) Academic staff whose Letters of Appointment (or reappointment) stated that the appointment was term, i.e., not renewable, as of June 30th.

B1. RETIREMENT

In compliance with current federal and state regulations, there is no mandatory retirement age for academic staff members at the Medical College.

Any accrued vacation time should be taken before the effective date of retirement.

Individuals who retire at any age may be requested to continue some services to the Medical College upon such terms and conditions as may be agreed upon between the retiree and the Medical College. In certain cases, the department chair may recommend that the faculty member be granted emeritus status. (See Section I, Appointment of Professors Emeriti.)

While retirement as an emeritus professor does not automatically confer coverage under the University's Indemnification Policy, emeritus professors may be so covered if they are performing services for the University at the written authorization of the Dean.

The recipients of extramural funding should consult with their program officer or other appropriate representative of the funding agency. Assistance in the orderly disposition of extramural funds is available from the Office of Sponsored Research Administration [(646) 962-8290 or grantsandcontracts@med.cornell.edu].

Individuals with clinical practices should make appropriate arrangements with their departments.

To insure a smooth transition, prior to retirement, employees leaving the Medical College should consult with the HR Solution Center [(646) 962-9247 or hrsc@med.cornell.edu].

B2. OTHER TERMINATIONS

- I. Termination Unrelated to Term.** In certain instances, an appointment may be terminated by the Medical College prior to the expected date. (Dismissals are discussed in a separate subsection below.)

- A.** Appointments Supported Primarily by Extramural Research Funding. Subject to the authority of the Medical College pursuant to section B2 (I)(B) below, in the event that a faculty member holding an appointment as Associate Professor or Professor on the Pathway Recognizing Academic Achievement and Scholarship whose Area of Excellence is Investigation, (without tenure), or on the Pathway Recognizing Excellence in Investigation, loses extramural funding during the term of the appointment, the Medical College or the affiliated institution, if appropriate, may extend salary support, at an amount agreed upon by the department chair and the Dean, for a grace period of twelve (12) months or for the remainder of the term of the appointment, whichever ends sooner. If the faculty member fails to secure funding during that period, their faculty appointment shall terminate at the conclusion of that period.

In such cases, the details of this arrangement should be stipulated in writing between the department chair and the faculty member. A copy of the letter should be forwarded to the Office of Faculty Affairs.

- B.** Notwithstanding section B2 (I) (A) above, the appointment of any non-tenured faculty member or other academic staff holding a renewable or term appointment supported by extramural funds may, in the discretion of and with the approval of the Chair and the Dean, be terminated on no less than 30 days' notice in the event of:
- a. total loss of extramural funds; or
 - b. a significant loss of extramural funds, which may be deemed to occur in the following circumstances –
 - i. for non-faculty academic staff, if any remaining extramural funds are insufficient to cover the academic staff member's compensation, and
 - ii. for faculty, if the loss equates to 50% or more than the faculty member's extramurally supported salary at the NIH cap.

In all instances, the Chair and the Dean may also consider the totality of the circumstances impacting the faculty member (e.g., anticipated or actual duration of funding loss, likelihood of replacement funding), impacting the Department (e.g., availability of Department reserves or resources), and/or impacting the College (e.g., availability of central reserves or resources).

In cases where the Medical College cannot extend timely notice due to the sudden and unexpected loss of extramural funding, the non-faculty academic staff or faculty will be placed on a leave for lapse of funding and receive payment in lieu of the termination notice.

Faculty members whose appointments are terminated pursuant to this provision may request appointment to a non-employed faculty position, subject to all usual appointment requirements and processes.

This policy does not apply to bargaining unit employees. Employees belonging to bargaining units should refer to their union contracts.

- C. Appointment with Tenure. Medical College policies concerning the termination of an appointment with tenure may be found in Section I, Termination of an Appointment with Tenure.
- D. Appointment which is less than Regular Part-time Salaried. While the Medical College endeavors to give sufficient advance notification of termination to individuals holding appointments which are less than regular (50%) part-time salaried or unpaid, such appointments may be terminated at the discretion of the Medical College.
- E. Appointment of an Academic Staff Member on the Professional Staff of an Affiliated Institution. The appointment of a qualified individual on the staff of an affiliated institution is contingent upon 1) the continuation of the appointment at the affiliated institution; and 2) the continuation of the Affiliation Agreement between Cornell University and that institution. Should either condition cease to be in effect, the academic staff member's appointment at the Medical College will end coterminously. Notice should be sent to the faculty member confirming the termination of their appointment.

II. Termination by the Individual

A. Resignation. Academic staff members are entitled to resign their appointments voluntarily. So that the programs of the Medical College may continue to

function optimally, the academic staff member should notify the department chair of the intended resignation as far in advance as feasible. Resignations are most often effective at the end of the academic year, i.e., June 30th. Any accrued vacation time should be taken before the effective date of the resignation.

In some cases, academic staff members may have obligations to or benefits from the Medical College that survive the end of employment. If the resignation (or retirement) is for medical reasons that prevent the employee from satisfactorily performing the duties of the position, the employee may be eligible for some benefits under the various Cornell plans. The recipients of extramural funding should consult with their program officer or other appropriate representative of the funding agency. Assistance in the orderly transfer of extramural funds is available from the Office of Sponsored Research Administration [(646) 962-8290 or grantsandcontracts@med.cornell.edu]. There may be obligations related to clinical practice that must be completed after the date of resignation.

To insure a smooth transition employees of the Medical College should consult with the HR Solutions Center [(646) 962-9247 or hrsc@med.cornell.edu].

B3. DISMISSAL

To protect academic freedom, the Medical College's guidelines protect academic staff members against arbitrary terminations of appointment. Under certain circumstances, however, the University has reserved the right to dismiss academic staff members. Such circumstances include dismissal for just cause, bona fide reduction or elimination of educational programs, divisions, or departments, and bona fide financial exigency within the Medical College. Situations which might lead to dismissal proceedings against an academic employee of the Medical College should be brought immediately to the attention of the Office of Faculty Affairs [(646) 962-8770 or facultyaffairs@med.cornell.edu].

A member of the staff of instruction and research may be dismissed by the Board of Trustees in accordance with Article XVII, section 10, of the University's Bylaws as follows:

The Board shall have the right to dismiss and terminate the appointment of any member of the staff of instruction and research for failure to perform the duties required of the position which he holds or for such personal misfeasance or nonfeasance as shall make him unfit to participate in the relationship of teacher and student. Such dismissal shall be effected through such procedures as the Board may adopt. Such procedures shall provide for reasonable notice and an opportunity to be heard.

The following dismissal procedure has been adopted by the Board of Trustees and University Faculty in the case of faculty members:

The University reserves the right to dismiss and discontinue, or to suspend, the appointment of any member of its faculties, on reasonable notice and after giving such member an opportunity to be heard, for misconduct or failure to perform the duties required of the position he or she holds.

In the case of a university professor, professor, associate professor, or assistant professor the following procedure shall be adopted:

A. When a complaint from any source is made against a university professor, a professor, an associate professor, or an assistant professor which might lead to their dismissal or to suspension for the period of one semester or more, the dean of their college or, in the case of a University Professor the Dean of the University Faculty, shall inform the faculty member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it. The Dean shall thereafter report to the Provost the results of the investigation together with their recommendations. The Provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her and the suggested disciplinary action if, after receiving the Dean's report and making such independent

investigation as may seem appropriate to the Provost, it is the opinion of the Provost that further proceedings are warranted.

B. If the faculty member desires a hearing, he or she shall so request in writing to the Provost within thirty days of the receipt of the written charges against him or her, and he or she shall then be entitled to a hearing before a board appointed by the Provost and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the Provost and the fifth by the other four.

C. At such hearing the faculty member shall be entitled to be accompanied by an advisor or counsel of their own choice, to present witnesses in their own behalf and to confront and question the witnesses against him. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion, be furnished, without cost to him or her, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board's findings and recommendations. The board shall submit to the President a report of its findings and recommendations. If suspension is recommended, the President's decision shall be final; and if dismissal is recommended, this report shall be appended by the President to any recommendations he or she may make to the Board of Trustees in regard to the case.

D. If dismissal is recommended, the faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him or her; but if he or she has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him or her without further notice or hearing. If suspension is recommended and the faculty member fails to request a hearing within the thirty-day period described in paragraph B above, the suspension shall be implemented as recommended.

E. In the case of suspension of less than one semester, or suspensions of any length of faculty other than university professor, professor, associate professor or assistant professor, a dean's determination to suspend a faculty member shall be subject to existing grievance procedures.

For purposes of this dismissal and suspension procedure, the following definitions shall pertain:

"Provost" refers to the Provost of the University or the Provost for Medical Affairs, as appropriate. However, in the event the Provost for Medical Affairs serves simultaneously as the Dean of the College in which the case arises, the President of the University shall receive and review the dean's report and make the appropriate judgment about further proceedings.

"Suspend" or "suspension" means a temporary abrogation of the faculty member's rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of their position or a temporary partial or temporary full reduction of a faculty member's salary, whether or not it is named as a suspension. A non-disciplinary

reduction of salary such as a non-temporary reduction of salary that may be implemented at the time of an annual salary review, or a non-disciplinary reassignment of duties at an appropriate time in the academic calendar shall not be considered a suspension. The period of a suspension shall be no less than two weeks and no more than two semesters. Except for an emergency suspension, the imposition of any suspension shall be deferred pending the conclusion of the internal review process.

“Emergency suspension” refers to the suspension by the president of the University or their designee (the Dean of the Medical College) with full salary pending the ultimate determination of the faculty member’s case where the faculty member is charged with misconduct and their continuance threatens imminent, serious harm to the member, to others, or to property. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member’s rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the suspension procedures.

"Faculty" refers to employed faculty members as described in the University Bylaws. Notice is not required for non-employed faculty appointees.

APPENDIX I

RECOMMENDATION FOR LEAVE OF ABSENCE FORM

Weill Cornell Medical College, Cornell University

Date: _____

It is recommended that the following be granted a leave of absence:

Name: _____

Title: _____

Date to be effective: _____ to _____

Salary: _____

Comments regarding recommendation:

by: _____ by: _____
Head of Sub-department Head of Department

(Do not write below this line)

Submitted to: _____

Approved: _____

Submitted to: _____

Approved: _____

APPENDIX II

RECOMMENDATION FOR TERMINATION OF APPOINTMENT FORM

Weill Cornell Medical College, Cornell University

Date: _____

It is recommended that the following resignation be accepted:

Name: _____

Title: _____

Date to be effective (last day of appointment): _____

Comments regarding recommendation:

In most cases, a personal email address is needed to notify the faculty member that their appointment is ending/has ended. Please provide a personal email address:

by: _____ by: _____
Head of Sub-department Head of Department

(Do not write below this line)

Submitted to: _____

Approved: _____

Submitted to: _____

Approved: _____