

What the Courts Have Ruled  
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Lack of civility or collegiality CAN be used as a basis to terminate a full-time faculty member. The courts have acknowledged that:

1. Faculty do not operate in isolation; decisions e.g. curricula, class scheduling, & advising are made as a group.
2. An ability to cooperate is relevant because of TENURE.
3. Important to ability of universities to fulfill their mission.
4. Universities do not have to specify collegiality as a specific criterion for personnel decisions.
5. Courts have long deferred to university decisions re: who should teach. They continue to do when issues of collegiality & termination of tenured faculty have been involved.
6. BECAUSE of the subjective nature of collegiality, courts should not substitute their judgment for that of faculty & administration; it is basically an **academic exercise**.

7. BECAUSE universities make substantial commitment to individual they should have wide discretion (tenure = lifetime appointment).
8. The courts have concluded that collegiality, even when not specified as a separate evaluation criterion, is a relevant consideration in assessing teaching, research, and service.

Although critics exist, the courts have continued to uphold the use of collegiality as a factor in tenure and other employment decisions. They have consistently & constantly affirmed the use of collegiality as a factor in making decisions regarding faculty employment, promotion, tenure and termination.