

Memorandum of Administrative Policy Faculty Disciplinary Procedures

Area: Academic Affairs
Section: Faculty Dispute Resolution
Number: 08.A.01 AP

Purpose

Disciplinary procedures are designed to ensure that formal complaints of misconduct not covered by other specific university disciplinary procedures receive administrative due process. In all cases governed by these procedures, it is essential that the presumption of innocence be recognized and that the rights of confidentiality and due process for both the claimant and the faculty member accused of misconduct are equally protected. The intent of this policy is also to ensure that all complaints involving faculty misconduct are resolved at the appropriate level. These procedures are intended as a set of dispute-resolution and disciplinary guidelines, not legal proceedings.

Formal Complaint Procedures

Anyone bringing a complaint of misconduct against a faculty member must inform the faculty member's Dean of the intention to file a complaint. The complaint must be written and must specify the nature and circumstances of the alleged offense. It should be filed with the Office of the Dean within ninety days from the date of the alleged offense. If the complaint is made by the Dean, the responsibilities assigned to the Dean in this process shift to the Provost. If both the Dean and the Provost are complainants, these responsibilities shift to the President. If the complaint is against the Dean, the Provost or President will assume the Dean's responsibilities.

When a written complaint is submitted, the Dean will determine the appropriate level for resolving the issue. This may involve dispute resolution between the parties with the Chair or Program Coordinator, or with an independent mediator appointed by the Dean with consent of both parties. The mediator or Chair/Program Coordinator will meet jointly or separately with the parties as needed to attempt reconciliation. If a satisfactory resolution is reached, no further action is required. If the claimant seeks further action, the mediator or Chair/Program Coordinator must submit the original written complaint and a report of mediation efforts to the Dean, who will then forward the case to the College's Disciplinary Committee. The Committee should ordinarily reach a recommendation within forty-five working days. The Committee will establish its own procedures by majority vote and will provide a written recommendation to the Dean. The Dean will consider the Committee's findings before imposing or recommending sanctions to the Provost. If the Dean chooses sanctions not recommended by the Committee, the Dean must notify the Provost in writing with an explanation. If a sanction is imposed and the faculty member believes it was incorrect or unjust, the faculty member may appeal through the Faculty Grievance Process.

Composition of Disciplinary Committee

The College Disciplinary Committee consists of three faculty members. One member is selected by the claimant, one by the faculty member accused of misconduct, and the third, who serves as chair, is chosen jointly by the other two committee members.

Disposition of Complaints

The determination of whether the formal complaint and its resolution become part of the faculty member's permanent record is as follows:

- A. If the charge of misconduct is resolved by the mediator or Chair/Program Coordinator,

no written record is placed in the faculty member's personnel file.

- B. If the individual is found to have committed the offense and sanctions are imposed, all written documentation related to the incident becomes part of the personnel file maintained in the Provost's office. If the individual is found not to have committed the offense, or no sanctions are imposed, no records are kept.

Maintenance of Records

The following records will be maintained for each complaint while the disciplinary process is ongoing:

1. Original written complaint.
2. The written report of the Chair/Program Coordinator or mediator.
3. The Dean's written report.
4. College Disciplinary Committee records. The Committee will determine its rules of procedure and the appropriate records to maintain. At minimum, it must keep:
 - a. All documents accumulated during the case.
 - b. The Committee's written recommendation.
5. In instances where the university is required by law to maintain certain records, these procedures do not prohibit the university from keeping the minimum necessary records to comply with legal requirements. Such records will be maintained in the location designated by the Provost.

Revision Log

Revision Number: 1, Approval Date: 03/10/1993

Approval

Approved by University Council:

March 10, 1993

Date