

Approved by University Council March 10, 1993

1.0 Statement of 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 imperative that the right of presumed innocence of the accused be recognized, and that the rights of confidentiality and due process of the claimant and the faculty member charged of misconduct are afforded equal protection. It is also the intent of the policy to ensure that any and all complaints involving faculty misconduct be resolved successfully at the appropriate level. What follows is intended to be a set of dispute resolution and disciplinary procedures -- not legal proceedings.

(2.0) Formal Complaint Procedures

Anyone bringing a complaint of misconduct against a faculty member must inform the faculty member's Dean of his/her intention. The complaint must be in written form and must be specific as to the nature and the circumstances of the alleged offense. The complaint should be filed with the Office of the Dean within ninety (90) days from the day the alleged offense occurred. Should the complaint be made by the faculty member's Dean, the responsibilities assigned below to the Dean will become the responsibilities of the Provost. Should the Provost also be a complainant with the Dean, these responsibilities then pass to the President. Should a Dean be the person against whom the complaint is made, the Provost or President will handle the responsibilities normally administered by the Dean. When a written complaint is made, the Dean will decide the appropriate level for resolution of the dispute. This may involve dispute resolution between the parties with the Chair/Program Coordinator, or an independent mediator appointed by the Dean with the consent of the parties involved. The independent mediator or Chair/Program Coordinator shall initiate discussions with both parties, jointly and/or separately at his/her sole discretion, with the purpose of reconciling the differences. It is hoped that most complaints would find a resolution at this level. If a solution is reached which is satisfactory for both the claimant and the faculty member, no further action is necessary, and the matter is to be considered closed. In case the claimant seeks further relief against the faculty member, the Chair/Program Coordinator or independent mediator is directed to submit to the Dean the original written complaint and a report of his/her efforts to mediate the matter. The Dean is then directed to forward the case to that College's Disciplinary Committee. The College Disciplinary Committee should ordinarily reach a recommendation within forty-five (45) working days. In conducting its hearings and deliberations, the Committee will set its own rules of procedure by majority vote. The College Disciplinary Committee will offer its recommendation in writing to the Dean of the College for further action. The Dean will consider the findings of the committee before imposing any sanctions, or recommending sanctions to the Provost. Should the Dean implement or recommend sanctions that are not recommended by the Disciplinary Committee, the Dean must inform the Provost in writing the reason(s) for

deviating from the Committee recommendations. As a result of this process, if a sanction is imposed on the faculty member by the Dean and the faculty member believes that such sanction has been incorrectly or unjustly imposed, the faculty member can appeal the decision through the Faculty Grievance Process.

(3.0) Composition of Disciplinary Committee

The College Disciplinary Committee will have a membership of three (3) faculty members. One faculty member is chosen by the claimant, one faculty member is chosen by the faculty member against whom a

charge of misconduct has been made, and the remaining member, who will serve as chair, is selected by agreement of the two other faculty members on the committee.

(4.0) Disposition of Complaints

The general procedure in determining if the formal complaint and its resolution will be made part of the permanent record of the faculty member shall be as follows:

- If the charge of misconduct is resolved by the independent mediator or the Chair/ Program Coordinator, no written record of it will be kept in the faculty member's personnel file.
- If the individual is found to have committed the offense and sanctions are imposed, all written documentation pertaining to the incident(s) will become part of the personnel file kept in the Provost's office. If the individual is found not to have committed the offense, or no sanctions were imposed, no records will be kept.

(5.0) Maintenance of Records

- The following records will be maintained for each complaint during the time that the disciplinary process ongoing:

(5.1) Original written complaint.

(5.2) The Chair/Program Coordinator's or mediator's written report.

(5.3) The Dean's written report.

(5.4) College Disciplinary Committee: The Committee will decide on a case by case basis its rules of procedure, the appropriate records and the form in which to keep such records. In all cases the minimum records to be kept will be:

- a. All documents accumulated during the case.
- b. The Committee's written recommendation.

(5.5) In certain instances it is recognized that the university may be required by law to maintain certain records. Nothing in these procedures will prohibit the university maintaining the minimum necessary records to comply with the law. Such records will be maintained in whatever place the Provost deems appropriate.