

MEMORANDUM

TO: Faculty Senate

FROM: The Faculty Affairs Committee



RE: Updates to the *Faculty Manual* Section II.F.

DATE: February 23, 2022

Currently, if a conduct complaint has been investigated by another office, such as CCR, when the matter comes to the provost, the provost is obligated to perform their own investigation. The AG's office provided the edits below for Section II.F so that the Office of the Provost is not required to reinvestigate a matter that has been thoroughly investigated by another office. The Faculty Affairs Committee recommends these edits to the Faculty Senate.

CLEAN COPY

II F 5. Initiation of Complaint

Any individual who has a formal complaint regarding violations of the Faculty Code of

Professional Ethics, II.C.1, and/or the Conduct Regulations, II.F.3, should address their complaint, in writing, to the provost. If the complainant has not utilized another complaint resolution procedure, they shall provide the provost with a statement of reasons for filing their complaint directly with the provost. If the provost determines that the matter should be addressed at a lower level before their involvement, they shall inform the individual in writing within five (5) business days of the complaint resolution options available (e.g., the Ombudsman, the Faculty Status Committee, Compliance & Civil Rights (CCR), etc.), as delineated in Section II.F.1 (5). The individual may initiate a formal complaint with the provost after utilizing an alternative level complaint resolution process.

Unless the provost has determined that a complaint should be remanded to another complaint resolution process, they shall, within ten (10) business days of receiving the complaint, determine whether the allegations, if proved, state cause to discipline a faculty member. If the provost determines that the charges do not state grounds for discipline, they shall communicate that decision to the complainant. If the provost determines that the charges, if proven, state grounds for disciplinary action, they shall promptly initiate an investigation or rely on a previously conducted investigation in accordance with Section II.F.6. and notify the accused faculty member of next steps.

II F 6. Investigation of Complaint or of Provost Concerns

If the provost determines that the allegations, if proved, state grounds for discipline, they shall, within ten (10) business days of such determination, initiate an investigation into the matter, unless a reliable investigation, which includes notice to the accused faculty member and an opportunity to respond, has already been completed. In such cases, the provost, in their sole discretion, may elect to rely on the investigation in lieu of the investigation provided for in this Section II.F.6. In matters involving Title IX Sexual Harassment, as defined by EP#15, the provost must rely on the investigation completed by Compliance and Civil Rights (CCR) in lieu of the investigation provided for in this Section II.F.6

If the provost initiates an investigation, the provost shall notify the accused faculty member of the general nature of the allegations, the requirement for cooperation during an investigation, the right to present information on their behalf, and the obligation not to retaliate against those filing the complaint. The provost shall also determine the appropriate investigative person/body, including, but not limited to:

- a. Themselves
- b. Vice provost, associate vice provost, or vice president
- c. Dean or department chair
- d. CCR
- e. Human Resource Services
- f. A faculty committee appointed by Faculty Status Committee within ten (10) business days of receipt of the request from the provost and selected from among the members of the tenured faculty.

When the provost initiates an investigation, the provost shall generally cause an investigation to be completed within thirty (30) business days of the date initiated. If it appears that the alleged violation will require that multiple witnesses be interviewed or will require an investigation that is otherwise substantial or complex, the provost shall cause the investigation to be completed within one hundred twenty (120) business days of the date received. The provost shall notify the complainant and the accused faculty member if the investigation is expected to take longer than thirty (30) business days.

The timelines may be extended by the provost at any time upon their determination that exigent circumstances exist, e.g. unavailability of witnesses or faculty, complexity of issues. Any extension of the timelines must be communicated in writing to the accused faculty member and the complainant. The provost may also of their own initiative, after learning of concerns regarding faculty conduct, initiate an investigation and pursue disciplinary action consistent with the other requirements of this policy.

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- a. ~~Himself/HerselfThemselves~~
- b. Vice provost, associate vice provost, or vice president
- c. Dean or department chair
- d. ~~Compliance & Civil Rights (CCR)~~
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- f. A faculty committee appointed by Faculty Status Committee within ten (10) business days of receipt of the request from the provost and selected from among the members of the tenured faculty.

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~~For matters involving Title IX Sexual Harassment, as defined by EP#15, the Provost will rely on the investigation completed by Compliance and Civil Rights (CCR). For matters involving Title IX Sexual Harassment and other non-Title IX allegations, if further investigation is required by the Provost's Office, the complainant and respondent will be notified 10 days in advance of any meeting and will be provided the date, time, participants, and purpose of the meeting.~~

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- b. Vice provost, associate vice provost, or vice president
- c. Dean, department chair, or vice chancellor for academic affairs
- d. Compliance & Civil Rights (CCR)
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Any case reported to the dean that requires punishment or attendance at a class needs to be reported to the provost and academic vice president. The Provost's Office shall maintain a confidential file of all cases reported to a dean whose final determination involved punishment or mandatory attendance at a class. The purpose of this file is to ensure there is an adequate record of past infractions.