

Faculty Manual

4.83 Dismissal

4.831 Dismissal of Faculty

Dismissal of Faculty may occur for any reason stated in the Academic Charter, including:

1. Incompetence
2. Moral Turpitude
3. Persistent inattention to duties
4. Intransigent refusal to conform to University processes or policy where such behavior places the University at risk
5. A declaration of a *bona fide* financial exigency of the University
6. Discontinuance of a college, school, program, or department of instruction.

The guiding policy and procedure for each of these actions are as follows:

- For Incompetence, Moral turpitude, Persistent inattention to duties, and Intransigent refusal to conform to University processes or policy where such behavior places the University at risk, see Faculty Manual Section 4.10 below, “Faculty Conduct, Corrective Action, and Discipline.”
- For a Declaration of a *bona fide* financial exigency of the University, see Academic Charter, Section VII.C.
- For Discontinuance of a college, school, program, or department of instruction, see Academic Charter, Section VII.D.

4.832 Notice of Non-Reappointment of Non-Tenured Faculty Notice of non-reappointment is normally given in writing in accordance with the following standards: a) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination. b) Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination. c) At least twelve months before the expiration of an appointment after two or more years in the institution. d) Acting and Visiting appointments

terminate automatically at the end of one academic year, and the titles themselves are considered to be notice.

New Faculty Manual Section

4.10: Faculty Conduct, Corrective Action, and Discipline

Purpose

To develop a University policy and procedure that incorporate peer review and fundamental fairness regarding (1) dismissal and (2) corrective action and discipline less than dismissal of tenured and non-tenured faculty.

This Policy presents procedures to aid faculty members in correcting deficiencies of conduct and to sanction, if necessary, conduct that falls into the categories of conduct identified in the Academic Charter.

Evaluation of research, teaching, and service occurs during the annual review process by the relevant academic unit. This and other processes of evaluation are separate from the procedures described in this Policy, which is intended to ensure that credible complaints of Faculty Misconduct (see Section 4.10.1) are investigated and addressed fairly, impartially, and with keen sensitivity to the importance of academic freedom and collegial respect. This process is founded on the principle that the faculty must be involved in self-regulation and, when necessary, censure of colleagues.

Key sections describe 1) the process that members of the University must use when an allegation of Faculty Misconduct arises, 2) processes for investigating and adjudicating allegations of Faculty Misconduct, and 3) the range of corrective steps and disciplinary actions available to address substantiated findings of Faculty Misconduct.

Scope

This Policy shall apply to all faculty.

This Policy specifies the procedures for reviewing and addressing faculty conduct. At all times throughout any proceedings under this Policy, the faculty member may bring an advisor of their choice including representation by counsel. This Policy

does not alter the jurisdiction or the responsibilities of other University offices or committees. For example, as explained in Section 4.10.2 below, this Policy does not include investigations into the merits of allegations such as discrimination, harassment, or research misconduct that are handled by Human Resources or other appropriate University official, committee, or entity; rather, this Policy will adopt the outcome of those investigations or proceedings and proceed with peer faculty review and recommendation. If any other University office or committee has jurisdiction over the investigation into some of the allegations that arise, the Provost, the Chair of the Academic Freedom and Tenure Committee (“the Committee”), and the responsible office¹ or committee will consult and determine the order of proceedings.

Policy

4.10.1. Faculty Misconduct

Faculty Misconduct occurs if one or more of the following conditions identified in the Academic Charter are demonstrated:

1. Incompetence
2. Moral Turpitude
3. Persistent inattention to duties
4. Intransigent refusal to conform to University processes or policy where such behavior places the University at risk

Concerns about minor deficiencies of Faculty conduct should be resolved in an early, local, and informal process through the individual’s direct level of supervision through either the department or college as appropriate. Minor concerns about a faculty member’s conduct should be handled at this administrative level. The goal for a department or other supervisor is to help faculty correct a deficiency that could later be subject to a formal corrective or disciplinary action.

Consistent with the University Non-Retaliation Against Persons Reporting Misconduct Policy, faculty members and administrators may not retaliate against those who make allegations of Faculty Misconduct or against anyone who participates in the process set forth in this Policy. Retaliation may be grounds for an allegation of Faculty Misconduct under the provisions of this Policy.

4.10.2. Results of Other University Investigations, Regulatory Processes, or Court Proceedings

If there are allegations against a faculty member that fall under the jurisdiction of Human Resources or another University office or body, and that investigation results in a finding(s) that a faculty member violated the University's policies or engaged in conduct that would otherwise constitute Faculty Misconduct, those findings must be provided to the Provost as a Formal Charge under Section 4.10.7 below. Human Resources may also submit a Formal Charge based on findings through the criminal or civil court system or through an external regulatory process of conduct that would otherwise constitute Faculty Misconduct under this Policy, even if an external appeal is pending.

4.10.3. Interim Actions

Consistent with themes found in the Academic Charter and AAUP recommendations, this Policy recognizes that under certain circumstances, the particular allegations of misconduct may require immediate interim action that cannot wait for the normal process of review. Accordingly, and after a good faith effort at consultation with the immediate past Chair of the Committee, the Provost or designee (hereinafter "the Provost") may suspend or restrict a faculty member's duties, with pay, if the Provost concludes that immediate harm to the faculty member or others is threatened based on an allegation of Faculty Misconduct. If the immediate past Chair currently serves on the Committee as a voting member or is otherwise unavailable for consultation, the Committee shall identify an alternate.

If the Provost determines that an interim suspension or restriction of duties are warranted, such action shall be commensurate with the particular existence of harm after an individualized review of the allegations. When the Provost notifies a faculty member of interim suspension or restriction of duties, the Provost shall also provide a written Preliminary Notice of Charges within twenty-four hours. Thereafter, a Formal Charge must be submitted, or an investigation initiated by Human Resources or other appropriate office or committee, within 10 daysⁱⁱ after the interim suspension or restriction begins or the faculty member must be reinstated. The Provost may require that the interim suspension or restriction continue until the full process described in this Policy is concluded and/or the matter is fully resolved.

4.10.4. Confidentiality

Members of the Committee and others privy to confidential information about the proceedings (including individuals raising concerns about Faculty Misconduct, witnesses, and advisors) must maintain confidentiality about the initiation, investigation, and resolution of the matter, except:

- a. The faculty member accused of misconduct;
- b. when confidentiality is waived by a written agreement of the Parties;
- c. when the Dean, as appropriate, shares information about the progress or the outcome of the process with the individual(s) who brought forward the allegation of Faculty Misconduct;
- d. if the Committee discovers information that appears to be evidence of potential Faculty Misconduct during its investigation that is outside the scope of the Formal Charge, the Committee may, at its discretion, refer that information to the appropriate dean to conduct the Dean's Review as set forth in Section 4.10.6(b), below, including amending the Formal Charge, initiating a new Formal Charge, or dropping the Formal Charge;
- e. if the Committee discovers information that appears to be evidence of potential Faculty Misconduct such as discrimination, harassment, or research misconduct that falls under the jurisdiction of another University office or committee under Section 4.10.2, the Committee must refer that information to such office or committee for investigation; or
- f. as required by law, such as in matters under Title IX/Clery Act in which the Department of Education prohibits restrictions on either party to the complaint.

4.10.5. Stages in Processing Allegations of Faculty Misconduct

To file a complaint of Faculty Misconduct, the individual (including students, faculty, staff, and administrators) should express their concern to the department supervisor or chair, as appropriate. In the event there is no department supervisor or chair, the concern should be shared with the Dean under Section 4.10.6(b). Similarly, in the event the concern is about a supervisor or chair identified in this section, the individual with the complaint may skip a step and proceed to the next level of review. If the concern is about a Dean identified in this section, the individual with the complaint may petition the Provost under Section 4.10.6(b)(iv).

Five stages in the processing of allegations of Faculty Misconduct are distinguished in the following sections:

Stage 1: Initial Review

Stage 2: Formal Charges

Stage 3: Opportunity for Mutual Resolution

Stage 4: Formal Investigations, Hearings, and the Resolution of Allegations

Stage 5: Reconsideration and Final Decision-Making Authority

4.10.6. Stage 1: Initial Review

a. The Department's Role

Upon receipt of a concern of Faculty Misconduct, the department supervisor or chair must attempt to resolve the matter or take the matter to the Dean within 5 days. If the concern relates to discrimination, harassment, research misconduct or other behavior covered under the jurisdiction of another University office, the supervisor or chair will forward the concern to the responsible office. (See Endnote 1)

b. The Dean's Review

If the issue is not resolved through the Department's efforts, either the Department supervisor, the person raising a concern about Faculty Misconduct, or the faculty member may take the concern directly to the appropriate Dean (where the "appropriate Dean" is determined by each school) or to the Dean's designee, who must be a tenured member of the faculty. The following course of action listed below must then be taken. If the concern relates to discrimination, harassment, research misconduct or other behavior covered under the jurisdiction of another University office, the Dean will forward the concern to the responsible office. (See Endnote 1)

- i. The Dean must determine whether the allegation of Faculty Misconduct, if substantiated, would constitute misconduct as defined in Section 4.10.1 above.
 1. If it would not constitute misconduct, further action is not required.

2. If it would constitute misconduct, the Dean must gather and assess the relevant available information.
 - i. If the Dean determines that there is insufficient evidence that the alleged conduct occurred, further action is not required.
 - ii. If the Dean determines that sufficient evidence exists that the faculty member engaged in conduct but that conduct was not sufficiently serious on its own to constitute Faculty Misconduct, but would be Faculty Misconduct if it were persistent, the Dean must make a record of the determination and provide written notice to the Faculty member.
 - iii. If the Dean determines that sufficient evidence exists of Faculty Misconduct to warrant a formal investigation, the Dean must file a Formal Charge as explained in Section 4.10.7, Stage 2 below.
- ii. The Dean must, within 10 days after the day the Dean receives the concern, conclude his or her review and file a Formal Charge, if warranted, with the Provost. The Dean has the discretion to inform the individual(s) who brought forward the concern about faculty conduct unless otherwise required by law (see also Section 4.10.4, above).
- iii. If, during the Dean's review, a resolution is achieved through an agreement to the satisfaction of the Dean and the Respondent, the Dean must document the resolution and maintain the documentation in the Dean's files, which must be made available to his or her successors as Dean. The Dean has the discretion to inform the individual(s) who brought forward the concern about faculty conduct unless otherwise required by law (see also Section 4.10.4, above).
- iv. If the Dean decides not to advance the concern to a Formal Charge, he or she must notify the Respondent and the individual(s) who brought the concern to the Dean. If an individual who brought the concern to the Dean is not satisfied with the Dean's decision, he or she may petition the Provost within 10 days to review the Dean's decision. The Provost may conduct the review personally or may designate an impartial senior administrator who is a tenured faculty member to do so. If the result of the review is consistent with the Dean, the decision is final and the matter is ended with no right to

appeal. If the result of the review is inconsistent with the Dean, the Provost or designee will proceed with a Formal Charge. In either case, the Provost must notify the Respondent and the individual(s) who brought the concern of the outcome of his or her review.

4.10.7 Stage 2: Formal Charges

A Formal Charge must provide a precise statement of the alleged Faculty Misconduct, identifying the Respondent and, if possible, all known individuals with relevant knowledge. All evidence assembled by the Dean during the course of the Dean's review must be attached to the Formal Charge and submitted to the Provost, who will notify and forward a copy of the Charge to the Respondent and the Chair of the Committee.

In the event the allegations of Faculty Misconduct fall within the jurisdiction or the responsibilities of other University offices or committees, as noted above in Section 4.10.2, such as discrimination, harassment, or research misconduct, the responsible office or committee shall conduct an investigation into the merits of such allegations and document its findings on whether the faculty member violated University policy or engaged in conduct that would otherwise constitute Faculty Misconduct. Similarly, Human Resources may document findings through the criminal or civil court system or through an external regulatory process of conduct that would otherwise constitute Faculty Misconduct under this policy. In such cases, Human Resources will submit a Formal Charge to the Provost, who will notify and forward a copy of the Charge to the Respondent and the Chair of Committee.

Upon receipt of a Formal Charge, the Chair of the Committee must thereafter monitor the process to ensure that all processes and requirements delineated above and below are followed.

The Respondent may submit a written Answer to the Formal Charge to the Chair of the Committee and the Dean or designated representative within 10 days after receipt of the Formal Charge. In the Answer the Respondent has the right to respond in depth, and at length, in his or her defense and to challenge the evidence submitted. The Respondent may offer countervailing materials and identify individuals with relevant knowledge. The Respondent may respond to the Formal Charge even if the Respondent's contract with the University expires during the course of this process or had previously expired.

4.10.8 Stage 3: Mutual Resolution

At any time the Respondent or the Dean or Provost may initiate a mutual resolution of the Formal Charges. In some cases, a resolution may be achieved through an agreement between the Respondent and the Dean or Provost, such as an agreement on a set of corrective actions (see Section 4.10.10). If an agreement is reached, the Dean or Provost and the Respondent must draw up a document stating its specific terms. This document must be signed by the parties before the matter is closed.

The Provost, Dean, and Human Resources must maintain a copy of all documented resolutions of Formal Charges. The Dean and/or the Provost are both responsible for monitoring subsequent events to ensure that the conditions of the resolution are met. If the Dean or Provost conclude that a significant condition of the resolution has not been met, the Dean can consult with the Chair of the Committee, who has authority to re-open the Formal Investigation.

If a mutual resolution is reached after the Committee has initiated the process (see Section 4.10.9(a)), the Committee may cease work, but must leave an orderly and complete record of what the Committee learned during its Formal Investigation. The records must be retained by the Chair of the Committee, who has authority to reinstate the investigation or hearing process if problems arise with enforcement of the mutual resolution.

4.10.9 Stage 4: Formal Investigations, Hearings, and the Resolution of Allegations

This section delineates steps and processes in the investigation of Formal Charges, hearings by the Committee, and the formulation of decisions and recommendations pertaining to the resolution of allegations of Faculty Misconduct.

a. Committee: Purpose and Appointment

The purpose of the Committee is to determine whether the Respondent has engaged in Faculty Misconduct and, where necessary, to recommend an appropriate form of correction or discipline. When Human Resources has filed the Formal Charge based on an investigation and finding that the Respondent violated University Policy or engaged in conduct that would otherwise

constitute Faculty Misconduct, the goal of the Committee is to determine whether the Respondent has engaged in Faculty Misconduct and, where necessary, to recommend an appropriate form of correction or discipline but not to conduct a separate investigation into the merits of the original allegations.

The Chair of the Committee must notify the Respondent and any other parties of the Committee membership. Parties have the right to object to one or more Committee members on grounds of improper partiality, typically a bias or conflict of interest. In an objection, specific reasons must be stated in writing. The objection must be made to the Chair of the Committee within five days of receiving notification. The Chair must wait until the end of the five-day period to confirm the Committee, and must take the reasons presented in an objection into account. If the Chair agrees with the objection, an alternate will be appointed with notification to the parties. Within the next five days, the Chair of the Committee must appoint the Committee. The decision of the Chair of the Committee is final.

b. Hearings

Unless waived by the parties, the Committee must hold a hearing.

Parties. The parties to such hearing shall be the faculty member and the University, which shall designate appropriate representatives to develop and present its side of the matter. If desired, the faculty member shall be entitled to have an academic advisor of his or her own choice to assist at the hearing.

Time and Place of Hearing. The Committee shall fix the time and place for such hearing. The Committee shall give each party notice thereof at least 20 days in advance.

Filing of Statements and Briefs Prior to Hearing. At least 13 days prior to the date fixed for hearing, the University shall deliver to the Committee and to the faculty member a statement setting forth in reasonable detail the University's position on the issues presented for such position. The faculty member shall then, not less than six days prior to the date fixed for hearing, deliver to the Committee and the University representative, a statement setting forth in reasonable detail responses to the issues presented and reasons for such position.

Witnesses. No later than 5 days before the hearing each Party must notify the Committee Chair and the other Party of witnesses he or she intends to call. Each Party bears responsibility for arranging the attendance of witnesses. The Committee has the sole authority to determine the information relevant to its investigation. The Committee has discretion to meet as it sees fit in preparation for the hearing and to determine what it needs, how many and which of the witnesses proposed by the Parties are to be heard, the scope of appropriate questioning by Parties, and how to conduct the hearing. The Committee may call its own witnesses and must provide notice of these witnesses to the Parties no later than 2 days before the hearing.

Representation by Counsel. Each party may be represented by counsel at the hearing. A party intending to be so represented shall notify the Committee of the name and address of the attorney at least five days prior to the date set for the hearing at which counsel is to appear.

Record of Proceedings. The Committee shall make necessary arrangements for recording the proceedings. A printed copy of the written records in existence shall be made available to both parties, if requested, such expense to be borne by the University.

Attendance at Hearing by Committee Members. Any member of the Committee who is unable to attend the hearing shall notify the Chair as far in advance as possible so that arrangements can be made to have an alternate member of the Committee participate. The decision of the Committee will be a simple majority. Counsel for the Committee may attend the hearing and may participate in the hearing as requested by the Committee.

Hearing. The Committee, in consultation with the designated University representative and the faculty member, will exercise its judgment about whether the hearing, or portions of the hearing, should be public or private. The Provost, a witness, or the individual bringing the concern of Faculty Misconduct may also ask the Committee to consider their request regarding whether the hearing, or portions of the hearing, should be public or private.

Attendance by Representative of Responsible Educational Association. Whether the meeting is public or private, at the request of either party or the Committee, a representative of a responsible educational association, such as

the American Association of University Professors, shall be permitted to attend the proceedings as an observer.

Confidentiality of Pending Decision. Committee deliberations shall be in private. Announcements on Committee decisions and processes will be made only by the Committee Chair.

Adjournments. The Committee may take adjournments upon the request of either party, or upon its own initiative.

Order of Proceedings. The hearing shall be opened by the recording of the place, time, and date of the hearing, the presence of members (or alternates) of the Committee and parties and counsel, if any, and by the receipt by the Committee of any further written statement of brief which either party wishes to submit at that time. The Committee may, at the beginning of the hearing, ask for oral statements clarifying the issues involved. The University shall then present its claim and proofs and its witnesses, who shall submit to questions or other examination by the Committee. The faculty member shall then present claims and proofs and witnesses, who shall submit to questions or other examination by the Committee. Both parties shall be entitled, within reasonable limits, to submit rebuttal evidence, and to conduct such examination and cross-examination as may be required for a full and true disclosure of the facts. Exhibits, when offered by either party, may be received in evidence by the Committee.

Evidence. The parties may offer such evidence as they desire, and shall produce such additional evidence as the Committee may deem necessary for an understanding and determination of the dispute. The Committee shall be the judge of the relevance and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary. However, every reasonable effort will be made to obtain the most reliable evidence available. Each party to the hearing shall have the right to object to evidence offered by the other party. Any rulings as to the admissibility of evidence shall be made by the Committee Chair. Documents not filed with the Committee at the hearing, but arranged for at the hearing or subsequently by agreement of the parties, shall be filed with the Committee and both parties shall be afforded an opportunity to examine such documents.

Evidence by Affidavit. The Committee will receive and consider evidence of witnesses by Affidavit, but shall give it only such weight as it deems it entitled to after due consideration of any objections made to its admission, provided, further, that both the faculty member and the University shall have the opportunity to be confronted by all adverse witnesses unless urgent and unusual reasons move the Committee to withhold this right, or unless the witness cannot appear, and then only if the identity of the witness and his or her statements are fully disclosed to both parties.

Availability of Witnesses and Other Evidence. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the University will, insofar as possible for it to do so, make available necessary documents and other evidence within its control.

Closing of Hearing. The Committee shall specifically inquire of both parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the University representative and the faculty member or their respective counsel shall be given an opportunity in that order to make closing oral arguments to the Committee. Upon the completion of such oral arguments, the Committee shall declare the hearing closed. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the Committee for receipt of briefs. If documents are to be filed as provided for above, and the date set for their receipt is later than that set for the receipt of briefs, the later date shall be deemed the date of closing of the hearing.

Reopening of the Hearing. The hearing may be reopened by the Committee on its own motion, or, in the discretion of the Committee, upon application of either party at any time before the decision is made.

The Committee should deliberate in private after the closing statements.

c. Committee Report.

Within 15 days after the date the hearing is closed, the Committee must prepare and deliver a written Committee Report to the Parties and the Provost. The 15-day period may be extended by the Chair of the Committee, but the extension should not be granted beyond 10 additional days unless the record of the Formal Investigation reflects exceptional conditions and the reasons for the requested extension are documented.

The Committee Report must contain the Committee's factual findings, analysis, conclusions, and recommendations. The Committee must decide, by a vote of a majority of the Committee, based on the preponderance of the evidenceⁱⁱⁱ gathered through the investigation and hearing, whether one or more Respondents have engaged in Faculty Misconduct. If the Committee decides that Faculty Misconduct has occurred, it must make a recommendation of appropriate corrective or disciplinary action(s) (see Section 4.10.10).

4.10.10 Corrective and Disciplinary Actions

When a Committee makes a finding of Faculty Misconduct, it should recommend either (1) corrective action, (2) disciplinary action, or (3) some combination of (1) and (2). The Committee should recommend actions that are proportionate to the severity of the Misconduct and designed to ameliorate, improve, or punish the Misconduct.

a. Corrective Actions

Corrective actions are intended to facilitate a Respondent's compliance with his or her faculty responsibilities or to ameliorate the effects of past non-compliance. Possible corrective actions, which may be combined, include, but are not limited to:

- i. a tailored intervention such as training, coursework, mentoring, or participation in faculty research workshops or support groups;
- ii. monitoring of progress in the correction of behavior;
- iii. an apology by the Respondent to the individual(s) harmed by the Faculty Misconduct; and
- iv. a recommended course of counseling, monitored for compliance.

b. Disciplinary Actions

Disciplinary actions are institutional responses to Faculty Misconduct that call for more than a corrective action. Disciplinary actions generally have a punitive, and perhaps deterrent, purpose, not merely a corrective purpose. Possible disciplinary actions, which may be combined, include, but are not limited to:

- i. an oral reprimand
- ii. a written reprimand;
- iii. a recorded reprimand;
- iv. restitution (for instance, payment for damage due to individuals or to the institution);
- v. loss of prospective benefits for a stated period (for instance, suspension of “regular” or “merit” increase in salary or suspension of promotion eligibility);
- vi. a fine
- vii. reduction in salary for a stated period
- viii. probation;
- ix. unpaid suspension from service for a stated period;
- x. removal of duties, with commensurate reduction in pay;
- xi. reduction of rank; and
- xii. termination of employment.

4.10.11 Stage 5: Reconsideration and Final Decision-Making Authority

A Party may request reconsideration of the Committee’s decision. A Party may request reconsideration of the Committee’s findings, conclusions, and recommendations on grounds of significant procedural error, evidence unavailable to the Parties at the time of the hearing that reasonably would have impacted the decision, factual error pertaining to a fundamental issue, or the inappropriateness of the recommended disciplinary action given the findings of fact. “Unavailable” means that the evidence could not be obtained or produced through reasonable efforts of the Parties.

a. Review

To request reconsideration of the Committee’s decision, a Party must submit a written Request for Reconsideration to the Chair of the Committee and the other Party within 10 days of receipt of the Committee Report. This request must not exceed 3,500 words and must state the grounds for request and provide any evidentiary materials as permitted in Section 4.10.11 above (which are not counted in the 3,500 word limit) that form the basis for the request. The other Party has 10 days from receipt of the request to submit a written response (limited to 3,500 words) to the Committee Chair and the other Party.

Within 15 days after receipt of both the request and the response(s), the Chair of the Committee must reconvene a full impartial Committee to consider the merits of the request and any responses received. The Committee must decide whether the reasons presented in the Request for Reconsideration are legitimate grounds and sufficient to reverse or revise all or part of the Committee's decision(s). The Committee's finding(s) of fact, conclusions, and recommendations may be overturned or remanded if and only if the Committee finds them to be clearly erroneous. In the event of disagreement among members of the Committee, a majority vote of members in attendance decides the matter. The Committee may 1) uphold the Committee's findings and recommendations, if any, regarding corrective or disciplinary action; 2) uphold the findings but adjust the recommendations for correction or discipline; 3) overturn the findings and recommendations and, if necessary, recommend different corrective or disciplinary action(s); or 4) take other actions as deemed appropriate by the Committee

The Committee must issue a report to the Parties and the Provost containing its decision, including supporting reasons, within 10 days after the Committee reaches its decision. If no Request for Reconsideration has been filed with the Committee within the timeframe for doing so, the Chair of the Committee will notify the Parties and the Provost so that the Provost may act upon the Committee's findings and recommendations. In either case, the Chair must transmit the full record in the case to the Provost, including but not limited to all prior investigations, Formal Charges and responses, reports, and decisions. Within 10 days after such decision or notification, the Parties may submit a written argument to the Provost; however, no new evidence or materials will be accepted that was not presented during the investigation, hearing, or reconsideration.

b. Final Decision-Making Authority

The Provost must issue a written decision in the case within 15 days after receipt of the Committee's report and must forward it to the Parties and the Chair of the Committee. The Provost has the option of remanding the case to the Committee with instructions about further proceedings. The Provost has the authority to deviate from the recommendations of the Committee, but he or she should do so only in exceptional circumstances and for reasons

that are communicated in a meeting with the Chair of the Committee and distributed to all members of the committee.

The Provost's decision is final.

When a decision about a proper corrective or disciplinary action has been reached and communicated to the affected faculty member, he or she must comply with the requirements of the corrective or disciplinary action and must not engage in further Faculty Misconduct.

The Respondent's Dean and the Provost are jointly responsible for ensuring that corrective or disciplinary action is properly carried out. When the Respondent believes the corrective requirements have been fulfilled, he or she must submit documentation to the Dean demonstrating that he or she has satisfied the requirements.

4.10.12 Record Keeping

Human Resources will retain the official record of all documentation pertaining to the processing of the Formal Charge and the outcome. The Dean and Department, as applicable, must also keep records of any outcome imposing Corrective Action or Disciplinary Actions.

4.10.13 General Administrative Procedures

The following administrative procedures and rules govern the Committee.

- a. When the University makes a determination as to whether a faculty member has engaged in Faculty Misconduct, the University shall bear the burden of proof by a preponderance of the evidence.
- b. The Chair of the Committee has discretion, before the expiration of the time limits set by this Policy or within ten days thereafter, to extend the time or times within which action must be taken under this Policy if in his or her judgment such extension of the time is appropriate—as, for example, when Committee or Committee members are unavailable due to a holiday recess. A time extension might be needed in addition to other provisions for time extensions provided herein. The Chair must notify all Parties of an extension of a time limit that is specified under this Policy.

c. No proceeding, decision, or determination made during the course of proceedings under this Policy may be invalidated for failure by the Committee, one of its Committees, or an administrator to act within applicable time limits under this Policy.

d. Members of the Committee must be attentive to actual and apparent bias and conflict of interest and must recuse themselves if they have an apparent bias or conflict of interest. Committee members bear a burden to recuse themselves, as appropriate, but, as in Section 4.10.9(a), the Chair of the Committee has the discretion to recuse Committee members when the Chair determines that they have a bias or conflict of interest.

e. If the Chair has a bias or conflict of interest in a case, an alternate chair must be selected and assume the responsibilities of the Chair for that particular case.

f. The Committee has a right to establish, by majority vote, any procedures to the extent not defined by this policy such as, but not limited to, rules related to balloting, quorum, and the time frame of activities. The Committee may define any terms not defined in this policy and may establish additional guidelines to protect the interests of individuals who allege Faculty Misconduct, Respondents, and the University.

g. All participants are required to cooperate with the processes delineated in this Policy. If a participant refuses to cooperate, the processes must continue without his or her participation.

h. The Committee may seek outside assistance or legal counsel through the Provost's Office. If the Committee requires assistance or expertise for the fact-finding or determination, the Committee may retain an outside investigator and/or outside assistance or legal counsel as well.

ⁱ For purposes of this Policy, "appropriate offices and committees" include but are not limited to:

- Discrimination and Harassment (non-sex-based): Human Resources
- Sexual or Interpersonal Misconduct: Title IX Office or Human Resources
- Research Misconduct: Sponsored Programs Administration

ⁱⁱ In this Policy, "day" or "days" refers to working days, excluding University holidays or days the University is otherwise closed.

ⁱⁱⁱ Consistent with the Sexual and Interpersonal Misconduct Policy, adopted by the University in 2015.