

**To:** Provost Sue Mattison and Faculty Senate President Renee Cramer  
**From:** Faculty Senate Task Force: Faculty Misconduct Policy  
**Date:** February 6, 2019  
**Re:** Executive Summary of Faculty Conduct, Corrective Action, and Discipline policy

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### **Background**

Drake University does not have a policy and procedure identifying how faculty misconduct can be addressed short of dismissal<sup>1</sup>. Yet dismissal is an extreme sanction reserved for the most severe or persistent behavior; instead, when possible and appropriate, attempts should be made to remediate behavior through early intervention, corrective action, or lesser sanctions if necessary.

At the same time, Drake's current policies and procedures for dismissal of faculty are spread over three separate documents which are not easy to locate, do not always align well, and do not accurately reflect the committee structure of our Faculty Senate. Having one policy to address all forms of faculty misconduct with a variety of outcomes, remedies or, if necessary, sanctions up to and including dismissal, would offer a process that is transparent to all involved while also allowing for a responsible, fair, and efficient review of concerns.

### **Key Elements**

Any policy or procedure addressing faculty misconduct shall recognize academic freedom and include fundamental fairness and peer review consistent with AAUP guidelines to assist the administrative review and decision-making process. Other key elements include:

- Relevant and realistic definitions
- Clear procedures and roles for reporting and responding to misconduct
- Opportunity for participation and input in the process
- Responsibility to the faculty member as well as to the campus community
- Flexibility
- Efficiency
- Accountability, including interim tools to address immediate concerns or threats

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<sup>1</sup> Drake [Faculty Manual, Academic Charter](#), and the Statement on [Policy and Procedure for Dismissal of Tenured or Nontenured Faculty](#) address dismissal only.

## **Policy Review and Recommendation**

After reviewing several different models and speaking with colleagues at other institutions, [Georgetown University's Faculty Responsibilities Code](#) stood out as containing the key elements in a workable, realistic, and fair model. Georgetown developed its policy in 2016 through collaboration with the President, Provost, Faculty Senate, faculty leaders, and General Counsel. Key components and attributes of the Georgetown policy include the following:

- Because it is new, it is practical and realistic.
- Includes built-in timelines that protect all parties but particularly the faculty from having a matter hanging over their head. There is flexibility with timelines when warranted.
- Administration has discretion on whether paid administrative leave is appropriate to protect the campus community, within limits. For example, administrative leave cannot continue beyond ten days without some formal action by the university such as charges or starting an investigation.
- Includes both corrective action (developmental) and sanctions (discipline).
- Unit heads (chairs) or Deans have authority to address minor concerns; significant matters rise to the level of the Dean who can file charges or request an investigation. Ten-day deadline for the Dean to take action.
- If formal charges are brought through a faculty review committee, the faculty member can respond to the allegations and participate in the process.
- Options for conciliation and mutual resolution, if appropriate.
- Includes investigation, formal hearing, and appeals through faculty committee.
- Final authority lies with Provost to make a decision.
- Separate procedures for cases that involve specific areas of expertise, such as research misconduct or discrimination/harassment, which then tie back into the faculty policy for determination of outcomes.

## **Faculty Senate Task Force**

Provost Mattison conferred with Faculty Senate Executive Committee in late 2017 and again in 2018 to discuss limitations with the current policy and procedures. On August 7, 2018, Provost Mattison convened a Faculty Misconduct Task Force with the following directive:

“On recommendation of the Faculty Senate Executive committee, I’m writing to ask if you would be willing to serve on a task force to propose a policy for Faculty Misconduct. As most of you are aware, we don’t have adequate guidelines for addressing issues of misconduct that don’t rise to the level of dismissal.”

Members of the Task Force included:

- Chuck Phillips, Professor of Pharmacy Administration/Associate Dean, Curriculum & Assessment, Former Faculty Senate President and Executive Committee member
- Maria Valdovinos, Professor of Psychology, Former Faculty Senate and Executive Committee member

- Melissa Weresh, Dwight D. Opperman Distinguished Professor of Law, Faculty Senate Executive Member
- Kathryn Overberg, Title IX Coordinator/Equity and Inclusion Policy Specialist, also served on the Task Force in an administrative role based on her prior experience working with Iowa State University's Faculty Senate and Faculty Conduct Policy.

The Task Force reviewed all of the Drake policies, statements, and procedures as well as the Georgetown Policy and determined: (1) there are very few guidelines or policy directives for addressing misconduct that does not warrant dismissal; (2) for hearings, there are gaps in how the proceedings are initiated and the roles of individuals and committees at the University; (3) overall there is a lack of clarity for faculty, administrators, and the campus population in general over how faculty conduct is to be addressed. In accordance with the charge from Provost Mattison and Faculty Senate, the Task Force proceeded to develop a new policy under the following framework:

- Retain the definition of “misconduct” as defined in the Academic Charter
- Include all faculty, regardless of appointment
- Retain the overall hearing process as described in the “Statement on Policy and Procedure for Dismissal of Tenure or Nontenured Faculty”
- Where policy or procedure are lacking or requiring clarification, look to the Georgetown Policy as a guide

### **Recommendation**

The Task Force recommends the following revisions to the Faculty Manual<sup>2</sup>:

- Revise Faculty Manual § 4.831
  - Current: “4.831 Dismissal of Tenured Faculty See Academic Charter, Section VII, Dismissal of Tenured Faculty Members.”
  - Proposed: revise to identify (1) all of the avenues for faculty dismissal and (2) the policy and procedure applicable to each form of dismissal.
- Adopt Faculty Manual § 4.10: Faculty Conduct, Corrective Action, and Discipline

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<sup>2</sup> The Task Force determined that the Faculty Manual, rather than the Academic Charter, was the appropriate document for a policy pertaining to the administration's obligation to address faculty conduct and faculty members' rights in such a process.