

Resolution to clarify process for review of allegations of discrimination by faculty.

Professional Relations Committee

Faculty Senate

April 2, 2018—First Reading

*Whereas, the university's process for review of allegations of **discrimination (violations of policy 40.001)** against faculty can be improved to provide greater clarity and consistency with federal guidelines,*

Whereas the procedure for determining outcomes following investigations of allegations of discrimination by faculty is not clearly stated in the faculty handbook,

Be it resolved that the language of the Faculty Handbook be revised to include the following

IV.L. Procedures in the Event of Allegations of Violation of Professional Ethics

2. Reporting violations.

Cases involving alleged research misconduct should be reported to the Office of the Vice President for Research (IV.L.3). Alleged violations of sexual misconduct, relationship violence, and stalking (as indicated in Policy No. 03.004) and of discrimination (Policy 40.001 Equal Employment and Educational Opportunity) should be reported to University Equity and Civil Rights Compliance (ECRC). Allegations of sexual misconduct (and other violations of 03.004) will be investigated and resolved via the procedures outlined in II. Q. Those involving discrimination (as defined by Policy 40.001) will be investigated by ECRC and reviewed via procedures outlined in IV.L.3.a. All other cases of alleged violations of professional ethics should be brought to the attention of the department chair ^[3] and resolved by according to section IV.L.3.b.

3. Procedures for allegations not involving sexual or research misconduct

- a. For allegations of discrimination or harassment based on race, color, religion, age, ethnicity, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, mental or physical disability, or genetic information as defined by Policy 40.001, ECRC investigates the allegations according to procedures outlined in its Grievance Resolution Procedure, <https://www.ohio.edu/equity-civil-rights/grievance-resolution.cfm>).

Briefly, in the inquiry phase, the ECRC investigator will evaluate whether the allegations, if substantiated, would constitute a violation of Policy 40.001. If so, then the ECRC investigator will proceed to initiate an investigation. If the ECRC investigator determines that the allegation would not violate the policy even if substantiated, the ECRC investigator will close the inquiry.

If the ECRC investigator determines an investigation is warranted, the investigator will notify the faculty member identified in the complaint as well his/her/their department chair and the dean of the college/school when the investigation is initiated. ECRC will provide the faculty member with written notice of the allegations involved in the sexual misconduct complaint. As a part of the ECRC investigation, the faculty member will have the opportunity to present any oral, written, or other information they wish the investigator to consider and to identify any witnesses the faculty member believes may have information relating to such a complaint before an investigation is completed.

Once an investigation is complete, the ECRC Memorandum of Findings (MOF) will be sent to the complainant(s) and the faculty member involved, with copies to the dean of the planning unit and the chair of his/her/their department.

If the ECRC MOF does not support findings of misconduct, the ECRC investigator closes the ECRC case. ECRC's closing of the ECRC case does not foreclose the examination of the faculty member's conduct by other university entities.

If the ECRC MOF presents findings of discrimination (violations in accordance to Policy No. 40.001), the dean will forward the complaint to the College Professional Ethics Committee (according to V.L.L.4.b) for its review and consideration. The college PEC's responsibility is to consider only the charges contained in the ECRC MOF.

- b. For apparent violations of professional ethics not investigated through the Office of the Vice President of Research nor by ECRC, the departmental chair, possibly in consultation with faculty colleagues or a departmental grievance/advisory committee, shall investigate the allegations. The person accused of the violation of professional ethics will be informed of the charges within thirty (30) calendar days and be given an opportunity to explain his/her behavior. If the chair is not satisfied with the explanation, the specifics of the allegations will be given within fifteen (15) calendar days to the person accused in writing. The person accused will have fifteen (15) calendar days to respond to the chair in writing, and the chair will attempt to resolve the problem. If resolution cannot be reached between the chair, the complainant, and the accused within fifteen (15) calendar days, the chair will forward the specific allegations of violation of Professional Ethics by the faculty member, along with appropriate documentation, to the dean in writing. The faculty member accused will be given the option of submitting his/her explanation of the alleged misconduct in writing as part of the documentation submitted to the dean at the same time. If the dean, chair, complainant, and faculty member accused of the

violation cannot reach a resolution of the matter within fifteen (15) calendar days, the specific allegations of violation of professional ethics along with appropriate documentation will be forwarded to the college Professional Ethics Committee. A final copy of the allegations will be given to the accused, and once the allegations are forwarded to the college Professional Ethics Committee, no additional charges can be added without beginning the process anew.