

**Resolution to Establish a University Professional Ethics committee to Reviews Cases of
Allegations of Sexual Misconduct by Faculty
Professional Relations Committee
Faculty Senate
April 2, 2018—Second Reading**

Whereas the 2014 Violence Against Women Act/SAVE Act amendments to the Clery Act establishes “Procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, or stalking.” and requires hearings and investigations “(ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;” See 34 Code of Federal Regulations at 34 CFR 668.46(k).

Whereas the proposed university professional ethics committee would provide for a university-wide culture and response to sexual misconduct,

Whereas the number of persons serving on the individual college/school Professional Ethics Committees is unwieldy to serve the needs of a university wide response to sexual misconduct,

Be it resolved that faculty senate establish a University Professional Ethics Committee for review of cases relating to sexual misconduct allegations against faculty.

Be it resolved that the committee will be established as soon as the Provost signs the resolution so that it is in place to review cases as soon as possible.

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

1. Introduction

- a. The Faculty Senate and the Provost of Ohio University have adopted a statement on Professional Ethics. (See [Section I.A](#) of the *Faculty Handbook*.) Procedures for the investigation and resolution of alleged violations of Professional Ethics are specified. Section IV.L.4 applies to alleged violations of Professional Ethics not involving research misconduct. Section IV.L.5 applies to alleged Fraud and Misconduct in Professional Research (see Policy [No. 19.048](#)). Section II.Q applies to alleged violations of sexual misconduct (Policy 03.006). Procedures for Loss of Tenure are in [Section II.D.5](#) of the *Faculty Handbook*.
- b. Members of the faculty should familiarize themselves with the University policies on Whistle-blowing and Retaliation ([03.006](#)), Workplace Violence ([41.135](#)), Equal Employment and Educational Opportunity (40.001) and Sexual Misconduct ([03.004](#)).

2. Reporting violations.

Cases involving alleged research misconduct should be reported to the Office of the Vice President for Research (IV.L.5). Alleged violations of sexual misconduct should be reported to University Equity and Civil Rights Compliance (ECRC), following the reporting guidelines as outlined in section II.Q and will be investigated and resolved via the procedures outlined in II. Q. Other violations of professional ethics should be brought to the attention of the department chair ^[3](see IV.L.4).

3. Establishment of professional ethics committees

a. College/School Professional Ethics Committee^[1]

Each college, regional campus, and the Voinovich School will have a standing Professional Ethics Committee consisting of six faculty members in the college, regional campus, or the Voinovich School unless it is necessary to supplement the Committee by faculty from other colleges or regional campuses. At least four of the six faculty must be tenured Group I faculty. The other two may be selected from among the untenured Group I or the Group II faculty. Three of the six members of the college Professional Ethics Committee are selected by the faculty senators from that college or regional campus, while the remaining three are appointed by the dean of the college, regional campus, and the Voinovich School (the director is the dean's equivalent in the case of the Voinovich School)^[2]. The chair of the committee will be appointed by the dean from among the Group I faculty on the committee. The term length for members on the college Professional Ethics Committee will be three years, and service is restricted to two successive terms. Initial appointments will be staggered so that each year the senators from the college or regional campus and the dean will each need to select a new committee member. Each college Professional Ethics Committee will be provided access to appropriate university resources to assist it in carrying out its investigations.

b. University Professional Ethics Committee for cases of Sexual Misconduct

- i. As the faculty senators and the deans of the colleges, regional campuses, and Voinovich School designate faculty to fill openings on the individual college Professional Ethics Committee (VI.L.2.a), one will be designated to serve on the University Professional Ethics Committee (UPEC) to provide a pool of fourteen faculty from across the university to review cases involving allegations of sexual misconduct by faculty. This person will be chosen by the chair of faculty senate in consultation with the dean of the college, regional campus or Voinovich School from the two candidates nominated. The length of term for members serving on the University Professional Ethics Committee will be three years and coincide with their service to the college ethics committee. Service is restricted to two successive terms.

To initially establish the UPEC, the provost in consultation with the chair of Faculty Senate, will select ONE faculty member from each college, regional campus and

Voinovich school profession ethics committees, ensuring a stagger in term length among members to maintain institutional memory and consistency as the committee membership moves forward.

- ii. For any given case referred to the University Professional Ethics Committee, the chair and Executive Committee of Faculty Senate in consultation with the Provost, will appoint six faculty from the UPEC to serve as a review committee, one of which will be appointed as chair of the committee. All six should be willing and able to serve for the duration of the case. **Please note:** Unlike other faculty committees, because of the nature of these cases and the benefit of timely action to both the university and the faculty member, UPEC does not observe the academic calendar, therefore depending on the timing of findings, members may be asked to serve over summer, spring, winter or fall breaks, but not including winter closure, to meet the timeline. In the event of service outside the academic calendar, faculty will be compensated for their time.

The committee chair will be responsible for conducting the review and ensuring that the committee carries out all its responsibilities in a timely manner and satisfies all requirements of the state and federal laws and university policies. Any member of the UPEC or the Faculty Senate Executive Committee, including the chair of Faculty Senate, who is from the same department or has close personal or professional relationships with the faculty member in question will recuse themselves from the process for that case. If the chair of Faculty Senate recuses him/herself, his/her duties would fall to the vice chair etc.

- iii. The University Professional Ethics Committee will be provided access to appropriate university resources to assist it in carrying out its review. And as is dictated by law, all members of the university Professional Ethics Committee will be provided training annually by ECRC on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. (Code of Federal Regulations at 34 CFR 668.46 (2. k)).