

**Resolution to clarify the process for investigation and review allegations of misconduct not involving sexual misconduct, discrimination or research misconduct**

Professional Relations Committee

Faculty Senate

Feb 4, 2019 – Second Reading

*Whereas the procedure the process for investigation and review of allegations of professional misconduct not involving sexual misconduct, discrimination or research misconduct is not clearly stated,*

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

**IV. L.4. Procedures for allegations not involving sexual or research misconduct**

- b. For apparent violations of professional ethics not investigated through the Office of the Vice President of Research nor by ECRC, the investigation starts at the department level. The department chair, possibly in consultation with faculty colleagues or a departmental grievance/advisory committee, shall investigate the allegations. When charges are brought against a faculty member from some external professional or governmental agency, the case will proceed directly to the dean and the college Professional Ethics Committee after any adverse determination is made by the external professional or governmental agency.
- i. The investigation at the department level will include, minimally, interviews with the accused and complainant, and may include, but is not limited to written statements or other documentation provided by the accused and complainant(s) regarding the activities in question, and interviews or statements from possible witnesses.

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/their 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.

- ii. 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 documentation of the process and findings of his/her investigation, to the dean in writing. The faculty member accused and complainant will be given the option of submitting written statements regarding the alleged misconduct in writing as part of the documentation submitted to the dean at the same time.

- iii. 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 dean will notify the members of the PEC of the pending case, ask for recusals, and then work with the chair of Faculty Senate to fill any vacancies (L.3.a). The specific allegations of violation of professional ethics along with all documentation of the investigation, attempted resolutions, and process followed will be forwarded to the college Professional Ethics Committee (according to VI.L.4.c) in writing. A final copy of the allegations and documentation provided to the college PEC will be given to the accused and complainant, and once the allegations are forwarded to the college Professional Ethics Committee, no additional charges can be added without beginning the process anew.
  
- c. **Role of the college Professional Ethics Committee.** When an allegation of violation of professional ethics is received by the college Professional Ethics Committee, the committee will the committee chair will inform the person accused and the committee will investigate the charges (or review the investigation and findings from ECRC in cases of allegations of discrimination according to VI.L.4.a), with the assistance of university offices as needed as determined by the dean and the Professional Ethics Committee chair.

The college PEC investigation will be a formal examination and evaluation of the allegations to draw conclusions as to whether the finding of misconduct merits disciplinary action, and if so, to determine an appropriate recommendation for disciplinary action. The investigation will include examination of documentation, including but not limited to, the written statements from parties involved, summary statements of witness interviews, and reports from the chair and the dean as to process, findings, and resolutions attempted. The complainant and accused will be given an opportunity to meet and discuss the charges with the committee. When appearing before the committee, they may be accompanied by an advocate, preferably a faculty member. The college PEC has the right to interview all parties involved including possible witnesses as needed to make a decision.

After consideration of all of the testimony and evidence in the case, the Professional Ethics Committee will report its written conclusions and recommendations to the dean of the college and to the person accused with a copy to the provost. The report and recommendations must be issued within thirty (30) days after receiving the written allegations. The findings and recommended action may include the following: