Proposal to Amend the Notification Standards and Appeal Limitations in Rule 3335-5-04

3335-5-04 Revision of Notification Standards (Section A paragraphs 14 and 15)

WHEREAS the current notification procedures do not permit the otherwise acceptable use of electronic communication,

BE IT THEREFORE RESOLVED that paragraphs 14 and 15 of faculty rule 3335-5-04 section A be amended to read:

3335-5-04 Hearing procedures for complaints against faculty members.

(A) Definitions and construction.

(14) Respondents shall be given written notice of decisions required by this rule. Any notice shall be sent by certified mail and email, and a copy shall be sent by regular mail. The time period for any action to be taken after delivery of the notice shall begin to run on the date on which the notice is mailed.

(15) Complainants shall be given written notice of decisions of the department chair and the dean, and the final disposition of the case. Any notice shall be sent by certified mail and email, and a copy shall be sent by regular mail.
3335-04 Revision of Appeal Process (Section G, paragraph 3)

WHEREAS Rule 3335-05-04 makes no allowance for appeals after the college investigation committee recommends a sanction except in cases of termination; and

WHEREAS An increase to a sanction recommended by the faculty could be seen as a threat to faculty governance,

BE IT THEREFORE RESOLVED that rule 3335-05-04, section G paragraph 3 be amended to read

3335-05-04 Hearing procedures for complaints against faculty members.

(G) Review of appeals by the executive vice president and provost.

(1) After reviewing the record of a case appealed by a respondent or referred by the dean, the executive vice president and provost may:

(a) Dismiss the complaint;

(b) Uphold the dean's decision and proposed sanction;

(c) Uphold the dean's decision with what would reasonably be interpreted as an equivalent or lesser sanction.

(d) In the case of grave misconduct, research misconduct, or nontrivial financial fraud, increase the sanction.

(e) In the case of grave misconduct, research misconduct, or nontrivial financial fraud, reverse the dean's decision and impose a sanction.

(2) The executive vice president and provost shall make every effort to reach a decision within fourteen days.

(3) If the executive vice president and provost upholds the dean's decision and proposed termination of employment, or if the executive vice president and provost modifies increases a sanction that is less than termination, the respondent may appeal to the faculty hearing committee. In all other cases, the executive vice president and provost's decision shall be final.

(4) An appeal by the respondent must be in writing and must be filed with the faculty hearing committee within twenty-one days after notice of the executive vice president and provost's decision was mailed.