

3335-5-04.1 Procedures for complaints of failure to meet academic responsibilities.

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(B) Initial proceedings:

1. A complaint may be filed by any student or university employee, including employees from administrative offices who are filing complaints arising out of investigations by those offices. Complaints may be filed with a chair, dean, associate dean, provost, vice provost for ~~academic policy and faculty resources~~ faculty affairs (hereinafter “vice provost”), or the president. All complaints must be referred to the vice provost for initial review in accordance with this rule.
2. The complaint shall be set forth in writing and shall state facts to support an allegation that a faculty member has failed to meet their academic responsibilities.
 - a. The vice provost shall review every complaint to determine whether the complaint presents an actionable violation and ~~that the complaint~~ is not clearly retaliatory or abusive in nature. Further, the vice provost shall determine whether the allegations in the complaint relate directly to research compliance and indicate this determination to the department chair conducting the probable cause review. Research compliance refers to the adherence to applicable laws, regulations, ethical standards, institutional policies, and sponsor requirements governing the responsible conduct of research activities. If the vice provost is named as a respondent, the provost shall identify a designee. If the vice provost determines that a complaint either does not allege a violation that can be addressed under this rule or was filed for clearly retaliatory or abusive purposes, the vice provost must consult with the complainant within seven days of filing to clarify the nature of the complaint. The vice provost may dismiss such a complaint within seven days of consulting with the complainant if it cannot be addressed under this rule or is clearly retaliatory or abusive in nature. This determination does not prohibit referral of a complaint filed under this rule to another applicable university process.
 - i. The complainant may appeal this dismissal in writing to the provost within seven days of this decision. Upon receiving such an appeal, the provost may either reinstate the complaint or dismiss it, and that decision is final. The provost must issue a decision within fourteen days of receiving such an appeal.
 - b. If the vice provost determines that the complaint should proceed or if the complaint is reinstated by the provost, the vice provost shall furnish a

copy of the complaint to the respondent and shall refer it to the respondent's department chair for a probable cause review in accordance with section (C) of this rule.

- i. If the faculty member's department chair is the complainant or respondent, the complaint shall be referred to the faculty member's dean for the initial probable cause review.
 - ii. For the purposes of this provision, the term "department chair" shall include school directors and deans of colleges without departments. For regional campus faculty, the campus dean ~~or~~ and director shall serve as the department chair for the probable cause review. If the complaint is filed by the regional campus dean or director, the college dean shall serve as the regional campus dean ~~or~~ and director for the probable cause review.
- c. Only allegations stated in the complaint shall be considered at the various stages of deliberation. However, additional facts relevant to the allegations set forth in the complaint may be presented throughout the process.

(C) Probable cause review~~-~~

1. The department chair shall review the allegations in the complaint and discuss the matter with the complainant and the respondent to determine whether there is probable cause to believe that the allegations are true. The department chair may have another administrator present in discussions with the complainant and respondent as they evaluate probable cause.
2. If the department chair determines that there is not probable cause to believe that the allegations are true, the chair shall dismiss the complaint.
 - a. If the complaint is dismissed, the complainant may appeal the dismissal to the dean. The appeal must be in writing and filed with the dean within twenty-one days after the notice of the chair's decision was mailed. Upon receiving such an appeal, the dean may either reinstate the complaint and refer it ~~to the college investigation and sanctioning committee~~ as described in 3335-5-04.1(C)(3) or dismiss it, and such a dismissal is final. The dean must issue a decision within thirty days after receiving such an appeal.
3. If the department chair determines that there is probable cause to believe that the allegations are true, the department chair shall refer the matter ~~to the college investigation and sanctioning committee~~ for an investigation unless the department chair completes an informal resolution in accordance with rule

3335-5-04(E). If the vice provost determines that the allegations in the complaint relate directly to research compliance, the investigation shall be referred to the Research Integrity Standing Committee. This committee is described in rule 3335-5-04.2(C) and will serve to investigate the complaint in accordance with rule 3335-5-04.1(D). If the allegations do not relate directly to research compliance, the investigation shall be referred to the college investigation and sanctioning committee.

4. The department chair shall complete this process within fourteen days.

(D) ~~College investigation and sanctioning committee~~ Investigation and sanctioning-

- (1) Each college shall appoint a college investigation and sanctioning committee, which shall fulfill the responsibilities set forth in this section. The college investigation and sanctioning committee shall be all tenured faculty or a majority of tenured faculty if including clinical/teaching/practice faculty who are non-probationary associate professors or professors. A college may include faculty members from other colleges on its committee. In instances in which the vice provost has determined that the allegations in the complaint relate directly to research compliance, the Research Integrity Standing Committee shall fulfill the responsibilities set forth in this section.

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(E) Decision by the dean:-

1. After reviewing the report and recommendation of the college investigation and sanctioning committee or the Research Integrity Standing Committee, the dean may:
 - a. Dismiss the complaint if the committee did not find a violation;
 - b. Impose the committee's proposed sanction;
 - c. Impose what would reasonably be interpreted as an equivalent or lesser sanction; or
 - d. Increase the sanction if the committee determined that the respondent engaged in a serious failure to meet faculty obligations
2. The dean shall make a decision in twenty-one days. The final investigation report ~~of the college investigation and sanctioning committee~~ and the dean's decision shall be sent to the complainant and the respondent.

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3335-5-04.4 Procedures for complaints of misconduct and other violations of applicable law, university policies or rules, or governance documents made against faculty members.

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(B) Initial proceedings:

1. A complaint may be filed by any student or university employee, including employees from administrative offices who are filing complaints arising out of investigations by those offices. Complaints may be filed with a chair, dean, associate dean, provost, vice provost for ~~academic policy and faculty resources~~ **faculty affairs** (hereinafter “vice provost”), or the president. All complaints must be referred to the vice provost for initial review in accordance with this rule.
2. The complaint shall be set forth in writing and shall state facts to support an allegation that a faculty member has engaged in misconduct or has otherwise violated applicable law, university policies or rules, or unit governance documents.
 - a. The vice provost shall review every complaint to determine whether the complaint presents an actionable violation and ~~that the complaint~~ is not clearly retaliatory or abusive in nature. Further, the vice provost shall determine whether the allegations in the complaint relate directly to research compliance and indicate this determination to the department chair conducting the probable cause review. Research compliance refers to the adherence to applicable laws, regulations, ethical standards, institutional policies, and sponsor requirements governing the responsible conduct of research activities. If the vice provost is named as a respondent, the provost shall identify a designee. If the vice provost determines that a complaint either does not allege a violation that can be addressed under this rule or was filed for clearly retaliatory or abusive purposes, the vice provost must consult with the complainant within seven days of filing to clarify the nature of the complaint. The vice provost may dismiss such a complaint within seven days of consulting with the complainant if it cannot be addressed under this rule or is clearly retaliatory or abusive in nature. This determination does not prohibit referral of a complaint filed under this rule to another applicable university process.

- i. The complainant may appeal this dismissal in writing to the provost within seven days of this decision. Upon receiving such an appeal, the provost may either reinstate the complaint or dismiss it, and that decision is final. The provost must issue a decision within fourteen days of receiving such an appeal.
 - b. If the vice provost determines that the complaint should proceed or if the complaint is reinstated by the provost, the vice provost shall furnish a copy of the complaint to the respondent and shall refer it to the respondent's department chair for a probable cause review in accordance with section (C) of this rule.
 - i. If the faculty member's department chair is the complainant or respondent, the complaint shall be referred to the faculty member's dean for the initial probable cause review.
 - ii. For the purposes of this provision, the term "department chair" includes school directors, deans of colleges without departments, and regional campus deans and directors. **For regional campus faculty, the campus dean and director shall serve as the department chair for the probable cause review. If the complaint is filed by the regional campus dean and director, the college dean shall serve as the regional campus dean and director for the probable cause review.**
3. Only allegations stated in the complaint shall be considered at the various stages of deliberation. However, additional facts relevant to the allegations set forth in the complaint may be presented throughout the process.

(C) Probable cause review:

1. The department chair shall review the allegations in the complaint and discuss the matter with the complainant and the respondent to determine whether there is probable cause to believe that the allegations are true.
2. If the department chair determines that there is not probable cause to believe that the allegations are true, the chair shall dismiss the complaint.
 - (a) If the complaint is dismissed, the complainant may appeal the dismissal to the dean. The appeal must be in writing and filed with the dean within twenty-one days after the notice of the chair's decision was mailed. Upon receiving such an appeal, the dean may either reinstate the complaint and refer it as described in 3335-5-04.4(C)(3) **to the college investigation**

~~and sanctioning committee~~ or dismiss it, and such a dismissal is final. The dean must issue a decision within thirty days after receiving such an appeal.

3. If the department chair determines that there is probable cause to believe that the allegations are true, the department chair shall refer the matter to the college investigation and sanctioning committee for an investigation unless the department chair completes an informal resolution in accordance with rule 3335-5-04(E). If the vice provost determines that the allegations in the complaint relate directly to research compliance, the investigation shall be referred to the Research Integrity Standing Committee. This committee is described in rule 3335-5-04.2(C) and will serve to investigate the complaint in accordance with rule 3335-5-04.1(D). If the allegations do not relate directly to research compliance, the investigation shall be referred to the college investigation and sanctioning committee.
4. The department chair shall complete this process within fourteen days.

~~(D) College investigation and sanctioning committee~~ Investigation and sanctioning

1. Each college shall appoint a college investigation and sanctioning committee, which shall fulfill the responsibilities set forth in this section. The college investigation and sanctioning committee shall be all tenured faculty or a majority of tenured faculty if including clinical/teaching/practice faculty who are non-probationary associate professors or professors. A college may include faculty members from other colleges on its committee. In instances in which the vice provost has determined that the allegations in the complaint relate directly to research compliance, the Research Integrity Standing Committee shall fulfill the responsibilities set forth in this section.

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~~(E) Decision by the dean:-~~

1. After reviewing the report and recommendation of the college investigation and sanctioning committee or the Research Integrity Standing Committee, the dean may:

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2. The dean shall make a decision in twenty-one days. The final report ~~of the college investigation and sanctioning committee~~ and the dean's decision shall be sent to the complainant and the respondent.