

## ANNOTATIONS FOR 04 revisions

*NOTE: Everything in red is new language. ~~Strikethrough~~ indicated removed language. Corrections of typos and formatting errors will not be annotated, as these changes would fall under what are defined as “housekeeping.”*

1. Updating obsolete language left over from the old 04.
2. Adding language spelling out that any 04 proceedings in response to complaints related to the new Free Speech policy will be addressed in 3335-5-04.1 (hereafter, “track 1”).
3. Repairing an omission from 04 revision and clarifying the distinction between tracks 1 and 4.
4. New language clarifying what happens should a faculty member resign (and especially should they then return) to an unfinished investigation. By law, tracks 2 (Research Misconduct) and 3 (Sexual Misconduct & Workplace Violence) must be completed regardless of the employment status of the respondent. In the case of tracks 1 and 4, the provost can decide to pause the investigation in the event of a faculty member leaving their position, but the investigation remains *paused* and not vacated.
5. New language clarifying that in cases of multiple complaints falling under tracks 1 and 4, there is the option to consolidate *processes* (not the complaints themselves). Tracks 1 and 4 were merged in the original plan for the revised 04, and then separated very late in the process so as to preserve a higher evidentiary standard for complaints related to faculty responsibilities (track 1). However, in practice it has been the case that complaints involving one faculty member can end up on both sides of this divide. To achieve timely processes for the complainants, respondents, members of the college investigations committees, and to avoid the challenges of establishing two parallel faculty committees in small colleges, this change allows for the ability, when appropriate, to consolidate processes to be heard by one faculty college committee (maintaining differing evidentiary standards that apply under track 1 and track 4).
6. Revised language clarifying how the role of the *department chair* in the process will be filled in cases where the college or school has no departments; how it will be managed in the case of investigations of regional campus faculty; and finally how it will be handled in the case of regional campus faculty complaints when the campus dean or director is the one who filed the complaint.
7. The probable cause review process, especially for chairs new to the role, will likely involve the need for consultation in determining how to navigate the process. This new language clarifies that such consultation is allowed, which was not spelled out in the 2021 revision.
8. Language of “counseling” as one possible sanction was replaced with “training and professional development” throughout the 04, to clarify that this does not involve mandatory mental health treatment
9. In reviewing the 04, the original phrasing here was found to be ungainly; revised for clarity

10. As part of the major overhaul of the 04 in 2021, the university sanctioning committee was created in track 3. This committee serves as the pool from which members of a sanctioning panel are drawn for individual cases, winnowing out for potential conflicts of interest, etc. In writing this part of the rule back then, the distinction between the committee as a whole (which does *not* deliberate on any case as a whole) and the panel constituted for a particular case was not yet clear in practice. This has been clarified here and below.
11. Elimination of language that ended up moving to track one in the final 2019 revision