

Revisions to 3335-5-04.3 (D) -- University Sanctioning Committee

(D) The university sanctioning committee.

1. The university sanctioning committee is responsible for determining what sanction to recommend for a policy violation.
 - a. ~~1.~~ The university sanctioning committee shall consist of ~~fifteen (15)~~ twenty-four (24) tenured members of the faculty selected by the executive committee of faculty council from at least eight different Colleges and regional campuses. Each member of the university sanctioning committee must receive required training before serving on the panel. Each selected person shall serve a three-year term followed by a one-year term as an alternate member. A chair shall be elected from the membership in the spring for a one-year term, starting during the subsequent summer session.
 - b. ~~2.~~ The chair shall select three members of the committee to sit on each sanctioning panel. The chair and chair-elect of the committee may sit on the panel as facilitators. Panelists may not be drawn from the complainant's or respondent's tenure initiating unit, as may be applicable. ~~Alternates may be assigned to university sanctioning panels at the chair's discretion.~~
 - c. ~~3.~~ The committee chair or chair-elect may serve as alternates on a panel, should an assigned member become unable or unwilling to serve.
2. Upon receipt of the investigation report, the sanctioning panel shall meet with the investigator to discuss the investigation and findings, and may request clarification on any aspect of the investigation process. The committee shall also offer both the complainant and the respondent the opportunity to meet with the committee to present their views as to an appropriate sanction.
3. In evaluating sanctions, the sanctioning panel shall consider the totality of the circumstances, including aggravating and mitigating factors.
 1. Aggravating factors may include, but are not limited to:
 1. the degree to which the respondent's conduct was flagrant, egregious, or willful;
 2. the strength of the evidence presented;
 3. whether the respondent has previously been found to have engaged in misconduct;

4. whether the respondent's conduct caused injury or harm to another individual, university property, or the university's reputation; and
 5. whether the respondent had received prior warnings about engaging in the conduct at issue.
2. Mitigating factors may include, but are not limited to:
 1. the conduct at issue did not cause injury or harm to another individual, university property, or the university's reputation; and
 2. the respondent accepted responsibility for the misconduct.
4. The committee shall have the authority to recommend sanctions as it sees fit as long as the sanctions are commensurate with the nature of the complaint and the committee's analysis of any aggravating and mitigating factors. Sanctions may be of a discrete or continuing nature, but sanctions of a continuing nature must specify the period of time in which they are applicable. Sanctions may include, but are not limited to the following, and may further include a combination of sanctions:
 1. Verbal reprimand;
 2. Written reprimand;
 3. Mandatory counseling or other rehabilitation;
 4. Reimbursement for damages to or destruction of university property, or for misuse or misappropriation of university property, services or funds
 5. Restrictions on duties or privileges;
 6. Restriction of access to university property or services;
 7. Reduction of salary base;
 8. Reduction of twelve-month appointment to nine-month appointment;
 9. Reduction of full-time equivalent (FTE) appointment;
 10. Reduction of rank;
 11. Revocation of tenure;
 12. Termination of employment.
5. For sexual misconduct complaints under Title IX, the committee shall reach its sanction decision within thirty days. This sanction decision shall be incorporated

into the findings in accordance with the university Sexual Misconduct policy, and a written determination containing the combined findings and recommended sanction shall be issued. The complainant and respondent shall have equal rights to appeal the written determination to the provost for review in accordance with Section (F) of this rule and shall not be reviewed by the respondent's dean under Section (E) of this rule. All appeals must be in writing and be filed within fourteen days after the written determination is issued. The appeal shall be on the grounds for appeal permitted by the Sexual Misconduct policy and in accordance with the procedures provided by that policy.

6. For all other complaints under this rule, the committee shall complete its review and submit its report to the respondent's dean within thirty days.