

3335-5-04: Procedures for Complaints of Misconduct Made Against Faculty Members

SYNOPSIS: At the request of Faculty Council, an Ad Hoc Committee reviewed and proposed improvements to Faculty Rule 3335-5-04 (“the 04 Rule”). The ad hoc proposal was then refined by affected Senate standing committees in consultation with both organizing committees of the Senate. The extensive revision sustains the academic freedom of the faculty and sustains the responsibilities of the faculty. It creates four definitive tracks for misconduct cases: 1- failure to meet academic responsibilities; 2- research misconduct, 3- sexual misconduct, protected class discrimination and harassment, whistleblower retaliation, and workplace violence; and 4- all other misconduct. The proposed text is accompanied by the current 04 text as extensive strikeout is impractical.

WHEREAS the university endeavors to provide an academic climate conducive to the pursuit of inquiry and the acquisition of knowledge and truth; AND

WHEREAS this rule is a procedure written by faculty members to ensure all members of the faculty are held to the highest ethical and professional principles in each academic discipline; AND

WHEREAS the range of disciplinary issues require specialized processes and regulatory compliance that the current rule does not include, but the new rule remedies; AND

WHEREAS federal regulations covering investigations into research misconduct and sexual misconduct are addressed by the new rule; AND

WHEREAS the current process contains duplicative and lengthy processes that the new rule seeks to streamline; AND

WHEREAS the new rule provides clearer guidance in evaluating appropriate sanctions for violations that are established; AND

WHEREAS the new rule has standards of evidence for similar offenses across university populations (students, staff, faculty) except for failure to meet faculty responsibilities, which is a faculty-specific complaint; AND

WHEREAS the new rule clarifies that the 04 rule applies to all cases of alleged faculty misconduct, not only potentially terminable offenses, and provides clear processes for addressing less serious allegations of misconduct in a timely manner; AND

WHEREAS, following extensive study, the various process improvements set forth in the new rule are warranted, including those related to standardized screening processes, alternative dispute resolution, timing, notification, and clarity of offenses; AND

WHEREAS relevant Senate standing committees, including Hearing, CAFR, Fiscal, and Research, have provided thoughtful refinements in this proposed language; AND

WHEREAS the Rules Committee revised and approved this resolution and proposed language in weekly meetings throughout the Fall 2020 semester.

NOW THEREFORE

BE IT RESOLVED that the University Senate approve the proposed revision to Faculty Rule 3335-5-04 and respectfully requests the concurrence of the Board of Trustees, said proposal to be effective upon approval by the Board of Trustees.
