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| FACULTY SENATE ISSUE FORM |
| Date Submitted: January 7, 2020 |
| Title of Issue (a short descriptive title by which the issue may be referenced) |
| Faculty Complaint Procedure |
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| Description of Issue: |
| The policy and procedures for investigating complaints against faculty. |
| (Recommended for insertion under “Minor Sanctions” in the Faculty Handbook. |
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| Rational for Submission: |
| The current policy under “Sanctions” in the Faculty Handbook does not provide due process for faculty. The proposed policy and procedure would provide the needed due process for protection of faculty when there are complaints lodged against them. Also, the current policy does not have any disciplinary actions for minor sanctions although there is an extensive description for investigation and actions leading to dismissal. Mot of the complaints against faculty would fall under minor, and this proposed policy and procedure would institute recommended disciplinary actions less severe than dismissal. |
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| Name: Nina W. Brown ( submitting for the FCOC committee) |
| Department: CHS |
| Date: January 7, 2020 |
| Signature: Nina W. Brown |
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| For Faculty Senate Use Only |
| Assigned to Committee: |
| Date Assigned: |

FACULTY COMPLAINT PROCUEDURE

I. Faculty who have a complaint against another faculty member or a faculty administrator will use the described informal levels 1 and 2 procedures for reporting and trying to resolve the matter.

**A. Informal – Level 1**

1. The faculty member can report the incident(s) to the *department chair or the chair of the department Promotion & Tenure Committee.* The faculty member is hereafter referred to as the Complainant, and the receiver of the complaint as the Complaint Receiver.

2. Within 14 days of the occurrence or its discovery, the complaint must be submitted in writing and must describe the offense(s), what COC policy was violated, date and time of offense(s), witnesses and/or other documentation to verify the complaint.

3. Within 14 days of receipt the Complaint Receiver will review the written complaint and determine if it can be considered at this level or if the matter is harassment or discrimination covered by other policies and bodies, in which case the faculty member will be referred to the appropriate office. If the complaint can be considered at this level, the following steps will be taken.

a. The Complaint Receiver will provide the materials to the Respondent and request a written response along with any supporting documents. within 14 days.

b. The Complaint Receiver will meet with the complainant and respondent separately to review the complaint and response if any to determine if there can be a satisfactory resolution. If the matter is resolved, then all written documents will be destroyed. If the matter not resolved, then the subsequent steps will be followed.

c. The Complainant and the Respondent will be asked to consider mediation. If this is agreeable, the Chair of the Faculty Mediation Committee will be contacted to begin the process. If either person rejects mediation, the Complaint Receiver will initiate Informal – Level 2.

**B. Informal – Level 2**

1. The Complaint Receiver will appoint or ask for volunteers for a three person Review Committee. The Committee will be composed of three tenured faculty from programs or departments other than those of the complainant or the respondent.in the college.

2. The Review Committee will convene within 10 working days of receipt of the materials to exclude university breaks or other holidays. The Complaint Receiver will provide the committee with the written complaint and documents, the Respondent’s response and documents, and describe efforts to resolve the complaint. After reviewing the materials, the Review Committee may recommend any of the following.

a. The complaint be dismissed and all documents destroyed.

b. A level 1 or 2 Recommended Disciplinary action be initiated. The recommendation will be in writing to the Complainant and the Respondent. Any recommendation for a Recommended Disciplinary action may be appealed.

3. The Review Committee may choose to hold a hearing. Hearings will be for the purpose of clarifying information, confirming the basis for the complaint by interviewing witnesses, or to provide an objective forum for the Complainant and the Respondent to be heard. These hearings will be closed and only personnel directly involved and invited by the committee may attend. The hearings will be confidential.

a. Hearings must be held within 30 days of the committee appointment with university breaks and holidays taken into account when determining the 30 day limit.

b. The committee will issue a finding and make a recommendation within 10 days of the hearing. Recommendations may include dismissal of the complaint for lack of evidence or for insufficient evidence, or a recommended disciplinary action to the chair or the dean, or mediation. All recommendations will be provided in writing to the affected parties.

C **Appeals**

a. Faculty and/or administrators may appeal violations of process or in the event of newly discovered evidence.

b. A written appeal may be submitted to the review committee that specifies the basis for the appeal. The Committee will review the appeal document and decide if the appeal has merit within ten (10) business days. If the appeal has merit, the committee will review the entire process and take appropriate actions, such as reconvening a hearing. If the appeal is denied, the faculty member or administrator may appeal to the college dean

c. The faculty member or administrator may make a written appeal to the dean. The dean will review all documents and decide if the appeal will be heard in person, or if a decision can be made on the documentation provided. In consultation with the Code of Conduct Committee, the dean may request a new investigation, a new hearing, or a reduction in the recommended level of disciplinary action.

d. When a faculty member or administrator is dissatisfied with the outcome of the appeal process, a petition may be submitted to the Faculty Senate Grievance Committee.

e. In the event a faculty member exercises the right to file a grievance, any recommended disciplinary action or penalty is held in abeyance until such time as the grievance process is concluded.