General Considerations: Purpose

Codes and standards of faculty conduct are located in several policies regarding faculty rights and responsibilities. Contractual issues that are not concerned with codes and standards regarding faculty do not normally qualify under this policy.

A. Procedures

1. Any member of the University who believes a violation of the codes has been committed by a faculty member, if they have been affected by the violation, may file a written complaint. All proceedings are to follow the basic code of due process which is characterized by fairness, confidentiality, and timely notice.

2. Written complaints are directed to the Faculty Senate Ethics and Grievance Committee.

3. On the basis of the written complaint filed with the Committee, the Committee shall determine whether the facts alleged in the complaint, if true, state a reasonable basis for believing that there may have been a violation of the codes.

4. If the Committee determines either (1) that the facts alleged in the complaint, if true, would not constitute a violation of the codes of the University, or (2) that the consideration of the facts alleged in filed complaint would not be in the purview of the jurisdiction of the Committee, the person or persons filing the complaint shall be so notified in writing.

5. If the Committee determines that the facts alleged in the complaint, if true, would constitute a violation of the AUA codes and standards of faculty conduct, then, within thirty (30) days of the filing of the complaint the Committee Chair shall give written notice of the complaint to the respondent. The Committee's written notice to the respondent shall state the facts alleged, including the statement of the rule(s) allegedly violated, and provide the respondent with a statement of the respondent's rights and an explanation of the Committee's hearing procedure.

6. The respondent shall have 14 business days from the date of receipt of the Committee's notice within which to submit a written reply to the Committee. The respondent's reply may include respondent's statement of facts in support of respondent's position, notice of witnesses who respondent intends to call to support respondent's position, reference (or inclusion in the response) to relevant documents in support of respondent's position.

7. If the respondent fails within said 14 business days to answer the original complaint, then the Committee shall make its decision based on the evidence presented.

8. Within 14 days of the first to occur of (1) the expiration of the said 14 business days or (2) the Committee's receipt of the respondent's written response, the Committee shall give written notice to the complainant and to respondent of the Committee's tentative ruling on the validity of the charges made in the original complaint. If either the complainant or the respondent desire to have a hearing before the Committee to challenge the Committee's tentative ruling on the charges in the complaint, the complainant and the respondent shall each have the right, within 7 business days of the date of the Committee's written notice of tentative ruling, to notify the Committee Chair and the other party, that they wish to have a hearing before the Committee in order to present his/her case. The failure of either the complainant or the respondent to challenge the Committee's tentative ruling by requesting such hearing within said seven (7) business days shall cause the tentative ruling to become final and non-appealable.

9. Hearings to challenge a tentative ruling shall be held via the most expedient format, which can be a meeting or a conference call. The nature of the proceedings will be fact-finding rather than adversarial.

10. Within seven (7) business days of the hearing, the Committee shall notify both the complainant and the respondent, in writing, of the Committee's final determination.

11. If both sides come to agreement and resolve the complaint at any time during this process, the complaint is withdrawn and is recorded as such.

12. There is a right to appeal

- It must be made to the President within seven (7) days of notification of determination.
- It must be in writing and clearly state grounds for appeal.
- Normally, the President will consider only a written appeal.
- The standard of appeal will be whether the decision made and the sanction imposed is reasonable under all of the circumstances.
- No further appeal will be available within the University.

B. Sanctions that may be imposed

1. Warning

2. Censure

3. Suspension with/without pay (does not apply to AUAF contracts)

4. Dismissal after a hearing

C. If a faculty member is dismissed, in an action separate from Committee procedures, before the end of his or her contract period for causes covered in the various codes and standards regarding faculty, the faculty member may appeal to the Committee for a hearing within a ten day period.

Related Documents