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Policy Owner: Chief Human Resources Officer
Approved by: President
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INTERNAL ADMINISTRATIVE HEARINGS

The purpose of the Internal Administrative Hearing is to review the evidence; protect the right to due process of the person being charged with an offense; determine whether or not an offense has actually occurred; and, when appropriate, recommend to the President a course of disciplinary action that is in keeping with the gravity of the offense. While it is not possible to delineate under what conditions which disciplinary sanction will be imposed, it is expected that disciplinary action will be in accordance with the severity and the circumstances surrounding the case. In some cases the nature of the offense may simply require a relatively minor sanction. In other cases, the sanction may lead to suspension without pay for a period of time, or termination.

After the Fact-Finder has submitted the findings of fact to the Ethics and Compliance Committee, the Committee will schedule a Final Hearing.

Each party has the opportunity to file a written brief, not later than one week before the scheduled start of the Final Hearing. This brief may include any or all of the following matters:

- a) Whether the Fact-Finder's findings of fact are supported by substantial evidence;
- b) Whether the faculty member has committed professional misconduct as charged; and
- c) Whether the sanction proposed by the Chief Academic Officer is appropriate.

At the Final Hearing before the Ethics and Compliance Committee, the parties will be given an opportunity for oral argument, within time guidelines set by the Committee.

As a result of the Final Hearing, the Ethics and Compliance Committee may ask the Fact-Finder to clarify the findings of fact or make additional findings on the basis of the evidence. The Committee will give both parties an opportunity to comment on these clarifications or additional findings.

Within one week after the Final Hearing before the Ethics and Compliance Committee, either party may file a written reply, which is limited to the issues raised by the opposing brief and the opposing party's oral argument.

The Decision of the Ethics and Compliance Committee

A finding of professional misconduct requires that a majority of the members of the Ethics and Compliance Committee concludes that the faculty member has committed professional misconduct in the respect or respects charged.

If a majority of the Ethics and Compliance Committee concludes that the faculty member has committed professional misconduct, the Committee will decide upon the appropriate sanction and will notify the President of its decision.

If there is no majority of the Ethics and Compliance Committee concluding that the faculty member has committed professional misconduct in the respect or respects charged, the Committee will so notify the President. It should recommend either 1) corrective action, 2) disciplinary action, or 3) some combination of 1) and 2). The Committee should recommend actions that are proportionate to the severity of the Misconduct and designed to ameliorate, improve, or punish the Misconduct.

Corrective Actions

Corrective actions are intended to facilitate a Respondent's compliance with his or her faculty responsibilities or to ameliorate the effects of past non-compliance. Possible corrective actions, which may be combined, include, but are not limited to:

1. a tailored intervention such as training, coursework, mentoring, review of syllabi, evaluation of course materials or teaching, or participation in faculty workshops or support groups;
2. monitoring of progress in the correction of behavior;
3. an apology by the Respondent to the individual(s) harmed by the Faculty Misconduct; and
4. a recommended course of counseling, monitored for compliance.

Disciplinary Actions

Disciplinary actions are institutional responses to Faculty Misconduct that call for more than a corrective action. Disciplinary actions generally have a punitive, and perhaps deterrent, purpose, not merely a corrective purpose. Possible disciplinary actions, which may be combined, include, but are not limited to:

1. a letter of reprimand;
2. loss of faculty privileges;
3. probation;
4. denial of a salary increase, bonus, or other remuneration;
5. reduction of salary;
6. unpaid suspension from work for a stated period of time;
7. removal of duties, with commensurate reduction in pay;
8. reduction of rank;
9. termination of employment;

All parties will receive a copy of the committee's recommendation and be given the opportunity to respond to the President in writing.

The Decision of the President

If the President does not accept the decision of the Ethics and Compliance Committee, the President will resubmit the case to the Committee for reconsideration with a statement of questions or objections. The Committee will then reconsider the case in the light of such questions or objections, hold (if necessary) further hearings and receive new evidence, and either render a new decision or state the reasons for its decision to reaffirm its original decision. After study of the Committee's reconsidered decision, the President may make a final decision different from that of the Committee only if the President determines: that the faculty member or the University was denied a fair hearing; or that the Committee's decision (as to whether there has been professional misconduct and/or as to the sanction) was not one which a decision-making body in the position of the Committee might reasonably have made.

If the President makes a final decision different from that of the Ethics and Compliance Committee, the reasons for that different decision shall be given to the Committee and the faculty member.

[End]