

## SECTION III - F. ALLEGATIONS OF VIOLATIONS OF POLICY

This section of the Faculty Handbook describes the procedures by which the university investigates alleged violations of university policy and imposes sanctions should clear and convincing evidence<sup>30</sup> support the allegation. In certain cases, violation of university policy may also entail violation of the policies of external organizations; consequently, cases alleging discrimination/ discriminatory harassment or misconduct in scholarly activity or research require special procedures to ensure compliance with external agencies and regulations. Nevertheless, the following general procedures and principles apply for all allegations of violation of university policy.

### 1. General Principles and Procedures

#### **~~i. Interim Suspension or Reassignment~~**

~~Pending a decision based upon the informal and/or formal investigation, if the Provost determines that immediate or likely harm to the faculty member, other members of the College community, or the educational function of the university is threatened by continuance, the Provost may suspend the accused faculty member(s) with pay, or, in lieu of suspension, assign the faculty member(s) to other duties. Before so suspending a faculty member, the Provost will consult with the Faculty Assembly Executive Committee concerning the propriety, length, and other conditions of the suspension (the faculty member may waive the right to have the Executive Committee consulted and accept the suspension, but the waiver must be in writing). A suspension cannot continue indefinitely; should the suspension or reassignment continue beyond 120 days, the Provost shall justify the cause of the delay to the Executive Committee (in the unlikely event that the suspension or reassignment continues beyond 240 days, the Provost must so justify the delay to the Executive Committee at each subsequent 120-day interval).~~

#### **~~jj. Formal Investigation and Resolution~~**

Formal investigation of charges may ensue when no settlement is reached during informal investigation and mediation, and/or when the appropriate officer and/or the body conducting the informal investigation concludes that the alleged violation is sufficiently grave and the evidence supporting the allegation is sufficiently convincing to warrant major sanction, as defined in Section III.F.1.b.viii. The investigation will be conducted by the Faculty Hearing Committee (see III.F.3.e. and 4.c. below); the committee will find for or against the faculty member and may, in the latter instance, recommend a sanction.

#### **~~kj. Remedies and Sanctions~~**

Remedies and sanctions may include, but are not limited to

- A warning not to repeat the offending conduct and/or special monitoring of teaching or research;
- Separation of the parties involved;
- Required participation in an educational program (for example, about discrimination);
- A letter of reprimand;

- Removal from a research project (including long-term disbarment), suspension of access to laboratories, or other reassignment of duties;
- Loss of office, travel funds, research funds, etc.;
- Denial of a pay increase;
- Reduction in rank or salary or loss of endowed chair;
- Probation;
- Suspension with or without pay;
- Dismissal.

### **kk. Appeals of Major Sanctions**

Should a faculty member, at the end of a formal investigation, receive a major sanction (as defined in Section F.1.a.viii.), he or she may appeal to the Procedural Review Committee on grounds of failure to follow procedure Section III.F. Allegations of Violations of Policy - 57 - and/or to the President and the Board of Visitors on any other grounds (see section III.F.6. below).

### **ml. Faculty Notification and Access to Files**

Nothing concerning allegations against a faculty member shall be kept in writing by any committee, officer, or office of the university unless the faculty member is notified of the existence of and provided access to the written material (be that notes, reports, files, etc.). The faculty member shall also be afforded the opportunity to respond to the allegation and to have that response added to the written record. (This standard does not apply to conversations or discussions that do not result in further inquiry or investigation and/or enduring notes, reports, files or other written documents).

## **Section III. - J. Interim Suspension or Reassignment of Faculty**

- 1. Provost's Authority to Suspend, Reassign, and/or Limit Access.** If the Provost determines that a faculty member poses a likely threat of harm to one or more members of the university community and the likely conduct posing such a threat would violate university policy, the Provost may suspend the faculty member from some or all of the faculty member's duties at the university, assign the faculty member to other faculty duties, or limit the person's access to university facilities, information systems, or activities. The Provost may include as part of such a suspension, reassignment, and/or access limit any conditions they deem reasonably necessary to protect other members of the university community from threatened harm. Any such action taken pursuant to this paragraph shall be subject to the provisions of III.J.2 and 3. Any such suspension, reassignment or limitation of access shall be with full pay and benefits.
- 2. Notification of Faculty Member and Right of Response.** Any suspension, reassignment, or access limit imposed pursuant to III.J.1. will typically constitute an interim measure pending an investigation pursuant to Section III.F. of this

*Handbook.* Whatever the context of the suspension, reassignment and/or access limit, the Provost shall, unless there are exigent circumstances, contact the faculty member in advance and: (a) notify them in writing of the proposed action, (b) inform them of the reasons for the action, (c) inform them of the right to waive consultation with the Faculty Assembly Executive Committee (see III.J.3.), and (d) provide the faculty member with an opportunity to respond. If exigent circumstances prevent the Provost from contacting the faculty member in advance of suspending, reassigning, or limiting a faculty member's access, the Provost shall notify the faculty member and provide an opportunity for response as soon as reasonably practical.

- 3. Executive Committee Consultation.** Except when the Provost determines that the threat of harm authorizing action under III.J.1. is imminent, the Provost shall consult with the Faculty Assembly Executive Committee before suspending, reassigning or limiting the access of a faculty member, concerning the propriety, length and conditions of these interim measures, unless the faculty member has waived the right to consultation. Any such waiver must be in writing. If there is no such waiver and the Provost does not consult with the Executive Committee before ordering such a suspension, reassignment, or access limit, the Provost shall consult with the Executive Committee within 24 hours after ordering such a measure. Such interim measures cannot continue indefinitely. If the Provost believes that the suspension, reassignment, access limitations and any accompanying conditions should continue beyond 120 days, the Provost must consult the Executive Committee regarding the propriety, length and conditions of the continuing suspension, reassignment or access limits before each 30 day extension until the matter is resolved.

### **Suspension, Reassignment, and Access Limitations Subject to Grievance**

**Procedures.** A faculty member may seek review pursuant to Section III.G. ("Grievances") of any suspension, reassignment or access limitation imposed pursuant to Section III.J.

## **SECTION III - ~~JK~~. INTERPRETATION AND AMENDMENT OF THE FACULTY HANDBOOK**

The official version of the Faculty Handbook is located on the Provost's Office website. All instructional faculty will receive a print copy of the Handbook when they receive their initial appointment contract; however, all subsequent interpretations/amendments of the Handbook will be made to the version on the Provost's website, and the website version Section III.J. Interpretation and Amendment of the Faculty Handbook - 81 - shall repeal and supersede all previous versions. Amendments/interpretations made subsequent to July 1, 2008 will be dated within the text. Nothing in this Faculty Handbook limits the Board of Visitors' power as the ultimate institutional authority for the university.