

Rationale for Changes to R&P Appeal Provisions

Currently, the Rules & Procedures of the Faculty (R&P) require that the Faculty Personnel Committee (FPC) decide appeals in all cases involving faculty misconduct, including cases of harassment, discrimination, retaliation, and sexual harassment/misconduct. The FPC is also responsible for handling dismissal for cause proceedings. In cases involving faculty and harassment, discrimination, retaliation, and sexual harassment/misconduct, the FPC potentially handles two significant portions of the University proceedings: the appeal process and the dismissal for cause process.

In addition, in May 2020, the U.S. Department of Education issued regulations governing sexual harassment/misconduct, which strictly prohibit bias or conflicts of interest in resolving these cases. And the FPC, for the first time in several years, received an appeal in a sexual harassment/misconduct case, where the proposed sanction by the Provost was dismissal for cause. Concerns of potential bias/conflict of interest arose and the task of empaneling a new FPC for the dismissal of cause proceeding would be difficult considering there are very few individuals at the University who have previously served on the FPC.

The FPC endorses changing R&P to allow appeals in cases handled pursuant to the Policy on Harassment and Non-Discrimination (Policy) to be determined by a panel of faculty and staff members as contemplated by the Policy. The FPC will continue to handle all dismissal for cause proceedings and appeals in cases not handled pursuant to the Policy.