**Resolution to correct the process for complaints involving sexual misconduct**

Professional Relations Committee

Faculty Senate

March 4, 2019 – Approved

***Whereas*** *the procedure for appeal to the president for the action of the provost is inappropriate in the case that the UPEC recommends referral to the department or school to initiate loss of tenure and of dismissal proceedings,*

***Whereas*** *is the case of such referral, the case moves to the department or school for further consideration and initiation of the proceeding as indicated by Tenure and Promotion committee*

***Be it resolved*** *that the language of the Faculty Handbook be revised to include the following*

Q. Policy on Sexual Misconduct, Relationship Violence and Stalking

 4. **Procedures for complaints involving sexual misconduct by faculty**

1. After consideration of the case, the University Professional Ethics Committee will provide a written report with recommendations to the Provost, with a copy to the faculty member and complainant(s) involved, the chair of the department, and the dean of the college. The final report should include sufficient detail of the review processes to permit an assessment of the reasons for determining recommendation(s). The recommendation(s) of University Professional Ethics Committee may include

**Insufficient cause** to support disciplinary action or

A recommendation for disciplinary action that may include, but is not limited to, one or a combination of the following:

**Written reprimand** placed in the faculty member’s file

**Reassignment of duties** for some specified period of time.

**Unpaid leave** (**Suspension without pay)** for a specified period of time or

Adequate cause to recommend that a school or department initiate **loss of tenure and/or dismissal** proceedings (II. D. 5).

g. The report and recommendations of the University Professional Ethics Committee will be forwarded in writing to the Provost, with copies to the dean and the faculty member and complainant(s) involved.

h. The Provost, with due consideration of the recommendations of the University Professional Ethics Committee, will announce his/her/their decision within thirty (30) days of receiving the report and recommendations from the University Professional Ethics Committee.

i . If the provost recommends initiation of loss of tenure and/or dismissal, s/he/they refers the case to the faculty member’s department or school to initiate proceedings according to Faculty Handbook section II.D.5.

 For all other recommendations, the faculty member or the complainant(s) may appeal the action of the Provost to the President within twenty-one (21) days of being informed of the Provost's action. The grounds for appeal are limited to failure to follow appropriate procedures or arbitrary and capricious decision-making. In the case where a faculty member is the complainant, the appeal would move through the Professional Relations Committee of the Faculty Senate as is standard practice for faculty appeals to the President. The Professional Relations Committee shall submit its recommendations to the President within thirty (30) days of notification, and the President will make the final determination on the appeal within thirty-days (30) after receiving the recommendation of the Professional Relations Committee."