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February 24, 2015

TO: Andrew Hippisley  
Chair, University Senate

FROM: David Watt *DW*  
Chair, *ad hoc* Faculty Disciplinary Committee

RE: Report

On behalf of the *ad hoc* Faculty Disciplinary Committee, I have attached a draft Governing Regulation in response to the charge provided by the Senate Council and the letter of September 19, 2014, from President Capilouto. For the record, of the six members of the committee, four voted in favor of sending this draft GR to the Senate Council in its present form; one voted against; and one abstained.

The Committee is grateful to the President and General Counsel for the opportunity to discuss this document on numerous occasions. Initially, the Committee began work on a revision to the Code of Faculty Responsibilities within the Senate Rules (Section 7). The President indicated that he favored either an Administrative or Governing Regulation (AR or GR). An AR was subsequently drafted by General Counsel. A lengthy process of discussion and compromise led to the current GR. Rather than continue this back-and-forth process, the Committee now seeks to involve the Senate Council in these discussions.

On behalf of the majority, we make two recommendations.

Recommendation 1:

The Senate Council should review this draft document for content, not just for form, offer constructive criticisms and changes, if any, and then forward this document, "as is" or in revised form, to the University Senate for consideration. The Committee has worked diligently to ensure that these procedures involve fairness to the accused and the complainant, peer-review of allegations, opportunities for appeal, and applicability to all of the faculty, including those with administrative responsibilities.

In the course of our discussions at the Senate Council, the Committee members will point out unresolved issues between the Committee and the General Counsel.

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The Senate Council should resist the temptation to offer changes based on events with a low probability of occurrence. The Senate Council should also note that the Committee and the General Counsel's Office have not yet included all references to appropriate, current Governing and Administrative Regulations as well as other pertinent University policies. These references will be inserted after the Senate Council completes its deliberations and before, if ultimately approved, this document goes to the University Senate.

Recommendation 2:

Because there is no provision in the Governing or Administrative Regulations that delegates to the University Senate the authority to discipline faculty, the current Senate Rules containing a Code of Faculty Responsibilities needs revision.

Finally, in addition to drafting this GR, the Committee discussed other issues and makes the following comments.

- The Provost may wish to consider revising the post-tenure review process to ensure that faculty not meeting the standards achieved at the time of promotion and tenure are given opportunities to rejuvenate these expectations or to face dismissal.
- The Vice President for Research may wish to consider revisions in the scientific misconduct policy that include issues beyond just the "big three" of fabrication, falsification and plagiarism.
- The President may wish to consider asking the Senate Council to develop another GR/AR focused on assisting faculty with behavioral problems outside of professional norms and beyond just the drug abuse and alcoholism HR policies. At the very least, the alcoholism policy, which refers to "staff employee", should be revised to "university employees".
- The President may wish to consider the creation of a Policy Office to oversee continuously the numerous, interlocking policies (*i.e.*, GR, AR, SR, HR and Business Procedures Manual) for consistency and applicability and to oversee the creation of new policies as needed.

I am grateful to the Committee members for their efforts over the past few months. It has been a pleasure working with them and their efforts renewed my faith in the faculty's willingness to look difficult issues and propose solutions. I would request that you invite any of them who are not currently members of the Senate Council to attend meetings where their efforts will be discussed.

cc: Connie Wood  
Elizabeth Debski  
Marcy Deaton  
David Pienkowski  
John Wilson