

Faculty Handbook Committee

Part 1

Rationale for Proposed Changes to Chapter 6

Chapter 6 concerns how the university handles allegations of faculty misconduct – complaints, investigations, sanctions, and so forth. The existing Chapter 6 in the handbook has been “frozen” for several years with a disclaimer at the top of the chapter indicating that revisions are in process. The proposal before the senate is a complete rewrite of the chapter.

In revising the chapter, the Faculty Handbook Committee was guided by various reports and letters that have been produced over the last several years articulating faculty concerns with existing investigative practices, especially a 2019 report by a joint senate-provost task force. The new chapter incorporate numerous changes to practices that the Committee believes address many of the issues that have concerned the faculty. This note outlines at a very broad level some of the major features or changes:

1. **Readability.** The chapter has been written to be understandable to all faculty members, and to make it easier to find the relevant information if a faculty member is involved in an investigation, either as a complainant, a respondent, or a witness.
2. **External pointers to detailed policy documents.** University policies regarding several types of misconduct, such as sexual harassment, racial discrimination, and scientific misconduct, are heavily influenced by federal and state laws. Such policies can run almost 100 pages. In order to make the chapter readable and enable faculty members to find the information they need quickly, the chapter does not attempt to repeat all of that information, rather it provides outlines and pointers to the appropriate policy documents. This also helps ensure that the Handbook does not become outdated when there are small procedural changes in University policy.
3. **Interpersonal misconduct.** One type of potential misconduct – labeled “interpersonal misconduct” in the chapter – involves behavior that is not prohibited by law, but is prohibited by the university. This might include, for example, bullying. Much of the chapter concerns the treatment of allegation of interpersonal misconduct.
 - a) Faculty expressed a strong desire for an explicit list of the types of behavior that are prohibited so that faculty understand their responsibilities and do not feel they are being held accountable for actions that they did not know were prohibited. Section 6-B(1) now states prohibited behavior.

- b) Faculty expressed a strong desire for minor cases of problematic interpersonal behavior to be handled informally, at the school level, or through collegial resolution processes, rather than through formal central investigations. Section 6-B(1) now states this preference as a general goal in handling such complaints, and states that formal investigations should be used only if the alleged misconduct has the potential to cause “significant” harm in the eyes of a reasonable person.
4. **Resolution through school-level processes vs. central investigations.** Faculty have been concerned that some allegations have been routed to a central investigation that might have been better handled within a school through its traditional processes. Some expressed concern that those deciding whether to route a case to central investigations might be insufficiently familiar with school culture and norms. To ensure that decisions to launch a formal investigation take into account faculty perspectives on the alleged behavior, Section 6-D(2) now provides for a faculty representative, appointed by the Provost in consultation with the senate president, who will be consulted before a case is referred to a formal central investigation.
5. **Formal investigations.** Section 6-F(2) now lists a number of principles for formal investigations. Among the more important:
- a) *Timeliness.* Expectations for timely investigations are stated, and a process provided by which involved parties can call for intervention if an investigation is proceeding too slowly.
- b) *Information sharing.* The text states that faculty members must be notified of the claims made against them, that the information collected during an investigation that informs its conclusions must be shared with the faculty member, and that the faculty member must have an opportunity to respond and add information to the investigative record.
- c) *Advice.* Accused faculty members have the right to have a faculty advisor with them during interviews. The senate’s Committee on Faculty Rights and Responsibilities will help to find a suitable advisor if faculty members do not wish to find one on their own.
6. **Contesting the findings and conclusions.** Faculty expressed a strong desire for the accused party to have an opportunity to contest the findings and conclusions of an investigation before a panel of their peers. In one of the most significant changes to the processes, Section 6-G(3) now provides faculty members accused of misconduct with the opportunity to contest all aspects of the investigation before a panel of faculty members (Committee on Professional Responsibility).

Part 2

Rationale for Proposed Changes Other than Chapter 6

Part 2 contains a list of 15 miscellaneous edits distributed throughout the handbook, other than Chapter 6. Unless otherwise noted, the rationale for the changes are to: (i) accommodate changes in the law, (ii) reflect changes in administrative practices, (iii) express existing policy more clearly, or (iv) align with revised Chapter 6. From the perspective of the Committee, the alterations in Part 2 are intended to make substantive changes to policy or alter faculty rights and responsibilities (except perhaps as required by law).

Faculty Handbook Committee 2022-2023

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2023-04-13