Faculty Conduct and Due Process Protections 112

In accordance with BOR policy 8.3.9.1 that "[e]ach institution should provide for standards governing faculty conduct, including sanctions short of dismissal, and procedures for the implementation of such sanctions," the following policy and procedures are set forth by Georgia Perimeter College for the governing of faculty conduct and faculty due process protections. This policy does not pertain to the removal or dismissal of faculty members as set forth in BOR policy 8.3.9. The dismissal or removal of faculty members shall follow BOR policy as laid-out in 8.3.9.

In any instance in which a faculty member is alleged by a supervisor or the college administration to have violated the BOR Code of Conduct (See BOR Policy 8.2.20.5.) or to have acted in an unprofessional matter so as to warrant sanctions, including but not limited to loss of rank, loss of pay, loss of teaching privileges, special employment requirements or placement of permanent letters in the faculty member’s personnel file, the following procedures shall be followed. “Special employment requirements” are defined as any actions that a faculty member must undertake that are not applied to all faculty members in his or her discipline. Such “special employment requirements” include, but are not limited to, any psychological or occupational testing or any training that is not required of all faculty members in the discipline.

Procedures

1. In an effort looking toward a mutual settlement, the complainant shall deliver a written statement to the faculty member within 10 business days of the alleged misconduct and shall at that time deliver a written statement to the faculty member that specifically identifies the misconduct and that is framed with reasonable particularity. The sanctions for the alleged misconduct must also be clearly delineated.

2. Except when mitigating circumstances, such as college breaks, intervene, the complainant and the faculty member shall convene a meeting within 10 business days of receiving the letter to discuss the matter. The faculty member and the complainant may each have one advisor present at this meeting.

3. If the faculty member and the complainant of the misconduct reach a mutual agreement as to the alleged misconduct and to the appropriateness of the sanctions (e.g., special employment requirements or permanent personnel letters), then the matter will be considered resolved.

4. If the faculty member and the complainant of the misconduct fail to reach a mutual agreement, then either side may request a hearing.

5. The Hearing Committee shall consist of no more than 3 impartial faculty members appointed by the executive committee of the Faculty Senate from the membership
of the Faculty Senate and may include the faculty senate chair or campus senate chairs. Two additional impartial members, a department chair and a division dean, shall be appointed by the vice president of Academic Affairs of the college. The Hearing Committee shall be chaired by one of the faculty members.

65. Service of Notice of the hearing with specific reasons or charges against the faculty member together with the names of the members of the Hearing Committee shall be made in writing at least twenty days prior to the hearing. This notice will also contain the names of the witnesses and the nature of their expected testimony.

76. The Hearing Committee, in consultation with the vice president of Academic Affairs and the faculty member, may exercise its judgment as to whether the hearing should be public or private.

8. During the proceedings the faculty member and the administration shall be permitted to have an academic advisor and/or counsel of his/her choice. The Hearing Committee will be permitted to have advisory counsel.

9. At the request of either party or the chair of the Hearing Committee, a representative of a responsible education association shall be permitted to attend as an observer.

10. A tape recording or transcript of the proceedings shall be kept and made available to the faculty member and the complainant.

11. An oath or affirmation shall be administered to all witnesses by any person authorized by law to administer oaths in the State of Georgia.

12. The Hearing Committee may grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

13. The faculty member and the complainant shall be afforded a reasonable opportunity to obtain necessary witnesses and documentary or other evidence.

14. The faculty member and the complainant will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear but the Committee determines that the interests of justice require the admission of his/her statement, the Committee will identify the witness, disclose his statement and if possible provide for interrogatories.

15. The Hearing Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available. All questions relating to admissibility of evidence or other legal matters shall be decided by the chair or presiding officer.
16. The burden of proof lies with the complainant/institution.

17. The findings of fact and the decision of the Hearing Committee will be based solely on the hearing record.

18. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or the complainant should be avoided until the proceedings have been completed. The president, vice president of Academic Affairs, complainant and the faculty member will be notified in writing of the decision and disciplinary recommendation, if any, of the Hearing Committee.

19. The decision of the Hearing Committee will be considered final except for those sanctions, such as loss of pay, that fall under BOR policy 8.2.2.1 “Employment Appeals.” In the event that the Hearing Committee finds in favor or the complainant, the faculty member may appeal the Hearing Committee’s findings to the college president within 10 business days of receiving the Committee’s findings. The college president will reach a decision on the appeal within 10 business days of receiving the appeal of the faculty member and shall notify in writing the vice president of Academic Affairs, the complainant, the faculty member and the Hearing Committee of his or her decision.