

# **Summary of Revisions to the Proposed Board of Governors Rule on Faculty Conduct and Disciplinary Procedures**

The Faculty Personnel Committee reviewed written feedback submitted by faculty members from multiple academic units in response to the first draft circulated in the February 9, 2026, Faculty Senate Executive Committee agenda packet. The revised draft reflects several changes intended to clarify language, address specific concerns raised in the comments, and improve the overall structure of the rule.

The most significant revisions are summarized below.

## **1. Concerns Regarding Tier 1 (Minor Misconduct)**

Several comments raised concerns that the original draft of Tier 1 (Minor Misconduct) could be interpreted as addressing minor or routine workplace issues rather than patterns of conduct that warrant corrective attention. In response, the revised draft:

- Refines and clarifies the examples included in Tier 1.
- Adjusts language to emphasize that Tier 1 functions primarily as a corrective mechanism for situations in which professional responsibilities are not being met.
- Removes or revises examples that were interpreted as addressing routine or trivial matters.
- Clarifies escalation standards to ensure that repeated concerns must demonstrate a documented pattern and are not automatically elevated to higher tiers.
- Shortens the retention period for Tier 1 documentation, reducing the length of time that such records are maintained.

These revisions were intended to maintain a mechanism for addressing persistent non-performance while reducing concerns that the rule could be applied to routine workplace interactions or lead to overly supervisory application of the policy.

## **2. Concerns Regarding Clarity of Terminology**

Several faculty comments noted that certain terms in the initial draft (such as “unprofessional conduct,” “discourtesy,” or similar descriptors) could be interpreted differently depending on context. In response, the revised draft includes:

- Adjustments to several examples and descriptions to provide additional context.
- Revisions to better distinguish between isolated workplace issues and conduct that may require corrective review.

These changes were made to improve clarity while recognizing that professional conduct standards necessarily rely on contextual professional judgment.

### **3. Concerns Regarding Academic Freedom and Extramural Speech**

Some feedback raised questions about how the policy would apply to faculty speech outside the university context, including criticism of institutional decisions or participation in public discourse. The revised draft therefore strengthens language clarifying that:

- Disagreement with viewpoints, scholarship, or criticism of the University does not constitute misconduct.
- Faculty retain the freedom to speak on matters of public concern consistent with established academic freedom principles.
- Public controversy or reputational harm alone does not constitute misconduct.

The revised language also clarifies that when speech is alleged to interfere with professional responsibilities, a clear nexus between the conduct and the faculty member's institutional duties must be documented.

These revisions were intended to ensure that the rule clearly distinguishes between protected expression and conduct that materially interferes with professional responsibilities.

### **4. Concerns Regarding Complaint Initiation and Review**

Some comments asked for clarification regarding how concerns about faculty conduct are initially reported and reviewed. In response, the revised draft clarifies:

- How reports of potential misconduct may be received.
- The role of administrators in reviewing and classifying concerns before a formal process proceeds.
- The distinction between initial reporting and the formal review process.

The revisions also clarify that supervisory review is expected before a matter proceeds to formal referral, allowing routine professional concerns to be addressed through normal supervisory processes when appropriate.

These changes were intended to provide greater transparency regarding the early stages of the process.

### **5. Concerns Regarding Procedural Roles and Responsibilities**

Several comments requested clearer descriptions of how cases move through the review process and the roles played by various participants. The revised draft therefore clarifies responsibilities at multiple stages of the process and more clearly describes the roles of: Department Chairs, Deans, the Provost, and the Faculty Personnel Committee.

In addition, the revised draft explicitly includes Deans and the Provost when they hold faculty appointments within the scope of the rule, ensuring that expectations for professional conduct apply consistently across faculty classifications.

The revised draft also provides additional procedural clarification regarding hearing processes, including clearer expectations regarding panel roles, deliberations, and restrictions on ex parte communications once a case has formally entered the review process.

## **6. Relationship to Other University Policies**

Some comments noted the need to clarify how the proposed rule interacts with other existing university procedures.

The revised draft therefore clarifies that certain matters may instead be addressed through other established university policies (for example, Title IX or other regulatory processes) where appropriate. When fact-finding occurs under another policy framework, those procedures govern the investigative process and are not duplicated through the misconduct rule.

These revisions were intended to ensure that the proposed rule functions as part of the broader university policy framework and does not duplicate existing procedures.

## **7. Clarification of Evidentiary Standards**

Some comments requested clearer articulation of the evidentiary standards applied during the misconduct review process.

The revised draft clarifies that Tier 1 corrective matters rely on a preponderance-of-the-evidence standard, while more serious disciplinary sanctions under Tier 2 and Tier 3 require clear and convincing evidence.

This clarification ensures that more serious sanctions are subject to a higher evidentiary threshold.

## **8. Interim Measures**

Some comments raised questions about how the University may respond when concerns arise that require immediate attention while a review is ongoing.

The revised draft therefore clarifies that interim measures may be implemented when necessary to protect students, employees, or the functioning of the University while a matter is under review. The rule also provides additional guidance regarding the oversight and review of such measures to ensure that they remain appropriate and proportionate as a case proceeds.

These revisions were intended to clarify the availability of interim administrative responses while maintaining appropriate procedural safeguards.

## **9. Documentation and Recordkeeping**

The revised draft also clarifies expectations regarding documentation and recordkeeping associated with misconduct proceedings.

The rule establishes clearer guidance regarding the retention of records associated with formal proceedings and provides for periodic anonymized reporting so that the Faculty Personnel Committee may review patterns and procedural effectiveness over time.

These revisions were intended to support transparency and continuous improvement of the misconduct review process.