

Faculty Personnel Committee RECOMMENDATION

SR 25-26-19 FPC Recommends a new BOG Rule on Faculty Conduct and Disciplinary Procedures

Whereas, Marshall University Board of Governors Rule AA-16 (Professional Responsibility, Academic Responsibilities, and Academic Freedom) affirms both the high professional obligations of faculty members and their fundamental protections for academic freedom, extramural speech, and shared governance; and,

Whereas, AA-16 recognizes that faculty professionalism and academic freedom are complementary principles, requiring institutional mechanisms capable of distinguishing protected academic activity from conduct that substantially impairs professional fitness or institutional functioning; and,

Whereas, Marshall University maintains multiple Board of Governors rules and institutional policies defining faculty responsibilities and standards of conduct, yet does not currently have a unified, faculty-led disciplinary framework that operationalizes those standards in a manner consistent with AA-16; and

Whereas, in the absence of a comprehensive faculty misconduct process, responsibility for addressing serious conduct concerns has necessarily relied on existing administrative and human-resources procedures, which are not designed to provide faculty peer adjudication or to fully address academic freedom and professional fitness considerations; and

Whereas, faculty, administrators, and the Board of Governors share a common interest in clear, predictable, and transparent processes that promote professionalism, ensure fairness, and support timely and appropriate institutional action; and

Whereas, progressive discipline—emphasizing correction, remediation, and proportional response—is a widely recognized best practice in higher education governance and employment law, benefiting both individuals and institutions; and

Whereas, the Board of Governors has an institutional responsibility to ensure that faculty discipline is exercised in a manner consistent with Board rules, state law, AAUP standards, and principles of shared governance, while preserving the University’s capacity to uphold professional standards;

Therefore, Be It Resolved, that the Marshall University Faculty Senate recommends adoption of the proposed Board of Governors Rule on Faculty Conduct and Disciplinary Procedures, establishing a faculty-led, progressive, and due-process-centered framework for addressing faculty misconduct that gives practical effect to the principles of professionalism, academic freedom, and shared governance articulated in MUBOG Rule AA-16.

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RATIONALE:

1. Implements AA-16 Through a Clear and Workable Process

While AA-16 articulates core principles of professional responsibility and academic freedom, it does not itself provide a procedural framework for resolving allegations of misconduct. The proposed rule supplies that structure, ensuring those principles are applied consistently and transparently.

2. Emphasizes Progressive Discipline and Remediation

The proposed framework is explicitly progressive in nature. It prioritizes corrective and educational responses where appropriate, reserving severe sanctions for serious or repeated misconduct. This approach supports faculty development, reduces unnecessary escalation, and aligns with best practices in higher education governance.

3. Preserves Academic Freedom While Enforcing Professional Standards

By requiring a demonstrated nexus between alleged conduct and impairment of professional fitness or institutional function, the rule ensures that protected teaching, scholarship, governance, and extramural speech are not subject to discipline, while still allowing the University to address genuine misconduct.

4. Clarifies Institutional Roles and Strengthens Shared Governance

The rule establishes clear responsibilities for faculty committees, administrators, and executive leadership. This clarity supports collaborative decision-making and ensures that academic judgment plays a central role in matters affecting faculty status and professional standing.

5. Improves Consistency, Fairness, and Institutional Defensibility

A defined, faculty-led disciplinary process produces more consistent outcomes, clearer records, and stronger procedural integrity. This benefits faculty by ensuring fairness and benefits the University and Board by reducing grievance risk and increasing confidence in final decisions.

6. Aligns Marshall with Contemporary Higher Education Practice

Public universities nationwide have moved toward formal faculty misconduct frameworks that integrate professionalism, due process, and shared governance. Adoption of this rule aligns Marshall University with those established governance norms.

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RECOMMENDATION**

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FACULTY SENATE CHAIR:

APPROVED BY THE
FACULTY SENATE: _____ DATE: _____

DISAPPROVED BY THE
FACULTY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: _____ DATE: _____

DISAPPROVED: _____ DATE: _____

COMMENTS:
