

## **ATTACHMENT: Proposed Faculty Conduct Policy**<sup>1</sup>

(Note: Changes from the draft of the Faculty Conduct Policy discussed at the January 10 faculty meeting are denoted as follows: deleted text is ~~struck through~~; added text is **bold underlined**.)

### 1. Introduction and Applicability

Members of the Worcester Polytechnic Institute (“WPI”) faculty have traditionally conducted themselves in accordance with high standards of professional performance, ethical behavior and personal conduct. Nonetheless, from time to time it may be necessary to take action with respect to a faculty member who engages in conduct incompatible with the responsibilities of faculty membership or who fails to meet reasonable standards of performance or behavior. In recognition of this need, WPI has developed the following policy to respond to allegations of misconduct not covered by WPI’s Research Misconduct Policy and WPI’s Sexual Misconduct Policy and to inform members of the community of the appropriate channels for bringing such matters to the attention of WPI. This Policy applies to tenured, tenure-track, and continuing full-time non-tenure track members of the WPI faculty, including the President, the Provost, the Vice Provost for Research, and the Academic Deans.

### 2. Definitions

- a) *Complainant*. The individual, department or entity alleging misconduct.
- b) *Respondent*. The individual against whom an allegation of misconduct is made.
- c) *Dean*. The Dean of the Respondent’s School, department or program.
- d) *Investigator*. The individual responsible for conducting an impartial investigation of the allegations of misconduct when the process moves beyond the initial review.
- e) *Judicial Committee*. The panel of three faculty members and three senior academic administrators responsible for determination of responsibility and sanctions when the process moves beyond the initial review.

### 3. Grounds for Misconduct

Generally, grounds for misconduct are based on violations of professional ethics<sup>2</sup> in carrying out one’s responsibilities to: a) teaching and students; b) scholarship; c) the University; d) colleagues; and e) the community. **Nothing in this policy restricts a person's rights to privacy, academic freedom, free speech, and free expression including the right to speak out against a policy or action of the University.**

The ethical responsibilities and examples of violations in each category are described as follows:

*Teaching and Students:* As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid

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<sup>1</sup> This policy replaces and supersedes all previous Faculty Conduct Policies, including policy entitled “Worcester Polytechnic Institute Faculty Conduct Policy” approved by the Board of Trustees on May 11, 2018. The procedures outlined herein apply to conduct predating the implementation date unless a proceeding is pending under the old policy. All faculty members and instructional staff not covered by this Policy should consult the Work Behavior/Discipline section of the Human Resources [Employee Benefits and Policies Manual](#).

<sup>2</sup> See for example AAUP Statement on Professional Ethics.

any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom. Examples of unacceptable behavior are:

- a) Failure to meet the responsibilities of instruction;
- b) Discrimination, including harassment against a student on grounds described in <https://www.wpi.edu/about/policies/equal-opportunity-anti-discrimination-harassment> or any other arbitrary or personal reason, including disability;
- c) Violation of University instructional policies;
- d) Use of position of power to coerce the judgment or the conscience of a student or to cause harm to a student for arbitrary or personal reasons;
- e) Participating or deliberately abetting disruption, interference, or intimidation in the classroom.

*Scholarship:* Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry. This Policy covers misconduct related to scholarship only if it is not covered by the Research Misconduct Policy [https://www.wpi.edu/sites/default/files/docs/About-WPI/Policies/Research\\_Misconduct\\_Policy.pdf](https://www.wpi.edu/sites/default/files/docs/About-WPI/Policies/Research_Misconduct_Policy.pdf).

*The University:* As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions. Examples of unacceptable behavior are:

- a) Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur;
- b) Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes;
- c) Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities;
- d) Significant violations of institutional **or departmental** policies;
- e) Discrimination, including harassment against any employee, contractor, intern on grounds described in <https://www.wpi.edu/about/policies/equal-opportunity-anti-discrimination-harassment> or any other arbitrary or personal reason, including disability.

*Colleagues:* As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their

professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution. Examples of unacceptable behavior are:

- a) Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance;
- b) Discrimination, including harassment against any employee, contractor, intern on grounds described in <https://www.wpi.edu/about/policies/equal-opportunity-anti-discrimination-harassment> or any other arbitrary or personal reason, including disability;
- c) Violation of University policies related to collegiality;
- d) Breach of established rules governing confidentiality in personnel procedures.

*The Community:* As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom. Examples of unacceptable behavior are:

- a) ~~Intentional misrepresentation of~~ **Intentionally misrepresenting that one's** personal views ~~as a statement of~~ **are the views, or** position of the University;
- b) Illegal actions that clearly demonstrate unfitness to continue as a faculty member;
- c) **Conduct not protected by academic freedom, free speech, and freedom of expression that significantly damages the University's reputation or mission.**

#### 4. Sanctions

A finding of responsibility for faculty misconduct can result in a wide range of sanctions, depending on the circumstances of a particular case. Sanctions must be commensurate with the seriousness of the misconduct. Seriousness, and thus the sanction, will depend on the egregiousness of a particular action and may be affected by the **Respondent's level of cooperation with the process set forth in this Policy, and** persistence of behavior in the face of prior warnings, counseling or sanctions. In some instances, a single instance of unacceptable activity by a faculty member may be severe enough to warrant sanctions, including dismissal. In other instances, only a pattern of activity or the continuation of a particular activity or activities may warrant sanctions.

The circumstances that may lead to disciplinary sanctions cannot be anticipated in precise terms and thus grounds for sanctioning faculty members are not made the subject of a precise or comprehensive statement. The determination of appropriate sanctions will account for the following factors, including but not limited to:

- the nature and circumstances of the misconduct;
- the impact of the misconduct on the person who experienced the misconduct and the WPI community;
- the disciplinary history of the Respondent **and the Respondent's cooperation with the process set forth in this Policy;**
- the intent of the Respondent in committing the misconduct; and
- any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case.

As with the definition of misconduct, it is not feasible or wise to automatically assign a specific sanction to particular misconduct. Examples showing the range of possible sanctions include, but are not necessarily limited to:<sup>3</sup>

- A letter of reprimand from the Dean to be placed in the personnel file
- A formal apology from the Respondent
- Remedial training or counseling
- Supervision or oversight of professional activity for specified period of time
- Reassignment of duties, facilities or support
- Limitation of professional responsibilities for a specified period of time
- Restitution of misappropriated funds
- Withholding increases in compensation
- Reduction of salary
- Suspension for a specific time with pay
- Suspension without pay
- Termination of employment

Sanctions of demotions in rank or revocation of tenure are only appropriate in cases where appointment, promotion, or tenure were obtained by fraud or dishonesty.<sup>3</sup>

#### 5. General Matters

- a) All parties are encouraged to resolve disputes and disagreements in a mutually acceptable manner before this Policy is invoked. After this Policy is invoked, allegations of misconduct may be resolved at any time by mutual agreement of the Respondent, the Complainant and the Dean.
- b) At all times, the parties shall cooperate with the process, preserve (and not delete or destroy) evidence, and provide information and materials as requested.
- c) The Respondent should be provided with reasonable updates and opportunities to respond.
- d) The Respondent shall be permitted the assistance of one (1) advisor or legal counsel during any investigative proceeding, including any related meeting, interview, or hearing. Advisors may communicate with their advisee but may not speak or otherwise communicate on behalf of a party. Advisors are subject to the same confidentiality obligations applicable to others in attendance.
- e) The Respondent is entitled to the presumption of innocence, the opportunity to respond to allegations of misconduct, and the opportunity to present a defense and offer evidence. The standard of proof in deciding that misconduct has occurred should be based on a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a fact exists or a violation of this Policy occurred.
- f) Deadlines under this Policy may be extended upon a showing of reasonable cause.

#### 6. Initial Review of Allegations

- a) Allegations of misconduct (a “Complaint”) should be made in writing to the Dean of the School, department or program of the Respondent named in the Complaint. The fact that a Complaint

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<sup>3</sup> The referral of a faculty member to the Employee Assistance Program (see <https://www.wpi.edu/offices/talent/benefits-payroll-perks/benefits-matrix/employee-assistance-program>), training, counseling, or coaching is not considered a disciplinary sanction under this policy.

has been received should be made known only to the Respondent and to other persons who need to know, **based on the Dean's discretion. It should be expected that the Dean will notify the Provost and/or the President about allegations of misconduct. Because the Provost and President may be involved later in the process, they must each respect the integrity of the process as it moves forward.**

- b) Upon receiving a Complaint, the Dean shall promptly send a copy of the Complaint and a copy of this Policy to the Respondent, and shall take appropriate action to obtain and secure relevant evidence.
- c) The Respondent shall have an opportunity to provide a written response to the allegations within ten (10) days of receiving the Complaint from the Dean.
- d) Once a Complaint has been received, the Dean may explore the possibility of a satisfactory resolution outside the scope of this Policy.
- e) If the Dean believes the alleged misconduct poses any risk to the community, the Dean may, in the Dean's discretion, impose appropriate interim sanctions up to and including suspension with pay and an order that the Respondent not enter WPI's property, or participate in WPI activities or programs. The suspension shall become effective upon notification in writing to the faculty member. The Secretary of the Faculty shall be informed of the suspension. The Dean may revoke a suspension at any time. If not revoked earlier, a suspension shall remain in effect until the final disposition of the process set forth in this Policy.
- f) Upon receipt of a Complaint, the Dean shall review the Complaint and determine whether the allegations in the Complaint would, presuming the allegations to be true, meet the definition of misconduct as set forth in this Policy. If, presuming the allegations to be true, the Complaint does not meet the definition of misconduct, the Dean shall dismiss the Complaint. Otherwise, the process will move forward as set forth herein. In either case, the Dean will promptly provide written notice of the decision and rationale to the Respondent and the Complainant.
- g) If the Dean concludes that the process should move forward, the Dean shall appoint three unbiased faculty members from outside of the Respondent's home department to:
  - i. Review the written Complaint and meet with the Complainant to get their version of the alleged misconduct and relevant events;
  - ii. Review the written response from the Respondent and meet with the Respondent to get their version of the relevant events;
  - iii. Assess whether the behavior alleged constitutes a violation of this Policy and is sufficiently credible and specific so that potential evidence of such misconduct may be identified.
  - iv. Prepare a written report summarizing the process and information reviewed and, based on the criteria described in Section 7.g) iii. above, recommend to the Dean whether the process under this Policy should continue or whether the Complaint should be dismissed. The report should identify the names of the Complainant and the Respondent, contain a description of the allegations, explain why the faculty members recommend that the Complaint should be dismissed or that the process should continue under this Policy, and reflect the numerical vote (but not the names) of the three faculty members. The report shall be sent to the Dean.
- h) The Dean will consider the faculty's recommendation and then decide whether the process under this Policy should continue or whether the Complaint should be dismissed. Regardless of the decision, the Dean shall state in writing the basis for the decision and promptly send a copy of both the Dean's report and the report written by the three faculty members to the Complainant

and the Respondent. If the Dean decides that the process should continue, then the Dean's report will include a sufficiently detailed description of the allegations, the portions of this Policy that are alleged to have been violated, and any interim measures in place about which either party should be made aware. This written notice does not constitute a finding or a determination of responsibility. If the Dean decides that the process should continue, the Dean shall also provide a copy of both reports to the Provost, and the matter shall proceed as described below.

- i) The Dean shall make the decision about whether the Complaint will proceed under this Policy within sixty (60) days following the Dean's receipt of the Complaint. The Dean may extend this deadline for a reasonable time if necessary under the circumstances. The Dean shall notify all parties of any extensions.

## 7. The Investigative Phase

- a) Within ten (10) days after receipt of the Dean's decision to continue the process under this Policy, the Provost, ~~in collaboration with~~ **and** the Secretary of the Faculty shall **collaborate in good faith, concerning the appointment of an unbiased, qualified Investigator. Following such good faith collaboration, the Provost and the Secretary of the Faculty shall agree upon and** appoint an unbiased, qualified Investigator (e.g. Title IX coordinator or qualified investigator from outside the university) charged with responsibility for conducting a prompt, fair, and impartial investigation of the alleged conduct and presenting evidence to the Judicial Committee (described below). **The Provost and/or the Secretary of the Faculty may consult with the Office of General Counsel, the Vice President of Human Resources, and/or such other persons who would be helpful in selecting the appropriate Investigator. If the Secretary of the Faculty and the Provost cannot agree on an Investigator, the President shall select one after reviewing the Secretary of the Faculty's and the Provost's recommendations.** The Provost will promptly provide the Respondent with the name of the Investigator. As soon as possible, but no later than three (3) calendar days after delivery of the identity of the Investigator, the Respondent should inform the Provost (in writing) of any potential conflicts of interest about the selected Investigator. The Provost will collaborate **in good faith** with the Secretary of the Faculty in considering the nature of the potential conflict and in determining if a change is necessary. **Following such good faith collaboration, the Provost shall determine if a change is necessary.** The Provost's decision (~~in appropriate collaboration with the Secretary of the Faculty~~) regarding any conflicts with the Investigator is final.
- b) **The investigation conducted by the Investigator should focus on the violation(s) alleged in the Complaint.** The investigation ~~conducted by the Investigator~~ will include the review of documentation or other items relevant to the reported conduct as well as separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator believes will provide necessary and relevant information. ~~To the maximum extent possible, the Investigator must limit the investigation only to matters directly relevant to the alleged violation.~~ The Respondent will have the opportunity to provide the Investigator with written notice of the names and contact information of potential witnesses with whom they would like the Investigator to speak, together with a brief explanation of how the persons, documents, and/or items are relevant to the reported conduct. The Respondent may also provide the Investigator with any documentation or other items they would like to be considered. The Investigator will exercise discretion in determining what information and questions to consider and which potential witnesses will be interviewed.
- c) **The purpose of the investigation is not to look for evidence of misconduct unrelated to the allegations in the Complaint. To the contrary, the investigation should focus on the**

**violation(s) alleged in the Complaint. However,** if in the normal course of gathering evidence, the Investigator discovers evidence of other potential violations of this Policy that are separate from or in addition to the allegations in the original Complaint, then the Investigator should inform the Dean (in writing) of the new allegation. The Dean shall notify the Respondent of the additional potential violations and give the Respondent ten (10) days to provide a written response to the additional potential violations. This deadline may be extended by the Dean as necessary under the circumstances. ~~If the new allegation is unrelated to the original complaint, then~~ ~~the~~ The Dean will treat **any** the new **unrelated** allegation as a separate Complaint starting at Section 6 of this Policy (Initial Review of Allegations).

8. Procedures Following the Investigative Phase

a) **The Investigative Report:** After the investigation is completed, the Investigator will deliver an Investigative Report to the Dean. The Investigative Report shall:

- i. include a clear Statement of Charges that specifies the conduct that allegedly violates this Policy, the particular section(s) of this Policy allegedly violated, the time period when the conduct allegedly occurred, and any other information necessary to give the Respondent fair notice of the charges and alleged violations;
- ii. include a summary of the information presented during the investigation including a section where the Investigator points out relevant consistencies or inconsistencies (if any) between different sources of information;
- iii. not include a recommendation or a determination as to whether the Respondent has committed misconduct or what sanctions may be appropriate. These determinations will be made by the Judicial Committee (see below).

b) **Review by the Respondent:** Within five (5) business days of receiving the Investigative Report, the Dean will provide the Respondent with a copy of the Investigative Report. The Respondent shall respond in writing to the Statement of Charges included in the Investigative Report. The Respondent will also have an opportunity to submit written comments to the Dean about the Investigative Report within five (5) business days of receiving the Report. The time to submit written comments may be extended if the Dean concludes, in his/her sole discretion, that additional time is warranted. After reviewing the submission, if any, from the Respondent, the Dean may determine that additional investigation is required, in which case the Investigator will supplement the Investigative Report and submit a final Investigative Report to the Dean. Any submissions made by the Respondent, as well as any other documentation deemed relevant by the Investigator, will be attached to the Investigative Report. Within three (3) business days of receiving the final Investigative Report, the Dean will provide the Respondent with a copy of the final Investigative Report.

c) **Convening the Judicial Committee:** After receipt of the final Investigative Report, the Provost and the Secretary of the Faculty shall appoint a six member Judicial Committee (“Committee”) comprised of three senior administrators and three faculty members from outside the Respondent’s home department.

- i. The faculty members shall be selected from the elected members of the Faculty Review Committee (FRC) and the elected faculty members of the Campus Hearing Board (CHB).
- ii. The senior administrators shall be selected from a pool of senior academic administrators.

Once the Committee has been ~~identified~~ **appointed**, the Dean shall notify the Respondent in writing of the names of the members of the Committee. Within five (5) days, the Respondent

may challenge the composition of the Committee based on alleged bias or conflict of interest. If a challenge is raised, the remaining members of the Committee shall determine whether bias or a conflict exists. If a bias or conflict is found, the Provost and the Secretary of the Faculty shall select a replacement from the pool of elected FRC and CHB members or from other academic administrators, as appropriate.

- d) **Roles and Responsibilities of the Judicial Committee.** Within ten (10) days following the establishment of the Committee (and the resolution of any challenge(s) based on bias or conflict of interest), the Committee should meet and select one faculty member **and one senior academic administrator** to serve as **Co-Chairs**.

The Judicial Committee will obtain the Investigative Report from the Dean and convene to review the Investigative Report. The Judicial Committee, in its discretion, may request the Investigator to attend a Judicial Committee meeting and answer questions. The Judicial Committee, in its discretion, may request the Investigator to conduct additional investigation on specific points. In addition, the Judicial Committee must interview the Complainant and the Respondent (where those individuals are available and willing to be interviewed) and, in its discretion, may request to speak with any other individual identified in the Investigative Report as well as any other individual with relevant information including individuals identified by the parties.

The Judicial Committee may request the parties that participated in the investigation to appear at a hearing to answer questions posed by the Judicial Committee. The Respondent should indicate whether the Respondent waives the holding of a hearing. If a hearing is to take place, then:

- i. The Committee **Co-Chairs** should promptly set a schedule for the hearing and the other disclosures and responses addressed in this section. The hearing schedule may take place over several days, as necessary. Before setting the schedule, the Committee **Co-Chairs** should discuss the proposed schedule with the Respondent. Once the schedule is set, the Committee **Co-Chairs** may allow reasonable extensions of time upon request.
- ii. The Committee **Co-Chairs** shall provide the Respondent with copies of all materials the Committee intends to use at the hearing and the names of witnesses expected to testify. Thereafter, the Committee **Co-Chairs** may supplement these materials as necessary with adequate notice given to the Respondent.
- iii. The Respondent shall provide the Committee **Co-Chairs** with copies of all materials the Respondent intends to use at the hearing and the names of any witnesses expected to testify. Thereafter, the Respondent may supplement these materials as necessary with the permission of the Committee **Co-Chairs**.

At the hearing:

- i. The Respondent shall have an opportunity to present the Respondent's defense to the Committee including any documents, witnesses or other evidence. The Respondent should be allowed, within reasonable limits set by the Committee **Co-Chairs**, to question witnesses.



- ii. The Committee will not be bound by rules of evidence applicable in a court of law, and may admit any evidence which, in its opinion, is of probative value in deciding the issues involved. If any facts are in dispute, the Committee shall determine the order in which evidence is offered at the hearing and the process for questioning witnesses.

The Committee shall conclude its review of the case (including the hearing) and make a decision within sixty (60) days after the establishment of the Committee (and the resolution of any challenge(s) based on bias or conflict of interest). All findings and determinations of responsibility and sanctions will be made based on a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a fact exists or a violation of this Policy occurred.

Upon reaching a determination of responsibility by majority vote (4 to 2, 5 to 1, or 6 to 0), the Committee shall provide a written report to the Dean, the Provost, the Respondent and the Complainant consisting of: (i) the Committee's factual findings; (ii) a decision as to whether the Respondent committed misconduct; (iii) any sanction; and (iv) the rationale for these decisions addressing the merits of any reasonable explanation or defense provided by the Respondent; and (v) the *numerical* vote of the Committee without identifying individual votes.

In the case of a tie vote (3 to 3), the Committee shall deliver its report (with its factual findings, with appropriate rationale both for and against a finding of responsibility, and without a determination of responsibility and sanctions) to the President. The Committee's report shall indicate that the vote was tied and **shall identify** whether the three faculty members all voted to find the Respondent not responsible. The President will have access to all written reports and materials relevant to the case. In all such cases, the President shall consider the matter and consult with the Judicial Committee and the Secretary of the Faculty before making a decision.

- i. If the three faculty members on the Judicial Committee *did not* all vote to find the Respondent not responsible then the President shall make a final written decision with supporting reasons about whether the Respondent committed misconduct and any sanctions to be imposed. The President's final written decision shall be delivered to the Provost, the Complainant, the Respondent, and the Judicial Committee. The Respondent, **the Complainant, and the Provost** shall also receive the Judicial Committee's written report.
- ii. If the three faculty members on the Judicial Committee *did* all vote to find the Respondent not responsible and the President *agrees* with the faculty position, then the President will notify the Judicial Committee, the Dean, the Provost, the Complainant and the Respondent that the Respondent has been found not responsible. **The Respondent, the Complainant, and the Provost shall also receive the Judicial Committee's written report.**
- iii. If the three faculty members on the Judicial Committee *did* all vote to find the Respondent not responsible and the President *disagrees* with the faculty position, then the President will state the reasons for doing so, in writing, to the Judicial Committee and the Respondent and shall provide an opportunity for a response **from the Respondent** before transmitting the Judicial Committee's report and the supporting materials relevant to the matter, to the Board of Trustees. The Board's review will be based on the supporting materials relevant to the case, and it will provide the opportunity for argument, oral or written or both, at the hearing, by the parties and one of the faculty members on the Judicial Committee, or by their

representatives. If the Board is inclined to find the Respondent responsible, then the Board shall state the basis for its inclination in writing and return the proceedings to the Judicial Committee for reconsideration. The Committee will then reconsider, taking into account the Board's comments and receiving new evidence, if necessary. The Board of Trustees will make a final decision only after study of the Committee's reconsideration. The Board's final written decision shall be delivered to the President, the Provost, the Complainant, the Respondent, and the Judicial Committee. The Respondent shall also receive the Committee's written report.

## 9. Appeals

- a) The Respondent may appeal any finding of misconduct and any sanction to the President within two (2) weeks after the Respondent received notification of the decision. If the Respondent is appealing from a decision made by the President (where the Committee vote had been tied) then the appeal should be directed to the Chair of the Board of Trustees. The President (or Board Chair) will have access to all written reports and materials relevant to the case.
- b) Before the President (or Board Chair) decides the appeal, the President (or Board Chair) shall consult with the Judicial Committee Chair and the Secretary of the Faculty. The President (or Board Chair) should issue a decision within thirty (30) days of receiving the appeal. The President's (or Board Chair's) decision shall be final in all cases except cases involving a sanction of termination of employment or revocation of tenure.
- c) If the President (or Board Chair) imposes a sanction of termination of employment or revocation of tenure, the Respondent may appeal the finding of misconduct and the sanction to the full Board of Trustees within two (2) weeks after the President (or Board Chair) notifies the Respondent of the imposition of the sanction. If the Respondent appeals to the full Board, the Chair of the Board (or Board Vice-Chair in a case where the appeal was decided by the Chair), **following good faith** ~~in~~ collaboration with the Secretary of the Faculty, shall appoint a committee of five (5) faculty members (who have not had prior involvement in the case) who will make a recommendation regarding the finding of misconduct and the sanction imposed. The faculty committee will have access to all written reports and materials relevant to the case. The faculty committee will summarize the basis for its recommendation in a written report to the Board Chair (or Board Vice-Chair) within thirty (30) days. The Board Chair (or Board Vice-Chair) should issue a written decision within thirty (30) days of receiving the faculty committee's report. The Board Chair's (or Vice-Chair's) decision shall be final.
- d) Other than interim institutional actions which may already be in effect, any finding of misconduct, and the imposition of any sanction, will be stayed while an appeal is pending before the President or the Board of Trustees.
- e) If a faculty member is dismissed or suspended without pay, the faculty member's salary ends at a **future** time to be determined by the Board of Trustees.

## 10. Provisions Common to the Misconduct Review Process

- a) *No Bias or Conflicts of Interest:* To the maximum extent practicable, steps should be taken to ensure an impartial and unbiased process, including participation of persons who have no conflicts of interest that could affect their ability to be objective and unbiased.

In cases where allegations of misconduct have been brought against the Dean or the Provost, or where there is a claim of bias or conflict of interest involving the Dean or the Provost, then the President shall resolve any questions of bias or conflict of interest and adjust the process as

necessary. The President's decision on such questions shall be final. In cases where allegations of misconduct have been brought against the President, or where there is a claim of bias or conflict of interest involving the President, then the Provost shall resolve any questions of bias or conflict of interest and adjust the process as necessary.

**In the case when allegations have been brought against the Secretary of the Faculty, the Chair of the Committee on Governance will play the role of the Secretary of the Faculty in this policy.**

- b) *Duty of Honesty*: Any person who knowingly makes a false statement – either explicitly or by omission – in connection with any part of the process will be subject to separate disciplinary action. A false or unfounded report of misconduct determined to have been made in bad faith and dishonesty is a serious offense. Such offenses should themselves be investigated under the appropriate WPI policy and may lead to disciplinary action, up to and including termination of employment or other affiliation with WPI. A report made in good faith is not considered false merely because the evidence does not ultimately support the allegation of violation of the Policy.
- c) *Good Faith Participation by the Parties and Witnesses*: The investigation is a neutral fact-gathering process. Although participation in the process is not required, the Complainant, the Respondent, and all witnesses are expected to participate in good faith in the process set forth in this Policy, and they may be required by WPI to attend meetings related to the process. Any person who knowingly interferes with the reporting, investigation, or resolution of matters under this Policy may be subject to separate and/or additional disciplinary action.
- e) *Confidentiality*: Proceedings concerning misconduct often raise difficult issues for those making the allegations, for those who are the subject of the allegations, and for those responsible for reviewing the allegations. Review of the allegations should therefore be conducted promptly and with care and sensitivity. All participants in the review process under this Policy are expected to maintain confidentiality to protect the privacy of all involved, to the extent possible and as permitted by law. Participants should keep in mind the effect that allegations can have on reputations, even if the allegations are not sustained by the proceedings.
- f) **No Retaliation: Retaliation is typically a significant adverse action taken against an individual because the individual participated in a review process. Retaliation is a serious offense. No one shall be retaliated against for participating in a review of a misconduct allegation in good faith as a Complainant, a witness, a factfinder, or investigator or in any other capacity. Reasonable efforts should be made to counter potential or actual retaliation against these complainants, witnesses and committee members. A complaint of retaliation may be investigated and may lead to disciplinary action, up to and including terminating the individual's relationship with WPI.**
- g) *Record Keeping*: The Provost should receive and maintain all records relating to proceedings under this Policy including all notices to and from the parties, all written reports, all decisions, all appeals by the parties, and all decisions involved in the appeals process under this Policy.
- h) *Special Measures*. If there is no finding of misconduct, the University should make reasonable and practical efforts as appropriate to restore the reputation of the Respondent. Any such concerns by the Respondent should be directed to the Provost for follow up with other administrators as appropriate.