

**KENT STATE UNIVERSITY**  
**FACULTY ETHICS COMMITTEE**  
**PURPOSE AND PROCEDURES**

**1. PURPOSE**

Per Faculty Senate Bylaws (G) (3) (f): the Faculty Ethics Committee (“the Committee”) serves as a screening and hearing body for any faculty member who wishes to lodge a charge of unethical professional practice against another faculty member. A charge may also be filed against an administrator with faculty rank only in relation to those responsibilities assigned as a faculty member. ‘Unethical professional practice’ is defined as a violation of the Faculty Code of Professional Ethics (3342-6-17 of the University Policy Register). The Committee may also serve as a hearing body for faculty members who wish to request a hearing to respond to charges made against them.

**2. MEMBERSHIP**

Membership shall be determined by the Faculty Senate Bylaws. Alternates for a unit and at-large alternates shall be listed in descending order according to the number of votes received. The term for the alternate shall be for the remainder of the elected term.

The Chair of the Committee shall be elected annually by the Committee from its membership.

**3. RECUSAL AND REMOVAL OF MEMBERS**

- A. Any members of the Committee who are directly involved in a case before the Committee or who judge that they cannot render impartial judgment in a case shall recuse themselves from all Committee activities pertaining to the case. Members may recuse themselves at any time during the proceedings.
- B. The Committee may by a vote of three-fourths (3/4) of the members remove a member who, in the judgment of the other members, has or may have a conflict of interest or other consideration that likely impairs the member’s impartiality. The member in question is excluded from this vote. A member may be removed at any time during the proceedings.
- C. In the event of a member’s recusal or removal, the Chair of the Committee, with the approval of a majority of Committee members, shall select a unit alternate to serve on the Committee for the duration of that case. If the recused or removed member is Committee Chair, then the remaining members of the Committee shall elect an interim chair to serve for the duration of that case, including the selection of an alternate member. Should the elected member and all alternates from any unit recuse themselves from a given case, alternates from other units will be called upon to hear the case.

**4. SCREENING PROCEDURE**

- A. A faculty member(s) (“Complainant(s)”) who is (are) lodging a charge of unethical professional conduct against another faculty member (“Respondent”) shall prepare a file consisting of all documents the Complainant(s) would like considered and a list of witnesses the Complainant(s) wish to give testimony at a hearing and shall submit the file to the Chair of the Committee. Note that one or more complainants can bring a complaint against a single respondent.
- B. The written complaint submitted by the Complainant(s) should include the nature of the complaint, the facts and circumstances leading to the complaint, and reasons or evidence in support of the complaint. The written complaint shall present the charge in terms of violating

stated provisions of the Faculty Code of Professional Ethics (3342-6-17 of the University Policy Register). The file submitted by the Complainant(s) becomes the basis for all further consideration of the matter. Unless additional material is requested by the Committee, no additional materials may be submitted by the Complainant(s) once the written complaint is submitted.

- C. The complaint shall include a statement indicating how the Complainant(s) used the consultative procedures at the departmental, college, or regional campus levels such as FAC, CAC, or FC, as appropriate for the case. The Committee shall normally decline to hear ethical disputes without documented evidence of a bona fide attempt at resolution at the unit, college, or regional campus level. If, however, a dispute involves parties in different colleges or at different campuses, the dispute is of a highly sensitive nature, or for other good cause, a majority of Committee members may vote to hear the complaint without a prior attempt at resolution.
- D. No more than thirty (30) calendar days may elapse from the time of final unsatisfactory resolution of a charge through consultative procedures for the matter to be formally initiated in writing with the Committee. If the final unsatisfactory resolution occurs during Finals Week or after the end of a regular semester or during a summer session, the Complainant(s) shall have up to fifteen (15) calendar days at the start of the next semester to submit a complaint. Upon receipt of the initial written complaint, the Committee may deem it necessary to request additional information, which must be submitted within ten (10) calendar days from the day of the Committee's request.
- E. The Committee, upon receiving the file, shall meet within seven (7) calendar days to review the documents to determine whether the charge is within the purview of the Committee. If a majority of the Committee membership agrees that a case is within the purview of the Committee, a hearing shall take place following the procedures below. If a majority of the Committee judges that a charge is not within the purview of the Committee, the Complainant(s) and, when appropriate, the Respondent, shall be notified, in writing, within ten (10) calendar days.
- F. If the Committee rules that a complaint is within the purview of the Committee, the Complainant(s) and Respondent shall be notified in writing within ten (10) calendar days. If they have not already received them, the parties shall be sent copies of the Faculty Code of Ethics along with a copy of this Committee's Purposes and Procedures. The Respondent shall also receive copies of all documents included in the complaint. Upon notification that a hearing will be held, the Complainant(s) has five (5) days to provide the Committee with a list of witnesses. No more than five witnesses are permitted. The list of witnesses should be conveyed to the Respondent within two (2) calendar days by the Chair.
- G. Upon receipt of notification that the Committee will hear the complaint, the Respondent shall have twenty (20) calendar days to submit to the Committee a written response with supporting documentation and a list of no more than five (5) witnesses the Respondent wishes to give testimony at a hearing. Additional material may be requested by the Committee, but no additional materials may be submitted by the Respondent once the response has been received by the Committee. If the notification that the Committee will hear the complaint occurs during Finals Week or after the end of a regular semester, the Respondent shall have up to fifteen (15) calendar days at the start of the next semester to submit a written response. The Chair of the Committee shall provide written notification of the date, time, and place of the hearings to the parties and to the Committee members no less than five (5) calendar days prior to the hearing. The Chair shall also provide, in a timely manner, copies of all documents related to the complaint to both parties and to all members of the Committee. The Chair shall provide all witnesses with copies of the Faculty Code of Ethics and the Committee's Purposes and Procedures. It is the responsibility of the Complainant(s) and the Respondent to provide their witnesses with a copy of the complaint and any other materials previously submitted to the Committee that they deem relevant. Except

under exceptional circumstances to be determined by the Chair of FEC, no more than five (5) witnesses representing the Respondent and the Complainant(s) are permitted.

- H. The hearings shall be held at a mutually agreed upon date no later than fifteen (15) calendar days after the notification of the Complainant(s) and Respondent.
- I. In extraordinary circumstances and with proper written substantiation requesting an extension of a deadline by one of the parties, the Committee members may determine that an extension is warranted.

## 5. HEARING PROCEDURE

- A. The conduct of matters brought before the Faculty Ethics Committee shall be non-adversarial in nature. The hearings shall be closed to all but those necessary for a full and complete hearing. The Complainant(s) and the Respondent shall be invited to appear before the committee. Each party may bring one (1) faculty advocate and no more than five (5) witnesses. Under exceptional circumstances to be determined by the Chair of FEC, additional witnesses may be permitted. Faculty advocates shall be full-time faculty as determined by the Faculty Senate census. The committee may also invite testimony from any other persons who, in the judgment of the committee, may assist in its examination and evaluation of the complaint. Legal counsel is excluded.
- B. The Faculty Ethics Committee shall hold two separate hearings: one for the Complainant(s) and one for the Respondent. The Complainant(s) and Respondent shall each have up to forty-five (45) minutes for their respective presentations. For a period after the presentations not exceeding thirty (30) minutes, the members of the Committee may question any person who has presented information at the hearing. The Complainant(s) or Respondent shall then have the opportunity to give a final summation of at most ten (10) minutes. The Committee may choose to adjust the periods depending on the nature of each case.
- C. Following the hearings, the Committee shall have five (5) calendar days to produce a written recommendation concerning the charge. The question before the committee is whether a preponderance of the evidence supports the conclusion that the Respondent committed a violation of the Faculty Code of Professional Ethics (3342-6-17 of the University Policy Register). An affirmative answer to this question and any subsequent recommendation shall require a two-thirds majority of the vote of the Committee. The Committee may recommend that the Provost pursue restorative measures or disciplinary actions consistent with the applicable Collective Bargaining Agreements or University Policy. In the case of a null finding the Committee's report of the vote and any recommendation shall be sent to the Chair of Faculty Senate and to both the Complainant(s) and the Respondent. In the case of a finding of a violation, the Committee's report and any recommendation shall be sent to the Chair of Faculty Senate, the Complainant(s), the Respondent, the Vice Provost of Faculty Affairs, and the Provost. If the Provost does not concur with the committee's finding that a violation has occurred, the Provost shall notify the Chair of Faculty Senate of this decision in a timely fashion. If the Provost does concur with the committee's finding that a violation has occurred, the decision concerning any restorative measures or disciplinary actions will be communicated to the Chair of Faculty Senate at the conclusion of the due process provided by any applicable Collective Bargaining Agreement or University Policy.
- D. In Committee deliberations pertaining to a Complaint, the Chair of the Committee will have a vote.
- E. As the Committee's hearings yield only recommendations and not sanctions or censure, no formal appeal process attaches to this procedure.

- F. If any members of the Committee, including the Chair, are involved in hearing a case when their terms of office end, they shall continue hearing that case until it is terminated. No newly elected member of the Committee shall join a case in progress.
- G. The proceedings of this Committee are confidential and absolute integrity is expected of all parties involved in each Complaint.

**6. REPOSITORY OF THE DOCUMENTS**

Copies of all documents used in the hearing, including the final report, shall be filed for safekeeping with the Secretary of the Faculty Senate following Faculty Senate archiving procedures.

**7. REPORT OF THE FACULTY ETHICS COMMITTEE TO THE FACULTY SENATE**

By May 1 of each year, the Committee shall report to the Chair and the Executive Committee of the Faculty Senate a summary report of the Committee's activities during the academic year.