

FACULTY SENATE

Violations of Faculty Ethics

Adopted by the Faculty Senate on January 2011

The Committee on Faculty Ethics (CFE) is convened by the Faculty Senate (FS) when it receives and considers charges of violations of faculty ethics that involve the abuse of professional responsibilities as outlined in Code of Ethics (Board Policy 470). The FS also acts to promote knowledge of and adherence to the ethical principles of the faculty.

The CFE is not intended to be used to seek remedies such as monetary damages. The CFE will not act when legal, mediational, or other proceedings have been initiated or are ongoing by complainants that render the CFE's pursuit of an investigation redundant or disruptive. The CFE will not act on matters that have been or should be referred for investigation and action to an administrative officer, supervisor, or another appropriately charged committee in accordance with the College's policies and procedures. Complaints concerning personnel actions taken by a supervisor are to be handled by the applicable grievance procedure. If ethical issues arise from, or remain unresolved following such proceedings, the CFE will be available to receive or consider charges of violations of the principles.

The Committee on Faculty Ethics is composed of five members, four faculty members and a fifth person to be chosen by the committee, which could be student, staff or outside member. Committee members are appointed by the president of the Faculty Senate with the advice of the senate. All faculty committee members must be full-time faculty members. The CFE shall select their chairperson when they first convene. A quorum of the CFE consists of three members.

OPERATING PROCEDURES

The following steps constitute the planned procedure to be followed in all cases that are presented to the CFE for investigation of an alleged ethics violation by a Guam Community College faculty member.

Filing of Complaint

A written complaint report form (see attached) about the faculty member's alleged ethics violation can be submitted by anyone to the FS President. This form must be submitted within ten working days of the alleged incident. The exception to this timeline is if the incident occurs within 20 working days of the end of the postsecondary semester. For this exception, the complaint report form must be turned in within ten working days of the beginning of the next semester, with the exclusion of the summer semester.

The FS will examine the charges in the complaint report and determine if the issue is under the purview of the Faculty Senate. The FS will establish if legal, administrative, mediational, or other procedures are currently underway that render the CFE's possible pursuit of an investigation redundant or disruptive. If any such procedures are in progress or are known to have been initiated, the FS will decline to investigate the charges. If the FS

determines that the complaint is under the purview of the FS, then the FS will convene the Committee on Faculty Ethics. If the FS determines that it is not within their purview, then guidance and direction will be given to the complainant. The FS has five working days from receipt of the complaint form to inform the complainant on the status of their decision.

If an investigation is to be initiated, the CFE chair will secure permission from the accuser(s) to reveal their name(s) to the accused (and others involved in the investigation) before any further steps can be taken. If permission is not obtained, the CFE will have to reconsider its decision in light of the need to conceal the accuser's identity. If the investigation is initiated, then the remaining steps will be followed unless the charge is withdrawn.

The CFE can determine at any time to stop the investigation if any legal, administrative, mediational, or other procedures are initiated that render the CFE's pursuit of an investigation redundant or disruptive.

The CFE has 20 working days to render a decision. The final decision must be agreed upon by at least three members. The CFE decision is final and cannot be appealed. The accuser can withdraw their charge at any time.

Charges of the CFE:

Preparation

1. Outline the scope of the investigation: the scope includes a determination of the time frame, issues and parties involved, and the possible range of recommendations to be reached. Responsibilities of committee members will be determined, including the appointment of an evidence officer, if appropriate.
2. Itemize the ethical issues in question: each issue will be clarified as it pertains to the case.
3. Identify all witnesses to be contacted: the accuser(s) and accused will be asked to provide a list of relevant witnesses.
4. Identify all materials to be studied: the CFE will consider any material presented to it that will substantiate or refute the charges, or other evidence from any other pertinent source.
5. Prepare interview questions: a list of questions will be prepared for each person to be interviewed.
6. Contact all witnesses to arrange their interviews within the time deadlines specified by the CFE and explain the interview process and the rights of the individuals involved.

Investigation and Action

1. The CFE will conduct interviews.
2. The CFE will collect and analyze evidence and materials.
3. The CFE will deliberate on their finding and reach a conclusion.
4. If the CFE determines that a violation did not occur, then the report is prepared and the case is closed.

5. If the CFE determines that an ethics violation occurred, then the following consequences may be considered. The committee will determine the extent to which the consequences are implemented, such as the length of time, and the forum.
 - a) Public announcement
 - b) Public apology
 - c) Cannot serve on any standing committee
 - d) Cannot apply for PDRC
 - e) Cannot apply for Promotions
 - f) Submission of letter to their employee file
 - g) Submission of letter to the appropriate Dean for consideration in the evaluation process
 - h) Completion of appropriate counseling, training or course
6. The CFE will send a signed copy of the final report with the decision to the accuser(s) and accused, and the Faculty Senate. The FS may send the report, if necessary, to other individuals such as the President, deans, and department heads.

The FS President will retain the official record of the case in the FS filing system. The case will then be closed.