

## II.F.5. Initiation of Complaint

Any member of the university community may file a formal complaint against a faculty member. Formal complaints regarding possible violations of the Faculty Code of Professional Ethics, II.C.1, and/or the Conduct Regulations, II.F.3, are addressed in writing (email, letter, or memorandum) to the provost.

Complainants are encouraged, but in most cases not required, to seek resolution at a lower level when possible (e.g., chair or director, dean) or another office (e.g., Ombuds, HRS, CCR, Office of Research, Faculty Status Committee); however, complaints of conduct implicating *EP #15* must always be referred to CCR for assessment. If the complainant has *not* utilized another complaint resolution process prior to filing a formal complaint with the provost, they must explain the reasons for filing their complaint directly with the provost.

Unless the provost determines a complaint should be remanded to another complaint resolution process, they shall, within ten (10) business days of receiving the complaint, determine whether the allegations, if proven, would constitute cause for discipline. If they would not constitute cause for discipline, the provost communicates that decision to the complainant in writing (email, letter, or memorandum).

If the provost determines that the charges would constitute grounds for discipline, if proven, they shall promptly initiate an investigation or rely on a previously conducted investigation in accordance with Section II.F.7 and notify the claimant and the respondent of the next steps.

## II.F.6. Temporary Reassignment

At any time after allegations have been made, if the provost believes there are compelling circumstances that warrant reassignment of the faculty member from duties pending resolution of the allegations, only the provost may, after consultation with the faculty member, their chair or director and dean, and HRS, reassign the faculty member. Temporary reassignment is not a disciplinary sanction and is not reflected as such in a faculty member's personnel file. When determining whether temporary reassignment is warranted, the provost's primary concern is protection of students, employees, and the university, balanced with fairness to the faculty member and potential consequences of reassignment. At a minimum, the following factors are considered:

- (a) **Nature and seriousness of the allegations** (for example, do they involve criminal conduct, Title IX sexual harassment, or similar level of discriminatory harassment; are there significant safety concerns; is there a pattern of behavior or is it escalating over time; number of individuals potentially impacted)
- (b) **Availability and feasibility of less stringent measures** that would effectively prevent further harm (for example, clear directives coupled with increased supervision, separation from the complainant; effectiveness of any prior measures taken)
- (c) **Impact on the investigation** (including retaliation risk, potential for witness influence or evidence destruction)

If the provost decides to temporarily reassign the faculty member's duties, the provost must ensure the following:

- (a) The faculty member's regular salary, benefits, and other terms and conditions of employment continue during the period of reassignment (or, for fixed-term appointments, until the end date of the contract, whichever is sooner).
- (b) The faculty member is informed of any restrictions or workplace management plans for them in writing.
- (c) If the final decision is "no discipline" in accordance with section II.F.8, the period of reassignment is taken into consideration when evaluating progress towards promotion and/or tenure. For pretenured faculty, this may require extension of the tenure clock for a period of time equal to the period of reassignment.
- (d) Impacts on the faculty member's research program (if applicable) during the temporary assignment and afterwards (if the final decision is "no discipline") are taken into consideration and mitigated when feasible.

Without the consent of the faculty member, temporary reassignment of duties may not exceed the duration of the disciplinary process and any resulting adjudication.

## II.F.7. Investigation of Complaint or of Provost Concerns

If the provost determines that the allegations, if proved, state grounds for discipline, they will notify the respondent in writing within twenty (20) business days from the receipt of the allegations. Within ten (10) business days of such notification, the provost will initiate an investigation into the matter, unless a reliable investigation, which includes notice to the respondent and an opportunity to respond, has already been completed. In such cases, the provost, in their sole discretion, may elect to rely on the investigation in lieu of the investigation provided for in this Section II.F.7. In matters involving discrimination and harassment (see *EP #15*), the provost must rely on the investigation and recommended findings completed by Compliance and Civil Rights (CCR) in lieu of the investigation provided for in Section II.F.7 (see the CCR Procedural Guidelines for investigation procedures). For matters involving misconduct in research, see *EP #33*. If the provost initiates an investigation,

the provost shall notify the respondent of the general nature of the allegations, the requirement for cooperation during an investigation, the right to present information on their behalf, and the obligation not to retaliate against those filing the complaint. The provost shall also determine the appropriate composition of the investigative body. This investigative body may include, but is not limited to:

- (a) Themselves
- (b) Vice provost, associate vice provost, executive vice president, or vice president
- (c) Dean, department chair, school or program director
- (d) CCR
- (e) Human Resource Services
- (f) Faculty
- (g) Administrative professional employees with relevant expertise (other than those in the offices listed above)
- (h) External (non-university employees) consultants/contractors with specialized expertise

### *Timeline for Investigation*

Provost-initiated investigations generally are completed within sixty (60) calendar days of the date initiated; however, this timeline may be extended up to one hundred twenty (120) calendar days upon written notice to the complainant and the respondent.

The 120-day timeline may be extended only when an unanticipated, compelling reason exists, which includes:

- (a) Medical or other emergencies;
- (b) Unanticipated unavailability of key witnesses;
- (c) New evidence that has a likelihood of changing the outcome of the investigation;
- (d) Significant procedural irregularities; or
- (e) Other unanticipated circumstances of a similar nature.

The provost must provide the complainant and respondent with written notice of any extended timeline beyond 120 calendar days, including the reason for the extension. Additionally, the provost must review any continued reassignment of duties with the faculty member, the chair or director, and the dean.

### *Authority of Investigators and Employee Obligations*

Investigative bodies have the authority to gather and review relevant records, including employment and other records, and conduct interviews of the respondent faculty member, complainants, and witnesses. Subject to any conditions of applicable collective bargaining agreements or other legal rights, faculty members and other university employees are required to cooperate with investigations, including providing information and participating in an interview if requested.

### **II.F.8. No Discipline**

If the complaint involves Title IX Sexual Harassment (*EP #15B*), the complainant and respondent must be afforded a formal hearing consistent with the process for formal discipline with major sanctions described in II.F.10. Otherwise, if after investigation, the provost determines that the alleged conduct either did not occur or did not constitute a violation of the Conduct Regulations, II.F.3, the provost shall notify the respondent faculty member and the complainant in writing within ten (10) business days of the completion of the investigation. In matters involving discrimination and harassment (*EP #15*), the provost must consider the CCR investigation report and recommendations. However, the provost may engage in additional interviews or review to assess credibility as needed. A determination of no violation by the provost is final, except in matters involving Title IX Sexual Harassment (*EP #15B*), which have specific appeal rights as outlined in the CCR Procedural Guidelines.

### **II.F.9. Summary Suspension**

Summary Suspension is the responsibility of the president. Ordinarily, the disciplinary authority of the University will be invoked only after completion of the procedures established for the review of discipline cases and after the individual has utilized any appeal procedures desired as described in the following sections of the disciplinary regulations. A decision by the provost to place an individual faculty member on leave without pay while the faculty disciplinary process is pending is not considered a summary suspension if the individual is otherwise legally prohibited from performing their assigned responsibilities (for example, due to incarceration, court order, or other legal process), as detailed in Section III.D.13.

However, if at any time the provost becomes aware of information that causes them to believe there is an immediate threat to the public health, safety, or welfare, to University property, or to the safety or welfare of any member of the University community (including the respondent faculty member), the provost shall immediately institute summary suspension procedures. These procedures require the provost to provide the faculty member written notice of charges against them, with a written statement of the evidence that supports the charges, and with an opportunity to respond to the charges. If,

after receiving the faculty member's response, the provost believes that the immediate threat remains, they will recommend to the president that the faculty member be summarily suspended.

The president shall consider this recommendation, including the summary of the basis therefore and the faculty member's response to the charges, and determine whether to summarily suspend the faculty member. If the faculty member is summarily suspended, salary shall not continue for the duration of the summary suspension. In all such emergency cases, the faculty member is thereafter entitled to all the formal hearing process rights as provided in this section on formal discipline.

A decision to summarily suspend a faculty member shall comply with the requirements of RCW 34.05.479. The order of summary suspension shall be served to the faculty member in person. The notice should indicate that the suspension is for an emergency purpose in accordance with this section. It shall contain a brief statement of reasons to justify the summary suspension. If personal service is not feasible the notice shall be sent by certified mail. If there is to be a restriction on the faculty member's privilege to be present on University property, the faculty member shall be notified of that constraint, and such notice will be simultaneous with the notice of summary suspension.

The provost shall issue a statement of charges within five (5) business days of the imposition of a summary suspension and shall request that the Faculty Status Committee expedite the selection of a hearing committee. The Hearing Committee shall schedule the hearing within the next thirty (30) business days. This right to an expedited hearing may be waived by the respondent faculty member.