

Replacement of FH Section 7.2.7.6 Non-disciplinary Corrective Action

Rationale

Section 7.2 defines faculty misconduct as:

Every faculty member of the University recognizes that certain types of behavior constitute misconduct. Such behavior compromises the integrity of the University and the trust placed upon its members. The University will take any actions necessary to prevent misconduct and discipline those it finds responsible. Generally, adequate cause for sanction of a faculty member includes but is not limited to:

- *Professional dishonesty in teaching, research, extension, or administrative activity;*
- *Demonstrated incompetence;*
- *Substantial and manifest neglect of duty; or*
- *Serious misconduct prohibited by law, Board of Regents policies, or official university policies.*

The intent of non-disciplinary corrective action (Section 7.2.7.6) is to address potential faculty conduct issues promptly so that concerns can be corrected before rising to the level where a formal faculty conduct charge needs to be made. The goal is coaching, rather than disciplinary, with appropriate actions being educational in nature (review policies, attend training, etc.) to ensure that faculty clearly understand university policies and expectations. Letters of non-disciplinary corrective action (also known as letters of direction) aim to document the attempts by chairs/deans to address these concerns promptly (i.e., when they occur).

However, the line between non-disciplinary corrective action and disciplinary action in these letters may be unclear. Furthermore, some letters of direction have been issued without the chair (dean) giving the faculty member an opportunity to share their perspective on the issue. In some cases, directives that can be interpreted as disciplinary have been imposed without the peer review process outlined in our faculty conduct policy in Chapter 7 of the ISU Faculty Handbook. Some faculty have also indicated that the first time they were aware of any concerns is when they received a letter of direction. Faculty and administrators continue to struggle with the implementation of this policy.

Rather than try to clarify or edit this policy, this proposal seeks to replace the current policy with a graduated policy of progressive corrective action designed to identify and correct problematic conduct before it rises to level of a formal faculty conduct charge. The new policy also formalizes the current best practice of starting with a conversation.

UPDATE: Based on suggestions at the first reading, the Executive Board added a timeline for the all responses. Based on suggestions submitted by Senator Padgett Walsh for the Executive Board to consider, there are additional changes in this version.

7.2.7.6 Progressive Corrective Action

Corrective action aims to address and resolve concerns related to faculty conduct. Whenever possible, the corrective action process should be a productive collaboration between the department chair (and/or dean) and the faculty member to achieve the improvement needed for the faculty member’s conduct to comply with all university policies and procedures, relevant laws, and professional expectations outlined in the Faculty Handbook and policy library. The goal is to identify and correct potentially problematic conduct before disciplinary action is warranted.

Progressive corrective action identifies conduct concerns (related to specific university policies and procedures, relevant laws, and/or professional expectations outlined in the Faculty Handbook and policy library). Progressive corrective action provides a faculty member with written notice, indicates how the faculty member should address the concerns, provides appropriate resources (policies, training, or similar professional improvement opportunities), and advises the faculty member of potential consequences if the conduct is not appropriate. In all cases where policies or laws may have been violated (or perceived to have been violated) progressive corrective actions must communicate to faculty those policies or laws.

Progressive corrective action should (when possible) include the following three levels of response:

1. **Clarification meeting.** The chair (and/or dean) shall meet with the faculty member to discuss the conduct concern. The goal of this meeting is to make the faculty member fully aware of the concern and to provide guidance and advice to resolve the concern. The discussion should identify any policies or laws that may have been violated (or perceived to have been violated). The clarification meeting should also avoid drawing conclusions or be a debate regarding the legitimacy of the concern. After the meeting, the chair (or dean) shall document the clarification meeting in a written memo to the faculty member. This memo does not establish misconduct by the faculty member, it only documents that a discussion about the topic occurred. The faculty member shall acknowledge in writing the receipt of the memo within five (5) days.
2. **Letter of expectation.** If the conduct issue discussed in the clarification meeting is not satisfactorily addressed, the chair (or dean) shall document the concerns in a written letter of expectation for the faculty member. The letter of expectation does not establish misconduct by the faculty member, it documents continuing efforts to align faculty conduct with expectations that were not satisfactorily addressed to date. This letter of expectation must describe the ongoing conduct concern, cite any policies or laws that may have been violated (or perceived to have been violated), the corrective steps that have been taken to date, if any, and specific expectations for improvement necessary to satisfactorily address the ongoing conduct concern. The letter of expectation may require the faculty

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member to review relevant policies and procedures, to attend specific training(s), to participate in formal coaching, or similar actions. The letter must include a timeline for the faculty member to meet these expectations. The faculty member shall acknowledge in writing the receipt of the letter of expectation within five (5) days.

3. **Written warning.** If the faculty member's conduct does not meet expectations despite coaching and/or a letter of expectation, the chair (or dean) shall provide the faculty member with a formal written warning. The written warning must be specific as to the reasons for the warning, cite any policies or laws that may have been violated (or perceived to have been violated), provide any evidence obtained by the chair (or dean), and indicate corrective actions that the faculty member must take. The written warning does not itself establish misconduct by the faculty member, but documents continuing efforts to align faculty conduct with expectations, provides the evidence that leads the chair (or dean) to believe that specific policies or laws are being violated, and states what corrective actions are required of the faculty member. The written warning must clearly state that future incidents or failure to improve by a specific timeline may result in a formal faculty conduct complaint. The written warning must be delivered to the faculty member in a face-to-face meeting between the chair (or dean) and faculty member. If a faculty member refuses to or fails to meet with their chair (or dean) within five (5) days of the request for a meeting, the written warning will be delivered via email.

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The faculty member may submit a written response to, and which will be kept with, the clarification memo, the letter of expectation, or the written warning. A faculty member cannot avoid or delay progressive corrective action by delaying or ignoring the request to meet with their chair and/or dean. Refusal to participate in progressive corrective action in a timely manner may be considered grounds for a formal faculty conduct charge.

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The progressive corrective action does not include sanctions or disciplinary action against the faculty member. Sanctions or disciplinary action can only be taken after a formal faculty conduct complaint (See Section 7.2.5) and the accompanying due process. If the progressive corrective action steps are unsuccessful in improving the faculty member's conduct, the chair (or dean) may choose to proceed with a formal faculty conduct complaint. These progressive corrective action steps may not be appealed under Faculty Handbook section 9.1 unless sanctions as defined by Faculty Handbook section 7.2.7.4 or 7.2.7.5 have been imposed in violation of this policy.

Depending on the nature and/or severity of the conduct concerns, the chair (or dean) may skip lower levels of response or initiate progressive corrective action at a higher level of response (e.g., including a letter of expectation as part of the initial conversation). These progressive corrective action steps are not required prior to filing a formal faculty conduct complaint. It may be appropriate to make a formal faculty conduct complaint immediately

without going through any corrective action process. It is also possible that escalating conduct issues necessitate a formal faculty conduct complaint prior to completing one or more levels of a progressive corrective action process.

7.2.7.6 Non-disciplinary Corrective Action

~~Non-disciplinary corrective action may include issuance of a letter of direction, requiring the faculty member to review relevant policies, requiring attendance at training, or similar action. Non-disciplinary corrective action may be suggested or required by a department chair independent of the disciplinary process as a means of assuring a faculty member is aware of the law or institutional policy.~~