

Sexual Misconduct UA-03: Approval is requested for changes to **Procedures for Responding to Incidents Involving Allegations of Faculty or Staff Sexual Misconduct:**

- Following the establishment of the Sexual Misconduct policy in 2015 and annual reports on its implementation in November 2016, the UFC approved revisions to the policy including the procedures for allegations against students. The policy with those revisions is currently in effect.
- The UFC faculty/staff sub-committee then continued to meet last winter to review proposed revisions to the procedures for allegations of employee misconduct, which were submitted to the UFC at the March 28, 2017 meeting.
- The March 2017 revisions were approved by the UFC, except for the provision that allowed any party to seek appeal by a campus faculty board of review. This provision was in place since the establishment of the policy reflecting the Title IX guidance that any appeals process be equally available to both sides. However, the UFC noted, and university administration agreed, that the faculty board of review is an appeal process afforded only to faculty although both parties may participate in the proceeding. The March 2017 revisions have not been implemented.
- The UFC faculty/staff sub-committee met again in October 2017 to revise portions of the procedures relating to faculty boards of review (FBR). The updated revisions are highlighted in yellow in the version attached here and are submitted to the UFC for approval at the November 28, 2017 meeting. A clean version is also attached.
- As a reminder, the key areas of revision approved in March 2017:
 - Modified “On or Off Campus Behaviors” section of the Sexual Misconduct policy per discussion at the November 2016 UFC meeting and by the faculty/staff subcommittee.
 - Under procedures for allegations of employee misconduct:
 - Clarified what information is to be included in the Report of Investigation, as well as when the parties have access to the report and how they are able to respond to the report (may submit comments regarding the report to the Decisional Official in writing within 10 calendar days of receiving access to the report).
 - Aligned the format of the FBR section, including bases for review, decision levels, and options, with the section regarding Appeals to Appellate Officer section.
- Further revisions to the procedures for allegations of employee misconduct, submitted for consideration on November 28, 2017:
 - Modify the faculty board of review appeal step to be available only to faculty.
 - Align the appeal process chronologically so that the FBR process is the final appeal level available for faculty.
 - Move the note regarding the prohibition on adversarial behavior in hearings to a separate section.
 - Under Investigation, modify the section to read that cooperation is expected and interference may result in disciplinary measures.
 - Make training and consultation available to FBR members, not required.

- Clarify that campus FBR procedures will apply except as modified by the Sexual Misconduct policy.
- Clarify what information is provided to the FBR.
- Clarify the role of advisors (which may include attorneys) at the FBR hearing.
- Modify the final step following a faculty board of review so that if the FBR recommends that the appellate official's prior determination be modified, but the appellate official affirms the prior determination, the final determination shall be made by the President.

- A related proposed revision to [Faculty Boards of Review: Minimum Standards for Uniform Hearing Procedures ACA-17](#) is also submitted for approval. The revision would amend the scope of the policy to apply the minimum standards for faculty board of review hearings, adding "except as modified by university policies regarding hearings in sexual misconduct and research misconduct cases (Sexual Misconduct UA-03 and Research Misconduct ACA-30)." The UFC previously approved modifications to the faculty board of review procedures as part of adopting the Sexual Misconduct and Research Misconduct policies.
- Please note that university administration will continue to monitor developments and any changes in guidance or regulation from the Department of Education and provide updates. Should further revisions to the Sexual Misconduct policy be needed, a faculty/staff subcommittee may be convened to review and recommend any adjustments.