

ACADEMIC SENATE PROFESSIONAL ETHICS COMMITTEE PROCEDURES

A. Description of Committee

1. The Professional Ethics Committee will be a standing committee consisting of fifteen (15) members, at least two (2) of whom are Academic Senators. An alternate may be assigned should the need arise.
2. Each committee member will serve for two (2) years, with approximately half the members appointed each year.
3. The Professional Ethics Committee will convene at the request of the Academic Senate President in response to a filed complaint.

B. Filing a Complaint

1. In the event any member of the faculty believes another member of the faculty has violated any standard of professional ethics as established by the Academic Senate Bylaws or Faculty Professional Ethics Code, he or she may file a written complaint with the Academic Senate President.
2. If the Academic Senate President is involved in the alleged violation, then the Academic Senate Vice President will perform the role of President for the purposes of these Procedures.
3. The complaint must be filed within fifteen (15) instructional days after the end of the semester during which the person(s) filing the complaint (the complainant(s)) became aware of the alleged violation.
4. Official communication between the parties involved with an ethics investigation will be sent by District email and identified as confidential. The findings of the Professional Ethics Subcommittee will be sent through District mail with copies to the Senate office.
5. The complainant(s) must:
 - a. Identify the specific ethical standard(s) violated;
 - b. Include a brief synopsis of the offense and describe how it violates the ethical standard(s) cited;
 - c. Attach relevant documentation related to the alleged ethics violation(s) that support the complaint;
 - d. Identify steps taken to resolve the situation prior to filing the complaint and list outcomes for each
 - e. Identify the specific action(s) requested to resolve the complaint.

6. The complaint shall be maintained as confidential by the Academic Senate President, the Professional Ethics Subcommittee, and by all others who are described in these procedures.

C. Resolution or Referral

1. The Academic Senate President will evaluate the complaint to determine if:
 - a. the case falls under the jurisdiction of the Professional Ethics Committee, and if so,
 - b. the complaint statement and documentation provides adequate clarity to inform the Committee regarding the perceived ethics violation. If not, then the complainant(s) may be asked for further clarification. The complainant(s) must provide the information asked for in an expeditious manner not to exceed one week.
2. The Academic Senate President, when deemed appropriate, may attempt to directly resolve the issues raised by the complainant(s) who initiated the complaint.
3. If the Academic Senate President is unable to resolve the issue between the parties, he or she will refer the complaint to the Professional Ethics Committee for further review.
4. If the complaint is not within the scope of an ethics violation, then a referral will be made to the appropriate body:
 - a. Vice President of Human Resources and District Compliance Officer – for violations of District policies regarding unlawful discrimination or sexual harassment, or Policy and Procedure 4.16a
 - b. AFA Conciliation/Grievance Officer – for complaints regarding possible violations of faculty rights
 - c. Department Chair and/or Supervising Administrator – for violations of department policies and/or procedures
 - d. Academic Affairs – for violations of District policies and/or procedures.

D. Convening of Professional Ethics Subcommittee

1. For each complaint filed, the Academic Senate President will appoint and call a meeting of a Professional Ethics Subcommittee of five (5) from the standing Professional Ethics Committee within twenty-five (25) instructional days of the filing of a complaint. The Subcommittee will include at least one (1) Academic Senate member.

2. The Subcommittee will conduct a preliminary review and determine whether or not the complaint shows a violation of the Faculty Professional Ethics Code and warrants investigation.
3. If, upon preliminary review, committee members feel they have a potential conflict of interest, they should ask to recuse themselves. The Academic Senate President can also ask a committee member to step down if he or she determines that there is a potential conflict. The complainant(s), without cause, also may ask that one member of the Subcommittee be replaced. Committee members are listed on the Senate website.
4. Within ten (10) instructional days of the Subcommittee's decision to move forward with the investigation, the parties to the complaint will be notified in writing by the Academic Senate President that the Professional Ethics Committee will investigate the complaint.
 - a. If the Subcommittee decides an investigation is not warranted, the complaint, along with a written statement of the reasons not to proceed, will be returned to the Academic Senate President for dismissal or referral to the appropriate body. The complainant(s) and any other parties being directly affected or who are directly involved in the case will then be notified of the decision not to proceed.
 - b. If the decision is to proceed with an investigation, the Subcommittee will appoint a Chair and forward the Chair's name to the Academic Senate President. The Academic Senate President will notify in writing the person against whom the complaint was filed (the respondent) that a complaint has been made. The Subcommittee will develop a schedule for review, send it to all concerned parties, and will complete its work expeditiously. The respondent will also be sent a copy of the complaint, the Faculty Professional Ethics Code and the Academic Senate Professional Ethics Procedures (this document) by District email.
5. The respondent has the right to ask that one member of the Ethics Subcommittee to be replaced without cause (committee members are listed on the Senate website).

E. Professional Ethics Subcommittee Investigation

1. The Subcommittee will establish a plan for investigating the complaint.
2. All of the Subcommittee's meetings shall be in closed session.
3. Attendance at the meetings shall be limited to the Subcommittee and the active parties of the complaint except when one or both parties requests representation or when the Subcommittee needs to question witnesses.

4. The meetings need not be conducted according to rules of evidence. The Subcommittee will admit only evidence and information that reasonable and responsible persons would deem relevant. The Subcommittee will make every effort to conduct the review in an unbiased manner.
5. The Subcommittee may do the following:
 - a. Interview the complainant(s), and other parties. If the Subcommittee interviews the complainant(s) and the Subcommittee chooses to proceed with the case, then the Subcommittee must also interview the respondent and accept documentation from both.
 - b. Gather additional information. Both parties can provide witnesses if desired. If witnesses are called by either party, then the other will be notified and be given the opportunity to call his or her own witnesses.
 - c. Conduct meetings with parties involved in the complaint.
 - d. Mediate discussions between the parties of the complaint.
 - e. Confer with the District Compliance Officer and/or request District Legal Counsel.
6. If in the course of its investigation the Subcommittee uncovers evidence of violation of department policy, District policy or the Contract, the chair of the Subcommittee will present those parts of the investigation to the Academic Senate President, who will then bring that evidence to the appropriate body.
7. Throughout the process should any evidence arise suggesting that the guidelines are not being followed, in order to achieve a fair resolution, the Senate President will intervene and if necessary establish a new subcommittee to hear the complaint.

F. Response/Recommendation / Resolution

1. The Subcommittee will consider appropriate resolution(s), which may include specific recommendations to the involved parties and/or the Academic Senate President.
2. These recommendations could include actions to be undertaken by the individual parties; follow-up activities, which may be required within a specified period of time; and/or actions to be taken by the Academic Senate, including but not limited to the following, in increasing order of seriousness:
 - a. Request to offending faculty that they halt the behavior
 - b. Request for a formal apology from offending faculty

- c. Removal or barring the offending faculty for a specified period from serving on the Academic Senate, Senate Committees including the Professional Ethics Committee, or District Hiring Committees.
 - d. Request that the department and parties in the complaint engage mediation assistance
- 3. In egregious cases:
 - a. The Senate can publicly censure the offending faculty
 - b. Formal notification of the offense can be given to the Vice President of Academic Affairs, or other appropriate administrator
 - c. Formal notification of the offense can be given to the Superintendent/President
 - d. Formal notification of the offense can be given to the Board of Trustees
- 4. The Subcommittee will render a written decision specifying the reasons and citing the provision(s) of the Faculty Professional Ethics Code that may have been violated. The decision of the Subcommittee will be sent to the Academic Senate President who will then review the finding. Following the review, the Academic Senate President will inform the necessary parties of the Subcommittee's decision in writing and may choose to convene a meeting of the parties.
- 5. The Senate President will accept the findings of the Subcommittee.
- 6. The respondent will have thirty (30) days from receipt of the notification in which to submit a response. The response must be signed by the respondent.
- 7. All ethics reports, including sanctions put in place as determined by the Professional Ethics Committee, will be kept on file in the Academic Senate office.
- 8. If the recommendations of the Subcommittee are not carried out as specified, then the Subcommittee may be reconvened in order to verify the compliance with the recommendations and recommend further sanctions if appropriate.
- 9. If the complaint is placed on the Academic Senate agenda as an action item, such as in the case of public censure, then the parties involved will be notified at least ten (10) days prior to the date of that meeting.

Approved 2/19/2014