POLICY ON FACULTY INVESTIGATIVE PROCESS

Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty

I. Training

All members of the Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty (the Committee) should receive training by the Office of Institutional Equity (OIE) and others, as necessary, on issues connected with potential violations of Tulane’s Equal Opportunity/Anti-discrimination Policies (EO Policies).

II. Jurisdiction

The Committee shall hear grievances of EO Policy violations brought by any member of the University community against full-time faculty (and part-time tenured) faculty that cannot be resolved informally by OIE. The Chair of the Committee shall have discretion to decide whether a party to a complaint has standing to proceed before the Committee against a faculty member. The Committee’s jurisdiction replaces that of the grievance committees of the individual schools, Newcomb Tulane College, or Centers/Institutes.

III. Ad Hoc Appointments

The Committee can appoint members on an ad hoc basis, as necessary, from among the pool of members with prior service to the Committee.

IV. Investigative Process

1. Initial Review by OIE. When a grievance comes to the attention of OIE, OIE will conduct a review to determine whether the matter sufficiently states a grievance under the University’s Equal Opportunity/Anti-Discrimination Policies (the EO Policies) that it should proceed to the investigative process. OIE should provide written notice of its initial determination to the appropriate parties within thirty days. If OIE cannot make the thirty-day deadline, it shall communicate the reasons to the parties.

2. OIE’s Investigation. When OIE has determined that the matter should proceed to the investigative process, OIE will conduct an investigation of the complaint. OIE shall issue a notice of investigation to the parties. OIE shall also provide all parties with a written statement regarding their rights and an explanation of the investigation process. The investigation is meant to provide a fair and reliable...
gathering of the facts (including interviewing witnesses and gathering relevant and available evidence). OIE should provide the complainant and respondent with a fair and equal opportunity to be heard, to submit information, and to identify witnesses who have relevant information. OIE’s investigator may speak with individuals who are willing to participate and have relevant information.

3. **Investigator Discretion – Evidence.** The investigator, OIE, has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility, and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

4. **Timing of Investigation.** Best efforts should be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. In general, OIE will seek to conclude the investigation within thirty (30) business days from the issuance of the notice of investigation, although special circumstances may extend this time frame. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Tulane University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons as defined by the investigator. Any extension of the timeframes, and the reason for the extension, should be shared with the parties in writing.

5. **OIE’s Preliminary Report.** OIE should provide a preliminary written report to the parties. The report should summarize the information gathered, synthesize areas of agreement and disagreement among the parties and/or witnesses with any supporting information, and contain the investigator’s findings of fact and recommended conclusions regarding whether a violation of the University’s EO Policies occurred. The complainant and respondent shall have an opportunity to review the draft report and, within five (5) business days, submit written objections to OIE.

6. **OIE’s Final Report.** Within a reasonable time following receipt of any additional information from the parties and/or individuals involved in the process, or after the five (5) business day comment period has lapsed without comment, the investigator will make a final investigative determination, by a preponderance of
the evidence, regarding whether a violation of the EO Policies occurred. The final report shall be made available to the complainant and respondent.

7. **Panel Review.** Within five (5) business days of completion, OIE shall submit its final report and make available all evidence collected to the Chair of the Committee. The Chair of the Committee shall then, within a reasonable time, assemble a review panel. A panel shall consist of at least five members of the Committee. No member shall consider a case involving a faculty member party from his or her own school/unit. However, the investigator may consult with a faculty member(s) in such school for guidance on practice norms and customs which may be unique to the field at issue. Committee members with a conflict of interest, such as a close relationship with either the complainant or respondent, shall recuse themselves, with the final authority on resolving conflicts of interest resting with the Committee chair.

V. Panel Meeting

1. The review panel will hold closed preliminary meeting(s) to discuss the results of the OIE investigation and whether any aspect of the case or the findings requires further clarification and/or investigation. It will also determine which, if any, witnesses to interview during the panel meeting.

2. Within a reasonable time following the preliminary closed meeting(s), the review panel shall hold a final meeting with the parties (i.e., complainant(s) and respondent(s)), and any witnesses invited by the panel. The parties may bring an advisor to the meeting. The advisor may be drawn from the Tulane faculty, may be an attorney unaffiliated with Tulane, or someone else of his/her choosing. At the hearing, the advisor may not speak for the complainant or respondent; only the review panel may question the parties and witnesses during the hearing. The parties to the grievance may submit in writing questions for the review panel to consider. However, the panel has the discretion to decide what questions to pose to witnesses.

3. During the final meeting with the panel, each party to the grievance may make an opening statement for a reasonable time (generally, no more than ten (10) minutes). If any party chooses to not be physically present at the panel meeting or
chooses to be separate, they may participate via telephone and/or video conference, or other manner deemed acceptable to the panel.

VI. Decision and Sanctions

1. Following the final meeting, the review panel will deliberate confidentially. The panel will decide whether the respondent is responsible, and, if so, it will recommend sanctions. As soon as is practical after the conclusion of the final meeting, and, in any event, within fifteen (15) days, the panel will send a copy of its written findings on the grievance and its rationale, as well as the recommended sanctions in the case of a finding of responsibility, to the Senior Vice President for Academic Affairs and Provost (with a copy to the relevant Dean(s)).

2. In the event that the finding is of responsibility on the part of the faculty member, the panel shall recommend sanctions. Depending on the gravity of the case, these may involve sanctions that can be implemented within the faculty member’s department or schools. In cases of gross misconduct, the hearing panel may recommend the loss of tenure and termination from the university, in accordance with the dismissal procedures of the Faculty Handbook.

3. As soon as practicable and in any event within fifteen (15) days following receipt of the hearing panel’s findings, conclusions, and statement of reasons, the Provost shall either accept, reject or modify the hearing panel’s report, notify the panel, the Dean, the responding faculty member, and the complainant in writing of his or her finding regarding the alleged EO Policy violation, the underlying rationale, and a summary of sanctions imposed. Department members shall be notified of sanctions, as appropriate.