

To: Shannon Sumpter, Faculty Senate Chair

From: Faculty Senate Committee on Academic Freedom and Ethics (Michael Kagan, Chair)

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Faculty Protections in Relation to Student Complaints

Our committee was charged with investigating and reporting back to the Faculty Senate on “the processes and protections afforded to a faculty member accused or grieved by a student.” To fulfill this mandate, during the 2021-22 academic year we have interviewed and received presentations from UNLV Ombudsman David Schwartz (twice), Title IX Coordinator Michelle Sposito, and Vice President for Human Resources Ericka Smith. Our findings are as follows. There are many ways in which a student may file a complaint against a faculty member, each one leading to a different procedure. Some procedures are more clearly defined, with more clear protections and procedures for the accused. Other procedures are informal and alarmingly subject to few rules that we could discover. As one of our interviewees said (paraphrasing): The challenge to providing a road map for how student complaints are handled is that there are multiple road maps for different complaints.

The committee understands that when a valid complaint of misconduct is lodged against a faculty member, there should be appropriate consequences. It appears that when a complaint has merit, there may be more clear and more fair procedures to follow, which offer the accused faculty member opportunities to be heard. Our concern has focused instead on how various university offices handle complaints that are unfounded, including those that may be made through less formalized procedures. In this context, the committee was alarmed to find confusion, lack of clarity, and few reliable protections.

We learned that when formal complaints of misconduct are made to the Title IX office or to Human Resources, and when the complaints are unfounded, a “close out letter” is sent to both the complainant and the accused faculty member. This provides some formal record of closure of the issue. We also learned that HR keeps a record of unfounded complaints, but keeps these separate from the personnel file of the accused faculty member.

On the other hand, if a complaint is made more informally to a dean or associate dean (for example), there appear to be few rules. For instance, we learned that deans may keep “shadow personnel files.” These may be personal notes of varying levels of organization, and they may include references to complaints that were found to be baseless. These files could be handed over from administrator to administrator. In fact, there appear to be few university rules as to how they should be handled. Administrators are not currently given training on how much such information should be stored, if at all. This means that there could be information held by the university that could be false, to which a faculty member may or may not have an opportunity to respond, and that could influence decisions made about the faculty member’s career.

We also learned that the University Ombudsman has taken some initial steps toward creating roadmaps and guides for people involved in the complaint process, but has not been able to do so yet. The Ombudsman is interested in potentially pursuing this.

Late in our work we learned that the Office of Student Conduct may receive complaints about faculty members. We were unable to speak with the office because of lack of time.

CONCLUSIONS AND RECOMMENDATIONS

From our initial investigation, we conclude that the Senate is right to be concerned about inadequate protection of faculty who are accused of misconduct by students. It was far too difficult to pin down any consistent set of rules and protections governing misconduct complaints in this context. To this end, we recommend the following:

1. The Senate should renew this mandate next year, to focus on improving a problematic situation.
2. The Committee should collect relevant information from the Office of Student Conduct.
3. The Ombudsman should be encouraged to develop guidance and roadmaps for all parties in a grievance or complaint process.
4. The University should streamline and clearly regulate the handling of complaints against faculty.
5. The University should develop rules for handling records of complaints against faculty, including unofficial files, and should provide training to administrators.