

Article 43

INVESTIGATION OF COMPLAINTS AGAINST FACULTY MEMBERS

The STATE SYSTEM and APSCUF recognize that it may be necessary to investigate complaints against FACULTY MEMBERS prior to making a disciplinary decision. When appropriate, attempts should be made to resolve complaints informally. In those cases in which complaints are not resolved informally, the principles below shall apply:

- A. If the University determines to conduct an investigation of a complaint, either verbal or written, it shall be initiated and concluded within a reasonable amount of time. Absent unusual circumstances, the decision to conduct a formal investigation shall be made within twenty (20) days of receipt of the complaint.
- B. The FACULTY MEMBER accused of wrongdoing must receive a copy of the written complaint prior to the commencement of an investigatory interview or pre-disciplinary conference. In the event a written complaint is not submitted, the individual assigned to conduct the investigation shall prepare a written summary and provide a copy of the summary to the FACULTY MEMBER prior to commencing an investigatory interview or pre-disciplinary conference. The FACULTY MEMBER may provide APSCUF a copy of the written complaint or summary if he/she so desires. If the FACULTY MEMBER has obtained APSCUF representation and the FACULTY MEMBER has no objection, a copy of the complaint or the written summary shall be provided to APSCUF. Upon receipt of the complaint by the FACULTY MEMBER and/or APSCUF, it shall be treated as confidential by all parties and may only be shared with those persons necessary to prepare a response to the complaint.
- C. Upon request, a FACULTY MEMBER shall be entitled to an APSCUF representative during any meeting in which allegations are to be made, which the FACULTY MEMBER reasonably believes could lead to discipline.
- D. If the complainant is a student in the FACULTY MEMBER'S class, the investigation may be deferred and the complainant's name need not be disclosed until after submission of the final grade.
- E. If an investigation is expanded beyond its original scope, the FACULTY MEMBER shall be advised immediately. APSCUF shall also be advised if the FACULTY MEMBER has obtained APSCUF representation and has no objection.
- F. The FACULTY MEMBER accused of wrongdoing shall be advised that he/she is prohibited from taking retaliatory action against the complainant or any other person and that such action may result in a separate disciplinary action.

G. This Article shall supplement and by no means shall diminish the rights of any FACULTY MEMBER, APSCUF, or the STATE SYSTEM/UNIVERSITIES under any law, including the Pennsylvania Public Employee Relations Act.