

Complaints Against Faculty

Issued by the Provost February 28, 1986

The following set of guidelines has been established by the provost in order to provide guidance concerning the handling of complaints that concern members of the faculty. It is fully expected that each faculty or school will have established definitive procedures in this regard that address these issues and which adhere to these more general guidelines. A faculty member against whom a complaint has been filed should of course consult with the appropriate dean, and, if necessary, with the Office of the Provost.

1. The requirement that a person accused be given timely notice of the facts and source of accusation is intended to provide the person accused with an opportunity to prepare and offer an informed and effective response to the accusation before official action is taken or a sanction is imposed.
2. When complaints against a member of the community are made to or referred to an academic administrative officer, the officer may take such steps as are appropriate to resolve informally the issues raised by the complaint. For these purposes, deans, chairs, associate chairs, directors, and associate directors are all academic administrative officers.
3. In most cases, informal resolution will be the preferred course of action. The informal resolution process may include investigation, mediation, conciliation, and consultation between and among the appropriate parties, including the complainant, the person against whom the complaint is made, and his or her immediate supervisor. A salient characteristic of informal resolution, however, is that it may not result in the creation of written records that might subsequently be used or invoked to the detriment of the person against whom the complaint is made, nor may the process of informal resolution be a means for imposing a sanction or penalty upon a person who is the subject of a complaint.
4. Formal action on a complaint includes the initiation of proceedings intended to lead to official sanctions against the person complained against, and/or leading to the preparation and keeping of written records that might subsequently be used to the detriment of the person against whom the complaint has been made. Where formal action is initiated, the person against whom the complaint has been made must be given timely notice of the particulars of the complaint and an opportunity to respond to the complaint before further action is taken. The procedural requirements regarding formal disposition of complaints usually are specified by law or contract binding on public officers. Administrative officers should seek advice regarding their legal or contractual obligations when in doubt as to the steps to be followed in formally handling a complaint. When any of these officers wish advice regarding their obligations under law or contract, they should contact their immediate supervisor for assistance and advice. Deans, in particular, should develop expertise in the handling of complaints.
5. The preceding principles are intended primarily to aid in the prompt and appropriate disposition of complaints arising out of the day-to-day functioning of the university's

academic programs, and where the underlying events are not likely to give rise to civil actions or criminal prosecutions. In cases where the events could lead to a civil proceeding by or against the State of New York, or its agencies, including the university, or in cases that are governed by contracts binding on the state or its agencies, administrative officers must observe their obligations as officers of the state and refer the matter to proper authorities for disposition within the applicable legal or contractual framework. In such cases, the matters of timely notice and opportunity to respond are governed by applicable legal rules and practices.

For further information, contact the Office of the Provost at (716) 645-2992.

Current as of Feb 28, 1986.