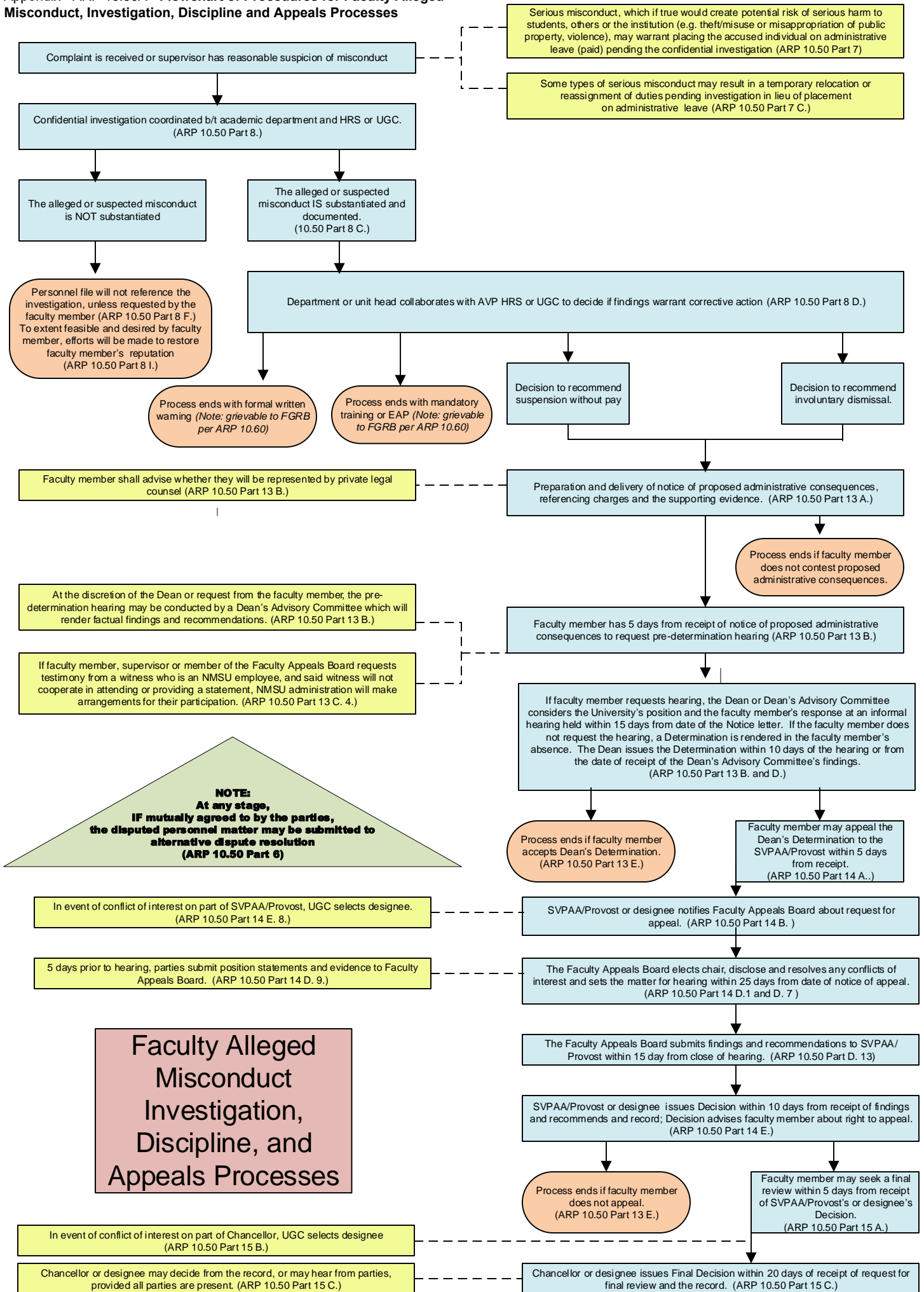


Appendix - ARP 10.50A - Flowchart of Procedures for Faculty Alleged Misconduct, Investigation, Discipline and Appeals Processes



Serious misconduct, which if true would create potential risk of serious harm to students, others or the institution (e.g. theft/misuse or misappropriation of public property, violence), may warrant placing the accused individual on administrative leave (paid) pending the confidential investigation (ARP 10.50 Part 7)

Some types of serious misconduct may result in a temporary relocation or reassignment of duties pending investigation in lieu of placement on administrative leave (ARP 10.50 Part 7 C.)

Complaint is received or supervisor has reasonable suspicion of misconduct

Confidential investigation coordinated b/t academic department and HRS or UGC. (ARP 10.50 Part 8.)

The alleged or suspected misconduct is NOT substantiated

The alleged or suspected misconduct IS substantiated and documented. (10.50 Part 8 C.)

Personnel file will not reference the investigation, unless requested by the faculty member (ARP 10.50 Part 8 F.) To extent feasible and desired by faculty member, efforts will be made to restore faculty member's reputation (ARP 10.50 Part 8 I.)

Department or unit head collaborates with AVP HRS or UGC to decide if findings warrant corrective action (ARP 10.50 Part 8 D.)

Process ends with formal written warning (Note: grievable to FGRB per ARP 10.60)

Process ends with mandatory training or EAP (Note: grievable to FGRB per ARP 10.60)

Decision to recommend suspension without pay

Decision to recommend involuntary dismissal.

Faculty member shall advise whether they will be represented by private legal counsel (ARP 10.50 Part 13 B.)

Preparation and delivery of notice of proposed administrative consequences, referencing charges and the supporting evidence. (ARP 10.50 Part 13 A.)

Process ends if faculty member does not contest proposed administrative consequences.

At the discretion of the Dean or request from the faculty member, the pre-determination hearing may be conducted by a Dean's Advisory Committee which will render factual findings and recommendations. (ARP 10.50 Part 13 B.)

Faculty member has 5 days from receipt of notice of proposed administrative consequences to request pre-determination hearing (ARP 10.50 Part 13 B.)

If faculty member, supervisor or member of the Faculty Appeals Board requests testimony from a witness who is an NMSU employee, and said witness will not cooperate in attending or providing a statement, NMSU administration will make arrangements for their participation. (ARP 10.50 Part 13 C. 4.)

If faculty member requests hearing, the Dean or Dean's Advisory Committee considers the University's position and the faculty member's response at an informal hearing held within 15 days from date of the Notice letter. If the faculty member does not request the hearing, a Determination is rendered in the faculty member's absence. The Dean issues the Determination within 10 days of the hearing or from the date of receipt of the Dean's Advisory Committee's findings. (ARP 10.50 Part 13 B. and D.)

Process ends if faculty member accepts Dean's Determination. (ARP 10.50 Part 13 E.)

Faculty member may appeal the Dean's Determination to the SVPAA/Provost within 5 days from receipt. (ARP 10.50 Part 14 A..)

In event of conflict of interest on part of SVPAA/Provost, UGC selects designee. (ARP 10.50 Part 14 E. 8.)

SVPAA/Provost or designee notifies Faculty Appeals Board about request for appeal. (ARP 10.50 Part 14 B.)

5 days prior to hearing, parties submit position statements and evidence to Faculty Appeals Board. (ARP 10.50 Part 14 D. 9.)

The Faculty Appeals Board elects chair, disclose and resolves any conflicts of interest and sets the matter for hearing within 25 days from date of notice of appeal. (ARP 10.50 Part 14 D.1 and D. 7)

Faculty Alleged Misconduct Investigation, Discipline, and Appeals Processes

The Faculty Appeals Board submits findings and recommendations to SVPAA/Provost within 15 day from close of hearing. (ARP 10.50 Part D. 13)

SVPAA/Provost or designee issues Decision within 10 days from receipt of findings and recommends and record; Decision advises faculty member about right to appeal. (ARP 10.50 Part 14 E.)

Process ends if faculty member does not appeal. (ARP 10.50 Part 13 E.)

Faculty member may seek a final review within 5 days from receipt of SVPAA/Provost's or designee's Decision. (ARP 10.50 Part 15 A.)

In event of conflict of interest on part of Chancellor, UGC selects designee (ARP 10.50 Part 15 B.)

Chancellor or designee issues Final Decision within 20 days of receipt of request for final review and the record. (ARP 10.50 Part 15 C.)

Chancellor or designee may decide from the record, or may hear from parties, provided all parties are present. (ARP 10.50 Part 15 C.)

NOTE:
At any stage,
IF mutually agreed to by the parties,
the disputed personnel matter may be submitted to
alternative dispute resolution
(ARP 10.50 Part 6)