10-A **Flowchart of Procedures for Faculty Alleged Misconduct, Investigation, Discipline and Appeals Processes** *(See Rule 10.50 fka 5.47)*

- **Complaint is received or supervisor has reasonable suspicion of misconduct**
  - **Confidential investigation coordinated by academic department and HRS or UGC** *(See 5.47 G)*
  - The alleged or suspected misconduct is NOT substantiated
    - Process ends with closure interviews *(See 5.47 G 5 and 6)*
  - The alleged or suspected misconduct is substantiated and documented in a report *(See 5.47 G 3)*
    - Process ends with mandatory training or EAP *(Grievable to FOHR under 4:00 F)*
    - Process ends with voluntary pay

- **Department or unit head contacts with HRS and/or UGC to decide appropriate corrective or disciplinary action** *(See 5.47 G 4 and 1)*
  - Decision to recommend suspension without pay
  - Decision to recommend involuntary dismissal

- **Faculty member shall advise whether they will be represented by private legal counsel** *(See 5.47 L 2)*

- **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 final findings and recommendations** *(See L 2 and L 3)*
  - If faculty member, supervisor or member of the Faculty Appeals Board requests testimony from a witness who is an NMSU employee, and such witness will not cooperate in attending or providing a statement, NMSU administration will make arrangements for their participation *(See 5.47 L 3)*
  - Faculty member has 5 days from receipt of notice of intent to request pre-determination hearing *(See 5.47 L 2)*

- **If faculty member requests hearing, the Dean or Dean’s Advisory Committee convenes the University’s position and the faculty member’s response at an informal hearing held within 15 days from date of 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** *(See 5.47 L 2 and L 3)*
  - Process ends if faculty accepts Dean’s Determination *(See 5.47 L 4 and 5)*
  - Faculty may appeal the Dean’s Determination to the EVP/Provost within 5 days from receipt *(See 5.47 M 2)*

- **EVP/Provost notifies Faculty Appeals Board about request for appeal** *(See 5.47 M 2)*
  - The Faculty Appeals Board selects chair, drafts and resolves any conflicts of interest and sets the matter for hearing within 25 days from date of notice of appeal *(See 5.47 M 3, 5 and 4)*
  - The Faculty Appeals Board submits findings and recommendations to Executive Vice President/Provost within 15 days from close of hearing *(See 5.47 M 4)*
  - Executive Vice President/Provost issues Decision within 10 days from receipt of findings and recommends record. Decision address faculty about rights to appeal *(See 5.47 M 5)*
  - If faculty member does not appeal process ends *(See 5.47 M 5.1)*
  - Faculty may appeal to President within 15 days from receipt of EVP/Provost’s decision *(See 5.47 N 1)*

- **Faculty Discipline and Appeal Process Flowchart Updated: 04.07.11**

- **In event of conflict of interest on part of University President, UGC selects designee** *(See 5.47 N 2)*
  - University President may decide from the record, or may hear from parties, provided all parties are present *(See 5.47 N 3)*
  - University President issues Final Decision within 20 days of receipt of request for final review and record *(See 5.47 N 3)*