10.50-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 USC (See 5.47 G.)
- The alleged or suspected misconduct is substantiated and documented in a report (See 5.47 G. 3.)
- Process ends with formal written warning (See 5.47 L. 2.)
- Process ends with mandatory training or EAP (See 5.47 L. 3.)
- Process ends with suspension without pay (See 5.47 L. 3.)
- Decision to recommend involuntary suspension (See 5.47 L. 3.)

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 factual findings and recommendations (See 5.47 L. 2.)

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.)

NOTE: At any stage, if mutually agreed to by the parties, the disputed personnel matter may be submitted to alternative dispute resolution (See 5.47 E.)

In event of conflict of interest on part of EVP/EVP Provost, USC selects designee (See 5.47 M. 3. a.)

5 days prior to hearing, parties submit position statements and evidence to Faculty Appeals Board (See 5.47 M. 4. h.)

The Faculty Appeals Board elects a chair, abides 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. and M. 4. and M. 4. g.)

The Faculty Appeals Board submits findings and recommendations to Executive Vice President/Provost within 15 days from close of hearing (See 5.47 M. 5.)

Executive Vice President/Provost issues decision within 10 days from receipt of findings and recommends and 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. c.)

Faculty may appeal to President within 15 days from receipt of EVP/Provost's decision (See 5.47 N. 1.)

University President issues Final Decision within 20 days of receipt of request for final review and the record (See 5.47 N. 3.)