To: BFC
From: Alex Tanford
Date: September 27, 2017
Re: Revisions to Sexual Misconduct Policy as it relates to Faculty Boards of Review

A. Introduction

1. The sexual misconduct policy (UA-03) is a university-level policy, not a BFC policy. It is being reworked by a 5-person task force and I am the BFC representative.

2. Among other things proposed by the university as part of a review of this policy are changes to the Faculty Board of Review procedures if sexual misconduct is involved. [Our FBOR policy is BL-ACA-D22.]

3. Under the UFC Constitution, and policy ACA-17, the faculty has legislative authority over boards of review, minimal standards are set at the university level, and then each campus faculty council is responsible for establishing its own standards and procedures consistent with those system-wide minima.

B. Question: What changes to the existing policy on faculty boards of review, if any, should we make if the administration has determined that a faculty member has committed sexual misconduct and has taken adverse administrative action against that faculty member?

Option 1: No changes. The faculty member may go through a standard board of review.

Option 2: Modify the FBOR process.
   a. Automatically close the hearing to the public
   b. Shorten time limits to assure prompt decisions
   c. Limit the FBOR’s role to reviewing the fairness of the underlying investigation and decision.
   d. Eliminate rights of the faculty member to have a lawyer and/or to call and question witnesses.
   e. Give a role to the Title IX coordinator to 1) train the Board about issues relating to sexual misconduct and victimization, 2) be available as a consultant on factual and legal issues, 3) submit materials to the board on the investigation, and/or 4) be a full participant in the process with the same rights to call and question witnesses and be heard as the faculty member and administrator grieved against.
   f. Give an active role to the complainant to 1) submit a written statement, 2) appear and be heard, 3) have a lawyer present, and/or 4) call and question witnesses to the same extent as the faculty member.

Option 3: Eliminate the right to a board of review.