

Part IV

DISCIPLINARY ACTIONS AND GRIEVANCES



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Chapter 1

Disciplinary Actions

Section A

STANDARDS OF CONDUCT

The faculty of the University is a community characterized by personal interaction and mutual trust. Standards for faculty conduct are derived from tradition and evolve with contemporary practice. Accordingly, grounds for discipline for members of the faculty of a University are usually not made the subject of precise statement; when commonly held standards of conduct are broken, however, disciplinary action must be taken if the community is to be sustained.

At Vanderbilt, the Deans of the schools are responsible for assuring that the University's standards for faculty conduct are observed. Accordingly, Deans will, in cases in which there is a pattern of activity by a faculty member that appears questionable, advise the faculty member at the earliest reasonable date and counsel the faculty member concerning applicable standards of performance. In serious cases, a single instance of unacceptable activity by a faculty member may be serious enough to warrant discipline in addition to counseling. In other cases, the continued pursuit of a course of unacceptable activity after counseling by the Dean may warrant discipline.

Disciplinary actions against faculty members may include, but are not limited to, a reprimand, a probationary period with specified conditions, suspension (with or without pay), or dismissal for cause. The grounds for cause include: (a) professionally incompetent performance or neglect of duty; (b) gross personal misconduct rendering the person unfit for association with students or colleagues; (c) misconduct in research; and (d) conduct employing unlawful means to obstruct the orderly functioning of the University or to violate rights of other members of the University community. The severity of any discipline shall not exceed a level that is reasonably commensurate with the seriousness of the cause.

Misconduct in research is considered to be a special case of deviation from standards of conduct established by the University or other practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research. Misconduct in the pursuit of truth is inimical to the goals of this community and represents a breach in the commonly held standards of conduct of the community. The University defines misconduct by individuals involved in research or research

training as: 1) falsification, fabrication, or theft of data or samples; 2) plagiarism; 3) unauthorized use of privileged information; 4) abuse of authorship; and 5) significant failure to comply with federal, state, or University rules governing research (or with appropriate professional or international rules when research is conducted outside the United States): examples include rules involving human subjects, animals, recombinant DNA, new drugs, new devices, radioactive materials, and preservation of antiquities and natural resources.

The intent of the University with respect to allegations of misconduct in research is to 1) recognize that honest error in judgment or interpretation of data does not constitute misconduct, 2) establish fair procedures for dealing with allegations of misconduct, 3) ensure that policies and procedures are made known to faculty and staff members, and 4) initiate confidential preliminary inquiries promptly after receiving an allegation of misconduct to determine whether a formal investigation is necessary.

A tenured faculty member may not be finally dismissed for cause prior to an opportunity for a hearing as provided in this section, below. In cases where in the judgment of the Dean, the Provost, the Vice Chancellor for Health Affairs, or the Chancellor, and after consultation with at least one other of these officers, immediate action against a member of the faculty is necessary to prevent harm to the faculty member or others, the faculty member may be suspended pending a hearing.

Section B PROCEDURES*

In reaching a decision to discipline a faculty member, the Dean shall afford that faculty member appropriate procedural protections to assure that the decision is fully informed and fair. To that end, the following general procedures shall apply in all cases of alleged faculty misconduct, or misconduct by a staff member participating in a research project.

1. Any allegation of misconduct should immediately be brought in written form to the attention of the Dean of the relevant school, who in turn will notify the Provost or the Vice Chancellor for Health Affairs of the existence of the allegations. Initial allegations of misconduct that are found to be false and maliciously motivated may themselves become the basis of a disciplinary action. But no allegations made in good faith, however incorrect, will be the basis for discipline against a complainant, and efforts will be made to assure that no retaliatory actions occur over the good faith reporting of alleged misconduct.

2. Upon receiving a report of misconduct, the Dean may conduct an initial inquiry to determine whether the allegations have merit and whether a formal investigation is warranted. Such an initial inquiry will be completed as expedi-

*Effective as of December 1, 2003, in the case of allegations concerning misconduct in research sponsored by the U.S. Public Health Service, these procedures shall apply www.vanderbilt.edu/facman/ResMisconductPolicyPHS2003.pdf.

tiously as possible with a goal of completing it within sixty (60) days. The Dean, at his or her discretion, may appoint one or more persons, including an ad hoc committee, to conduct the initial inquiry and make a recommendation to the Dean. The initial inquiry is not a formal hearing, but a gathering and reviewing of facts to determine whether a full investigation is warranted or, alternatively, whether the facts do not sufficiently support the need for a full investigation.

The individual for whom disciplinary action is being considered will be given written notice of the allegations, including references to the time, place, others present, etc., when the alleged acts occurred. This notice must reasonably inform the individual of the specific activity that is the basis of the allegations. The accused individual will be afforded confidential treatment to the maximum extent possible. It is normally expected that persons having or reasonably believed to have direct knowledge or information about the activity that is the basis of the allegations will be consulted and that those consulted will maintain the confidence of the consultation. The person or persons bringing allegations of misconduct may request that their identity be withheld during this stage of the initial inquiry, but their identity must be disclosed to the accused should the process proceed to the stage of formal investigation. The Dean will notify the Provost or the Vice Chancellor for Health Affairs of the outcome of this initial inquiry. Where the initial inquiry involves allegations of misconduct in research, the records of the inquiry will be kept for at least three years and may be provided to authorized funding agency personnel.

3. Regardless of whether the Dean decides to conduct an initial inquiry, the accused faculty member will be invited to make a response in writing to the Dean regarding the allegations of misconduct. At his or her option, the accused faculty member may also respond in person.

4. Based on the allegations, the initial inquiry (if any), and the response of the accused, the Dean shall make a decision falling into one of two categories:

a. That insufficient grounds have been presented to warrant further pursuit of the allegation and, therefore, that the accused will be subject to no discipline or only minor discipline. The Dean will maintain sufficiently detailed documentation of inquiries to permit a later assessment, if necessary, of the reasons for determining that an investigation was not warranted.

b. That there is presumptive evidence for major discipline and that a formal investigation is warranted. If so, the Dean will notify the accused in writing summarizing the evidence received, relevant interviews, and the conclusions of the initial inquiry, if any.

5. If, in the previous step, the Dean determines that minor discipline is warranted, the final disciplinary action will be taken by the Dean at that point with the matter being subject to appeal to the Faculty Senate Committee on Pro-

Professional Ethics and Academic Freedom.

If, in the previous step, the Dean concludes that grounds for major discipline may exist, the Dean will so notify the faculty member and will refer the matter to a school committee within thirty days for investigation.

6. If federal regulations require, as in the case of alleged misconduct in research, the Dean will, on or before the date the investigation begins, notify the Office of Scientific Integrity (OSI), within the Department of Health and Human Services, or other appropriate agency, of the circumstances and of plans to conduct an investigation. Similarly, the Dean will notify the OSI or other appropriate agency during any stage of the inquiry, and may take appropriate interim measures, if it appears that any of the following conditions exist:

- a. there is an immediate health hazard involved;
- b. there is an immediate need to protect federal funds or equipment or there is a need to protect the funding agency's resources, reputation, or other interests;
- c. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
- d. it is probable that the alleged incident is going to be reported publicly;
- e. the scientific community or the public should be informed;
- f. there is a reasonable indication of possible criminal violation. In that instance, the University will inform, if applicable, the OSI or other research oversight agency, as well as the appropriate law enforcement agency, within 24 hours of obtaining that information.

If thought necessary by the Dean, he or she may elect to suspend research in the relevant program(s) pending the outcome of the investigation.

7. The purpose of the formal committee investigation is to explore further the allegations in order to determine whether misconduct has actually occurred. In appointing the investigative committee, the Dean will include individuals with knowledge and background appropriate to carry out the investigation. The Dean will also take precautions against real or apparent conflicts of interest on the part of members of the investigative committee. Such conflicts of interest may include: administrative dependency, close personal relationships, collaborative relationships, financial interest, or scientific bias. The committee members will be expected to state in writing that they have no conflicts of interest.

This committee will be given the notice of the allegations as provided the accused, and will be charged to investigate the matter. In its investigation, the committee will be expected to talk with witnesses and review documentary

evidence, secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence, advise the accused of the evidence against him or her, and offer the accused a reasonable opportunity to respond and present evidence. As in the initial inquiry stage, it is normally expected that persons having or reasonably believed to have direct knowledge or information about the activity that is the basis for the allegations will be consulted, and that those consulted will maintain the confidence of the consultations.

Complete summaries of committee interviews with witnesses shall be prepared, provided to the interviewed party for comment or revision, and included as a part of the investigatory file. Detailed minutes of the investigation will be kept.

Attorneys may not appear with or on behalf of the accused or any witness in proceedings before the committee. The accused and other witnesses may rely on their own legal counsel in the preparation of any documents or the collection of any evidence to be presented to the committee.

The committee will reach findings of fact in regard to the Dean's charge. If the committee finds facts that appear to constitute a breach of relevant University or scholarly standards of performance or conduct, the committee's report shall state the nature of the breach and assess the seriousness of the breach. A written report containing the methods of procedure, how and from whom the information was obtained, including the views of those found to have been engaged in misconduct, conclusions, and recommendations of the committee will be submitted to the Dean with a copy to the accused at the end of the investigation. All records of the investigation will be maintained under the control of the Dean.

During the formal proceedings before the committee, the accused shall have full access to all evidence that may form the basis of discipline within a reasonable time to respond to the evidence, including knowledge of the person or persons alleging misconduct. Only with such full access is the accused afforded an adequate opportunity to refute or explain the evidence. Thus, evidence normally must be acquired by the Dean or school committee for use in the formal investigation with no assurances of confidentiality of sources. If such an assurance of confidentiality must be given to facilitate investigation, the evidence obtained under that assurance may not be used as a basis of disciplinary action.

8. After receiving the report with findings of fact from the committee, the Dean will reach a decision and determine the disciplinary action and the appropriate sanctions to be taken against the accused. The severity of the discipline will not exceed a level that is reasonably commensurate with the seriousness of the cause. The disciplinary actions or sanctions may include, but are not limited to, any of the following: a) reprimand; b) a requirement to correct or retract publications affected by the findings of the investigation; c) a special

program for monitoring future research activities; d) removal from a project; e) probation; f) suspension; g) reduction in salary and/or rank; or h) termination of employment. The Dean will notify the Provost or the Vice Chancellor for Health Affairs and, if appropriate, will provide a full report to the OSI or other agency concerning the final outcome of the investigation.

9. The process of a formal misconduct investigation will be conducted as expeditiously as possible with a goal of being completed within 120 days. This period includes conducting the investigation, preparing the report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the Dean for decision and submission to the OSI or other appropriate agency.

All of the foregoing procedures should be carried out promptly and in confidence so that the risk to the reputation of the person under investigation is minimized. Diligent efforts will be made to restore reputations of persons alleged to have engaged in misconduct when allegations are found not to be supported.

10. A person who has been disciplined may file a grievance with the appropriate University committee within sixty (60) days after notification of the discipline. After a final decision is reached, the University may, in its discretion, provide notice of the outcome to those persons who were informed about the investigation, may have been affected by the misconduct, or otherwise have a professional need for such information. (See "Faculty Grievances," Part IV, Chapter 2).

Chapter 2

Faculty Grievances

A faculty member who believes that the University, acting through any representative, has breached an obligation owed to him or her may file a grievance.

A grievance alleging that the University breached an obligation owed to the faculty member in regard to a decision on his or her reappointment, tenure, or promotion shall be filed using the process set forth in Section A, below.

A grievance alleging that the University breached an obligation owed to the faculty member, in situations other than those arising out of a decision on reappointment, tenure or promotion, shall be filed with the Senate Committee on Professional Ethics and Academic Freedom (hereafter referred to as “PEAF”) utilizing procedures set forth in Section B below. In the School of Medicine, in situations other than those arising out of a decision on the faculty member’s reappointment, tenure or promotion, a faculty member may, as an alternative, file a grievance with the Faculty Advisory Council.

Faculty members may file a grievance under Section A or Section B, but not both. Faculty members in the School of Medicine may file a grievance with the Faculty Advisory Council or under Section B, but not both. Where the claims arising under Section A and Section B involve a common or overlapping set of of factual circumstances, a grievant shall set forth all such claims and proceed under Section A. A potential grievant is encouraged to contact the chair of the Faculty Senate to determine where the grievance is best filed.

In addition to, and not exclusive of, the grievance procedures noted above and detailed below, faculty members may direct complaints of unlawful discrimination to the Vanderbilt Opportunity Development Center. Use of the grievance procedures is not mutually exclusive with the filing of a civil action, although faculty members are encouraged to attempt to resolve grievances internally whenever possible.

Section A

GRIEVANCES ARISING FROM REAPPOINTMENT, TENURE, AND PROMOTION DECISIONS

The Reappointment, Tenure, and Promotion Grievance Process is available to a faculty member who believes that a decision on his or her reappointment, tenure or promotion raises (a) issues of professional ethics and academic free-

dom; (b) allegations of a failure by the University or those acting for it to follow stated or reasonable procedures; (c) complaints of a civil rights nature, including those of race or sex discrimination; or (d) allegations of the University's failure to adhere to express or implied terms of the faculty member's contract, including relevant portions of the *Faculty Manual*.

The Reappointment, Tenure, and Promotion Grievance Process utilizes ad hoc committees appointed to handle individual grievances. The Reappointment, Tenure, and Promotion Grievance Process is headed by the Process Chair who serves a two-year term and is appointed by the chair of the Faculty Senate in consultation with, and with the concurrence of, both the Provost and the Vice Chancellor for Health Affairs. The Process Chair, who must be tenured and hold the rank of Professor, is the reference point for the filing of grievances and serves as a voting member of all ad hoc faculty grievance committees. If the Process Chair believes that a potential conflict of interest exists with respect to a particular grievance, a substitute Process Chair will be appointed through the same process.

Prior to filing a grievance, a potential grievant may consult informally with the Process Chair concerning the Reappointment, Tenure, and Promotion Grievance Process and possible alternative approaches to the resolution of the matter giving rise to the grievance. Some disputes may be resolved satisfactorily at this informal consultation stage. The informal consultation process, however, does not relieve a potential grievant from the time requirements set forth below for filing a grievance.

When a grievance is filed, the chair of the Faculty Senate in consultation with, and with the concurrence of, the Provost or the Vice Chancellor for Health Affairs, depending on the school of the grievant, will name five members of the faculty to serve as an ad hoc Grievance Committee for that grievance. One of the five members will be selected through the same process to serve as chair of the Grievance Committee. The ad hoc Grievance Committee chair, who must be tenured and hold the rank of Professor, is the point of contact for the grievance until its conclusion. Faculty members appointed to the ad hoc Grievance Committee must be tenured and hold a higher rank than that of the grievant (or the same rank, if the grievant has the rank of Professor). All ad hoc Grievance Committee members must have been tenured faculty members for at least four years, at least two of which were at Vanderbilt. Individuals who have had prior involvement in the case (for example, as a member of the grievant's department or as a member of a school promotion review committee) or who otherwise have a conflict of interest will not be appointed. Three of the five members, which may include the Process Chair, shall be drawn from a pool consisting of faculty members who have previously served on a Promotion and Tenure Review Committee. For a grievance against the Provost or the Vice Chancellor for Health Affairs, the Chancellor in consultation with the chair of the Faculty Senate will designate an appropriate substitute to serve in this selection process.

A grievance arising from a decision on reappointment, tenure, or promotion

cannot be considered unless a written notice of intention to file a grievance is submitted within thirty days after a faculty member is notified in writing of the completion of the full review process for reappointment, tenure or promotion. Such notices are filed with the chair of the Reappointment, Tenure, and Promotion Grievance Process (i.e., the Process Chair), must identify the person or persons against whom the grievance will be directed, and must include a summary of the basis of the grievance. The complete grievance must be filed in writing with the Process Chair within sixty days of the written notification of the faculty member that the full review process for appointment, tenure, or promotion has been completed. The Process Chair will transmit copies of the notice and of the full grievance to the person or persons against whom the grievance is directed.

Upon receiving such a notice, the Process Chair will inform the chair of the Faculty Senate who will then initiate the process for forming a Grievance Committee appropriate to the grievance. Members selected for this ad hoc Grievance Committee should sign a statement indicating that they can serve impartially and are aware of no conflict of interest with respect to that grievance. The signed statements are submitted to the chair of the Faculty Senate and, together with all other collected documentation, shall be kept on file in the Faculty Senate office. After the committee has been selected, the chair of the Faculty Senate will notify the grievant and those charged (the “parties”) of its membership. If any of the parties is concerned about the impartiality or conflict of interest of one or more members, this concern may be brought to the attention of the chair of the Faculty Senate in writing. The chair of the Faculty Senate in consultation with, and with the concurrence of, the Provost or the Vice Chancellor for Health Affairs shall determine whether any member should be replaced.

The Grievance Committee will initially review a grievance to determine whether it was filed in a timely manner and whether it states one or more of the enumerated grounds that may be considered through the Reappointment, Tenure, and Promotion Grievance Process. A grievance failing to meet either of these tests will be dismissed. If the grievance is not dismissed, the committee will then determine whether the allegations, under the assumption that they are true, support a claim within one or more of the grounds that may be considered through the Reappointment, Tenure, and Promotion Grievance Process. If they do not, the grievance will be dismissed. Upon dismissing a grievance, the ad hoc Grievance Committee chair will inform the parties in writing of the grounds for dismissal.

If the grievance is accepted for consideration, the ad hoc Grievance Committee will inform the person or persons against whom the grievance is filed that a response is to be submitted to the ad hoc Grievance Committee chair. The response should be filed as soon as reasonably practical, but not later than sixty days after the response has been requested. The ad hoc Grievance Committee chair shall provide a copy of the response(s) to the grievant. If a

response includes confidential information, the committee will provide the grievant with a summary of that information.

The ad hoc Grievance Committee will invite the parties to meet separately with it for the purpose of clarifying or adding to the written statements or to respond to questions. Attorneys may not appear with or on behalf of the grievant, witnesses, or the University in proceedings before the committee. It is assumed that either party may rely on legal counsel in the preparation of any documents or the collection of any evidence to be presented to the committee.

The ad hoc Grievance Committee shall have full access to the grievant's reappointment, tenure, or promotion file. It may, in confidence, seek information from other persons or request other documents. It will not routinely be provided with access to the personnel files of other faculty members. If the committee believes that access to such files would be likely to aid materially in the resolution of the grievance, it may request access to specific files from the Provost or the Vice Chancellor for Health Affairs. The designated files will be provided unless the Provost or the Vice Chancellor for Health Affairs determines that the information in the files is not relevant because it would not materially aid in the resolution of the grievance. If the decision is made not to provide the requested files, the decision and the reasons for the decision will be communicated in writing to the ad hoc Grievance Committee chair. If the Provost or the Vice Chancellor for Health Affairs is charged in the grievance, the Chancellor will designate a substitute to make this determination.

The ad hoc Grievance Committee will maintain a record of its proceedings, including written summaries of relevant information and testimony. Prior to writing its report, the ad hoc Grievance Committee will submit to the parties a list of all individuals who provided testimony or other information to the committee. These parties may submit written comments on this list within seven days. The committee will then write preliminary findings of fact and submit them to the parties, who will be given fourteen days in which to submit written responses. After considering the responses, the committee may continue its review or render a final report. The final report to be submitted to the Chancellor will include (1) a statement of the findings of fact, (2) conclusions as to how those findings of fact relate to one or more of the four grievance criteria, and (3) recommendations. (See Section C on procedures following submission of a grievance committee's final report to the Chancellor.) A record of all proceedings shall be kept on file in the Faculty Senate office.

Section B

GRIEVANCES OTHER THAN THOSE ARISING FROM REAPPOINTMENT, TENURE, AND PROMOTION DECISIONS

The grievance process through the Senate Committee on Professional Ethics

and Academic Freedom (PEAF) is available to a faculty member who believes that the University has breached an obligation owed to the faculty member, including but not limited to an obligation to adhere to: (a) express or implied terms of a faculty member's contract, including relevant portions of the *Faculty Manual*; (b) commonly accepted norms of professional responsibility and academic freedom; (c) stated or commonly understood standards of fair and reasonable procedures; and (d) legal obligations with respect to nondiscriminatory treatment on the basis of race, sex, or other prohibited factors.

A faculty member may not be finally dismissed for cause prior to the disposition of any grievance arising from the dismissal. Potential grievants are encouraged to consult informally with the chair of PEAFF concerning common understandings about the University's obligations, standards of review applied by PEAFF in prior grievance cases, and possible alternative approaches to the resolution of the dispute. Some disputes may be resolved satisfactorily at this stage by informal mediation. If a faculty member chooses to file a formal grievance, the grievance must be transmitted in writing to the chair of PEAFF within sixty days after the grievant becomes aware of the action forming the basis of the grievance. At the time a grievance is filed, the grievant must transmit a copy of the grievance and all supporting documents to the University representative(s) whose actions form the basis of the complaint. Copies of any supplemental statements later filed by the grievant further to explain the complaint also must be transmitted by the grievant, at the time of filing, to the University representative(s) whose actions form the basis of the complaint. On receipt of a grievance, PEAFF will convene to determine whether the grievance presents a good faith, nonspurious claim of breach of obligation by the University or its representatives. In reaching its determination, PEAFF may rely on the written request of the faculty member and the supporting documents, or may decide to hold a preliminary hearing to explore the matter further. PEAFF, at this stage, will consider the statements or allegations of the faculty member in their most favorable light in order to determine whether the statements or allegations, if proven in a hearing, would establish a breach by the University of an obligation owed to the grievant.

PEAFF will apply the following standard in making an initial determination about whether the grievant has presented a good faith, nonspurious claim: "Under the procedures adopted by the Committee on Professional Ethics and Academic Freedom, in implementation of its duties under the *Faculty Manual*, the Committee must determine at the threshold, first, whether allegations in the grievance taken in their most favorable light, if proven, would constitute a breach of an obligation owed to a faculty member as described at page 115 of the *Faculty Manual*. If the answer to that question is yes, then the Committee must next determine, from the evidence presented, whether the grievant has a reasonable prospect of being able to prove the allegations made in the grievance. If the answer to both questions is yes, the Committee will establish a process for a further investigation of the grievance."

The faculty member presenting a grievance shall have a written reply by the chair of PEAFF within a reasonably prompt time, in which PEAFF's plan of action shall be outlined.

PEAFF shall review the case to assure that the University's actions were procedurally and substantively sound. The University representative whose actions form the basis of the complaint shall be asked to respond to the grievance in writing, briefly explaining his or her position on each major element of the complaint. In addition, the University representative shall be asked to supply in a timely manner any supporting documents not previously filed by the grievant. Each party to the grievance shall be asked to indicate whether he or she wishes to appear before PEAFF to add to or explain the written record in the case. If such an appearance is requested, it will be scheduled at an appropriate point in PEAFF's inquiry. In addition, PEAFF may on its own initiative request that either party appear to answer questions and may request the presence of witnesses.

Attorneys may not appear with or on behalf of the grievant, witnesses, or the University in proceedings before the Senate Committee on Professional Ethics and Academic Freedom. It is assumed that either party may rely on legal counsel in the preparation of any documents or the collection of any evidence to be presented to the Committee.

If a grievant feels that any member of PEAFF will not view the grievance with sufficient impartiality, the grievant may file with the Committee a written request that said member recuse himself or herself from the hearing and disposition of that grievance. In the event that a member of PEAFF feels that his or her objectivity and impartiality with respect to a particular grievance is subject to question, that member shall recuse himself or herself from the hearing and disposition of that grievance. If two or more members of PEAFF recuse themselves with respect to a particular grievance, the chair of the Faculty Senate shall appoint ad hoc members in their places with respect to that grievance.

Section C

FINAL REPORTS

A grievance committee, whether the Senate Committee on Professional Ethics and Academic Freedom (PEAFF) or one appointed through the Reappointment, Tenure, and Promotion Grievance Process (i.e., an ad hoc Committee), shall submit the final report of its decision to the Chancellor. The report will be in writing, and shall include findings of fact, conclusions, and recommendations. A copy of this report shall be made available to the grievant and to the University representative(s) whose actions formed the basis of the complaint. If the Chancellor elects not to concur with the report, the Chancellor and the relevant grievance committee shall meet in an effort to reach agreement.

In any case concerning the dismissal of a faculty member for cause or raising significant issues of conscience or academic freedom in which the Chancellor does not concur with the decision or the recommendation of the grievance committee, the Chancellor shall submit a full written report to the next meeting of the Executive Committee of the Board of Trust specifying the reasons for the action. In any other case in which the Chancellor does not concur with the recommendation of the grievance committee, the Chancellor will ask the General Counsel to review the file and submit a written report to the next meeting of the Executive Committee of the Board of Trust stating the fact of that disagreement and the issue, or issues, on which the Chancellor disagreed. Copies of the Chancellor's report (or the General Counsel's report) shall also be transmitted to the chair of the Faculty Senate, to the chair of the grievance committee, and to the grievant. A record of all proceedings shall be kept on file in the Faculty Senate office.

Section D

CONFIDENTIALITY AND OTHER MATTERS

Except as disclosures are reasonably necessary in the investigation, hearing, and final disposition of a grievance, the grievant, members of hearing bodies, and others having knowledge of a grievance are expected to preserve the confidentiality of the grievance, provided that any individuals accused in a grievance of misconduct shall be informed of the grievance and given the opportunity to respond to the charges.

The fact that a grievance is pending may not be used as grounds for delaying consideration of promotion or tenure beyond the time that such consideration is required by University rules.

A grievance may be withdrawn by the faculty member at any time prior to a decision of a grievance committee. The withdrawal of a grievance shall not preclude the Dean or the Chancellor from investigating the charges contained in the grievance or related matters.

It is understood that there are legal requirements relating to the time limitations when one may file a charge of discrimination with federal or state human rights agencies. Should this deadline arrive prior to the completion of the grievance process, and should the grievant elect to file a charge with a governmental agency, this will not prejudice the grievance process.