

UNIVERSITY GUIDELINES

Title

University of North Carolina at Chapel Hill Guidelines on Faculty Misconduct and Discipline

Introduction

Purpose

The University of North Carolina at Chapel Hill (“UNC-Chapel Hill” or “University”) is committed to excellence through teaching, research, and service. The University expects faculty members to uphold these principles through their intellectual integrity and professional behavior.

To sustain a community of mutual trust and accountability, the University has established guidelines for corrective measures and discipline for faculty misconduct. These guidelines are intended to ensure faculty members effectively fulfill their teaching, research, and service responsibilities.

These guidelines and associated procedures illustrate and explain the following:

- the University’s process for addressing allegations of faculty misconduct,
- steps for investigating and resolving allegations of faculty misconduct, and
- the types of corrective measures and disciplinary actions the University may impose for substantiated findings of faculty misconduct.

Scope

These guidelines apply to all faculty members (fixed-term, tenure-track, and tenured).

NOTE: All faculty members, whether temporary or permanent, are expected to comply with all department, school, University, and UNC System policies, procedures, standards, and rules that apply to employees. The guidelines herein may be modified in addressing disciplinary matters for temporary faculty members.

Definitions

Corrective Measure: A non-punitive action that can range in outcomes based on the nature of the conduct being addressed.

Discipline: A punitive action that corresponds proportionately to the nature, severity, and impact of the conduct or performance being addressed.

Inquiry: The preliminary process of gathering and reviewing information to determine whether a formal investigation is warranted.

Investigation: A formal, administrative process of collecting and examining facts and evidence to determine whether a policy violation or violation of law has occurred.

Misconduct: Behavior or actions that are a violation of state or federal laws or regulations, and/or department, school, and/or university policies or standards of conduct.

Progressive Discipline: The application of steps that impose discipline in a gradually increasing manner that correlates to the nature, severity, and impact of the conduct being addressed.

Guidelines

The University's Expectations for Faculty Conduct

The University expects all faculty members, whether temporary or permanent, to:

- conduct themselves in a professional and ethical manner,
- comply with all departments, schools, University, and UNC System policies, procedures, standards, and rules that apply to employees, and
- adhere to the standards, values, and code of ethics of their respective disciplines as they pertain to the faculty member's role within the University.

The University has established these expectations to accomplish the following:

- provide an environment conducive to teaching, research, learning, and service;
- foster integrity and personal and professional growth;
- create a community of scholarship, academic success, and responsible citizenship;
- promote transparency about expectations and the process followed when they are not met; and
- ensure compliance with and adherence to all relevant guidelines, policies, procedures, laws, and regulations.

The University will take appropriate action to address faculty misconduct, which may include but is not limited to:

- violations of professional ethics,
- violations of department/school conduct standards,
- mistreatment of students or other employees,
- misuse of university property,
- research misconduct,
- financial fraud,
- criminal conduct, or
- other illegal or unethical conduct.

Disciplinary actions under these guidelines exclude suspension, demotion, or discharge. If the imposition of a suspension, demotion, or discharge is being considered, the University will follow the provisions of the Trustee Policies and Regulations Governing Academic Tenure in the University of North Carolina at Chapel Hill ("University's Tenure Regulations").

The University reserves the right to revise these guidelines as necessary to address faculty disciplinary matters.

Grounds for Corrective Measures or Disciplinary Actions

A faculty member may be subject to corrective measures or disciplinary actions for cause if University officials determine the faculty member violated a University, UNC System, State of North Carolina ("State"), department, or school policy, procedure, rule or regulation. This includes conduct that adversely affects the faculty member's ability to fulfill their responsibilities to the University.

The corrective measures and disciplinary actions listed in this document are not intended to be exhaustive but to illustrate common categories of possible penalties. Corrective measures and disciplinary actions will be imposed with approval from the Executive Vice Chancellor and Provost ("Provost") or their designee after following, in good faith, the procedures outlined in these guidelines.

Faculty members required to maintain professional licensures and certifications will be managed according to applicable school and University policies. In the event action is taken against a professional licensure, certification, or comparable requirement for the role which impacts the faculty member's ability to perform the responsibilities of their job, either corrective measures or disciplinary action may be taken.

When warranted, the University may combine a corrective measure with disciplinary action.

Related Conduct Policies

Certain misconduct violations are adjudicated under the provisions of other University policies or procedures as identified below, and these Guidelines do not apply in matters addressed under one of those policies. Failure to adhere to these policies may warrant disciplinary action for cause.

Discrimination, Harassment, and Related Misconduct

Violations of University policies that prohibit discrimination or harassment based on any protected status, sexual assault or sexual violence, interpersonal (relationship) violence, stalking, retaliation, and similar types of misconduct must be reported to the University's Equal Opportunity and Compliance Office ("EOC"). The investigation process and recommended corrective measures or disciplinary actions will be addressed in accordance with EOC's procedures and guidelines as noted in the University's [Policy on Prohibited Discrimination, Harassment and Related Misconduct](#), [Prohibited Sexual Harassment Under Title IX Policy](#), and other applicable EOC policies.

Workplace Violence

Violations of prohibited conduct under the [Workplace Violence Policy](#) may be grounds for disciplinary action, up to and including dismissal. The EOC will respond to and oversee resolutions for reports of workplace violence. Any reported acts of on-duty or off-duty violent conduct will be addressed according to the procedures accompanying that policy, including the imposition of appropriate discipline.

Corrective Measures

The University imposes corrective measures to emphasize the necessity for behavior change and discourage future misconduct. The objective is to address the behavior and prevent recurrence or the need for further escalation.

Types of Corrective Measures

Corrective measures imposed may include, but are not limited to:

1. Letter of Counseling
 - a. A non-disciplinary letter that is maintained only in the faculty member's department file. The document should include the components outlined in the Faculty Counseling Template. *This letter may also be referred to as a Memo of Expectations.*
2. Mandatory training and/or coaching.
 - a. Remediation will be based on the area(s) needing improvement.
3. Reassignment of job duties, which may result in a pay adjustment.

Disciplinary Actions

Decision to Impose Disciplinary Actions

The University identifies that disciplinary action imposed on a faculty member is punitive, in response to a substantiated violation of a University, UNC System, State or department, school/division policy, procedure, guideline, regulation, or standards of faculty conduct. The decision to issue discipline may also depend on whether prior corrective measures have been taken to remediate similar conduct.

Determining Appropriate Disciplinary Actions

The penalties for misconduct vary. The severity of discipline will not exceed a level that is reasonably commensurate with the seriousness of the misconduct as determined by the department head(s) or dean/designee in consultation with the Office of Faculty Affairs. Where applicable, the University may impose more than one action for a single act based on the following:

- nature of the misconduct,
- violation of applicable policy, procedure, law, and/or
- impact on the University, including but not limited to any adverse conditions experienced at a unit or school level by its students, faculty, staff, and/or institutional or community partners.

Types of Disciplinary Actions

The University may impose disciplinary actions for violations of faculty conduct standards or as outlined in the [University's Tenure Regulations](#).

Disciplinary action imposed may include, but is not limited to:

1. Letter of Reprimand
 - a. A formal disciplinary letter to the faculty member's personnel file. The document should include the components outlined in the Faculty Reprimand Template.
2. Reduction in salary or non-salary payment entitlement.
 - a. Allowable only if the faculty member is covered under an approved compensation plan.
3. Restriction on consideration of merit-based salary increases for a specified period.
4. Prohibition of proposing (through the University) some or all sponsored research or other grants for a specified period.
5. Removal of administrative appointments.

If it is determined that the faculty member's misconduct warrants suspension, demotion, or discharge, the University will adhere to the given procedures outlined in the [University's Tenure Regulations](#).

Confidential Records

Records of disciplinary action for cause must be kept confidential to the extent required by the law. Subject to legal limitations and limitations imposed by university policy, information regarding the discipline of a faculty member may be disclosed when:

- disclosure is necessary for the effective operation of the University,
- the faculty member has granted permission,
- if necessary, respond to an appropriate inquiry from a potential future employer of the faculty member, or
- other appropriate circumstances in consultation with the Office of University Counsel.

The imposition of disciplinary action is a personnel matter and will be kept confidential as required by the Personnel Records Policy under the State Human Resources Act. When the very nature of the discipline requires disclosure, the disclosure will be made only to the extent necessary to those who have a bona fide need to know. Questions about disclosing discipline and related context should be directed to the Office of University Counsel or the Office of Faculty Affairs.

Process for Addressing Faculty Misconduct

Step 1 – Consult with the Office of Faculty Affairs

The department head(s), dean/designee, or school/division HR Officer will contact the Office of Faculty Affairs when a faculty member is alleged to have engaged in misconduct that may warrant corrective action. The nature of the allegations and the process for conducting an inquiry or investigating the claims will be reviewed. The Office of Faculty Affairs may also involve other university offices in evaluating the allegations.

When allegations of faculty misconduct are referred from other university offices, the Office of Faculty Affairs will notify the department head(s) or dean/designee of the reported allegations and provide guidance on addressing the matter. The nature of the allegations and the process for

conducting an inquiry or investigating the claims will be reviewed. The school/division HR Officer may be included in these discussions.

The procedure of imposing corrective measures or disciplinary actions (excluding suspension, demotion, and discharge) will be initiated by the department head(s) or dean/designee in consultation with the Office of Faculty Affairs and, when necessary, the Office of University Counsel. This includes administering corrective measures or disciplinary actions that result from an internal inquiry or investigation conducted by other university offices.

Contact the EOC Office

If the reported concern pertains to discrimination, harassment, sexual misconduct, workplace violence, or other violations under the University's [Policy on Prohibited Discrimination, Harassment and Related Misconduct](#) ("PPDHRM"), the department head(s) or dean/designee must contact EOC directly. The process allows for direct reporting to the EOC Office by anyone who witnesses or becomes aware of a PPDHRM policy violation.

Step 2 – Inquiry Process

Upon receiving a report of faculty misconduct, the department head(s) or dean/designee should work with the school/division HR Officer to assess the information and determine whether the concern merits further examination. This initial inquiry will be completed as expeditiously as possible but generally no later than fourteen (14) business days from receipt of the reported concern. The department head(s) or dean/designee and school/division HR Officer, after consulting with the Office of Faculty Affairs, may coordinate with relevant individuals in the school/division to conduct the inquiry. The inquiry is not a formal investigation, but a confidential process that involves gathering and reviewing information to determine whether a formal investigation is warranted or if the information does not support an investigation.

Possible Outcomes

The inquiry may result in one of the following outcomes:

1. No action is taken based on the inquiry findings.
 - a. The department head(s) or dean/designee will thoroughly document the inquiry and any decision to forgo action, maintaining these records for future reference.
2. Imposition of a corrective measure based on inquiry findings.
 - a. Prior to imposing a corrective measure, the department head(s) or dean/designee will meet with the faculty member to discuss the concern and provide an opportunity for response. The department head(s) or dean/designee will consult with the Office of Faculty Affairs before taking any action.
3. Due to the inquiry findings, a formal investigation is conducted, which may or may not lead to the recommendation of a corrective measure or disciplinary action.

Allegations of Serious Misconduct

The University reserves the right to forgo the inquiry process and proceed directly to a formal investigation based on the nature of the misconduct.

Importance of Documenting Concerns in Writing

The department head(s) or dean/designee is expected to maintain written documentation of all conduct discussions with faculty members.

The documentation should summarize the discussion including the following points:

- reiterate standards of conduct;
- outline improvement objectives, including relevant deliverables and timelines;
- identify available resources to support improvement; and
- clearly state consequences for failing to meet the specified expectations.

The department head(s), dean/designee, or school/division HR Officer will provide the faculty member with a copy of the written summary to ensure all parties have a record of the discussion. Failure to maintain proper documentation of conduct discussions may hinder the department head(s) or dean/designee's ability to administer progressive discipline.

Step 3 – Formal Investigation

If the inquiry provides reasonable cause to support a formal investigation, the department head(s) or dean/designee will consult with the Office of Faculty Affairs to review the inquiry findings. The Office of Faculty Affairs may involve other university offices in these discussions.

Notice of Formal Investigation

The faculty member will receive written notice of the determination to proceed to a formal investigation by either the department head(s), dean/designee, Office of Faculty Affairs, or EOC. To the extent such information is known, the notification will include:

- the specific allegations for the basis of investigation; and
- references to the time, place, witnesses, etc., when the alleged acts occurred.

The notification must include:

- timeframe of when the faculty member can expect to meet with the investigators;
- information on available university resources including accessibility of programs/services; and
- a clear statement of consequences should the faculty member engage in conduct that could be perceived as retaliation or disruptive to the investigation process.

Designated Investigators

The formal investigation may be conducted by the department head(s), dean/designee, school/division HR Office, Office of Faculty Affairs, EOC, or other relevant university offices.

Confidentiality of the Formal Investigation

The University will remind individuals involved in the process to maintain confidentiality to the fullest extent possible. The University will consult with the individual(s) having or reasonably believed to have direct knowledge or information about the activity that is the basis of the allegations. Those individuals will be expected to maintain confidentiality throughout the

investigation and be reminded of the University's non-retaliation policy. The reporter may request anonymity during the initial inquiry, but the University may need to disclose the reporter's identity to the faculty member if the process advances to a formal investigation.

Step 4 - Investigation Report, Faculty Response

At the conclusion of the investigation, both the Outcome Team and the faculty member will be provided with a copy of the final investigation report. The final investigation report may need to be redacted to protect others' confidential personnel information before it is provided to the faculty member.

After the faculty member is provided with a copy of the final investigation report, the faculty member will be offered an opportunity to send a letter to the Outcome Team. The faculty member may use this letter to communicate whatever information they would like for the Outcome Team to consider as they are evaluating actions to take in response to the findings of the investigation. This letter is not an opportunity for reconsideration of the investigation but can be used to provide information about mitigating or other circumstances the faculty member would like the Outcome Team to consider. Such a letter shall be limited to three pages and must be delivered to the Office of Faculty Affairs within five business days of the faculty member's receipt of the final investigation report. The faculty member is not required to provide this letter, and no adverse inferences will be drawn from the faculty member's decision not to make use of this opportunity.

Step 5 – Outcome Meeting and Recommendation

Upon the conclusion of the formal investigation, the department head(s) or dean/designee, the Office of Faculty Affairs, an attorney from the Office of University Counsel, and, when applicable, representatives from other university offices will hold an "outcome meeting" to discuss the findings. The Outcome Team shall be provided with both the investigation report, an executive summary if appropriate, and the faculty member's letter (described above) for consideration.

If the formal investigation concludes that the faculty member engaged in misconduct in violation of a University, UNC System, State or department, school/division policy, or law, the outcome meeting will also involve a discussion to recommend correction measures or disciplinary actions.

If the investigation concludes that there are grounds to impose disciplinary action of suspension, demotion, or discharge according to the [University's Tenure Regulations](#), the department head(s) or dean/designee will adhere to the procedures outlined within these regulations.

The Associate Provost for Faculty Affairs will prepare a written summary of the investigation and recommendations for the Provost.

Step 6 – Approval and Issuance of Corrective Measures and Disciplinary Actions

The Provost may meet with the participants of the "outcome meeting" to hear and consider the recommendations and decide which actions to impose. In some cases, the Provost may accept the recommendations and delegate authority to the Associate Provost for Faculty Affairs or designee, who will work with the department head(s) or dean/designee to communicate the outcome to the

faculty member without additional conference. The Provost will make that determination upon receipt of the written summary of the “outcome meeting” and will communicate that decision to the Associate Provost for Faculty Affairs or designee.

If the Provost (or designee) approves a recommendation to impose corrective measures or disciplinary actions **not covered** under the [University's Tenure Regulations](#), the Office of Faculty Affairs and an attorney from the Office of University Counsel will assist the department head(s) or dean/designee with drafting a written communication to the affected faculty member. The communication will summarize the findings, specify the grounds for action being taken, and advise the faculty member of available University dispute resolution policies available to them.

If the Provost (or designee) approves a recommendation of suspension, demotion, or discharge, the discipline will be carried out per Section 3 of the [University's Tenure Regulations](#). Further, if the recommendation consists of the non-reappointment of a tenure-track faculty member, the discipline will be administered per Section 4 of the [University's Tenure Regulations](#). The Associate Provost for Faculty Affairs and an attorney from the Office of University Counsel will draft the written correspondence to the faculty member, which will be issued by the Provost. The faculty member will be advised of available University dispute resolution policies. The faculty member will be advised that upon final determination, when appropriate, the University reserves the right to notify a faculty member’s professional licensing boards of substantiated misconduct, especially if personnel are required to do so based on the requirements of their professional boards.

Dispute Resolution Procedures

To dispute imposed corrective measures and disciplinary actions not covered under the University's Tenure Regulations, the faculty member may seek resolution through the [Faculty Grievance Committee](#).

For matters where disciplinary actions are imposed for cause under the University's Tenure Regulations, the faculty member may exercise the right to appeal decisions that fall within the jurisdiction of the [Faculty Hearing Committee](#).

University Resources

Prior to or in conjunction with corrective measures or disciplinary action, a faculty member may be referred to resources offered by the University. However, such referrals are not to be considered a substitute for any corrective action.

- [Employee Assistance Program](#)
- [University Ombuds Office](#)
- [Benefits and Leave](#)
- [Equal Opportunity and Compliance Office: Workplace Accommodations](#)

Related University Policies, Standards and Procedures

- [Prohibited Sexual Harassment Under Title IX Policy](#)

- [Prohibited Discrimination, Harassment & Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Interpersonal Violence and Stalking](#)
- [Trustee Policies and Regulations Governing Academic Tenure in the University of North Carolina at Chapel Hill](#)
- [Workplace Violence Policy](#)