

Guidelines for the Roles of the Department Chair and the Dean in the Investigation of Allegations of Violations of the Upstate Pledge by Members of the Faculty or Senior Administrative Staff of SUNY Upstate Medical University.

- ✓ If the allegation concerns workplace violence or domestic violence, the chair/dean will contact the Office of Employee/Labor Relations and University Police immediately.
- ✓ If the allegation concerns potential discrimination or sexual harassment, the chair/dean will contact the Office of Diversity immediately.
- ✓ If the chair/dean anticipates that the faculty member may be subject to formal disciplinary action for any reason, or termination of employment may be a possibility, he/she will contact Employee-Labor Relations for guidance.

Note: “Scientific misconduct” is addressed through the policies and procedures of the Research Administration Office. “Medical misconduct” in patient care is defined and addressed by the policies and procedures of the Medical Staff Bylaws (separate from the employment process) of University Hospital, and Addendum C (“Medical Staff Code of Professional Behavior”) also addresses expectations for professional and personal behavior in all interactions.

If none of the above applies, the process is more informal, as outlined below.

These guidelines have been developed to provide a consistent and transparent process that will guide the chairs and deans to address allegations of violations of the Upstate Pledge that are made against faculty members or members of the senior administrative staff of SUNY Upstate Medical University. Any informal resolutions that occur should be seen as being in the spirit of peer review, rather than adversarial. Therefore, the individuals involved will not have legal counsel present during these discussions. [Note: UUP-represented faculty members do have the right to representation by legal counsel or UUP in formal disciplinary proceedings in accordance with Section 19.8 of the Agreement between the State of New York and the United University Professions.]

Every effort shall be made to protect the person accused of violations of the Upstate Pledge (“respondent”) from any professional harm, and the presumption of innocence will prevail throughout. Also, the interests of those who make good faith reports of wrongdoing (“complainant”) and others who provide input will be safeguarded.

1. Who can make an initial allegation

Any member of the University community has the right to bring a concern about violations of the Upstate pledge by a faculty member to the attention of the Chair and/or dean of the college. Therefore, this includes students, residents, others in training, other faculty members, administrators and staff of SUNY Upstate Medical University.

2. Initial allegation and Preliminary Inquiry:

The complainant should initially discuss the allegation, if possible, with the faculty member directly, and if not, with the faculty member's department chair in confidence. If an allegation concerns a department chair or member of the senior administrative staff, he/she should discuss it with the dean of the appropriate college or his/her designee. The Chair/Dean will conduct a discrete inquiry while safeguarding individual privacy.

The purpose is to separate unfounded allegations from those of a potentially substantive nature. The Chair/Dean will make a preliminary inquiry to collect information to resolve the matter and, in most cases, should inform the faculty member that an allegation against him/her has been made. In most cases, the Chair/Dean will bring the complainant and respondent together and facilitate a discussion so that problems relating to miscommunication or conflicting perceptions can be discussed and resolved.

If such a meeting does not resolve the matter, or if the individuals choose not to meet, the Chair/Dean will propose a resolution based on the preliminary inquiry. The possible resolutions include:

- A. If the Chair/Dean determines that the allegation(s) is without merit, the matter will be closed and the Chair/Dean will communicate this decision to the complainant.
- B. If the respondent does not contest the allegation(s), or the Chair/Dean determines that the allegation(s) has merit, and the Chair/Dean considers the matter to represent a minor issue, the Chair/Dean will review the concern with the faculty member and establish an expectation for future appropriate behavior. The Chair/Dean may document this verbal counseling session in his/her confidential file.
- C. If the respondent does not contest the allegation(s), or the Chair/Dean determines that the allegation(s) has merit and the Chair/Dean considers the matter to represent a serious issue, the Chair/Dean will contact Employee/Labor Relations and will institute a formal counseling session with the faculty member. The Chair/Dean will work with Employee/Labor Relations to create a "counseling memo" that describes the unacceptable behavior and the consequences of similar future behavior. This counseling memo will be copied to the faculty member's official personnel file. If the memo concerns a faculty member, it will be copied to the dean of the appropriate

college. If the memo concerns a chair or senior administrator, it will be copied to the President.

D. The Role of the Dean and/or the Senior Associate Dean for Faculty Affairs-

The Dean (or his/her designee, the Senior Associate Dean for Faculty Affairs) may play several roles. She/he may:

- serve as an impartial mediator to assist in the discussions that the Chair/Dean holds with the complainant, the respondent, or both;
- serve as an objective reviewer of the materials gathered by the Chair/Dean to assist in his/her decision concerning how to proceed;
- serve to guide the complainant and/or respondent to appropriate resources, at their request;
- The Senior Associate Dean may serve as the dean's designee as assigned by the Dean

Any notes about the meetings made by the Senior Associate Dean will not become part of the faculty member's official personnel file.

3. Formal Disciplinary Process:

a. For UUP represented faculty members only:

For cases that are not resolved by the process outlined above, the institution will take appropriate action in accordance with Article 19 of the Agreement between the State of New York and United University Professions. The disciplinary procedure outlined in the collective bargaining agreement includes a "disciplinary interrogation meeting", in which the faculty member is present (and has the right to be represented by private counsel or UUP), as well as the chair, and a representative from Employee/Labor Relations. If a Notice of Discipline (NOD) is issued bringing formal disciplinary charges against the faculty member, he/she has due process rights, which include ultimately having the NOD heard before an arbitrator.

b. For faculty members paid by the Research Foundation:

Although employment by the RF is on an "at will" basis, the counseling processes are similar to those for UUP represented faculty, i.e., verbal counseling followed by formal counseling that is documented by a counseling memo. For cases that are not resolved by the process outlined above, RF faculty may be terminated by the employer.

4. Confidentiality

All participants in the process will be held to the highest standards of confidentiality. However, anonymity is not guaranteed, as these types of complaints, by their very nature, rest on the observations of one individual of the behavior of another.