

Guidelines for Managing EthicsPoint Messages Regarding Faculty

EthicsPoint provides a simple and direct way to anonymously and confidentially report activities that may involve criminal, unethical, or otherwise inappropriate behavior that may be in violation of the University policies. Santa Clara University encourages individuals who have knowledge of criminal, unethical, or otherwise inappropriate behavior to speak with their supervisor, the Department of Human Resources, the Office of the General Counsel, or the EEO & Title IX Office. The University acknowledges however, that there may be individuals who would like to report such issues anonymously. EthicsPoint provides a venue in such cases.

The University adopted EthicsPoint to ensure compliance with various regulations that require a “whistleblower” hotline. For example, a confidential, anonymous hotline is required for reporting incidents of research misconduct, particularly for research involving human subjects. A similar reporting mechanism is needed for incidents in the area of environmental health and safety -- e.g. reporting improper disposal of hazardous materials or unsafe work conditions. There is also a need to provide a venue for reporting issues related to fraud or misuse of financial resources.

At SCU, a complaint registered via EthicsPoint is sent to General Counsel, who then reviews the complaint and sends it to the appropriate office to be addressed. Safety issues are sent to Campus Safety and/or the Environmental Health and Safety office. If the complaint is about General Counsel, then EthicsPoint sends the complaint to a designated member of the Board of Trustees. Once the responsible office responds, then General Counsel reports to EthicsPoint how the matter was addressed, and EthicsPoint communicates to the complainant.

In the past year, students have begun using EthicsPoint to register complaints regarding faculty. General Counsel reviews the issue noted in the complaint and sends such complaints to the Vice Provost for Academic Affairs (VPAA) and, if appropriate, the EEO/Title IX office or other appropriate office. If the complaint requires action by the EEO/Title IX office, then that office follows standard protocols. If the complaint does not require action by another office, the VPAA will determine whether the complaint involves an activity that conflicts with Section 3.9.1 of the Faculty Handbook that describes misconduct as consisting of “behavior inconsistent with commonly accepted norms of academic integrity and professional conduct for members of a university faculty, including norms articulated in this Handbook.” In particular, this might include:

- 1) Section 3.6.2 that describes general faculty responsibilities, in particular, “all faculty are expected to exhibit ethical behavior consistent with established norms” as referenced in Appendix D in the “Statement on Professional Ethics.”
- 2) Section 3.6.3 that describes specific functions including “teaching courses as assigned” (e.g. repeatedly cancelling classes would be problematic under this section) and “posting and maintaining regular office hours at times reasonably

convenient to students.”

- 3) Section 3.6.8 that prohibits “any consensual dating, romantic, or sexual relationship between an employee and a student over whom that employee has any instructional, supervisory, advising, or evaluative responsibility.”
- 4) Appendix H on Misconduct in Research.

If the complaint reports activities that may involve criminal, unethical, or otherwise inappropriate behavior that may be in violation of policies described in the Faculty Handbook, then the VPAA will investigate fairly following due process. The VPAA will discuss the matter with the appropriate chair and dean as well as follow any specific procedures in the Faculty Handbook (section 3.10 and Appendix H).

If the complaint does not report criminal, unethical, or otherwise inappropriate behavior that may be in violation of policies described in the Faculty Handbook, the VPAA will notify General Counsel of such determination. The VPAA will then determine if the professor against whom of the complaint was made could benefit from a developmental discussion about the complaint. If not, the process is concluded. If so, the VPAA will contact the professor to see if s/he would like to have a developmental discussion with the Office of Faculty Development. When contacting the faculty member, the VPAA will 1) inform the faculty member that there has been a complaint and describe the nature of the complaint, 2) assure the faculty member that no other action will be taken at this time (that is, chair and dean will not be contacted), nor has the complaint been handled by anyone at the University currently connected to evaluating the faculty member, and 3) recommend that the faculty member contact the Office of Faculty Development for advice on addressing any issues raised in the complaint, specifically pointing out that this would be completely voluntary and confidential, entailing a developmental discussion offering constructive feedback and support.

In all cases, the General Counsel will respond to the complainant through EthicsPoint indicating the process followed and any result that is not confidential.