

**Faculty Senate**

April 25, 2022

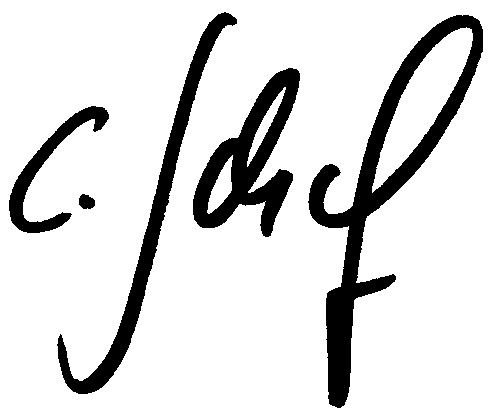
Response to Policy 01.04.03 DUTY TO REPORT ANS PROTECTION FROM RETALIATION

The Faculty Senate met on April 21, 2022 and discussed policy 01.04.03.

In addition to the changes suggested in the document (see attached) the Faculty Senate suggests to consider the following points:

1. There probably exist academic standards and guidelines that define "retaliation" in a university setting. The review of this policy should simply include by reference such "canonical" or standard lists of retaliatory actions, so that the UAH policy can address how UAH faculty and staff should respond to such behaviors -- who to report to, who audits the process, time limits, etc.
2. There is a concern that more questions are raised by the text than answered by it, for example:
   1. Who Determines "Good Faith" and how? The verbiage about "Good faith" is so extensive that it might actually prevent reporting of wrongful conduct
   2. Who Determines "Retaliation" and how?
   3. Who determines whether someone had a "Duty to report" and how?
   4. What is the process of resolution that follows from a report?
   5. What is the difference between retaliation and discipline?  There is a lot of greyspace and room for judgment.
3. The policy must mirror EEO regulations on retaliation, and thus needs to include a clause that prohibits adverse action against a family member or relative.
4. The policy is vague on what counts as "verbal, or mental abuse," particularly when there are no criteria laid out to distinguish, say, impassioned disagreement from such verbal and/or mental abuse.  Surely some criteria would be important to include.  In the absence of any criteria, it can be readily imagined that one person's notion of vehement protest may be another's notion of verbal abuse, and that one person's notion of acceptable though unfortunate stress due to professional conflict could be another's notion of mental abuse.

Sincerely,



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Professor of Chemistry

President of the Faculty Senate