KU Procedures for the Board of Regents Social Media Policy

Lawrence Campus

Approved by University Senate: 04/08/2015

This Policy does not apply to students.

Notification

In the instance that the Provost decides that a faculty or staff member may have engaged in an improper use of social media under the KBOR Social Media Policy, the Provost shall notify the employee that an Initial Review Panel will convene.

Initial Review Panel ("IRP")

An initial review panel shall determine whether there are reasonable grounds to believe that the faculty or staff member violated the social media policy. To reach its determination, the Initial Review Panel shall, at its discretion, receive and gather evidence and testimony, including written and/or oral testimony. The faculty or staff member in question has the option to present a written statement. No charge shall proceed to the Substantive Review Board unless upon a determination by the Initial Review Panel that there are reasonable grounds to believe that the member of the faculty or staff improperly used social media as defined by the Social Media Policy.

The IRP shall be composed of one designee of the Provost and two designees of the University Senate Executive Committee. One of the designees of the University Senate Executive Committee may be a member of the employee class of the employee who is facing the charge. These three members will elect their own chair.

Substantive Review Board ("SRP")

In the event that the IRP has determined that there are reasonable grounds to proceed with a charge, the Substantive Review Board shall consider evidence and testimony to determine whether to make a recommendation for disciplinary action. The burden of establishing that there has been a violation of the Social Media Policy shall be on the University. If there are disputed issues of material fact, the accused employee shall have the right to present relevant evidence, including the testimony of witnesses, and to cross-examine adverse witnesses. If the SRB determines that there are no disputed issues of material fact, it may make its recommendation on the basis of written submissions and without an evidentiary hearing.

The SRB shall be composed of five members chosen on a case-by-case basis through the following procedure:

1. In a case of a charge against a member of the faculty (including non-tenure-track faculty), the members of the Committee shall be one tenured faculty member chosen by the Provost or designee, three tenured faculty members chosen by the Faculty Senate Executive Committee, and one tenured faculty member chosen by these four members. The Committee shall choose one of its members as the chair.
ii. In a case of a charge against any other University employee, the members of the Committee shall be one University employee chosen by the Provost or designee, three University employees chosen by the University Senate Executive Committee, and one employee chosen by these four members. The Committee shall choose one of its members as the chair.

No nominee shall be approved if a conflict of interest exists that shall compromise the impartiality of the review.

**Substantive Review Board Outcome**

The SRB shall weigh the evidence for and against the charge of an improper use of social media under the KBOR Social Media Policy and shall report its recommendation to the Provost and the faculty or staff member who is the subject of the review.

**Timeframe**

The IRP shall conduct its initial review within 5-7 days of receiving the charge; the SRB shall have 14-21 days to review information/hold a hearing and 5-7 days to write a report and make a recommendation. Any Board member not available to participate in a hearing within the required timeframe will be replaced. The IRP and the SRB shall have the authority to adjust timeframes for good reason as it deems necessary (for example, for a brief delay to allow an employee sufficient time to retain legal counsel), with appropriate notification to the involved parties.

**Conflict of Interest**

Actual or perceived conflicts of interest between any and all of the entities and individuals in these proceedings are to be discouraged. All participants in the hearings whose positions are not specifically described in the sections above must be free of even the appearance of a conflict of interest with any of the parties or entities in the case. Any and all individuals whose positions are not specifically described in the above sections outlining the “Initial Review Panel” or “Substantive Review Board” and are asked to render advice or opinions to the Panel or Board must be proposed to the Faculty Rights Board no less than two weeks in advance of the hearing (in the case of the hearing for a faculty member) or the University Senate Executive Committee (in the case of any other university employee) and approved by those bodies no less than one week in advance of the hearing as having neither actual nor perceived conflicts of interest with any of the parties or entities in the case.

**Legal Advice**

In the event the Initial Review Panel or Substantive Review Board need or desire legal advice, such advice should be sought from an independent consulting attorney whose fees are to be paid by the Main Administration.

**Appeal Rights**

Disciplinary action taken subsequent to the recommendation of SRB is subject to appeal in accordance with existing procedures as described in USRR 6.4.