

THE CATHOLIC UNIVERSITY OF AMERICA

FACULTY HANDBOOK

PART II

APPOINTMENTS AND PROMOTIONS

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[Additional History](#)

Additional References

[Faculty Appointment Forms](#)

[Memorandum - External Consultation for Applications for
Tenure or Promotion to Ordinary Professor](#)

Section A. Appointment to a Faculty

II-A-1 Faculty membership

- .001** Membership in the Faculty of a School or Department is held by persons with valid appointments to one of the four generally recognized Faculty ranks, namely, Ordinary Professor, Associate Professor, Assistant Professor, or Instructor.

- .002** Distinguished Professors not attached to a School or Department may be appointed to Faculty membership according to norms applicable for the appointment of Ordinary Professors (*D-3.145*), provided each such appointment is specifically approved by the Academic Senate.

- .002a** The Chancellor of the University by virtue of office shall have the title, The Cardinal William Baum University Professor, and, unless otherwise approved by the appropriate voting bodies according to the norms applicable for faculty appointments and the awarding of continuous tenure, without membership in a specific School or Department and without tenure.

- .002b** The President of the University by virtue of office shall have the title, The Bishop John J. Keane University Professor, and, unless otherwise approved by the appropriate voting bodies according to the norms applicable for faculty appointments and the awarding of continuous tenure, without membership in a specific School or Department and without tenure.

- .003** For purposes of procedures outlined below for appointments and promotions, Ordinary Professors and Associate Professors will be referred to as Senior Faculty; Assistant Professors and Instructors as Junior Faculty.

- .004** Appointments to regular membership in a Faculty are of three kinds: appointments with continuous tenure, term appointments probationary for tenure, and contract appointments without tenure. Contract appointments without tenure are distinguished by a prefix or suffix to the professorial title as appropriate to the academic field and function (e.g. "Clinical," "Teaching," or "of Practice").

- .005** Others may be associated with a Faculty (a) as Professors Emeriti; (b) in Research, Visiting, or Adjunct capacities, as designated by the prefix to the professorial title; (c) as Lecturers; (d) as Research Associates, Clinical Associates, or Visiting Scholars; or (e) as Teaching or Research Assistants. In each case, an appointee has such privileges as the Department or School may grant, except the privileges of voting and serving in an administrative capacity within the Faculty (i.e., as dean or chair, or as associate dean or chair), which are enjoyed only by regular members of a Faculty as defined in the paragraphs above. Association with a Faculty, regardless of length of service or type of

appointment (full-time or part-time), does not entitle the appointee to regular membership in a Faculty except through procedures for recruitment and appointment of Faculty as provided in *Section C. Procedures for Appointments and Promotions*.

- .006** Policies and procedures governing the prerogatives of membership and of rank in a Faculty, or of other association with a Faculty, are derived from and are administered within the context of collegial relationships in which the Academic Senate is empowered to “share with the President the immediate responsibility for the academic governing of the University by establishing, maintaining, supervising and in general being responsible for the academic policies of the University” (*Bylaws II, 6*). The specific requirements for each rank or title and the procedures for appointment and promotion are those recommended by the Academic Senate (*Constitution of the Academic Senate, Art. XI-XIII*). They are set out in *Section D. Criteria for Reviews*.

II-A-2 Joint Appointments

- .007** An appointment may be held simultaneously in two or more Schools or in two or more Departments within the same School, provided that the usual procedures of consultation within the Schools or Departments concerned are observed. A joint appointment must be to a single academic rank, the title to be agreed upon by all parties. The appointee enjoys full rights in each of the Schools and/or Departments in which the joint appointment is held.
- .008** All subsequent proposals concerning the appointee pertaining to reappointment, promotion, tenure, and retirement, must be agreed upon by each of the Schools and/or Departments in which the appointment is held if the joint appointment is to be continued.

II-A-3 Authority for Appointment

- .009** Appointments to Faculty rank and to the associated positions named above are made by the President (*Bylaws VIII, 1*), ordinarily through delegation of authority to the Provost, subject to the following requirements for consultation or approval:
- .010** The Academic Senate and the Board of Trustees must approve appointments with continuous tenure and conferral of the title Professor Emeritus or Emerita.
- .011** The Academic Senate must approve appointments to senior Faculty rank.
- .012** Appointments and reappointments of Faculty to junior Faculty rank may be made after consultation with the cognizant Faculty as provided in *C-6., C-7*.
- .013** Appointments of Lecturers, Research or Clinical Associates, Visiting Scholars and Teaching or Research Assistants may be made upon the recommendation of the Chair of the Department, if the School is departmentalized, and the Dean of the School, who for

this purpose act on behalf of their Faculty.

- .014** When time does not allow completion of all required procedures for an initial appointment, the President, after consultation with the cognizant Dean, may issue an appointment *ad interim* to a rank that is appropriate and consistent with the prescribed criteria for rank. Such an appointment may not be extended beyond a single one-year term, during which term the appointee has the rights and obligations proper to the rank.
- .015** The terms and conditions of every appointment, in addition to the regulations of this *Faculty Handbook*, are those set forth in writing in the official letter of appointment issued by the Provost, copies of which are supplied to the appointee and the cognizant Chair and Dean.

Section B. Categories and Terms of Appointment

II-B-1 Categories of Appointment

.016 Regular membership in a Faculty includes appointments with continuous tenure (*B-2*), appointments probationary for tenure (*B-3*), and contract appointments without tenure (*B-4*). All other appointments to association with a Faculty, as described in (*B-5-7*), regardless of length of term or extent of duties, full-time or part-time, do not confer regular membership in a Faculty. Unless specifically provided for in this Handbook and arranged for by prior mutual agreement, these appointments do not count as time in service toward acquisition of tenure.

II-B-2 Tenured Appointments

.017 A tenured Faculty appointment is a permanent appointment to a School of this University, or, if the School is departmentalized, to a particular Academic Department of the School. In the case of a joint appointment, tenure applies to the position as mutually agreed upon by the academic units involved. A Distinguished Professor (*cf. A-1.002*) with tenure holds an appointment in the University at large. In the event that the University is reorganized through mergers or other restructuring of academic units, the tenured appointment of an affected Faculty member continues in the successor academic unit. If the reorganization results in the abolition of a particular academic unit, tenured faculty appointments may be terminated according to provisions in *H-8*.

II-B-3 Appointments Probationary for Tenure

.018 An appointment probationary for tenure is an appointment to a Faculty for a term of one or two years, and is subject to renewal up to a maximum of seven years of service, whether continuous or, if not continuous, in the aggregate, at this University. In determining the maximum duration of probationary status the following shall apply:

.019 (a) Appointments *ad interim* are included;

.020 (b) Appointments as Visiting Faculty are included beyond the first year;

.021 (c) Time spent on Leave of Absence and parental leave is excluded;

.022 (d) Maximum duration is extended by one year for each new child.

.023 (e) In extraordinary cases, pursuant to a written agreement signed by the appointee and the Provost, the period during which the appointee provides at least half-time service in non-academic duties may be excluded; for example, Deans, or Assistant or Associate Deans, may qualify under this rule, but in no case may such extension run for more than

four years.

- .024 (f) Part time service shall be accounted for tenure extension as defined in the Policy of the University. See also Part III B-8.
- .025 Probationary appointments are for the term stated in the official letter of appointment and, subject to the requirements of this article, end on the date specified unless a new letter of appointment is issued prior to such terminal date. Written notice that a probationary appointment will not be renewed or that the term of an existing probationary appointment is to be amended will be given:
- .026 (a) By March 1 of the first academic year of service if the appointment expires at the end of that academic year, or at least three months in advance of its expiration if this occurs at some other time during the year;
- .027 (b) By December 15 of the second academic year of service if the appointment expires at the end of the academic year, or at least six months in advance of the expiration of the appointment if this occurs at some other time during the year;
- .028 (c) At least twelve months before the expiration of an appointment, if this occurs after two or more years of service at the University.
- .029 The notice of non-renewal shall be in standard form and need not state reasons for the decision, except as provided in *C-12*.
- .030 If the University fails to provide timely notice under this article, the appointment is extended under existing terms and conditions for a period equivalent to an additional academic year. An extension under this provision, even if the time of service in probationary status then exceeds seven years, does not automatically entitle the Faculty member to an appointment with continuous tenure.

II-B-4 **Contract Appointments Without Tenure**

- .031 On the recommendation of the cognizant Faculty and with the approval of the Provost, and based on a written description of the teaching and related duties, a Faculty position involving full-time teaching in a clinical or professional skills program or to support particular instructional needs in other programs may be designated as a non-tenure track (“Contract”) position. Titles associated with contract positions shall be appropriately distinguishing, such as “Assistant Teaching Professor” or “Assistant Professor of Practice,” as determined by the Provost in consultation with the relevant/cognizant Dean or Chair. The Academic Senate may set specific limits on the number of contract appointments authorized in a particular academic unit.

Professors of Practice serve the teaching mission of the University in at least one of three

ways:

- a. Those whose primary responsibility is to teach full-time with limited additional duties determined by the Dean or Department Chair; or
- b. Those whose primary responsibility is to teach with additional duties as determined by the Dean or Department Chair; or
- c. Those whose primary responsibility is to teach with additional commitments to scholarship or practice as required by the profession and determined by the Dean or Department Chair.

Delineation of said manner of service may be noted in the appointee's contract

.032 The initial appointment shall be for one or two years. Reappointments through the sixth year shall generally be for two years. Exceptions to this shall be made in consultation with the Provost. Renewal for successive terms follow the same procedures as apply to Faculty with appointments probationary for tenure. After six years of continuous service, subsequent reappointments shall be for periods between three and five years, but without continuous tenure. If the appointment is not renewed, written notice of non-renewal shall be given as provided in *B-3.025-030*.

.033 Contract appointments may be made at the level of Instructor, Assistant Professor, Associate Professor or (in the schools of Architecture, Business and Economics, Law, Music, Nursing, Social Service, and Theology and Religious Studies only) Ordinary Professor. A Faculty member with a Contract appointment is accorded parity of benefits, perquisites, governance, and voting rights with other Faculty of comparable rank with the following exceptions:

- a. Sabbaticals shall normally not be offered but may be negotiated on a case-by-case basis with the Dean and the approval of the Provost
- b. Contract faculty do not have voting rights for tenure decisions or reappointment.

Contract appointments with a doctoral degree may serve on doctoral boards in accordance with individual school policies.

.034 A Faculty member with a Contract appointment may apply for an appointment probationary for tenure, if a vacancy exists, under normal procedures for recruitment and appointment. In such a case, time served in the Contract position beyond the first year may be counted toward the maximum allowable period of probationary service (*B-3.018-022*).

Any time served in the Contract position beyond the first year that would be counted

toward fulfillment of the period probationary for tenure must in such a case be agreed to in writing by the Provost, cognizant Dean, and the former Contract member of the faculty at the time of initial appointment to the tenure-track position.

In the event the outcome of the tenure review of a former Contract member is negative, the Faculty member shall not be eligible for subsequent reappointment to the Contract position; however, if the faculty member applies for tenure upon beginning the tenure-track position, and tenure is denied, the terms of the current Contract appointment shall be honored.

If the Contract appointment is ending and the faculty member applies for tenure at the time of hire into the tenure-track position, and tenure is then denied, the Faculty member shall be offered a one-year nonrenewable contract.

- .035** A Faculty member with an appointment probationary for tenure may apply for a Contract appointment, if a vacancy exists, under normal procedures for recruitment and appointment. However, a Faculty member in probationary status is not eligible to apply for such a change of status if that Faculty member has been reviewed for tenure with the result that tenure was not recommended.

II-B-5 Professors Emeriti

- .036** A title of honor, Professor Emeritus or Emerita, may be conferred upon a retiring or retired member of a Faculty by the Board of Trustees, on the recommendation of the School, the Academic Senate, and the President. The Academic Senate considers for recommendation retiring Ordinary Professors who have held regular membership in a Faculty at this University for at least ten years, or have served with notable distinction for a shorter period.
- .037** A Professor Emeritus or Emerita is entitled to supporting services provided by the respective Department or School, depending on the availability, and may in the discretion of the Dean, participate without vote in Faculty meetings.

II-B-6 Faculty Associates

- .038** **Research Professor.** A research appointment at any of the four professorial ranks may be made on the recommendation of the cognizant Dean and Department or School Faculty and upon the approval of the Committee on Appointments and Promotions of the School. For the rank of Research Professor or Research Associate Professor the approval of the Committee on Appointments and Promotions of the Academic Senate is also required. A research appointment may be made for either full-time or part-time service. The appointment is for one academic year and may be renewed upon the recommendation of the Dean and Department or School Faculty. A research appointee must also be reviewed for reappointment periodically by the CAP of the School: every five years for

the rank of Research Professor, three years for the rank of Research Associate Professor, and two years for the rank of Research Assistant Professor. Promotion within the various research professorial ranks may be made through regular procedures for promotion in rank (*Section C. Procedures for Appointments and Promotions*) according to criteria applicable to research appointments (*Section D. Criteria for Reviews*).

- .039 A research appointment is distinguished from other academic appointments in that it usually carries no teaching duties and is normally supported by funds from sources other than the annual operating academic budget of the University.
- .040 A professor with a research appointment enjoys such privileges as the Department or Faculty may extend, except those of voting or serving as an officer of the Department or School.
- .041 **Visiting Professor.** A visiting appointment for one semester or less, at any of the four professorial ranks, may be made on the recommendation of the cognizant Dean, and in the case of departmentalized Schools, the Chair, provided that the appointee holds or has held comparable rank at another institution. A visiting appointment for more than one semester or of a person without comparable rank elsewhere requires the normal approvals of the Departmental or School Faculty, and of the Committee on Appointments and Promotions of the School. For an appointment at the rank of Associate or Ordinary Professor the approval of the Committee on Appointments and Promotions of the Academic Senate is also required.
- .042 A visiting professor is limited to a maximum of two consecutive years of service at this university.
- .043 A visiting professor enjoys such privileges as the Department or Faculty may extend, except those of voting or serving as an officer of the Department or School.
- .044 **Exchange Professor.** The title Visiting at the three professorial ranks is also used for an exchange professor, i.e. a person from another institution who replaces CUA Faculty temporarily through a reciprocal arrangement. Procedures for the appointment of exchange professors are the same as for other visiting professors (*B-6*).
- .045 **Adjunct Professor.** An adjunct appointment at any of the four professorial ranks may be made on the recommendation of the cognizant Dean and Department or School Faculty and upon the approval of the Committee on Appointments and Promotions of the School. For the rank of Adjunct Professor or Adjunct Associate Professor the approval of the Committee on Appointments and Promotions of the Academic Senate is also required. An adjunct appointment is for part-time service. The appointment is for one academic year and may be renewed on the recommendation of the cognizant Dean and Department or School Faculty. An adjunct appointee must also be reviewed for reappointment periodically by the CAP of the School: every five years for the rank of

Adjunct Professor, three years for the rank of Adjunct Associate Professor, and two years for the rank of Adjunct Assistant Professor or Adjunct Instructor. Promotion within the various adjunct professorial ranks may be made through regular procedures for promotion in rank (*Section C. Procedures for Appointments and Promotions*) according to criteria applicable to adjunct appointments (*Section D. Criteria for Reviews*).

- .046 An Adjunct Professor is distinguished from a Lecturer by specification of a Faculty rank for which the appointee possesses the required qualifications and by virtue of academic services rendered in addition to teaching, e.g., serving on dissertation committees.
- .047 An Adjunct Professor enjoys such privileges as the host Department or Faculty may extend, except those of voting or serving as an officer of the Department or School.
- .048 **Lecturer.** A Lecturer is appointed on the recommendation of the cognizant Dean, and in the case of departmentalized schools, the Chair, for part-time teaching service without Faculty responsibilities beyond the courses assigned. The appointment may be made for one term or for one academic year without limitation as to the number of reappointments. A Lecturer enjoys such privileges as the Department or Faculty may extend, except those of voting and serving as an officer of the Department or School. The title of “Distinguished Lecturer” or “Senior Lecturer” may be used to reflect the status of the appointee.
- .049 **Research or Clinical Associate.** An appointment as Associate without distinction as to rank may be made on the recommendation of the cognizant Dean, and in the case of departmentalized schools, the Chair, to designate a person who assists in the execution of research, offers clinical service and instruction, or performs similar requisite services. An Associate is appointed for one year without limitation as to the number of reappointments, and enjoys such privileges as the Department or Faculty may extend, except those of voting and serving as an officer of the Department or School.
- .050 **Visiting Scholar.** An appointment of a Visiting Scholar or other Faculty Associate such as Artist-in-Residence or Judge-in-Residence may be made on the recommendation of the cognizant Dean, and in the case of departmentalized schools, the Chair, to designate a person invited to the University for a limited period of time, ordinarily no longer than one semester, with such functions and privileges as the Department or School may specify.

II-B-7 Teaching or Research Assistants

- .051 A Teaching or Research Assistant is appointed on the recommendation of the cognizant Dean and, in the case of departmentalized schools, the Chair, and approved by the Dean of Graduate Studies. An Assistant is assigned to academic service in the classroom or laboratory or the equivalent, consonant with professional development and limited so as to allow reasonable progress in the completion of the appointee’s degree program. The appointment may be made for one semester or for one academic year and may be

renewed after review of the academic record, provided that the appointee continues to enroll as a degree student. An Assistant shares such privileges and responsibilities as the Department or Faculty may extend, except those of voting and serving as an officer of the Department or School.

Section C. Procedures for Appointment and Promotion

II-C-1 Terminology and Qualifications

- .052** Reviews for appointment and promotion are conducted at the level of the Academic Department (if the School is departmentalized), the School, and the Academic Senate.
- .053** At the level of the Department, the qualified Faculty (*below*, .054-056) acts as a committee of the whole.
- .054** At the level of the School, reviews are conducted by the Committee on Appointments and Promotions of the School, and, when required by procedures outlined in this section, by the Faculty of the School.
- .055** At the level of the Academic Senate, reviews are conducted by its Committee on Appointments and Promotions, and, when required by procedures outlined in this section, by the Academic Senate. When the Academic Senate acts for this purpose (as defined in .054-.055), only Senior Faculty are eligible to deliberate and vote on appointments to Faculty rank and on promotions, and only Tenured Senior Faculty are eligible to deliberate and vote on appointments with continuous tenure.
- .056** Ordinary and Associate Professors holding regular academic rank constitute Senior Faculty. At every level of review only Senior Faculty are qualified to act on matters of appointment to Faculty rank and of promotion.
- .057** Only Tenured Senior Faculty act on matters of Faculty reappointment and of tenure.
- .058** In departmentalized Schools with more than 100 Faculty members, Ordinary Professors act on behalf and in the place of Senior Faculty in deliberations at the level of the School.
- .059** **Deliberative** votes are votes of Faculty qualified (as defined above, .054-058) to act in matters of conferral of faculty rank, reappointment, promotion, and tenure. Deliberative votes are actions that determine the sequence of subsequent reviews.
- .060** **Consultative** votes are expressions of opinion of all Faculty who hold regular academic rank in the matter of recruitment and initial appointment of new Faculty members.

II-C-2 Committees on Appointments and Promotions

- .061** Each School shall have a standing Committee on Appointments and Promotions (CAP) consisting of five members, one or more alternates, and the Dean, who acts as Chair of the Committee without vote. Only Tenured Senior Faculty members are eligible to serve on the School CAP. Members of the CAP are nominated by the Dean and must be approved by the Senior Faculty of the School. Members serve for terms of three years,

and are ineligible for appointment to consecutive terms. The proscription of appointment to consecutive terms does not apply to service as an alternate member.

- .062** In order to avoid undue overlap between the review by the CAP and that by the qualified Faculty as a whole, no more than half of the eligible members of the Faculty may serve on the CAP of the School at one time.¹ If the number of eligible members is fewer than nine but more than six, the CAP of the School shall consist of four members. If the number of eligible members is six or fewer, the CAP of the School shall not be constituted and the eligible members of the Faculty shall act as a committee of the whole.
- .063** In departmentalized Schools, CAP members from the same Department as the candidate under review shall withdraw from the case and shall be replaced by alternates.
- .064** The Academic Senate shall have a standing CAP, consisting of six members, one or more alternates, and the Dean of Graduate Studies, who acts as its Chair and is a voting member of the Committee. The members and alternates are elected by the Academic Senate from among Tenured Ordinary Professors of the Schools. Members serve terms of three years, and are ineligible for consecutive appointment. The proscription of appointment to consecutive terms does not apply to service as an alternate member; however, it does apply to those serving a replacement term of more than one year (Academic Senate, May 12, 2004). In electing CAP members, the Senate should seek a balanced representation of School faculties and disciplines.
- .065** Academic Senate CAP members shall be replaced by alternates if a candidate is from the same School (if not departmentalized) or from the same Department (if the School is departmentalized). If the candidate's appointment is to the same academic unit as that of the Dean of Graduate Studies, the Dean shall continue to act as the Chair of the Senate CAP but without vote.
- .066** If a School or Senate CAP member withdraws from a case for any reason, an alternate may replace that member only if the alternate is fully prepared to participate in the deliberations.
- .067** If the Dean of the School is the Faculty member under review, the CAP of the School shall elect one of its members to serve as Chair for the purpose of this review. The member so selected shall have the right to vote.
- .068** Deliberations may not be concluded nor should a vote be taken by any reviewing body unless a quorum of eligible voters is present. For this purpose, the following number of members constitutes a quorum: (a) for the CAP of a School, four; (b) for the CAP of the Academic Senate, five; (c) for Faculties and the Academic Senate, one half of qualified

¹ In case the number of qualified faculty is odd, for the purpose of this calculation the number of eligible members shall be increased by one.

members plus one; d) in departmentalized Schools with more than 100 Faculty members, one third of qualified members plus one.

II-C-3 Procedures for Deliberation

- .069** All meetings held for the purpose of reviewing candidates shall be called with due notice.
- .070** Voting is conducted by secret ballot.
- .071** Votes are recorded as For, Against, or Abstaining.
- .072** Absentee votes are not recorded.
- .073** Decisions are made by majority vote, i.e. more than half of the votes cast, excluding blanks and abstentions.
- .074** Any consultative vote is recorded and announced before deliberative voting is undertaken (*C-1. 059-060*).
- .075** The votes of Ordinary Professors in departmental and school reviews are taken concurrently with those of all Senior Faculty but are recorded separately. For this purpose, Ordinary Professors who wish to have their vote recorded separately shall designate their rank on the ballots.
- .076** Each reviewing body must keep minutes and other pertinent records arising from its deliberations. If the decision is negative, the minutes must include factors considered in the discussion. The minutes are not ordinarily forwarded to the next reviewing body but, if requested, the pertinent sections of the minutes must be made available.

II-C-4 Confidentiality of Deliberations

- .077** Deliberations of Committees on Appointments and Promotions, Faculties, and the Academic Senate relating to an application for appointment, reappointment, promotion, or tenure shall be held in strict confidence. All communication with persons outside the reviewing body about its deliberations must be conducted only by the Chair of that body, in accordance with provisions stated below (*C-10, C-11*).
- .078** Documents, records, and other materials pertaining to the review shall be securely maintained. At each stage of review, access to such materials is limited to members of the reviewing body.

II-C-5 Representation

- .079** In a departmentalized School, the Chair of the candidate's Department shall appear before the School CAP in person to respond to questions. If that Chair is the Faculty member under review, the Faculty of the Department, shall designate another Senior Faculty member from the Department to act for this purpose. If the Faculty of the Department is unable to decide upon a Senior Faculty member to appear before the School CAP, the Dean in consultation with the Faculty shall designate a Senior Faculty member from the Department to act for this purpose.
- .080** In a departmentalized School, the Chair of the candidate's Department shall appear before the School CAP in person to respond to questions. If that Chair is the Faculty member under review, the Faculty of the Department shall designate another Senior Faculty member from the Department to act for this purpose.
- .081** The Dean of the School shall appear before the CAP of the Academic Senate to respond to questions in person. In cases of Faculty members from a departmentalized School, the Chair of the Department shall also be available for this purpose if, in the judgment of the CAP, additional specialized information is needed. If the Chair of the Department or the Dean of the School is the Faculty member under review, the CAP may invite another Senior Faculty member from the Department or School to serve this function.

II-C-6 Sequence of Reviews – Initial Appointment to a Faculty

- .082** Recruitment of candidates for appointment to a Faculty is the responsibility of the cognizant Department Chair or Dean of the School, although this responsibility is shared with all members of the Faculty. An important consideration in the recruitment of new Faculty is the preservation and advancement of the mission of the University as expressed in its statement of aims and goals, including reference to its identity as a Catholic institution. Recruitment may be initiated only after formal approval by the Provost, to ensure academic and budgetary authorization and compliance with procedures for equal opportunity in employment. The Chair or the Dean recommending the appointment must provide a statement indicating the nature and extent of the search procedures, as well as the method to be employed in the selection of a suitable candidate. Prior to extending an invitation to a candidate for an on-campus interview, the Dean or the Chair shall send the Curricular Vitae of the candidate to the President and Provost for approval. During the interview process, the Chair or Dean shall discuss with the candidate the Catholic identity of the University and the expectation that the candidate, if hired, will support the mission of the university.

Selection of Candidate(s)

- .083** When a suitable candidate is identified, the Chair of the Department, or the Dean of the School (if not departmentalized), submits the candidate to all regular Members of the

Faculty for review and approval. If more than one suitable candidate is identified, a vote is taken to determine the order of preference among candidates qualified for appointment. Applications of proposed candidates are forwarded to the President for review as to suitability prior to inviting them for an interview.

Review of Credentials

- .084** After the selection of the candidate(s) in departmentalized Schools, the Chair of the Department submits the credentials of the proposed candidate(s) to the Senior Faculty of the Department for a deliberative vote on faculty rank. In non-departmentalized Schools, the Dean submits to the CAP of the School the credentials of the proposed candidate(s) for review and a vote on faculty rank unless, as part of the review by the Faculty of the School, the CAP has already passed on the candidate(s) in the selection process (*see above, .081*).

Offer of Appointment

- .085** Before negotiating the terms and conditions of the appointment with a candidate, the Chair of the Department or, if the School is not departmentalized, the Dean must receive authorization from the Provost to offer the appointment to that candidate. If the candidate agrees to the terms of the offer, he or she is invited to submit a formal application for the position.

Confirmation of Faculty Rank

- .086** In a non-departmentalized School the application of the candidate is submitted to the CAP of the School and then to the Senior Faculty for review and deliberative vote.
- .087** In a non-departmentalized School the application of the Faculty candidate is submitted to the CAP of the School and then to the Senior Faculty for review and deliberative vote. Unless information is presented that was not available at the time of the deliberative vote in .081, the outcome of the confirmatory deliberative vote is expected to be the same as the vote taken when the credentials were initially considered.

Appointment to Faculty

- .088** If the appointment is to the rank of Instructor or Assistant Professor, an affirmative recommendation of the School and that of the Dean are required, which are then forwarded to the Provost for approval by the President.
- .089** If the appointment is to the rank of Associate or Ordinary Professor, an affirmative recommendation of the School and that of the Dean are required, which are then submitted to the CAP of the Academic Senate. An affirmative recommendation of the Senate CAP is reported to the Senate for its review and vote, and the outcome of the

Senate's action is forwarded to the Provost for the approval by the President.

II-C-7 Sequence of Reviews—Reappointment to Probationary or Contract Terms

- .090** Reviews of Faculty for the purpose of recommending reappointment without continuous tenure are conducted at the level of the School. If the School is departmentalized, a review by the Department is also required.
- .091** Reviews for reappointment shall be scheduled so as to meet the requirements for notice of non-renewal, as set forth above (*B-4. 025-030*). Accordingly, such reviews shall be conducted and concluded during the year prior to the last year of appointment then in force. The schedule for reviews for reappointments is as follows:
- a. After an initial appointment to a term of one year the review for the first reappointment is conducted as soon as possible after the first semester of service.
 - b. After an initial appointment to a term of two years, the review for the first reappointment is conducted during the third semester of full-time service.
 - c. After the second reappointment of Faculty on a tenure-track or contract appointment, the review is conducted during the seventh semester of full-time service if all of the Faculty member's prior appointments had been for the usual two years. If the Faculty member has not had a sequence of two year appointments, the review for the second reappointment and subsequent reappointments is conducted during the year prior to the last year of the appointment then in force.
- .092** In a non-departmentalized School, the review for reappointment is initiated by the Dean who submits the case to the CAP of the School. The results of the deliberation and the vote of the CAP are then presented to the Tenured Senior Faculty of the School. This vote constitutes the final recommendation of the School on the reappointment.
- .093** In a departmentalized School, the review for reappointment is initiated by the Chair of the cognizant Department who submits the case to the Tenured Senior Faculty of the Department. The results of the deliberation and the vote of the Department are then presented to the CAP of the School. The vote of the CAP constitutes the final recommendation of the School on the reappointment.
- .094** The recommendation of the School is transmitted to the Provost. If the recommendation is positive, the Provost forwards it to the President for approval. If the recommendation is negative, the Provost notifies the candidate of the decision.

II-C-8 Sequence of Reviews—Appointment with Continuous Tenure

- .095** A proposal for an initial appointment with continuous tenure or for review prior to reappointment with continuous tenure is made by the Dean or, in departmentalized schools, by the Chair of the Department in which the candidate is to hold rank. If the candidate is to hold a joint appointment, the proposal is submitted by both Deans and/or Chairs, as the case may be.
- .096** Tenure reviews of Faculty in probationary status are officially begun by application of the candidate which shall take place no later than the beginning of the eleventh semester of full-time service in the probationary period.
- .097** At the option of the Faculty member holding a probationary appointment, the tenure review may be initiated prior to the eleventh semester of the probationary period. In such a case, if the outcome of the review is not favorable, the probationary service of the Faculty member is terminated in accordance with provisions for notice of non-renewal (*B-3. 025-030*).
- .098** If neither the cognizant Department or School nor the candidate initiates a tenure review prior to the end of the first semester of the sixth year of the probationary period, the Provost notifies the President and the candidate that the candidate's appointment will not be renewed upon the expiration of the probationary period. No letter of appointment can be issued that extends a candidate's service beyond the last year of the probationary period unless the Board of Trustees has approved the conferral of tenure.
- .099** In non-departmentalized Schools tenure reviews are conducted in the following order: (1) the CAP of the School; (2) the Tenured Senior Faculty of the School; (3) the CAP of the Academic Senate; (4) the Academic Senate.
- .100** In departmentalized Schools with 100 Faculty members or fewer, tenure reviews are conducted in the following order: (1) the Tenured Senior Faculty of the Department; (2) the CAP of the School; (3) the Tenured Senior Faculty of the School; (4) the CAP of the Academic Senate; (5) the Academic Senate.
- .101** In departmentalized Schools with more than 100 Faculty members, tenure reviews are conducted in the following order: (1) the Tenured Senior Faculty of the Department; (2) the CAP of the School; (3) the CAP of the Academic Senate; (4) the Academic Senate.
- .102** The votes of each reviewing body are forwarded to the next reviewing body up to the level of the Academic Senate. When forwarding the votes of a Department or School, the Chair and/or the Dean may make their own separate recommendations to the next reviewing body.

- .103 If any two reviewing bodies fail to recommend the candidate for tenure, the negative recommendation is considered conclusive, and the sequence of reviews is terminated at that point. In such a case, or if the Academic Senate fails to recommend tenure, the negative recommendation is transmitted to the Provost who notifies the President and the candidate of the decision.
- .104 A positive recommendation of the Academic Senate is reported to the President who, upon appropriate review, approves or disapproves the appointment. If the President approves, he or she transmits through the Provost the recommendation to the Board of Trustees for final acceptance or rejection. If the President disapproves, he or she through the Provost notifies the candidate, the Academic Senate, and the cognizant Faculty.
- .105 In the event the President or the Board of Trustees fails to approve the positive recommendation of the Academic Senate to grant continuous tenure, the Senate may request of the Board the formation of a joint Board-Senate committee, its members chosen by the respective bodies, to review the matter and to present its recommendation to the Board of Trustees which, in turn, will make the final determination.

II-C-9 Sequence of Reviews—Promotion in Rank

- .106 The review process for promotion in rank is initiated by the Faculty member upon submission to a Department or School of a completed application. The candidate should notify the Office of the Provost in writing that the application has been submitted.
- .107 In non-departmentalized Schools reviews for promotion in rank are conducted in the following order: (1) the CAP of the School, (2) the Senior Faculty of the School, (3) the CAP of the Academic Senate, and (4) the Academic Senate.
- .108 In departmentalized Schools promotion reviews are conducted in the following order: (1) the Senior Faculty of the Department, (2) the CAP of the School, (3) the Senior Faculty of the School, (4) the CAP of the Academic Senate, and (5) the Academic Senate.
- .109 Each successive reviewing body shall act upon the application with reasonable speed so that, barring exceptional circumstances, action on the application will be taken within one academic year from the date of submission of the formal application. In case of undue delay the applicant may petition the Provost for retroactive effect of the rank and salary if the promotion is approved.
- .110 The votes of each reviewing body are forwarded to the next reviewing body up to the

level of the Academic Senate. When forwarding the results of deliberations in Departments or Schools, the Chairs and/or Deans may make their own separate recommendations to the next reviewing body.

- .111 If any two reviewing bodies fail to recommend the candidate for promotion, the negative recommendation is considered conclusive and the sequence of reviews is terminated at that point. In such a case, or if the Academic Senate fails to recommend promotion, the negative recommendation is transmitted to the Provost, who notifies the President and the candidate of the decision.
- .112 A positive recommendation of the Academic Senate is transmitted to the Provost for approval by the President.
- .113 Promotions in rank become effective at the beginning of the academic year following their approval by the President. If the review is concluded in the Department or the School before the end of the spring semester but other required stages of the review are not completed until the following academic year, the promotion is made effective retroactively as of the beginning of the academic year in which it is finally approved.

II-C-10 Preparation and Sharing of Documents and Information

- .114 In cases of review for reappointment or tenure, the Dean or the Chair should advise the Faculty member of the time when decisions affecting renewal and tenure are ordinarily made so that the Faculty member has adequate time to prepare relevant documentation. In general, the final review and decision for all tenure cases is ordinarily made at the final Board meeting of the year, which is typically in June.
- .115 In addition to documentation required to be submitted in standard form, the Faculty member under review may submit such additional material as he or she believes is helpful to an adequate consideration of the case.
- .116 Documentation prepared by the Faculty member under review is submitted to the Chair of the Department or, in a non-departmentalized School, to the Dean. After the first reviewing body has concluded its deliberations, the Faculty member may submit additional material to the Dean, who shall include it in the set of documents to be considered by other reviewing bodies. If the School is departmentalized, a copy of such additional material must also be provided by the Faculty member to the Chair of the Department.
- .117 Each subsequent reviewing body must receive the dossier of materials reviewed by the previous body and is entitled to be informed of factors previously considered.
- .118 Each reviewing body, through its Chair, may seek additional information from any

source in writing, orally, or in person. If the reviewing body determines that such information differs materially from the record at hand, the reviewing body must reveal that information to the cognizant Dean. Unless doing so is inappropriate in light of the provisions of the *Faculty Handbook*, the Dean shall consult with the candidate and may also consult with other persons or groups including those that have reviewed the case previously. The Dean shall be given the opportunity by the reviewing body to respond to the information. Such additional consultation becomes part of the record of review. The obligation of confidentiality is to be respected by all parties.

- .119** Unsolicited information received by a reviewing body, if material to the case in the judgment of the Chair of that body and if verified, must be included in the candidate's dossier. Such material must be clearly labeled as unsolicited. If the new information is included and in the judgment of the reviewing body differs materially from the record at hand, the reviewing body must reveal that information to the cognizant Dean. Unless doing so is inappropriate in light of the provisions of the *Faculty Handbook*, the Dean shall consult with the candidate and may also consult with other persons or groups including those that have reviewed the case previously. The Dean shall be given the opportunity by the reviewing body to respond to the information. Such additional consultation becomes part of the record of review. Unsolicited opinion submitted in support or in opposition to the candidate shall not be considered. The obligation of confidentiality is to be respected by all parties.

II-C-11 Extramural Consultations

- .120** Reviewing bodies considering a candidate for appointment or promotion to Ordinary Professor or for appointment with continuous tenure must establish the candidate's standing within the field in which the proposed appointment is to be held. For this purpose, a careful evaluation of the candidate's achievements will be undertaken in consultation with specialists outside as well as within the University. Such consultation should include the candidate's publications and professional activity and, where pertinent, the candidate's teaching and service record elsewhere. The extern specialists should include Faculty members from academic institutions of distinguished reputation.
- .121** An expedited extramural consultation is appropriate in considering the appointment at the rank of Ordinary Professor of an external candidate for Provost, Dean or for the occupant of an endowed Chair. The extramural consultation for an external candidate with a distinguished record of scholarship may consist solely of testimony as set forth in letters of recommendation from external referees.
- .122** External referees are chosen by the departmental Chair or the Dean of the School. In the event that the Chair or the Dean is the candidate for promotion or tenure, the Faculty of the Department or School shall designate a Senior Faculty member in the department or school to select external referees and to assume other administrative responsibilities

pertaining to the application. The candidate has the right to propose a limited number of names of externs for consideration; if such externs provide consultation, the fact that the candidate proposed them should be disclosed to reviewing bodies. In compiling the list of externs to be invited to review the case, the Chair or the Dean or a duly authorized Faculty member should consult other members of the Faculty, especially those with expertise in the pertinent area of research and scholarship. The Chair or the Dean or the duly authorized Faculty member should address requests for evaluation to the externs, asking each to comment on the quality, originality and significance of the candidate's scholarly productivity. Ordinarily, from six to eight evaluations of external referees should be obtained. An effort must be made to receive the same number of evaluations from those externs recommended by the candidate and those chosen by the School or Department.

- .123 Insofar as the law allows, communications between reviewing bodies and external referees are strictly confidential and both the reviewing bodies and the consultants should be so informed.
- .124 Successive reviewing bodies may seek additional extramural consultations whenever they deem it necessary.

II-C-12 Notification

- .125 At each level, the Chair of the reviewing body is informed of the outcome of subsequent reviews.
- .126 Upon request by the candidate, the Dean or, in a departmentalized School, the Chair of the Department may inform the candidate orally of the outcome of the reviews.
- .127 At the conclusion of all required reviews, the Provost notifies the candidate in writing of the decision.
- .128 If the outcome of a reappointment review is positive, the Chair or the Dean may counsel the Faculty member, orally or in writing, with regard to his or her continuing development.
- .129 If the outcome of a reappointment or tenure review is negative, the Dean or the Chair, at the request of the candidate, informs the candidate of the general reasons that contributed to the decision. Communication with the candidate about the outcome of the review is conducted orally, unless the candidate specifically requests that the reasons for the negative decision be stated in writing. Such a request by the Faculty member must be made within 30 business days of being informed of the decision (*see above .127*). The Provost must approve any written statement to the candidate.
- .130 If the outcome of a review for promotion is negative, the Dean or the Chair may

counsel a Faculty member in regard to his or her continuing development toward future promotion. Communication with the candidate about the outcome of the review is conducted orally, unless the candidate specifically requests that the reasons for the negative decision be stated in writing. Such a request by the Faculty member must be made within 30 business days of being informed of the decision (*see above .127*). The Provost must approve any written statement to the candidate.

Section D. Criteria for Reviews

II-D-1 Introduction

- .131 The Academic Senate, when its acts are approved by the President, sets the minimum standards for Faculty appointments, promotions, and tenure.

- .132 The criteria prescribed by the Academic Senate for appointments and promotions are to be followed as normal and normative by the reviewing bodies. The Faculties and their Committees on Appointments and Promotions have the responsibility and freedom to exercise their judgment in weighing the accomplishments of the candidate and in making recommendations for appointment and appropriate rank to the Academic Senate and to the President.

- .133 It is not the purpose of these regulations to deprive the University of proper Faculty personnel at any appropriate rank, and it is recognized that different requirements may be appropriate from time to time to maintain or advance the Faculty of one or more Schools. Accordingly, the Schools and Departments, or the President, may propose particular appointments and promotions that do not necessarily satisfy all of the stated criteria. Any exception or waiver of the criteria must be approved by the Committee on Appointments and Promotions of the Academic Senate and reported to and approved by the Academic Senate.

- .134 Questions concerning the interpretation of the Academic Senate's regulations are referred to its Committee on Committees and Rules, which reports its conclusions to the Senate for approval.

II-D-2 General Criteria for Faculty Rank

- .135 A candidate for an academic appointment or promotion in rank must possess those personal and intellectual qualities normally expected in a teacher and director of students and must have a commitment to the aims and objectives of the University as set forth in this *Faculty Handbook (Part I)*.

- .136 The expectation of competency and satisfactory performance as a teacher and director of students is a requirement for appointment or promotion in any rank and, whenever possible, must be verified before such appointment or promotion. In consideration of proposals for promotion, pertinent data about teaching performance collected from members of the Faculty and students should be given attention. In order to ascertain and register student opinion for this purpose, each Department and School must provide for some documented means by which students evaluate teaching.

- .137 Research is fruitful and beneficial only as it becomes publicly available and subject to reasonable evaluation and critique. This is chiefly accomplished through publication in

recognized scholarly journals, monographic series, books, or other recognized means of dissemination. Reports and articles consisting of critical analysis and conceptualization contributing to the development of the theoretical base of professional practice are recognized as research in professional disciplines. Irrespective of their format or the means by which they are disseminated, works presented in partial fulfillment of requirements for Faculty rank must exemplify and be appropriately recognized as exemplifying high standards of attainment in scholarship, creativity, or clinical or professional skill.

- .138 The following are ordinarily not recognized as research for the purposes of appointment and promotion: mere data collection and collation; project reports not subject to normal refereeing; popularizations; simple book reviews; translations without critical apparatus or interpretation; and, in general, works requiring little or no original insight.
- .139 If the doctoral degree is the normal degree for Faculty appointment, publications based on a candidate's doctoral dissertation are not considered unless significant additional research and/or analysis have been involved.
- .140 The conscientious fulfillment of the duties and obligations of a member of the Faculties of the University is a necessary condition for appointment and promotion at any rank.

II-D-3 **Specific Requirements for Faculty Rank**

- .141 **Instructor**. A candidate possessing the appropriate academic degree or training may be appointed to the rank of Instructor.
- .142 **Assistant Professor**. Appointment or promotion to the rank of Assistant Professor may be made on fulfillment of one of the following criteria insofar as they may be taken as evidence of future academic achievement and advancement:
 - a. Possession of the appropriate academic degree, ordinarily the terminal degree; or
 - b. Research productivity; or
 - c. Five years of full-time teaching experience in an institution of higher education with adequate evidence of distinctive ability as a teacher and director of students; or

Such professional experience as, in the particular field, may reasonably be considered the equivalent of the foregoing.²

² Specific detail explaining what is considered to be equivalent professional experience should be set forth in writing by the individual School and approved by the Academic Senate.

- .143 Associate Professor.** Appointment or promotion to the rank of Associate Professor requires:
- a. Sufficient experience, i.e., (i) four years of service as a regular Faculty member in this University or elsewhere; or (ii) acquisition by the candidate of such professional experience as may reasonably be considered the equivalent of the teaching service;
 - b. Possession of the appropriate academic degree, ordinarily the terminal degree;
 - c. Demonstrated competence as a teacher; and
 - d. Consistent research productivity, giving evidence of a high level of scholarly ability and the expectation of future recognition and advancement in academic achievement. Reasonable rates of publication on the part of a productive university scholar and teacher vary among fields of specialization, and such norms are to be given careful attention by the reviewing bodies. In case of publications with multiple authors the candidate's contribution must be clearly defined.
- .144** In exceptional cases, appointment or promotion to the rank of Associate Professor may be based primarily on:
- a. Outstanding and widely recognized achievement as a teacher and director of students; or
 - b. Other extraordinary contribution or service to the academic aims of the University or the scholarly community at large; or
 - c. Distinctive professional service related to the candidate's field of competence.³
 - d. Even in these instances, however, some scholarly publication appropriate to the academic field is required if the candidate teaches at the graduate level.
- .145 Professor.** Appointment or promotion to the rank of Ordinary Professor requires:
- a. Four years in the rank of Associate Professor in this University or elsewhere, or such professional experience as may be reasonably considered its equivalent; and
 - b. Fulfillment of the criteria listed above for the rank of Associate Professor; and
 - c. Achievement of recognized standing in the academic field or profession,

³ Distinctive professional service directly related to the candidate's field of competence is defined as a consistent pattern of service on regional, state, national, or international levels recognized as outstanding in the field.

evidenced by continuing research productivity acknowledged as significant by the scholarly community at large (*C-11. 120-124*).

- .146** Norms for Externs. An extern who has a Faculty rank at another institution shall ordinarily receive the same rank upon appointment to the Faculty or, upon review, a different rank, if warranted by the particular circumstances. When an extern is appointed to Faculty rank, the period of service required before eligibility for promotion may be determined in view of the qualifications presented. If in the appointment of an extern there is a variation from the requirements for interns, this should be stipulated at the time of appointment by the cognizant Dean and Committee on Appointments and Promotions of the School and the Academic Senate.

II-D-4 Application of Equivalent Criteria

- .147** In certain fields within the arts and within the professions, e.g. in the history of art or architecture, musicology, library and information science, or law, research is disseminated in the form of monographs, articles, or books, and is therefore generally subject to the same kind of evaluation as prescribed above (*D-2. 137-140*). To the extent that publication, i.e. making public of creative work or advancement in the practice of a profession, assumes a specifically different modality in the field, equivalent criteria may be appropriate, as specified below (*D5, D6*). When an appointment or promotion to Faculty rank is proposed on the basis of equivalent criteria, the appropriateness of such criteria to the Faculty position must be clearly stated.

II-D-5 Equivalent Criteria for Architecture and the Arts

- .148** For the rank of Assistant Professor, the candidate's work should manifest knowledge and skill showing professional competence in the field according to contemporary standards.
- .149** For the rank of Associate Professor, the candidate's works must be recognized as significant by professional peers in the field outside the University. Works manifesting a superior skill and knowledge are exemplified in the paragraphs that follow (*.150-154*).
- .150** Architectural Design: Executed or proposed architectural projects published in professional journals of national or international scope, projects recognized by regional or national awards, or work that has gained peer recognition for excellence in architecture (including contributions to the profession, history, technology, or theory), or allied disciplines.
- .151** Fine Arts: Paintings, sculpture or other works properly belonging to disciplines related to the visual arts, such as ceramics, tapestry, etc., included by invitation or

juried in national or international exhibitions, acquired for public display at the initiative of a public building, institution or recognized gallery or museum.

- .152 Music: Original compositions of substantial dimensions that have been performed professionally, and have received regional or national recognition; or professional engagements, other than those sponsored by this University, and evaluated by qualified externs as being of professional caliber. In all cases the work must give evidence of outstanding ability of a professional character. Recordings are subject to standard publication criteria.
- .153 Drama: The writing of plays produced under professional management with professional actors; the performance of substantial roles in such productions; or the direction of, or design for, such productions.
- .154 For promotion to the rank of Ordinary Professor, the candidate must demonstrate consistent high level of professional accomplishments. Committees should make an extended evaluation of the candidate's works in consultation with outside experts in order to ascertain the prominence of the candidate's standing in the field.

II-D-6 Equivalent Criteria for Other Professional Fields

- .155 For the rank of Assistant Professor, equivalent professional experience is, if appropriate, licensing or certification required for entry into the profession, or five years of full-time experience in the profession.
- .156 For the rank of Associate Professor, the candidate must fulfill the requirements of four years in previous rank (or such professional experience as may be reasonably considered its equivalent), possession of the appropriate academic degree, and competence as a teacher. In addition, the candidate must demonstrate consistent scholarly productivity or consistent high levels of professional competence, giving evidence of distinctive professional ability and the expectation of future recognition and advancement in the profession. Distinctive professional performance is demonstrated by a pattern of accomplishment in at least two of the following as determined by the Dean:
 - a. Standing in one's field as evidenced by the achievement of an advanced level of professional qualification, such as specialty certification; or
 - b. The development of innovative approaches, adopted by others in the profession, for the solution of professional problems; or
 - c. Outstanding and widely recognized achievement as a teacher and director of students; or

- d. Other extraordinary contributions or service to the academic aims of the University;
or
- e. Distinctive professional service directly related to the candidate's field of competence.⁴

.157 For the rank of Ordinary Professor, the candidate must demonstrate consistent research productivity and consistent high level of professional accomplishments, with distinction in one of the two areas. Committees must consult with outside experts in order to ascertain the prominence of the candidate's standing in one of the two areas.

II-D-7 Purpose of Tenure Review

.158 The purpose of the procedures for tenure review (C-8) and the criteria outlined here is to insure that the conferral of continuous tenure is based in every case upon an explicit judgment of qualifications of the candidate and the need of the University. In each case, the University seeks to attract and retain the best-qualified Faculty member, taking into account the qualifications not only of the incumbent but also of others who may be available for the position. The responsibility for assessing and judging the qualifications of any candidate for appointment or reappointment falls primarily upon the Faculties and the Academic Senate and their respective Committees on Appointments and Promotions.

.159 In view of the permanent nature of any appointment that carries continuous tenure, the qualifications of each candidate for such appointment must be conscientiously evaluated in terms not only of individual merit, but also of the present and future needs of the individual Programs, Departments, and Schools of the University. The reviewing bodies must be satisfied that the candidate possesses superior qualifications, as stated in the criteria below. There is no presumption in favor of tenure. If there is reasonable doubt concerning the candidate's qualifications or suitability for the position, tenure should not be conferred.

II-D-8 Criteria for Tenure

.160 Conferral of tenure requires consideration not only of the qualifications of the individual Faculty member, but also of the needs and purposes of the institution. The judgment must be based on an aggregate assessment of the duties that the candidate will be expected to carry, and no single factor should govern, although research and teaching are primary. The following are important factors to be considered in all recommendations:

⁴ Distinctive professional service directly related to the candidate's field of competence is defined as a consistent pattern of service on regional, state, national, or international levels recognized as outstanding in the field.

- a. The purpose of the appointment in relation to the mission and needs of the Program, Department, School, and University;
 - b. The candidate's present and projected competence and scholarly productivity at least at the level required of an Associate Professor (*D-3.143-144*), including his or her standing among scholars at comparable stages of their careers in the same field of specialization;
 - c. The candidate's competence as a teacher, including where applicable ability as a director of dissertations or as a director of clinical or field training as well as such matters as the updating and introduction of new material into courses, the offering of new courses, and pedagogical soundness and effectiveness;
 - d. The indications that the candidate is not merely competent at a minimal level but is one of the most qualified among those available for the position; accordingly, the reviewing bodies must explicitly weigh the candidate's qualifications against the advisability of seeking to recruit another Faculty member who might prove more promising and, in time, better qualified for tenure;
 - e. The candidate's moral integrity, including respect for the ethical obligations of the teaching profession;
 - f. The candidate's commitment to the stated aims and goals of the University, School and Department;
 - g. The candidate's active participation in Departmental, School, and University activities and willingness to carry committee and other Faculty responsibilities;
 - h. The candidate's ability to work in a collegial fashion with other members of the academic community, including students and other Faculty members;
 - i. The candidate's participation in the activities of the appropriate learned societies and professional organizations, meetings, and conferences and, where applicable, professional registration, licensing, or certification.
- .161** If at the time of consideration for tenure, a Faculty member is also being considered for promotion in rank, the promotion review should be conducted first. The reviewing bodies should consider the application for tenure on its own specific merits according to the criteria outlined above. Promotion in rank does not by itself imply the acquisition of a claim to continuous tenure.

II-D-9 Probationary Term Reappointments

- .162** In considering a Faculty member in probationary status for reappointment, the reviewing bodies should be guided by the criteria specified for tenure reviews (*D-8*) insofar as they can be fairly applied in light of the period of service then completed by the candidate.

II-D-10 Contract Appointments Without Tenure

- .163** For a contract appointment as Instructor or Assistant Professor in a clinical or skills position the candidate must meet the requirements for the rank as specified in (*D- 3. 141-142*).
- .164** After a minimum of four years' service as Assistant Professor or its equivalent in professional practice, a Faculty member may be promoted or appointed to the rank of Associate Professor according to criteria specified for the rank (*D-3. 143-144*).
- .165** The criteria for renewal of a contract appointment are:
- a. Satisfactory performance of the instructional and other duties specified in the job description;
 - b. Recognition that the reappointment meets the needs of the Department, School and University;
 - c. Where applicable, maintenance of appropriate professional license or other professional credentials.

II-D-11 Faculty Associates

- .166** The criteria for appointment and promotion of Research, Adjunct, and Visiting Faculty to the several professorial ranks are the same as for regular Faculty members.

II-D-12 Contract Appointment and Promotion to Ordinary Professor

Appointment or promotion to the rank of Ordinary Professor for contract faculty (available in the schools of Architecture, Business and Economics, Law, Music, Nursing, Social Service, and Theology and Religious Studies only) requires:

- a. Four years in the rank of Associate Professor in this University or elsewhere, or such professional experience as may be reasonably considered its equivalent; and
- b. Fulfillment of the criteria listed above for the rank of Associate Professor; and either

- c. Achievement of recognized standing in the academic field or profession, evidenced by continuing scholarly productivity acknowledged as significant by the scholarly community at large (*C-11. 120-124*), or
- d. Demonstration of consistent high level of professional accomplishments in at least two of the following areas: i) excellence in teaching; ii) expertise in contemporary practice; and/or iii) scholarship acknowledged as significant by those in the professor's field of expertise. Committees will make an evaluation of the candidate's works in consultation with outside experts in order to ascertain the prominence of the candidate's standing in the field.

Section E. Appeals from Adverse Decisions

Introduction

Part E specifies procedures for the appeal by members of the Faculty of decisions made by the University on promotion, tenure and reappointment to probationary or contract terms. The procedures outlined are designed to eliminate from consideration appeals that lack any arguable basis of merit. These procedures then provide for the disposition of appeals that have some plausible basis to the most appropriate Body within the University for resolution, and for procedures to be followed by this Body in evaluating and deciding these appeals. Because these appeals often involve a complex mixture of issues, or the basis for the appeal is not clear, the Provost has been given a significant measure of discretion to determine the most appropriate Body or Bodies to which the matter should be referred. The University believes that these procedures afford a proper balance between fairness to the aggrieved individual who is appealing a determination and the imperatives for efficient and accurate decision-making.

II-E- 1 Grounds for Appeal

- .167** A Faculty member may appeal an adverse decision affecting the following: the granting of tenure (*II-C-8*), promotion in rank (*II-C-9*), reappointment to probationary or contract terms (*II-C-7*) or termination of appointment based upon abolition of a School, Department, or Program (*II-H-8*). This appeal shall be in accordance with the procedures in this Subsection.

II-E- 2 Appeals on Grounds of Inadequate Evaluation

- .168** An appeal from an adverse decision shall be made in writing within 30 days after the Faculty member receives notice of the adverse decision or within 30 days after receiving a written statement of reasons for the decision (*see II-C-12*). Grounds for an appeal include: (1) unlawful discrimination in the evaluation of the file; (2) a violation of the procedures for evaluation of files as set forth in Part II, Section C, of this Handbook; (3) inadequate evaluation of the Faculty member's file; or (4) a violation of academic freedom in the evaluation of the file. An appeal may also be based on any other grounds warranting the reversal of the adverse decision. The appeal shall state with adequate specification of all relevant particulars the grounds for the appeal and shall include a statement of the relevant facts supporting the grounds for appeal.
- .169** In evaluating the appeal, the Provost may conduct such investigation or discussions with the Faculty member or others as he or she deems appropriate. After completing such investigations or discussions, the Provost shall make a determination respecting the appeal. Such determination shall be made within 30 days of the Provost having received the appeal. If the Provost determines that the appeal is without merit, he or she shall advise the Faculty member in writing and state the reasons for his determination denying the appeal. If the Provost determines that there is reasonable

cause to believe that the appeal has merit, he or she shall proceed in the manner set forth in the following provisions.

- .170** If the Provost determines that there is reasonable cause to believe that the adverse decision has merit and the decision may have been influenced by considerations that constitute unlawful discrimination, he shall ordinarily submit the file to the Equal Employment Officer of the University for advice. After receiving a report from the Equal Employment Office, the Provost will decide on an appropriate course of action.
- .171** If the Provost determines that there is reasonable cause to believe that the adverse decision has merit and in making the adverse decision, a reviewing Body may have failed to follow the applicable procedures in Part II, Section C of the *Faculty Handbook*, he or she shall ordinarily submit the file to the Faculty Grievance Committee. In considering the appeal, the Faculty Grievance Committee shall follow its procedures as set forth in the *Faculty Handbook* (see *III-D-5*). At the conclusion of the proceeding, the Grievance Committee shall render an opinion on the merits of the appeal, and report in writing on its recommendations to the appropriate parties, including, if appropriate, to the President of the University.
- a. If the Provost determines that there is reasonable cause to believe that the appeal has merit on any grounds other than those stated in the *Faculty Handbook* (see above *.168*), he or she will ordinarily follow the procedure outlined below.
 - b. If the adverse decision was made by the Academic Senate, the Provost shall follow the procedures in subsection *.174*, below.
 - c. If the conclusive recommendation leading to the adverse decision was made by the Committee on Appointments of Promotions (CAP) of the Academic Senate, the Provost shall follow the procedures in subsections *.172* and *.173*, below.
 - d. If the conclusive decision leading to the adverse decision was made by a Body within a School, the Provost shall follow the procedures in subsection *.173*, below.
 - e. Where the appeal includes multiple grounds, or where the basis for the appeal is not clear, the Provost has discretion to refer the appeal to the most appropriate Body, or, in his or her judgment, to more than one reviewing Body, either simultaneously or sequentially.
- .172** If the Provost determines that there is reasonable cause to believe that the appeal has merit and if the adverse decision was made by the Academic Senate, the Provost shall treat the appeal as a request for reconsideration. The Provost shall transfer the file to the Chair of the Academic Senate, who will place the matter on the agenda of the next Academic Senate meeting for reconsideration. The Faculty member who filed the

appeal shall be given an opportunity to file supporting information or argument in writing with the Academic Senate.

- .173** If the conclusive recommendation leading to the adverse decision was made by CAP of the Academic Senate, the Provost shall advise the Chair of the Academic Senate that the appeal is being referred to an Ad Hoc Committee of the Academic Senate and transfer the file to the Chair. The Academic Senate shall elect three tenured Ordinary Professors [who are Members of the Senate] to serve as Members of the Ad Hoc Committee, and shall designate one Member of the Committee to serve as Chair.
- .174** The Ad Hoc Committee shall evaluate the appeal following the same procedures and applying the same criteria as govern tenure and promotion reviews by the CAP of the Academic Senate. After the Ad Hoc Committee completes its review, the Chair of the Ad Hoc Committee will report the Committee's opinion and its recommendations respecting the appeal to the Chair of the Academic Senate. The Academic Senate will then proceed to consider the matter in accordance with the procedures detailed in the *Faculty Handbook (II-C-8 and II-C-9)*.

II-E-3 **Appeals on Grounds of Academic Freedom**

- .175** If the conclusive recommendation leading to the adverse decision was made by a body within the School, the Provost will exercise his or her discretion in deciding whether to refer the matter to the CAP of the Academic Senate, or to the Dean of the School for further consideration within the School, or to take some other appropriate action. In exercising this discretion, the Provost shall take into account, among any other relevant factors, whether there is a reviewing Body within the School that has not yet considered the matter which is being appealed.
- .176** Only one appeal may be filed with respect to a specific action of a School covered by this section.

Section F. Procedures for Appointment of Deans and Chairs

II-F-1 Authority for Appointment of Deans

- .177** The President appoints the Dean of each School after consultation with its Faculty. Ordinarily, a Dean is appointed for a term of four years without restriction as to reappointment (*Bylaws, Sec. VIII, Par. 2*).

II-F-2 Duties of Dean of a School

- .178** The Dean of a School is responsible to the President, the Provost, the Academic Senate, and the Faculty for the proper function of the School. The Dean:
- a. Provides academic leadership to the School and fosters high academic standards;
 - b. Has general responsibility for the programs of the School, its course offerings, and methods of instructions;
 - c. In concert with the Faculty and Chairs of the Departments is responsible for the recruitment, retention and development of Faculty members;
 - d. In matters of faculty appointment, reappointment, promotion, and tenure acts as prescribed in Part II of the *Faculty Handbook*;
 - e. Admits students to the School;
 - f. In consultation with the Faculty, is responsible for strategic planning and for the future direction of the School;
 - g. Develops and manages the budget of the School;
 - h. Collaborates with the Division of University Advancement in developing resources for the School;
 - i. Presents an annual report to the President on the condition and progress of the School;
 - j. Sets and maintains administrative policies;
 - k. Ensures that University policies and regulations are carried out in the School;
 - l. During the academic year presides at monthly meetings of the Faculty;

- m. Represents the Faculty at meetings of the Academic Senate;
- n. Presides in person or through a delegate at oral examinations for academic degrees;
- o. Remains available to members of the Faculty and students;
- p. Recruits, supervises and evaluates professional staff.

.179 In a School that is not departmentalized, the Dean is also responsible for duties that otherwise would be delegated to Chairs of Departments (*II-F-6. 183, Duties of the Chair of a Department*).

II-F-3 Procedure for Appointment of Incumbent as Dean

.180 The procedure for the appointment of incumbent as Dean is as follows:

- a. Well in advance of the expiration of the term of office of a Dean, and after informal consultations with Faculty members and with the official student representative(s) of the School, the President will determine whether to reappoint the incumbent.
- b. If the President decides to reappoint the incumbent and the latter is willing to accept reappointment, the President shall without delay present the recommendation to the Faculty of the school for a written consultative vote, first of all the members and then of the tenured members of the Faculty. The results of the balloting will be announced to the Faculty. The President may proceed with the appointment or withdraw the recommendation, at his own discretion, but should not act contrary to the consultative vote without prevailing reasons, which the President shall explain to the Faculty.
- c. In the case of a sudden and unanticipated vacancy in the position of Dean, the President, in consultation with the Provost, shall appoint an Interim Dean. In such event, the President shall initiate the process of selection of a permanent Dean within a reasonable time.

II-F-4 Procedure for Appointment of Non-Incumbent as Dean

.181 The procedure for the appointment of non-incumbent as Dean is as follows:

- a. If after informal consultation with Faculty members and with official student representatives, the President determines not to reappoint the incumbent as Dean he shall follow the following procedures.
- b. The President shall create a Search Committee comprising the following: two members, at least one of whom must be tenured and one of whom is a Member of the

School's Committee on Appointments and Promotions, nominated by and from the Faculty of the School; two members, at least one of whom must be tenured, nominated by the Committee on Committees and Rules of the Academic Senate; and one or two student representatives – one if the School enrolls only graduate students, two if it enrolls both graduate and undergraduate students – nominated by the Graduate Student Association and/or Undergraduate Student Government, respectively. The Provost shall recommend one representative of the Administration – normally a Vice Provost – who, when appointed by the President, will serve as Chairman of the Search Committee.

c. Before the search for candidates is initiated, the President shall meet with the Faculty of the School and the Search Committee, either together or separately, to discuss the objectives and development of the School and the qualifications of the Dean. In these discussions, the President should make clear that one of the objectives on the search will be to determine an appropriate tenure status and faculty rank for the candidate selected.

d. The Chair of the Search Committee shall see that adequate announcement of the vacancy is made to the University Faculties and Students and, if the search is to extend outside the University, to the academic community at large through advertisement or other appropriate methods. The Chairman will be responsible for all administrative matters.

e. The Committee shall maintain strict confidentiality as it screens dossiers of candidates and conducts preliminary interviews with a selected few.

f. At the end of the screening process, the Committee shall select a small number of candidates and recommend to the President that they be invited to the campus for more extensive interviews. After having selected this small number of candidates, the search committee shall gather information relevant to the appropriate tenure status and faculty rank of the selected candidates. The Search Committee should determine the kinds of information that are relevant on the basis of the provisions of Part II of this Handbook relating to granting of tenure and promotions. All documents concerning the qualifications of the candidates should be submitted to the President together with the results of the voting in the search.

g. The President should review the list of candidates submitted by the Search Committee with the Committee and from among those submitted he shall invite candidates to the campus for informal meetings with the Faculty, the Committee on Appointments and Promotions of the School, the students and administrators. In these meetings, the tenure status and appropriate faculty rank of the candidate may be raised as an issue.

h. Upon completion of the interviews, and after consultation with the Search

Committee, the President shall submit his recommendation to the Faculty for a written consultative vote. The recommendation shall include the name of the candidate and his or her proposed tenure status and faculty rank. The vote shall be conducted first among all faculty and then among tenured members of the faculty. The results of the votes shall be announced to the faculty.

i. If the Faculty concurs in the recommendation of the President, the President shall proceed to appoint the Dean, with or without tenure, and with an appropriate faculty rank, in accordance with his or her recommendation. If the faculty does not agree to the recommendation of the President, the President may withdraw his or her recommendation or submit a modified recommendation. The President may not, however, act contrary to the consultative vote of the faculty without prevailing reasons, which he or she must present to the faculty.

j. After the President has decided to appoint the Dean, he or she shall submit directly to the Academic Senate the proposed tenure status and (if required) the proposed faculty rank of the individual selected as Dean. The matter shall be handled expeditiously by the Senate.

II-F-5 Authority for Appointment of the Chair of a Department

.182 The President appoints the Chair of a Department for a term of three years without restriction as to reappointment according to procedures outlined by the Academic Senate (*Bylaws, Sec. VIII, paragraph 3*). The procedures require the recommendation of the Dean, made after consultation with the Department. Ordinarily, the Chair is a tenured member of the Faculty.

II-F-6 Duties of the Chair of a Department

.183 The Chair is responsible to the Department and to the Dean and the Faculty for the proper functioning of the Department. The Chair:

a. Provides academic leadership to the Department and fosters high academic standards;

b. Is responsible for the programs of the Department, its course offerings, and methods of instruction;

c. In matters of faculty appointment, reappointment, promotion, and tenure acts as prescribed in Part II of the *Faculty Handbook*;

d. Assigns faculty duties fairly and equitably, insuring that necessary time is provided for the development of new courses, direction of dissertations, research, and laboratory, editorial, administrative, or supervisory work;

- e. Plans for the future development of the Department;
- f. Prepares and manages the budget of the Department;
- g. Collaborates with the Division of University Advancement in developing resources for the Department;
- h. Prepares an annual report to the Dean on the state of the Department and recommendations for its progress;
- i. Supervises graduate assistants and departmental employees;
- j. During the academic year presides at monthly meetings of the Department;
- k. Represents the Department at meetings of the executive bodies of the School.

II-F-7 Procedure for Appointment of the Chair of a Department

.184 The procedures for the appointment of a Chair of Department are as follows.

- a. When a vacancy occurs, the Dean of the School shall recommend the appointment of a Department Chair to the President through the Provost. The position of Chair becomes vacant at the end of an incumbent's term of office, after resignation of an incumbent during his term of office, or by decision of the President for cause.
- b. In selecting a candidate for recommendation to the President, the Dean shall consult with Faculty members of the Department and student representatives and provide opportunity for and give serious consideration to the vote of all regular Faculty members of the Department (*II-A-1 .004*).
- c. If the consultation and vote support the selection of an extern rather than a member of the Faculty, and if the President so decides, the Dean should initiate a search procedure similar to the one described in the selection of a Dean.
- d. In the case of a sudden and unanticipated vacancy in the position of Chair, the President, on recommendation of the Dean and in consultation with the Provost, should appoint an Acting Chair. In such event, the Dean should initiate the process of selection of a permanent Chair within a reasonable time.

Section G – Termination of Appointments

II-G-1 Expiration of Term

.185 Probationary appointments and appointments as Faculty associates are for stated terms. A probationary appointment is terminated at the end of the stated term if timely notice of non-renewal is given, in accordance with the schedule set forth in the *Faculty Handbook* (see B-3. 025-030). An appointment as a Faculty associate is terminated automatically at the end of the stated term without further notice.

II-G-2 Resignation

.186 A Faculty member who wishes to resign from the position shall do so by letter addressed to the Provost and to the Dean of the School, providing a copy of that letter to the President and, where applicable, to the Chair of the Department. The Provost, following discussion with the cognizant Dean, shall acknowledge the resignation by letter, also providing a copy of that letter to the President and, where applicable, to the Chair of the Department. Members of the Faculty have an obligation to give notice of resignation to the designated officials at a reasonable time so as to allow the School or Department to make adequate provision for a replacement, if such is required. Normally, such notice of resignation should be given before the end of the School year preceding the Faculty member's last semester of service.

II-G-3 Retirement

.187 A Faculty member who wishes to retire from the position shall do so by letter addressed to the Provost and to the Dean of the School, providing a copy of that letter to the President and, where applicable, to the Chair of the Department. The Provost, following discussion with the cognizant Dean, shall acknowledge the retirement by letter, also providing a copy of that letter to the President and, where applicable, to the Chair of the Department. Members of the Faculties share with the University the mutual obligation of giving advance notice of termination of service in reasonable time, normally before the beginning of the last semester of service.

II-G-4 Termination for Medical Reasons

.188 A Faculty member's inability to discharge duties and obligations for medical reasons may constitute grounds for the termination of the appointment. A decision to terminate an appointment for medical reasons may be made by the Provost only when there is clear and convincing medical evidence that the inability will continue beyond a reasonable time, and after appropriate consultation with (1) the Dean of the School, (2) if necessary, impartial medical authority, and (3) the Faculty member concerned or a representative. The Faculty member may appeal such a decision to the Academic Senate, which shall appoint a committee to review the decision and report its findings

through the Senate to the President for final action. In the case of a Faculty member with continuous tenure, final action by the Board of Trustees is required.

II-G-5 **Abolition of Position**

- .189** Termination of an appointment with continuous tenure, or of a probationary appointment before the end of its specified term, may follow elimination of a position because of discontinuance of a Program, Department, or School (*see II-B-2.17; II-E-1.167; II-H-8*). If an appointment is terminated for this reason, the University will make every reasonable effort to transfer the affected individual to another suitable position. If the new position is academic, the transfer and the terms of the appointment are subject to the approval of the cognizant Department and/or School according to normal procedure (*Section C. Procedures for Appointments and Promotions*). Failing such transfer, notice or severance salary in lieu of notice will be given according to the schedule outlined in *B-3. 025-030* in the case of a probationary appointee, or for one year in the case of a tenured appointee. Should the position be reinstated within a period of two years, the previous incumbent, if tenured at the time of termination, will be offered reappointment. The Faculty member must accept reappointment within thirty days from the date of offer.
- .190** The decision to terminate the services of a member of a Faculty because of abolition of the position held may be appealed as provided in *IIE-1.167*.

II-G-6 **Obligations of Clerics and Members of Religious Congregations and Communities**

- .191** In issuing an appointment to a cleric or a professed religious of the Roman Catholic Church, the University recognizes not only the professional qualifications of the appointee but also the public effects of the appointee's status as an ordained cleric or professed religious, which include primary obligations to ecclesiastical superiors and observance of the provisions of Canon Law. If a Roman Catholic cleric loses clerical status under any canonical condition that requires his resignation from the University, or if such resignation is required as the result of an ecclesiastical process determining that he no longer may function as a Roman Catholic cleric, or if the cleric or a professed religious is recalled by his or her legitimate ecclesiastical superiors even without cause, the University's contractual obligations shall become void.

II-G-7 **Dismissal for Cause**

- .192** Authority. Only the Board of Trustees may dismiss for cause a Faculty member with tenure or whose term appointment has not expired.
- .193** Grounds for Dismissal. The University may, following due process specified below, dismiss a Faculty member for demonstrable incompetence or dishonesty in teaching or

research, for manifest neglect of duty, or for other adequate cause.

- .194** Informal Resolution. When there is reason to believe that there are grounds for the dismissal of a member of a Faculty who has tenure or whose term appointment has not expired, the President or his or her representative will advise the Faculty member of the alleged grounds and attempt through personal consultation to resolve the matter.
- .195** Commencement and Notice of Dismissal Proceedings. If the matter is not resolved informally, the President may commence formal dismissal proceedings by providing the Faculty member with a written statement of the grounds for dismissal. Such a statement must explain with particularity the factual bases of the alleged grounds for dismissal. The written statement of grounds for dismissal must also state that the Faculty member has the right to be heard by an Ad Hoc Hearing Committee of the Academic Senate. The President shall at the same time notify in writing the officers of the Academic Senate that a proceeding for dismissal has been instituted.
- .196** Ad Hoc Committee of the Academic Senate. When the Academic Senate receives notice that a proceeding for dismissal has been instituted, it shall constitute an Ad Hoc Hearing Committee consisting of five Tenured Senior Faculty members. One of the committee members will be designated by the Senate to serve as Chair. The Senate will also designate, in ranked order, a number of alternates. Any appointee who cannot render an unbiased judgment will so notify the Chairperson of the Academic Senate and be relieved of service. The President and the Faculty member will each have the right to strike, without stating cause, two members proposed for the Committee.
- .197** Faculty Member's Response. When the Ad Hoc Hearing Committee has been constituted, the Chairperson of that Committee will (1) notify the Faculty member and the President that a Committee has been formed; (2) identify its members; (3) and instruct the Faculty member to submit to this committee and the President a written response to the President's stated Grounds for Dismissal within thirty days of the notice. (4) advise the Faculty member that he or she may be assisted or represented by counsel and/or by an academic advisor, at the Faculty member's choice and expense, throughout the process, and (5) request the President, if he or she chooses, to designate a representative to participate in the proceedings.
- .198** Notice of Hearing. The Committee shall notify the Faculty member and the President, by certified mail, not less than thirty days in advance of a scheduled hearing. If the Faculty member waives a hearing, the Committee will reach its conclusion based on the documentary evidence presented by the President and the Faculty member.
- .199** Conduct of Hearing. The Committee, in consultation with the parties, shall decide whether the hearing will be public or private. At the request of either party, or the Committee, a representative of a responsible educational association may attend the proceedings as an observer.

- .200** Record of Hearing. A verbatim record of the hearing shall be taken, and, if requested, a printed copy shall be made available to the Faculty member without cost. The Faculty member and the President's representative will have the right to confront and cross-examine all witnesses. If a witness cannot or will not appear, but the Committee determines that the interests of justice so require, a written statement by that witness may be admitted in evidence. In such a case the Committee will identify the witness, disclose the statement, and if possible provide for interrogatories. In a hearing on charges of incompetence the testimony shall include that of qualified Faculty members from this or other institutions of higher education.
- .201** Rules of Evidence. The Hearing Committee is not bound by strict legal rules of evidence, but may admit any evidence which it judges to be relevant, reliable, and probative on the issues involved.
- .202** Burden of Proof. The burden of proving that there is adequate cause for dismissal rests with the President, and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- .203** Access to Evidence. The Faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the University will, insofar as is reasonable, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control. The Hearing Committee shall grant adjournments requested by either party to investigate evidence as to which there is a valid claim of surprise.
- .204** Public Announcements. Private hearings are considered confidential. In such a private hearing, except for announcements covering the time and location of the hearing and similar matters, public statements and publicity about the case by either the Faculty member or administrative officers of the University shall be avoided until the proceedings have been completed, including consideration by the Board of Trustees.
- .205** Committee's Determination. After the hearing, or after reviewing all documentary evidence presented in lieu of hearing, the Committee will render a decision by majority vote.
- .206** If the Committee concludes that the President has established grounds for dismissal, it may further determine that some action other than dismissal is warranted. The Committee shall prepare written findings of facts identifying the factual bases for its conclusion. The evidentiary record must support the findings. The Faculty member and the President shall be notified of the decision in writing and shall be provided with a copy of the findings of facts and the conclusion. On request, the President and the Faculty member shall be given a copy of the hearing record.

- .207** If the Committee concludes that adequate cause for dismissal has not been established, and the President rejects the Committee's conclusion, the President may so advise the Faculty member and the Committee in writing of the basis of the rejection and ask the Committee to reconsider the matter. In responding to the President's request the Committee will consider any response by the Faculty member. If the Committee reaffirms its conclusion that adequate cause for dismissal has not been established, it will so report to the President and the Faculty member.
- .208** If the Committee concludes that adequate cause for dismissal has not been established, the President may ask the Committee to reconsider the matter. The request for reconsideration shall be in writing and shall state the basis for the request. A copy of the request shall be sent to the Faculty member who shall be given an opportunity to respond. In making its determination, the Committee shall give consideration to the response of the Faculty member and a copy of its final determination shall be sent to the President and to the Faculty member.
- .209** Board of Trustees. If dismissal or other penalties are recommended, or, contrary to the Committee's conclusion the President chooses to pursue dismissal proceedings, the President will transmit the record of the case to the Board of Trustees. The Board's review will be based on the record of the Hearing Committee, and it will provide opportunity for argument, oral or written, by the parties. The decision of the Hearing Committee will either be sustained, or the proceeding returned to the Committee with specific objections to the Committee's findings or conclusions. The Hearing Committee will then reconsider, taking into account the stated objections of the Board and receiving new evidence if necessary. The Board of Trustees will make a final decision only after study of the Committee's reconsideration.
- .210** Status of Faculty Member During Proceedings. Until a final decision regarding dismissal has been reached, the Faculty member will be suspended, or assigned to other duties in lieu of suspension, only if continuance in the normal course of Faculty duties threatens immediate harm to oneself or others. Before suspending a Faculty member, the President or a representative shall consult with the Committee on Academic Freedom and Tenure of the Academic Senate concerning the reason for the suspension. The Faculty member's compensation shall continue during the period of suspension.
- .211** Dismissal. If dismissed, the Faculty member shall receive notice of termination and compensation for the notice period required for non-renewal as provided in *B-3.023-028* or, if the Faculty member was tenured, for one year. This provision for notice and salary does not apply if the conduct that justified dismissal involved moral turpitude.

Section H. Policy and Procedures for Termination of Schools, Departments, or Programs

II-H-1 Definition of Terms

- .212** A School is a major academic division of the University. It is characterized by its own Faculty, presided over by a Dean, and by distinctive course offerings leading to degrees in one or more areas of specialization. A School has its own budget, approved by the Provost.
- .213** A Department is the basic instructional unit of the University within Schools that offer courses in a variety of disciplines. It is characterized by its own Faculty, presided over by a Chair, and by distinctive course offerings leading to degrees in its area of specialization. A Department has its own budget, approved by the Dean of the School within which it is located.
- .214** A Program is any course of studies or sequence of courses in an identifiable area of concentration, usually leading to a degree or certificate in one of the schools of the University. Programs may be confined to one Department or School, or they may involve two or more Departments or Schools. For purposes of this document, programs will be regarded as instructional units within the University differentiated from Departments or Schools in that they have more narrowly defined areas of study or concentration. They differ also from institutes and centers of the University in that their courses carry credit and usually lead to degrees or certificates. They also differ from purely research programs that are not considered here.
- .215** Faculty, as understood herein, refers to regular Faculty members as defined in *II-A-1.004*.
- .216** Financial exigency, for purposes of this document, refers to a state of fiscal need within an instructional unit of the University wherein it can no longer operate within the portion of the total annual budget of the University allocated to it by the responsible authorities and when continued subsidy of the unit is seriously undermining the University's overall academic mission in light of severe financial constraints on the institution.

II-H-2 Grounds for Termination

- .217** The University may terminate a School, Department or Program on grounds of financial exigency or for reasons other than financial exigency. Such reasons include, but are not limited to, seriously diminished academic quality or a persistent failure to attract qualified faculty or students. Any decision to terminate a School, Department or Program must reflect consideration of the School's, Department's or Program's relationship to the mission of the University.

II-H-3 Authority for Termination and Initiation of the Process

- .218** A proposal to terminate a School, Department, or Program may be initiated by the academic unit itself upon a majority vote of the Faculty, or on the recommendation of the Dean. Such a recommendation may also originate with the Board of Trustees, the President or the Provost. The recommendation to terminate an academic unit shall require consultation with the representatives of the students enrolled in the School, Department or Program, with the affected Faculty, with the Dean, and with the Provost of the University.
- .219** A recommendation to terminate will clearly state the reasons for the recommendation.
- .220** Action by the Academic Senate on a recommendation, as required in this section, should be carried out expeditiously. In accord with the Constitution of the Academic Senate (*Art. VIII*), termination of a Program is not effective until the recommendation receives the favorable vote of the Academic Senate and is approved by the President of the University. In accord with the Bylaws of the University (*Sec. II, Art. 7*), termination of a School or Department is not effective until the advice of the Academic Senate is transmitted by the President to the Board of Trustees and acted upon by that body.

II-H-4 Preliminary Consideration of Financial Exigency

- .221** Any recommendation for termination owing to financial exigency is to be referred to the Budget and Planning Committee of the Academic Senate for its judgment that, in the context of the recommendation and in light of the overall budget of the University, a state of financial exigency actually exists. To come to a termination decision the Budget and Planning Committee must be concerned, with regard to the overall budget, to assure the following:
- a. That adequate consultation has taken place between the Board of Trustees, the Administration, and the Academic Senate on the allocation of resources to academic programs;
 - b. That the integrity of the academic enterprise of the University as a whole is recognized and preserved and that, within the restraints imposed by changing priorities and resources, the overall budget permits the University to maintain excellence as an academic community for itself and for each of its parts;
 - c. That, in the projected allocation of resources to the Department or Program under consideration, the degree of relationship of that Department or Program to the University's purpose, as expressed in its mission statement, has actually been taken into account;
 - d. That, in working out the details of the proposed budget for the School, Department

or Program under consideration, academic factors such as purpose, present strength, curriculum maintenance, and promise have been balanced against economic concerns with respect to the amount of past and present subsidy from the operational funds of the University and relative cost effectiveness measured as appropriate to the Department or Program involved.

- .222** Having studied the recommendation for termination in light of the considerations above, the University Budget Committee of the Academic Senate may do one of the following:
- a. Judge that a state of financial exigency does exist such as to warrant the possible termination of the School, Department or Program;
 - b. Judge that a general state of financial exigency exists, but that it is not sufficient to warrant the termination of an entire School or Department, and that
 - i) the termination of a Program should be considered as an alternative; or
 - ii) selective termination of Faculty within the specified School, Department or Program should be considered as an alternative;
 - c. Judge that financial exigency does not exist.
- .223** The Budget and Planning Committee shall report its findings and conclusions to the Academic Senate.

II-H-5 Preliminary Consideration of Reasons Other Than Financial Exigency

- .224** A recommendation to terminate a School, Department or Program for reasons other than financial exigency will be referred to the Educational Policy Committee of the Academic Senate and/or such other committee or committees as the Senate deems appropriate for a preliminary determination that the recommendation does or does not establish that sound reason exists for termination. In reaching a determination the reviewing committee(s) must consider the integrity of the academic enterprise of the University as a whole and be satisfied that, within the constraints imposed by changing priorities and resources, its recommendation would allow the University to maintain excellence as an academic community for itself and for each of its parts.
- .225** Having considered the recommendation to terminate in light of the considerations outlined above, the Senate Committee on Educational Policy or other reviewing committee(s) will determine and report to the Senate whether or not the recommendation establishes that there is sound reason to terminate the School, Department or Program.

II-H-6 Ad Hoc Committee of the Academic Senate

- .226** After receiving the findings and conclusions of the appropriate committee(s) on the matter of financial exigency or other reasons for the proposed termination, the Academic Senate must determine whether or not to continue the termination process. If the Senate determines to continue the process, it will appoint an Ad Hoc Committee to study the proposed termination and to report its findings to the Senate for final approval.
- .227** In coming to its decisions the Ad Hoc Committee should consider the following:
- a. The academic priorities of the University as a whole in light of its goals and objectives, and the relative priority of the School, Department or Program when viewed in the same light;
 - b. Consultation within as wide a range as possible, including advice from related departments and programs on the short-term and long-term viability of the School without the Department or Program whose termination is under discussion, and advice from other Schools that might be affected by the termination of the concerned School, Department or Program;
 - c. The rights of Faculty members who are teaching in the Department or Program and of students who are pursuing its courses;
 - d. If termination is proposed on grounds of financial exigency, the fiscal limitations of the University as constraints within which the specific priority to be accorded the School, Department or Program is established (the constraints will be documented by appropriate budget analysis, student-faculty ratios, course evaluations, enrollment data, and other relevant information, and should be ascertained in consultation with the Senate's Budget and Planning Committee).
- .228** If termination is proposed on grounds of financial exigency, the Ad Hoc Committee, in view of the fiscal constraints of financial exigency, should complete its work expeditiously so as to provide adequate lead time for terminating Faculty according to the procedures outlined below and for affecting the required economies.

II-H-7 Final Recommendation and Action

- .229** A decision to recommend termination of a School, Department or Program will be made by a majority vote of the Academic Senate, following its review of the recommendation of the Ad Hoc Committee.
- .230** The affected faculty and students must receive notice of the decision of the Academic Senate to recommend termination.

- .231 If the proposal is to terminate a Program, the action of the Academic Senate also requires the approval of the President.
- .232 If the proposal is to terminate a School or a Department, the recommendation of the Academic Senate will be transmitted by the President for action by the Board of Trustees.
- .233 The University shall make every effort to protect the rights of students in the School, Department or Program that is to be terminated, in order to bring work already begun to its normal completion.

II-H-8 Termination of Faculty

- .234 When a decision has been made to terminate a School, Department or a Program, and when it involves termination of Faculty appointments, special care must be taken to insure fairness and to protect and honor accepted procedures and rights appropriate to the status of affected Faculty member(s). An affected Faculty member must have an opportunity to be heard by the Ad Hoc Committee and all decisions must be subject to review by the President.
- .235 With regard to tenured Faculty members, the following provisions should be observed in any termination procedure:
 - a. The institution will make every effort to place the tenured Faculty member in another suitable position; if such a position is not available, the affected Faculty member should be given opportunity to adapt within a Department or School or elsewhere within the University, provided that the academic credentials and professional competence of the Faculty member and the needs of other programs make such adaptation a realistic possibility;
 - b. The provisions that should be followed to safeguard the rights of the Faculty member are as follows:
 - i) When termination of appointment is based upon abolition of a School, Department or Program, a Faculty member shall have the right of appeal as provided in *Section E. Appeals from Adverse Decisions*;
 - ii) The affected Faculty member will be given notice as soon as possible, and never less than twelve months' notice, or in lieu thereof will be given compensation plus severance pay equivalent, in the aggregate, to compensation for twelve months;
 - iii) The released Faculty member's position will not be filled by a replacement within a period of two years, unless the released Faculty member has first been offered reappointment and a reasonable time within which to accept or decline it.

- c. Early retirement or the reduction of the Faculty member from full-time to part-time service should be considered as possibilities.
- .236** The rights of non-tenured Faculty members should be safeguarded in a manner analogous to that specified above for tenured Faculty members. If there is no realistic choice other than to terminate the services of a non-tenured Faculty member, adequate notice should be given as provided in *B-3. 025-030*. Commensurate compensation may be offered in lieu of the prescribed period of notice.
- .237** If, for reasons of financial exigency, it becomes necessary to reduce the number of Faculty members rather than to eliminate a School, a Department, or a Program, the following procedure shall apply:
- a. Termination of tenured Faculty members in the Program or Department shall be considered only after all probationary Faculty have been terminated;
 - b. Termination of tenured Faculty members shall be selective and need not be determined exclusively by seniority;
 - c. Selective termination of tenured appointments, in the context of this document, shall be accomplished by applying the same criteria used to confer tenure, except that serious consideration should be given to the seniority status of the Faculty member. The selection of Faculty member(s) to be terminated is the responsibility of the Committee on Appointments and Promotions of the Academic Senate, which will report its recommendations to the Provost for approval by the President. In arriving at its recommendations the Senate CAP shall consult with the Dean of the School and, if the School is departmentalized, with the Chair of the Department. In addition the CAP, at its discretion, may also consult with other Faculty members of the affected academic unit.

Section J. Policies and Procedures for Creation and Termination of Centers and Institutes

II-J-1 Definition of Terms

- .238** A Center or Institute is an organizational component of the University established for the purpose of focusing on instruction, scholarship, research or other programmatic activity in a particular subject matter or a particular area of study. Centers and Institutes differ from Schools, Departments and Programs (*II-G*) in that members of the Faculty and others participating in a Center or Institute are, at the same time, either regular members of the Faculty in a School, Department or Program or Faculty Associates (*II-B-6*). For this reason, termination of a Center or Institute would not normally affect the employment status of those individuals.

II-J-2 Creation of Centers and Institutes

- .239** One or more Faculty members of a School or of a Department may propose the creation of a Center or Institute based on the belief it will serve the educational research, scholarship or other needs of the University. The proposal for the creation of a Center or Institute shall contain a statement of the reasons for its establishment and shall be submitted to the Provost and the President. In deciding whether to approve the proposed creation of a Center or Institute, the Provost and President shall consult with the Academic Senate, but have final authority over the decision to create or terminate a Center or Institute. Typically, a Center or Institute is created for a period of five years, subject to renewal.

II-J-3 Termination of Centers and Institutes

- .240** The Provost and President, in deciding to terminate a Center or Institute, shall consult with the Academic Senate. The Provost shall establish a cycle of review of all existing Centers and Institutes, and, based on this review, take appropriate action, after consultation with the Senate.