

The Faculty Manual

2006



Approved by the Faculty Senate – April 25, 2006
Approved by the Board of Trustees – May 6, 2006

Published for the use of present and prospective members of the faculty of Saint Louis University
by the authority of the President and Board of Trustees of Saint Louis University.

The *Faculty Manual* of Saint Louis University

The *Faculty Manual* is a foundational document setting out, in many respects, the role of the faculty in University governance. It also specifies rights, powers, privileges, and responsibilities of faculty. Insofar as it does so, it is incorporated by reference in all contracts of employment between faculty and the University. All substantive modifications to University policies and benefits referenced in this *Manual* may occur only after prior consultation with the Faculty Senate.

Equal Employment Opportunity

Saint Louis University Affirmative Action Plan

Saint Louis University prohibits discrimination on the basis of race, color, sex, religion, national origin, sexual orientation, disability, age, or veteran status as required by law. The University is committed to creating a working and learning environment that is rich in diversity. To advance this goal the University takes affirmative action to identify and recruit qualified individuals who are underrepresented in its work force for potential employment opportunities. All University personnel policies and benefit programs are administered in a manner consistent with its Catholic, Jesuit identity.

The University maintains a zero-tolerance policy against sexual harassment, harassment against persons in protected categories, and retaliation.

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I. History, Philosophy, and Mission of Saint Louis University

A. Historical Perspective

Saint Louis University traces its history to the foundation of Saint Louis Academy on November 16, 1818, three years before Missouri became a state. Founded by the Right Reverend Louis DuBourg, Bishop of Louisiana and the Floridas (who was then residing in Saint Louis), the Academy was renamed Saint Louis College in 1820.

In 1823, Belgian Jesuits from Maryland arrived in Missouri at the urgent invitation of Bishop

not under jurisdictional control of a church body. It is similar to other private universities in the U.S. in that the ultimate governing responsibility is vested in an independent Board of Trustees.

According to the Bylaws of the University:

- (i) The University will be publicly identified as a Catholic university and a Jesuit university.
- (ii) The University will be motivated by the moral, spiritual, and religious inspiration and values of the Judeo-Christian tradition.
- (iii) The University will be guided by the spiritual and intellectual ideals of the Society of Jesus.
- (iv) The University, through the fulfillment of its corporate purposes, by teaching, research, and community service, is, and will be, dedicated to the education of men and women, to the greater glory of God, and to the temporal and eternal well-being of all men and women.

C. Statement of Philosophy

As a Catholic university sponsored by the Society of Jesus and dedicated to the Society's ideal of striving for academic excellence under the inspiration of the Christian faith, Saint Louis University recognizes the essential importance of the principle of academic freedom to its life as a community committed to the discovery and sharing of truth. In keeping with its Christian vision of the dignity of persons as created in the image of God and as united under the Creator's loving Providence, the University seeks to establish a collegial environment in which those of diverse cultural backgrounds and religious beliefs can participate in this community in a spirit of cooperation and mutual respect.

The Jesuit ideal of academic excellence is based on the conception of the person as a free and responsible agent capable of making a difference for good or ill in the world. Hence, Saint Louis University directs its educational efforts to help students develop as critically reflective and socially responsible persons capable of exercising leadership in advancing the cause of human good. It pursues this goal by providing an environment in which the intellectual, emotional, imaginative, technical, social, religious, and spiritual abilities of students are nurtured and strengthened.

The University's undergraduate curriculum involves the humanities, social sciences, natural sciences, and technology in a unified effort to challenge students to understand themselves, their world, and their relation to God; to make critically informed moral judgments; and to prepare intellectually and professionally for their chosen careers. It seeks to engender critical awareness of the present as rooted in the past and as moving toward a future in which the nations of the world have become more aware of their mutual interdependence. The curriculum seeks to prepare students for the responsibilities they will bear as citizens and leaders to work for peace and justice in communities characterized by political, economic, cultural, and religious diversity. Saint Louis University is committed to providing its students with opportunities for international and intercultural educational experiences that will enhance their abilities to act responsibly in this world order.

The University's commitment to academic excellence comes to full flower in its graduate programs and professional schools, which have a twofold purpose: to advance the frontiers of knowledge and technical expertise in their disciplines and professions, and to prepare students to

Nurtures within its community an understanding of and commitment to the promotion of faith and justice in the spirit of the Gospels; and

Allocates its resources to maintain efficiency and effectiveness in attaining its mission and goals.

II. Organization of Saint Louis University

A. The University Corporation

Saint Louis University is a benevolent corporation established by a Charter granted on December 28, 1832, by the Legislature of the State of Missouri. It operates, therefore, under the relevant laws of the State of Missouri. According to these laws, legal authority for the Corporation is

4. Chief Executive Officer of the University Medical Group (UMG)

The Chief Executive Officer of the University Medical Group (UMG) is responsible for the conduct of all operational aspects of the UMG, subject to the policies of the UMG Governing Board. These aspects include operation of the specified facilities, employment, and supervision of personnel required for the operation of the UMG, billing and collection activities, marketing and planning, preparation of the budget, approval of all new business initiatives subject to designated signatory limits, and cost accounting for UMG operations. The Chief Executive Officer of the UMG reports to the Chairperson of the UMG Governing Board and is selected by the Governing Board upon recommendation of the Executive Committee of the UMG; the appointment is subject to the ultimate hiring authority of the President of the University.

C. Academic Administration of the University

1. Colleges, Schools, and Departments

The academic body of the University consists of the faculty, the academic administrators and staff, and the students. The Provost is the chief academic officer of the University. The academic body is largely organized into Colleges and Schools, and then into Departments. A College or School is an administrative unit of the University consisting of a Dean or Director, the faculty, the administrative staff, and the students of the unit. A Department is an academic unit of the University consisting of faculty members who are engaged in instruction, research, and/or administrative work in a given subject area, a Department Chairperson or comparable administrator, and appropriate staff members. Centers and Institutes that have their own degree program or programs are considered to be comparable to Departments. Most Departments are subunits of a College or School, but some academic units have other reporting relationships designated by the Provost. These units are identified on the Web site of the Office of the Provost.

2. College, School, and Library Administrators

a. Dean

The Dean of a College or freestanding School is the chief executive officer and administrator for that unit. The Dean is appointed by the President after consultation with the Provost and faculty members (see Sec. III.H.7). The procedures for the evaluation of the Dean are established by the Provost, following consultation with the faculty. Moreover, because it is important for academic administrators to continue developing their skills and abilities between formal evaluations, and because decanal evaluations typically cover multiple years, Deans should themselves establish means for obtaining timely feedback regarding their performance, such as seeking informal input from Chairpersons, Directors, and other faculty.

The Dean is responsible to the Provost for leadership, planning, and administration of the College or School so as to fulfill the mission of the unit and of the University. As chief executive officer, the Dean executes University policies and procedures in the College or School. The Dean has the authority to make administrative decisions on matters that relate solely to his/her own College or School, except in those situations specifically reserved or allocated to the jurisdiction of the Provost or of University boards, committees, or offices. In establishing academic policy within the College or School, the Dean consults with Department Chairpersons or comparable administrators and with the faculty members of the College or School, particularly the Faculty Assembly or equivalent group. The Dean is responsible for assuring that policies, faculty qualifications, and academic programs of the College or School are in compliance with the professional standards necessary for accreditation. The Dean is also responsible for negotiating

and recommending approval of clinical affiliations, practica, and internship agreements. The Dean represents the College or School for development, public relations, and alumni activities.

In consultation with the appropriate faculty members, the Dean appoints search committees and recommends initial and emeritus/a faculty appointments, promotion, tenure, leaves of absence, notices of intent not to renew appointments of untenured faculty, and termination. Faculty workloads are proposed by the Chairpersons or comparable administrators and by the Faculty Assembly or equivalent group and are approved by the Dean. The Dean ensures that every faculty member, including every Chairperson or comparable administrator, is annually evaluated as provided in Sec. III.I.2. The Dean promotes the professional development of the faculty and is responsible for recommending merit salary increases and other compensation within the limits of available funds. The Dean is also responsible for recommending the appointments and renewal of appointments of Associate and Assistant Deans, Department Chairpersons or comparable administrators, and other administrative personnel of the College or School.

The Dean is responsible for administering all academic aspects of the student programs within the College or School except those specifically within the jurisdiction of another College or School or of a University board, committee, or office. The Dean shall assure that academic advising is provided for all students. While the faculty, in consultation with the Dean, are responsible for establishing standards for the admission, transfer, and graduate programs

b. School Director

Some Schools are organized within Colleges. The administrative leader of an incorporated School reports to the College Dean and is typically called a Director. The powers and responsibilities of the Director vary from School to School. The School Director is appointed by the Provost after consultation with the Dean and faculty members (see Sec. III.H.7). The procedures for evaluation of the School Director are established by the Dean, following consultation with the faculty.

c. Department Chairperson

The Department Chairperson or comparable administrator is appointed by the Provost on recommendation of the Dean of the College or School, who will have consulted with all faculty members of the Department. The appointment ordinarily is a twelve-month commitment, renewable annually for a three-year term; longer terms may prevail in the medical sciences. After evaluation by the faculty members of the Department, and upon recommendation by the Dean, a Chairperson or comparable administrator may be reappointed by the Provost.

In most instances, the Department Chairperson or comparable administrator reports to the Dean of the College or School to which the Department belongs. For matters relating to the Graduate School, Chairpersons report to the Dean of the Graduate School.

The Department Chairperson or comparable administrator is the academic leader and administrative head of the Department. As such, s/he executes, within the Department, the policies and regulations of the College or School and of the University. As an academic leader, s/he consults with the faculty members of the Department as provided in Sec. III.H.4 and is responsible for establishing departmental goals, promoting excellence in teaching and research, encouraging and stimulating faculty members in professional development, providing academic advising for students, working toward obtaining appropriate resources, and establishing a climate of collegiality. As an administrative head, s/he is responsible for the professional excellence of the Department and has the obligation to consult with the faculty and staff on all major matters of policy within the Department, and to inform them of decisions that have been made. In developing the budget for a Department, the Chairperson or comparable administrator takes into account the financial needs and recommendations established in Department meetings. The Department Chairperson or comparable administrator will represent the considered position of the members of the Department to the College or School and will represent the considered position of the Dean to the faculty.

After consultation with the appropriate faculty members, the Department Chairperson or comparable administrator makes recommendations to the Dean of the College or School for initial and emeritus/a faculty appointments, promotion, tenure, leaves of absence, notices of intent not to renew appointments of untenured faculty, termination, and faculty workloads. S/he supervises instruction and the personnel of the Department, reviews each faculty member's performance annually, and discusses the evaluation with the faculty member before sending it to the Dean. In consultation with and at the direction of the Dean of the College or School, or of the Dean of the Graduate School, the Department Chairperson or comparable administrator assigns faculty members to teach courses at prescribed times and places. In meeting the responsibilities for the academic well-being of the Department, the Chairperson or comparable administrator consults with the other members of the Department and works toward a consensus on courses offered within the Department, course prerequisites, examinations and standards, Department schedules, and teaching assignments. The faculty members share with the Department Chairperson or comparable administrator responsibility for participation in registration procedures, for development of bulletin and catalog materials relating to the Department, for

development of library holdings, and for advice concerning Departmental purchases. The Chairperson or comparable administrator solicits agenda items, and calls and presides at meetings of the faculty members of the Department at least once each semester.

In developing the budget of the Department, the Chairperson or comparable administrator shall consult with the faculty members as provided in Sec. III.H.4. S/he is responsible for the expenditure of Department funds, for safekeeping Department equipment and supplies, and for maintaining an inventory of Department equipment and property.

d. University Librarian

The University Librarian is appointed by the President of the University after consultation with the Provost and faculty members (see Sec. III.H.7) and is responsible to the Provost for the overall administration of every Library operated by the University except those of the School of Law and the Madrid campus. The procedures for the evaluation of the University Librarian are established by the Provost, following consultation with the faculty within his/her jurisdiction.

The University Librarian is responsible to the Provost for leadership, planning, and administration of the Libraries within his/her jurisdiction so as to fulfill the mission of the Libraries and of the University. S/he also serves as coordinator, working with the other University Library directors, on matters of interest to all the Libraries. The powers and responsibilities of the University Librarian are identical to those of Deans in these areas: administrative decision-making; establishing policy; ensuring faculty qualifications of the Libraries are in compliance with both professional library standards and other standards that support accreditation of other University units; appointment of search committees; recommendations of initial and emeritus/a faculty appointments, promotion, leaves of absence, notices of intent not to renew appointments of Library faculty, and termination; preparation, administration, and communication of budgets; determination of faculty workloads; annual review of faculty; promotion of professional development; recommendation of merit salary increases and other compensation within the limits of available funds; recommendation of appointments and renewal of appointments of Library administrators and other administrative personnel; appropriate and productive use of building space; and representation of these Libraries for development, public relations, and alumni activities.

D. University Boards and Committees

1. University Committee on Academic Rank and Tenure

The University Committee on Academic Rank and Tenure considers and recommends to the Provost nominations for promotion and the awarding of tenure. It also reviews all new appointments to the faculty as provided in Sec. III.B.1, reviews the College, School, or Library evaluation standards for making such appointments as provided in Sec. III.E.3 and recommends changes to the Provost, and performs the other duties assigned to it in Sec. III. The Chairperson of the University Committee on Academic Rank and Tenure is appointed by the Provost from a list of at least three names recommended by the Faculty Senate Executive Committee; s/he votes on matters before the Committee only in the case of tie votes. The members of the Committee are ordinarily tenured Professors. One member is elected by the Faculty Assembly or equivalent group of each College or freestanding School (except the Graduate School) and of the University Libraries.

2. Provost's Committee on Conflict of Interest

The Provost's Committee on Conflict of Interest exercises a major role in implementing the University's *Policy on Conflict of Interest*, available on the Web site of the Office of Research Services Administration. The Committee, which is composed of faculty from across the University, meets regularly to review conflicts disclosed pursuant to the *Policy on Conflict of Interest* and reports of conflicts that are referred by the Institutional Review Boards, the Office of Research Services Administration, the Technology Transfer Office, the Office of the General Counsel, or the Office of the Provost. The Committee is supported by staff who work with the Committee and the Offices of the Provost and General Counsel to ensure proper compliance.

3. Institutional Review Boards (IRBs)

Saint Louis University has established administrative bodies to protect the rights and welfare of human subjects recruited to participate in research activities conducted under the auspices of the University. All Saint Louis University faculty and students who conduct research involving human subjects must submit their research protocols to the appropriate Institutional Review Board for approval prior to the initiation of research.

Each IRB meets regularly and is composed of faculty affiliated with either the biomedical or behavioral/social science disciplines at Saint Louis University. It is incumbent upon academic units whose faculty and students make regular use of IRB services to provide well-qualified, dedicated members to serve on these Boards, and to provide recognition for those persons' participation. The number of Board representatives from an academic unit and the number of active human research protocols which originate from that unit should be generally proportional. Aside from University members, representatives from the community also serve on each Board. The Provost, with consultation of the Chairpersons of the Boards, appoints the members. Further information about the IRBs is available on the Web site of the Office of Research Services Administration.

4. Animal Care Committee

The Animal Care Committee provides oversight of all institutional programs and facilities for the care and use of laboratory animals, enhances the quality of research and teaching, and ensures compliance with all relevant laws and regulations. Appointments to the Committee are made by (participation.)5.5(The num)C-1.153

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Senate is a member of the President's Coordinating Council. S/he and the Faculty Senate Executive Committee serve as the primary liaison between the faculty as a whole and the administration.

An important responsibility of the Faculty Senate Executive Committee is to recommend to the President of the University and to the Provost faculty members to serve on University committees. Moreover, after consultation with the appropriate Vice President or comparable administrator, the Faculty Senate Executive Committee recommends a faculty member to serve on each of the standing committees of the Board of Trustees on which faculty hold membership. In the interest of shared governance, the Provost and President of the University, and the Faculty Senate, have a responsibility to consult with one another on matters of academic and institutional importance.

III. Faculty

A. Definition of Faculty

Employees of the University are members of the faculty if their contracts, letters of appointment, or memoranda of agreement so state and if they are among the types of faculty listed in Sec. III.D. Faculty members who hold salaried appointments, including those whose salary is fully or partly paid by University-affiliated institutions, are governed by this *Manual*. Voluntary faculty who serve without pay are members of the faculty of Saint Louis University and are subject to the terms of this *Manual* where appropriate. Voluntary faculty members have voting privileges in Colleges, Schools, Libraries, Departments, or standing or *ad hoc* committees at the discretion of the unit. Post-doctoral fellows are not considered to have faculty status and, therefore, are not governed by this *Manual*.

B. Appointments and Titles

1. Regular Appointments

Relationship by family or marriage to another employee of the University constitutes neither an advantage nor a deterrent to appointment as a faculty member. University employees will not participate in decisions relating to initial appointment, retention, promotion, salary, leave of absence, or other significant decisions when a spouse, parent, grandparent, child, sibling, in-law, or other relative living in the household is involved or when there are other actual or potential conflicts of interest.

The Provost is the University official empowered to make a binding offer of employment to a faculty member. When the search committee and Department Chairperson or comparable administrator desire to make an offer to a candidate, their recommendation and a request for approval must be submitted to the appropriate Dean or comparable administrator, along with an up-to-date *curriculum vitae*. In most cases, the Dean or comparable administrator establishes mutually agreeable terms of employment with the prospective faculty member, makes the candidate a contingent offer, and transmits the agreed upon terms, in writing, to the Provost. If the Provost accepts the proposed terms, s/he issues the candidate a letter of appointment on behalf of the University. The University requires that all conditions of employment must be in writing. Oral commitments not reflected in the individual's official appointment papers are not binding. The type of faculty position and rank offered a new faculty member must be in accord with the descriptions in Secs. III.D and III.F. Copies of employment offers and commitments affecting the terms of employment must be sent promptly to the University Committee on Academic Rank and Tenure. Comprehensive guidelines for faculty recruitment and hiring are available on the Web site of the Office of the Provost.

Each faculty member will be appointed to a specific Department or comparable academic unit, subject to its prior advice and consent. The titles of record of faculty members will include the rank and department name (e.g., Tenure-Track Assistant Professor of Biochemistry). Faculty members with appointments as librarians in the University Libraries, in clinical instruction, in research positions, or as aviation specialists have titles reflecting their professions (e.g., Acquisitions Librarian with the rank of Non-Tenure-Track Assistant Professor; Non-Tenure-Track Assistant Clinical Professor of Law; and Aviation Specialist with the rank of Non-Tenure-Track Assistant Professor).

Whereas the initial employment of a faculty member is by a letter of appointment or memorandum of agreement signed by the faculty member and the Provost, continued employment is by letter of appointment or memorandum of agreement, normally tendered by May 1, indicating the rank and salary for th

specific exception to this guideline is granted by the Provost. In those rare cases where a senior appointee is hired with tenure, the Provost will ensure that appropriate faculty review has been obtained prior to authorizing the appointment, and will transmit this information to the University Committee on Academic Rank and Tenure.

Subject to the qualifications noted below, the University will make a final decision to tenure a faculty member no later than the completion of the sixth year of service (eighth year of service in the School of Medicine) as a tenure-track faculty member at Saint Louis University. An academic year normally corresponds to one year of service. In exceptional, individual cases, approval may be granted to count an academic year as less than one year of service. Such situations include, but are not limited to, leaves of absence and administrative assignments. Where required by law, time toward tenure will be adjusted. Additionally, where adjustment of time toward tenure is available pursuant to University policy or where special adjustment is requested in writing by the candidate, written approval for the individual case must be obtained well in advance (e.g., at the time of an administrative appointment or at the granting of a leave of absence) from the Dean or comparable administrator and the Provost. Adjustment of time toward tenure may also be obtained in accord with the *Policy on Extension of the Probationary Period That Applies to the Granting of Tenure* (see Sec. III.E.2). A copy of the written approval is forwarded to the University Committee on Academic Rank and Tenure by the Provost. In no case will more than eight calendar years constitute less than six years of service.

It is the responsibility of the faculty member to apply for tenure prior to or during the academic year in which a final decision must be made, according to the provisions of Sec. III.E. A faculty member has the responsibility and the right to seek and rely upon a written statement from the Provost indicating the year of the final decision. However, each College or School may establish procedures for the timely and accurate notification of faculty regarding time toward tenure. Appropriate administrative procedures should be established to ensure proper consideration of tenure requests. Each person in the decision-making process shall act in a proper and timely manner. The University does not recognize *de facto* tenure; a tenure-track faculty member who is not awarded tenure before or during the year in which the decision must be made will be given a one-year terminal contract, at the end of which the faculty member's appointment ends.

Except in rare circumstances, time served in faculty positions other than tenure-track cannot be counted as years of service toward tenure. Such exceptions must be supported by compelling justification, provided in writing by the faculty member's Department Chairperson to the Provost, and with the knowledge and consent of the Dean of the College or School in which the faculty member holds a primary appointment. For appointments at the rank of Tenure-Track Assistant Professor, previous service at institutions comparable to the University may be substituted for not more than three years of service. Those hired without tenure at the rank of Tenure-Track Associate Professor or Tenure-Track Professor are eligible to receive up to three years of prior service credit for tenure purposes and normally are reviewed for tenure in their second year at Saint Louis University. The amount of previous service to be substituted must, in each case, be agreed to in writing by the faculty member, the appropriate Dean, and the Provost, prior to initial appointment. Unless thus agreed, previous service may not be claimed, and, once claimed, credit for prior service can only be rescinded with approval of the Provost. A copy of any prior service agreement is forwarded to the University Committee on Academic Rank and Tenure by the Provost.

A full-time faculty member who has tenure but who requests and receives the status of a part-time faculty member of the University automatically relinquishes tenure, unless there is a prior, explicit agreement in writing among the faculty member, the appropriate Dean or comparable

administrator, and the Provost that tenure is retained. Part-time status due to medical reasons is covered by Sec. III.H.12.b.

Tenured faculty serving under the University's *Faculty Phased-Retirement Policy*, available on the Web site of the Office of the Provost, retain the rights and privileges of full-time tenured status during the phased-retirement period.

2. Non-Tenure-Track Faculty

Non-tenure-track faculty members are individuals who are not eligible for tenure, although some have renewable appointments. Non-tenure-track faculty members function on a full-time basis in clinical service or supervision, in research positions supported either by University sources or by grants or contracts from organizations outside the University, as aviation specialists, in research, clinical, or teaching positions whose long-term existence is not assured, or under other conditions that make the attainment of tenure according to the norms in Sec. III.F a practical impossibility. Professional Librarians ordinarily are non-tenure-track faculty members, but the Law Librarians, if so recommended by the Law School faculty, may be appointed to the Law faculty with academic rank and tenure eligibility. The four ranks of Non-Tenure-Track faculty are, in ascending order, Instructor, Assistant Professor, Associate Professor, and Professor; however, for internal purposes, the University prefaces the name of the rank with "Non-Tenure-Track."

For the purpose of promotion, previous service at institutions comparable to the University may be substituted for not more than three years of service. The amount of previous service to be substituted must, in each case, be agreed to in writing by the faculty member, the appropriate Dean or comparable administrator, and the Provost, prior to initial appointment. Unless thus agreed, previous service may not be claimed. Except as noted above, non-tenure-track faculty must have served for at least five years at the University in order to apply for promotion.

A non-tenure-track faculty member may apply to the appropriate search committee for an available tenure-track position, unless that person held a previous appointment as a tenure-track faculty member at Saint Louis University. The committee will investigate the qualifications of the faculty member and will solicit opinions from those it deems appropriate. Favorable recommendations will be handled as in Sec. III.B.1 for new appointments.

In addition to the general classifications described in the first paragraph of this section, the University recognizes five specialized categories of non-tenure-track faculty:

a. Clinical Faculty

There are two types of clinical faculty. Full-time clinical faculty supervise or teach students in clinical settings, field-based courses, and/or practica. 0009 Tart3(ette wi)-3.8(mal fas, fieculty)-7.9(siupe8e fipur /.]T

b. Research Faculty

Research faculty are individuals who hold full-time positions the focus of which is to conduct research. Some research faculty hold renewable appointments. The four ranks of research faculty are, in ascending order, Research Associate, Assistant Research Professor, Associate Research Professor, and Research Professor. Although not eligible for tenure at the University, research faculty may apply for advancement, be transferred to another type of faculty position, or apply for an open position according to the procedures in Sec. III.B.1, with the exception that a person who previously held a tenure-track appointment at Saint Louis University is not eligible to apply for another tenure-track post.

c. Visiting Faculty

Visiting faculty members are individuals who, while holding equivalent faculty rank at another university, are temporarily serving as faculty members of the University. Normally such appointments are for one year or less. The four ranks of visiting faculty are, in ascending order, Visiting Instructor, Visiting Assistant Professor, Visiting Associate Professor, and Visiting Professor. The titles Visiting Scholar and Visiting Scientist are equivalent to the title Visiting Instructor. Visiting faculty members are not eligible for tenure at the University and may not apply for advancement or transfer to another type of faculty position. They may, however, apply for an open position according to the procedures in Sec. III.B.1.

d. Adjunct Faculty

Adjunct faculty members are individuals who teach, do research, or supervise practica in an academic area of the University, usually on a part-time and irregular basis. A full-time member of the University may be appointed as an adjunct faculty member in another Department, School, or College only with the prior approval of the Department Chairperson or comparable administrator of the primary Department and of the appropriate Dean and the Provost. An adjunct appointment is a temporary, as needed appointment, as distinguished from a secondary appointment, which entails an ongoing relationship. The four ranks of adjunct faculty are, in ascending order, Adjunct Instructor, Adjunct Assistant Professor, Adjunct Associate Professor, and Adjunct Professor. Instructor. Visa of adeco28onship.J-19.0328 -1.153m (y)-70.01(a)2(secone)-36()-7.4(,)8.2(a TDC

interpretations are made available on the Web site of the College, School, or Library, and they will be used to gauge the merit of applications for advancement. University evaluators must utilize these standards, relative weightings, and interpretations until they are changed.

Evaluations by the College, School, or Library Rank and Tenure Committee, or comparable faculty committee, are based on documents prepared by the applicant and presented with the application, along with recommendations submitted by the Department Chairperson or comparable administrator, by colleagues, and by students, and other information presented to the committee. Evaluators may solicit additional information necessary to make an informed decision.

4. Tenure-Track and Full-Time Non-Tenure-Track Faculty

For applications for advancement by tenure-track and full-time non-tenure-track faculty members, the recommendation of the College, School, or Library Rank and Tenure Committee, or comparable faculty committee, is communicated by the committee to the applicant, who may request an explanation and/or written reasons for a negative recommendation. If the faculty member decides to continue the application, the recommendation of the committee is forwarded to the appropriate Dean or comparable administrator, who forwards it to the University

- c. Evidence of ability to advise students effectively in academic matters.
- d. Evidence of ability to engage in productive research and scholarly activity.
- e. Evidence of ability to serve the University and community.
- f. Where such practices are customary in a discipline, certification by the appropriate credentialing board of sufficient skill and knowledge to practice a particular specialty.

Promotion to the rank of Assistant Professor requires, in addition, demonstration of effectiveness in areas 2.b-2.e above, as well as evidence of recognition by colleagues in the same Department and College, School, or Library that the candidate possesses qualities of collegiality, such as the ability to work cooperatively and professionally with others.

3. Associate Professor

Appointment or promotion to the rank of Associate Professor and the granting of tenure presupposes the qualifications for promotion to the rank of Assistant Professor and the following qualifications in addition:

- a. At least five years of service (in some units, more) at the rank of Assistant Professor at the University or at another university of equal standing.
- b. Evidence of continuing and increasing teaching effectiveness on a university level. Consideration will be given to such subsidiary evidence as direction of student research activities, guidance of clinical students, assessments of instructional achievement, and significant participation in teaching development activities.
- c. Evidence of continuing and increasing effectiveness in providing academic advising to students. Consideration will be given to such subsidiary evidence as formal advising assignments, letters from previous students, assessments of advising achievement, and significant participation in advising and co-curricular activities of the University.
- d. Self-reported and extramurally provided evidence of continuing and increasing achievement in scholarship and research, particularly scholarly publication and other academically recognized creative achievements. Consideration will be given to such subsidiary evidence as direction of, or significant participation in, research projects, acquisition of external funding for research, participation in the scholarly activities of professional societies, and professional consultative service.
- e. Consideration will be given to subsidiary evidence

4. Professor

Appointment or promotion to the rank of Professor presupposes the qualifications for the rank of Associate Professor and the following qualifications in addition:

- a. In most of the Colleges, Schools, and Libraries, at least five years of service at the rank of Associate Professor at the University or at another University of equal standing.
- b. Evidence of such outstanding abilities in teaching, advising of students, and service to the University and the community as to merit general recognition throughout the University, particularly among its faculty and students, as an effective educator, advisor, and faculty member.
- c. Evidence of such outstanding achievements in scholarship and research, particularly scholarly publication and other academically recognized, creative achievements, as to garner meritorious attention among recognized scholars. Consideration will be given to such subsidiary evidence as direction of, or significant participation in, research projects, acquisition of external funding for research, acquisition of patents, participation in the scholarly activities of learned societies, and professional consultative service.

G. Responsibilities of Faculty Members

Teaching assignments, advising duties, and basic research and service expectations for full-time faculty members are established by the faculty member's Department Chairperson or comparable administrator in accordance with College or School norms and subject to review by the appropriate Dean.

1. Teaching

An individual's instructional responsibilities may vary from Department to Department and may change over time, depending on departmental need and the individual's research and service assignments and achievements. Teaching expectations for other types of faculty are established at the time of each appointment. Specific teaching assignments and class times for all faculty are set by the Department Chairperson or comparable administrator, subject to review by the appropriate Dean.

An essential responsibility of a faculty member with a teaching assignment is to conduct scheduled classes to the best of his/her ability. Absences for foreseen reasons, such as attendance at a national meeting, must be approved in advance by the Department Chairperson or comparable administrator, or the appropriate Dean or comparable administrator. When a faculty member cannot conduct a class for unforeseen reasons, such as illness, accident, or other emergencies, s/he must inform the Department Chairperson or comparable administrator, or the appropriate Dean or comparable administrator, as promptly as possible. In such cases, the faculty member must make appropriate arrangements for providing students with the content and experiences of the missed classes.

It is the duty of each faculty member to know and follow the academic regulations of the University and the academic regulations and procedures established by his/her Department and College or School, and available in writing from the Chairperson and appropriate Dean. In addition, each faculty member is expected to know and follow the grading system of the College or School in which the course is offered. It is the responsibility of the faculty member to determine when course requirements have been met and what grades will be assigned to individual students, within the grading policies of the College or School.

In the classroom and in student advising, faculty members should encourage free discussion, inquiry, and expression. They must allow students to take reasoned exception to the data or views they present and to reserve judgment about matters of opinion, although they must hold students responsible for learning the content of the courses in which the students are enrolled and they must evaluate student performance on academic grounds. Faculty members must not make prejudiced or capricious academic evaluations of students, and it is the responsibility of the Department Chairperson or comparable administrator, and of the appropriate Dean, to uphold this standard.

Faculty members may provide assessment of the ability and character of an individual student, normally with the student's knowledge and consent. It is a violation of professional ethics to disclose information about a student's views, beliefs, or political associations without prior consent. Faculty members will follow the applicable University policies, and state and federal laws (e.g., the *Family Educational Rights and Privacy Act of 1974* [FERPA] as amended), regarding confidentiality of student records.

Failure to comply with the deadlines for submitting grades may seriously inconvenience students and substantially add to the workload of University staff members. Therefore, only very serious reasons and the permission of the Department Chairperson or comparable administrator excuse a faculty member from the obligation to submit grades by the designated deadlines.

Because of the occasional but important need to recheck student performance, faculty members must retain records of student grades for at least three years and sets of final examination papers, and other critical graded assignments, for at least six months after the end of a course.

2. Student Advising

The University regards teaching as incomplete if it is limited to the classroom, lecture hall, or laboratory. All faculty members are expected to advise students about academic matters, as the occasion arises either by formal assignment to advising duties or as a necessary supplement to

state, or University rules and regulations governing the conduct of research, and other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, or reporting research. However, honest error or honest, good-faith differences in interpretations or evaluations of data do not constitute misconduct. In furtherance of these principles, the University has adopted a *Research Integrity Policy*, which is available on the Web site of the Office of Research Services Administration.

Each member of the University community also has an obligation to act in the best interest of the University and must not let outside activities or outside financial interests and relationships interfere with his/her obligation to avoid or effectively manage potential, apparent, and actual

and University positions and is of benefit to them, their students, the community, and the University. Such activities must not interfere with the faculty member's University obligations and expectations. As long as such extramural activities do not, on the average, exceed a total of approximately one day a week during the academic year, the faculty member may accept and retain financial remuneration for them. To avoid a conflict of commitment, faculty members engaging in such extramural activities must notify the Department Chairperson or equivalent administrator, who will transmit the information to the appropriate Dean or comparable administrator for review to ensure compliance with the limitations stated above and as provided in the University policies on conflict of interest.

This provision concerning extramural activities does not apply to faculty who are members of the University Medical Group. Physician services are the subject of a separate rule set forth in Sec. III.G.7.

Unless specifically required by statute, governmental guidelines, or the University policy on conflict of interest, when a faculty member has an academic year that is shorter than a calendar year, no restrictions are placed on his/her extramural activities during the time not covered by contract or letter of appointment. If the extramural activities of a full-time faculty member are in danger of exceeding a total of approximately one day a week during the academic year, specific prior approval of the appropriate Dean is required. This approval will be granted only for very compelling reasons, in which case any additional financial remuneration beyond that allowed for normal extramural activities will accrue to the University or, if professional or legal regulations prohibit this, returned to the extramural sponsor. Physician services are the subject of a separate rule set forth in Sec. III.G.7.

Whenever extramural activities involve a written agreement under which faculty members assume a continuing obligation, this written agreement, after approval by the Department Chairperson or comparable administrator and by the appropriate Dean or comparable administrator, must be submitted to the Provost and the Office of Sponsored Programs for administrative review and approval. Whenever extramural activities involve the use of University facilities or equipment, such as laboratories or computers, the Provost must approve this use and may require reimbursement to the University in appropriate situations. The *Policy on Private Use of Saint Louis University Research Facilities* is available on the Web site of the Office of Research Services Administration.

7. Physician Services

All physician services provided by full-time faculty in clinical departments of the School of Medicine are to be billed on behalf of the faculty member and the income assigned to the appropriate clinical income fund. Physician services are services provided to a patient for which a

question and after consultation with affected faculty in the Department; written notice of such exceptions shall be distributed to affected faculty upon approval by the Dean. The Dean's decisions recognizing any such exceptions are not grievable under Sec. III.I.9 of this *Manual*.

Medical expert witness testimony and associated legal work must neither interfere with a faculty member's duties and responsibilities assigned by the Chairperson or the School nor impede the mission of the University. Faculty engaging in medical witness testimony that does not involve physician services shall not testify in cases against the University or any of its employees. In extraordinary cases, the Dean of the School of Medicine may determine that an individual faculty member has abused the privilege granted under this section and may revoke that faculty member's privilege to perform expert witness testimony and/or associated legal work. Any such decision may be made only after affording reasonable notice to the faculty member and also affording the faculty member reasonable opportunity to respond, after consultation with the Chairperson of the relevant Department. The affected faculty member may grieve such decision under Section III.I.9 of this *Manual*, but the Professional Relations Committee may find in favor of the faculty member only if it determines that the Dean's decision was arbitrary, capricious, or an abuse of his/her discretion. Were such a determination made by the Committee, it would not result in the awarding of compensatory pay. The Committee must explain its decision in writing.

Royalties from books, films, or other media productions, and consultations not involving patient services, such as serving on NIH or other funding agency review panels or other consulting activities, are not considered physician services.

Because advanced notice and management of time and commitment are essential to minimize disruption and undue interference with a physician's University responsibilities, all full-time faculty must notify their Chairpersons prior to engaging in medical expert witness testimony, associated legal work, or other extramural professional activities outside the scope of University-covered physician services.

There will be no provision of physician services that are compensated directly to the faculty member, except where the faculty member is employed by an affiliated health care organization that pays directly instead of by contract with the University, in which case that individual's total professional compensation is to be approved by and reported to the Department Chairperson or comparable administrator and to the Dean of the School of Medicine.

8. Community Service

The University mission encompasses service to the community around it. Faculty members are therefore encouraged to participate in community projects and organizations, helping to carry out the programs of community service that are appropriate to the mission of the University and the professional identity of the faculty member.

9. Professional Activities

When speaking or writing simply as citizens, faculty members are free from institutional censorship, but their special positions as, simultaneously, citizens, members of disciplines or professions, and officers of instruction of the University impose special obligations. As persons of learning and as University officers, faculty members should remember that the public may judge their disciplines or professions, or the University itself, by their conduct. Hence, they should always attempt to be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should particularly make it clear, whenever circumstances might indicate otherwise, that they are not representing the University.

No faculty member, in any opinion or certification that is to be used for commercial advertising or promotion of any product, service, or business organization, may use the official title of the University or any of its parts, or refer to his/her professional connection with the University, without recommendation of the appropriate Dean or comparable administrator and the expressed approval of the Provost.

Faculty members soliciting gifts on behalf of the University must follow the University policy that is available from the Office of University Development. All grants and contracts awarded to faculty members must be processed through a University research office, and those with grant and/or contract funding must follow the guidelines of the Office of Sponsored Programs when reporting grant and contract fund expenditures. The *Faculty Handbook for the Preparation and Submission of Proposals for Extramural Support* is available on the Web site of the Office of Research Services Administration.

H. Rights, Powers, Privileges, and Immunities of Faculty Members

1. Academic Freedom

Essential to the purpose of a university is the free and unhampered pursuit and communication of knowledge and truth. All members of the University, especially students and faculty members, have not only the right but also the duty to participate in this task of freely seeking after and sharing truth. Every student and every faculty member, therefore, has the freedoms of thought, of discussion, and of action that are required by the common pursuit of truth. Teachers are encouraged to utilize their individual pedagogical strengths and are free to adapt their methods to the conditions under which they work, to the nature of the subject matter with which they are dealing, and to the talents, character, and maturity of their students.

- (i) Teaching, student advising, research and scholarly activity, and service to the University and community must be carried on within the framework of legal norms, clearly-established written policies and procedures of the University, and the ethical requirements of the respective disciplines and professions, and with appropriate respect for Christian scripture and Judeo-Christian tradition.
- (ii) While faculty members are expected to challenge students to reexamine their beliefs and opinions, they are also expected to respect the rights of students. Faculty members must not use their positions to force upon students their own personal views and partisan loyalties.
- (iii) All persons joining the faculty of the University are expected to understand and respect the fact that they are coming into an institution in which Christian scripture and Judeo-Christian tradition are recognized as sources of knowledge as valid as natural human experience or reason, and where theology is recognized as a discipline. This expectation, of course, does not prevent them from stating and explaining their own personal views.

2. Privacy

In recognition of the dignity of its faculty, the University acknowledges that each member of the faculty has a reasonable expectation of privacy regarding the contents of his/her office, laboratory, or other workspace, and regarding his/her records, files, and communications, including those made or kept in electronic form by the use of University technology systems. The University's interests, however, override a faculty member's expectation of privacy when it is necessary for the University or the faculty member to comply with or meet legal or contractual obligations, or professional credentialing, licensure, and accreditation requirements, and whenever there is reasonable suspicion that violations of federal, state, or local laws or serious violations of University policies have occurred or will occur. The University's Information Technology Services *Appropriate Use Policy* (available on the Web site of Information Technology Services) and other policies respecting the content of a faculty member's office, laboratory, or other workspace, may not be substantially changed without prior consultation with the Faculty Senate.

Of course, there is no reasonable expectation of privacy where a faculty member has waived his/her interest in privacy.

3. Intellectual Property

Faculty are the copyright owners of all the works they create or prepare in the course of their employment except where a faculty member and the University agree in writing that the copyright to a work (or works) created by the faculty member is owned by the University, or where provided otherwise by University policy or in a written policy implemented by a College, School, Library, or Department after consultation with affected faculty. Additionally, where a faculty member is for any reason unable to perform his/her current or prospective University obligations, for a period of one year the University is privileged to make use, at no cost to the University, of that faculty member's materials which are necessary to the performance of those obligations. Any interest that a faculty member may have in a patent or other kind of intellectual property (not including copyright) in consequence of the performance of his/her University obligations is governed by the *Patent and Intellectual Property Policy*, available on the Web site of the Office of Research Services Administration.

4. Shared Governance

The variety and complexity of the tasks performed by the University produce an inescapable interdependence among the Board of Trustees, the President, other members of the

administration, faculty members, students, and the University staff. This interdependence calls for adequate communication among these groups, for full opportunity for appropriate joint planning and effort in a variety of forms, and for shared governance of the University. Shared governance means that important areas of action will involve, at one time or another, the initiating capacity and decision-making participation of each of the institutional components. Differences in the weight of each voice, from one point to the next, will be determined by reference to the relative responsibility of each component for the particular matter at hand.

The faculty, acting through the faculty organizations described in Sec. III.H.5, have primary responsibility for setting the academic requirements for the degrees offered by the University; determining the contents of University courses and the methods of instruction to be used; setting standards for admission of students to the University; recommending the specific individuals who will be granted earned degrees; and recommending faculty appointments, promotions, and tenure according to the norms and procedures of Secs. III.B-F.

The faculty also have a major role in establishing or modifying general policies that affect the academic mission of the University. On these matters, the views of faculty members will be solicited through the Faculty Senate or the appropriate Faculty Assemblies or equivalent groups before action is taken. To this end, the Provost and the Faculty Senate Executive Committee meet on a regular basis.

The University recognizes the value of participation by faculty members in developing budgets. For this reason, the Faculty Senate has representatives that participate in the University's budgeting process. In formulating the budget for a College, School, or Library, the Dean or comparable administrator consults with the Chairpersons and the appropriate committees of the Faculty Assembly or equivalent group. Similarly, in developing the budget for a Department, the Department Chairperson or comparable administrator takes into account the financial needs and recommendations established in Department meetings.

5. Faculty Organization

There are three major avenues for faculty participation in governance of the University. At the University level, the faculty acts primarily through the Faculty Senate, which is empowered by the faculty to represent it or act for it on any matter. The Faculty Senate organizes an assembly of all faculty members at least once a year. The constitution and bylaws of the Faculty Senate are available on the Web site of the Faculty Senate.

Also at the University level, faculty members participate in governance by serving on University committees, boards, and councils, whether advisory, judicial, or administrative. In particular, faculty members serve on those committees dealing with such fundamental areas as curriculum, subject matter and methods of instruction, academic affairs, research, and faculty status. The recommendation of faculty members to serve on University committees and committees of the Board of Trustees is normally made by the Faculty Senate Executive Committee, although members of the University Committee on Academic Rank and Tenure are elected by the appropriate Faculty Assemblies or equivalent groups.

At the College, School, or Library level, a Faculty Assembly or equivalent group is the means by which faculty members discuss matters of interest in their College, School, or Library, initiate proposals, or communicate their views and recommendations to the Faculty Senate, to the administration of their College, School, or Library, or to the administration of the University, as appropriate. The specific organization and regulations for each Faculty Assembly or equivalent

group are determined by that body's own custom, constitution, and bylaws. Copies of written procedures are available from the Faculty Assembly officers.

At the Department level, Department meetings offer an important forum for faculty discussion and participation. Here faculty members have the responsibility to develop the aims of the Department, to devise means by which the aims will be accomplished by the Chairperson or comparable administrator and by the entire Department, to address the concerns of the Department members, and to oversee the results of their efforts and the execution of their decisions.

6. Procedure for Review of Faculty Senate Resolutions

In areas of University-wide concern where the Faculty Senate exercises its role as an advisory body, resolutions passed by vote of the Senate will be communicated to the appropriate University administrator by the Faculty Senate Executive Committee within ten (10) calendar days of approval. Under normal circumstances, that administrator will convey directly to the Faculty Senate Executive Committee, within thirty (30) calendar days, his/her decision regarding implementation of the resolution. When the decision is negative, the administrator will convey his/her reasons to the Faculty Senate Executive Committee.

7. Participation in the Selection and Evaluation of Administrators

A search committee is established to help the Board of Trustees or the appropriate administrator locate and interview suitable candidates for senior-level administrative positions (e.g., President, Provost, Vice Presidents, Deans, School Directors, University Librarian, CEO of the UMG). When vacancies occur in the positions of other key administrators whose work substantially affects the academic and fiscal condition of the University (e.g., Treasurer), the counsel of the Faculty Senate Executive Committee will be solicited. Ordinarily, these positions are filled through a national search. In those cases where such vacancies occur and it is necessary to appoint an interim officeholder, a search committee typically is appointed and a national search process initiated at or near the same time that the interim appointment is made.

Faculty members form the majority of search committees for the position of Dean or comparable administrator. For other administrative positions, the number of faculty members on the search committee will reflect the extent of faculty involvement with the position. When the position has University-wide responsibilities, faculty members of this committee will be recommended by the Faculty Senate Executive Committee. For other positions, the appropriate Faculty Assembly or equivalent group will make the recommendation. The person chosen for an administrative position will be selected from among those found by the search committee to be qualified for the position.

Faculty members participate in the formal, ongoing evaluation of academic administrators. These evaluations help administrators to enhance their performance and are a significant factor in the decision to retain or terminate an administrator. The procedures for the evaluation of a Dean or comparable administrator are established by the

campaigning, and serving by appointment or election in a part-time political office. Faculty members have the right, therefore, to participate in such activities, but must provide notice of their participation to their Department Chairperson or comparable administrator so that s/he can ensure that these political and public-service activities do not interfere with the faculty member's ability to perform his/her University responsibilities.

Other kinds of political and public service activity are so extensive that they require the faculty member to seek a leave of absence for a limited period of time. Included among these are substantial campaigning for elective office, serving in a legislative body, or serving a limited term in a full-time political, military, judicial, or other public service position. When such activities will clearly add to the teaching effectiveness, research productivity

(vi) The recipient of a sabbatical leave must submit a report of his/her activities, within one

Tuition remission for courses taken at the University, and leading to a first undergraduate degree, is available to the spouses and children of faculty members who have served continuously and full-time for three years. Applicants must meet the requirements and pay the fees specified on the Web site of the University Benefits Office before tuition remission will be granted.

The Faculty Children Exchange Program (FACHEX) was established by the Association of Jesuit Colleges and Universities in 1971. It permits children of full-time employees who are eligible for tuition remission at the University to apply to receive tuition remission at another participating Jesuit institution. However, limitations agreed upon by all of the participating institutions mean that placement through FACHEX cannot be guaranteed to all eligible applicants. Information about the FACHEX program is available on the Web site of the University Benefits Office.

Saint Louis University also participates in the Tuition Exchange Program. It permits children of full-time employees and emeriti/ae faculty who are eligible for dependent tuition remission at the University to apply for certification for Tuition Exchange Program awards at any of the participating colleges and universities in the United States. Because the Tuition Exchange Program requires each institution to maintain a balance between dependents from the home institution and students coming from other institutions, a limited number of Tuition Exchange Program certifications are approved per academic year. Information about the Tuition Exchange Program is available on the Web site of the University Benefits Office.

15. Benefits of Current Faculty

Faculty benefits, including health insurance, tuition remission, dependent care, life insurance, dental plans, retirement plans, long-term disability insurance, long-term care insurance, and accidental death and dismemberment insurance, are administered through the University Benefits Office. A complete description of all faculty benefits appears on the University Benefits Office Web site, and this office provides additional information regarding faculty benefits, including eligibility requirements, upon request. The benefits of current faculty will not be changed without prior consultation with the Faculty Senate.

University contributions to benefits continue during leaves of absence with half-salary or more. Faculty members anticipating unpaid leaves of absence or leaves of absence at less than half-salary should contact the University Benefits Office concerning possible continuation of benefits.

16. Benefits of Retired and Emeriti/ae Faculty

Upon retirement, faculty receive written correspondence from the University Benefits Office outlining the applicable benefits available for continuation. The benefits are identified in the *Retired and Emeritus/a Faculty Policy*, which is available on the Web site of the Office of the Provost. The benefits of retired and emeriti/ae faculty will not be changed without prior consultation with the Faculty Senate.

I. Contract Rules

1. Contractual Status

The *Faculty Manual* is incorporated by reference in all contracts of employment between faculty and the University. All substantive modifications to University policies and benefits referenced in this *Manual* may occur only after prior consultation with the Faculty Senate.

Tenure involves a contractual recognition by the University of a faculty member's right to continuing employment. Contracts between the University and tenured faculty members are permanent in the sense that they may be terminated by the University only for situations involving medical or other extended leaves, and then only as provided for in Sec. III.H.12.b or pursuant to academic reallocation or financial exigency under Secs. III.I.11-12, or for cause, and then only on the grounds given in Sec. III.I.5, and only according to the procedures given in Sec. III.I.6 or III.I.13-14.

Contracts between the University and untenured faculty members on the tenure track are normally for a period of one academic year. The University may terminate the contract of an untenured faculty member on the tenure track during the term of the contract only for situations involving medical or other extended leaves, and then only as provided for in Sec. III.H.12.b or pursuant to academic reallocation or financial exigency under Secs. III.I.11-12, or for cause, and then only on the grounds given in Sec. III.I.5, and only according to the procedures given in Sec. III.I.6 or III.I.13-14. The University may decline to renew the contract of an untenured faculty member on the tenure track, subject to the specifications in Sec. III.I.4, as long as adequate notice of nonrenewal has been provided. Reasons for no

III.H.1, and was made after seeking the advice and counsel of other faculty members, as appropriate. If, following these administrative reviews, the faculty member still believes that s/he has been improperly discriminated against or that his/her academic freedom has been violated, the faculty member may file a written complaint.

When an untenured faculty member on the tenure track or a non-tenure-track faculty member alleges that nonrenewal of his/her contract is discriminatory as described in the paragraph above, s/he should first follow the process set forth in the paragraph above. The faculty member may then file a written complaint with the University's Director of Diversity and Affirmative Action. Decisions reached through the review process initiated through this office are final and not subject to appeal.

When an untenured faculty member on the tenure track or a non-tenure-track faculty member alleges that nonrenewal of his/her contract is in violation of academic freedom as described in Sec. III.H.1, s/he should first follow the process set forth in the second paragraph of this section. The faculty member may then file a written complaint with the Professional Relations Committee of the Faculty Senate, with a copy being given to the appropriate Dean or comparable administrator and the Provost. An individual who fails to file such a complaint within thirty (30) calendar days of receiving his/her letter of non-renewal forfeits the right to appeal.

When a timely appeal is filed, the Professional Relations Committee reviews the case, interviews the principals involved, determines, normally within fifteen (15) working days, whether reasonable grounds exist for believing that the nonrenewal may be in violation of academic freedom, thus warranting the establishment of an *ad hoc* Judicial Committee to consider the matter, and notifies the President of the University, the Provost, the faculty member, and the President of the Faculty Senate in writing of the results of its review. If required, an *ad hoc* Judicial Committee shall be constituted within five (5) working days under the supervision of the Faculty Senate President. The *ad hoc* Judicial Committee will be composed of three (3) voting members selected from a standing panel of ten (10) well-qualified, tenured faculty jointly selected by the Provost and the Faculty Senate President for staggered five-year terms. Panelists will receive appropriate training through workshops given by the University's legal counsel and a representative of the AAUP subsequent to their appointment so that they will be prepared to serve as committee members when called upon. The chairperson of the *ad hoc* Judicial Committee will be chosen by the Faculty Senate President and may not be from the College, School, or Library in which the faculty member whose dismissal is sought resides. The role of the chairperson is to direct and supervise the hearing process, participate in the deliberations of the Committee, and ensure, insofar as possible, that following the hearing, the Committee delivers a thoughtful, clearly articulated decision within ten (10) working days whenever possible. The remaining two members of the Committee will be chosen by lot from the panel by the Faculty Senate President in the presence of both the President of the University or his designee and the faculty member whose dismissal is sought or his/her designee. The faculty member has one peremptory challenge (which may be applied to the selection of any of the three panel members), as does the President of the University. Any panelist selected must recuse him/herself if that individual believes s/he cannot impartially fulfill his/her duties as a committee member.

Within ten (10) working days of its formation, the *ad hoc* Judicial Committee will establish a specific time and place for the hearing and will communicate that information to the faculty member who is challenging his/her nonrenewal and the Provost. In setting the date, at least fifteen (15) working days will be allowed for the faculty member to prepare his/her challenge.

The proceedings of the *ad hoc* Judicial Committee are private, and public statements about the nonrenewal by the faculty member, the administration, or the *ad hoc* Judicial Committee should be avoided.

Both the faculty member and the Provost are entitled to be present throughout the hearing, and each is entitled to the assistance of legal counsel or other representative during the proceedings. The faculty member's challenge and the administration's defense of the nonrenewal are presented and argued by the faculty member and the Provost, respectively, or by legal counsel or other representative of the faculty member's or of the Provost's choice. The role of counsel in these proceedings, however, is a limited one. In the event that counsel intrudes into the proceedings to such a degree that they are hindered in any manner, the *ad hoc* Judicial Committee is empowered to take such steps as are necessary to ensure the expeditious and unencumbered progress of the hearing. The Committee will determine the order of presentation for the hearing, may secure the presentation of evidence important to the case, and has the primary responsibility to question witnesses, the faculty member, and the Provost.

The purpose of the proceedings is to provide the affected faculty member with an opportunity to have his/her academic freedom claim assessed by peers. Therefore, the proceedings of the *ad hoc* Judicial Committee are informal; the rules of court proceedings and formal rules of evidence are not applicable. The principals and all witnesses are, ~~As appropriate, they will be invited to (he) (she) (it)~~ member, designee, counsel,

The President may put the decision of the *ad hoc* Judicial Committee into effect immediately or may decide to review the case. If the President elects to review the case, his review should be based on the record of the hearing, the report of the *ad hoc* Judicial Committee, and written arguments by the principals involved. The President shall defer to the decision of the Committee unless he finds that the decision is arbitrary, capricious, or constitutes an abuse of the Committee's discretion.

5. Grounds for Termination of Contract or Letter of Appointment

Contracts and letters of appointment between the University and faculty members cannot be terminated during their effective period except by mutual consent or for the following reasons:

- a. Material misrepresentation of fact relevant to the faculty member's academic qualifications, such as false claims of academic degrees or of previous academic or professional experience.
- b. Irresponsibility in discharging University obligations, incompetence in meeting the faculty responsibilities described in Sec. III.G, or inability to meet the faculty responsibilities due to medical reasons as provided for in Sec. III.H.12.b.
- c. Serious violation of clearly-established written policies and procedures of the University such as those governing sexual harassment and research fraud.
- d. Use of the classroom or of University-sponsored activities to deride or attack the Catholic faith. Here, the terms *deride* and *attack* are to be construed strictly; they do not include the scholarly and relevant criticism of such things as Catholic organizations, Catholic leaders, Catholic activities, and particular theological opinions and traditions. Moreover,

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academic reallocation, the Department Chairperson or comparable administrator and the appropriate Dean or comparable administrator should ordinarily discuss the matter with the faculty member in a private conference. The matter may be resolved by mutual consent at this point, or the faculty member may request mediation from the Professional Relations Committee of the Faculty Senate according to the procedures in Sec. III.I.9. If no resolution is reached, the President of the University shall inform the faculty member and the Faculty Senate President in writing of the University administration's intent to dismiss the faculty member, stating the grounds for the proposed dismissal with particularity sufficient to put the faculty member on notice of all charges and indicating that dismissal will occur on a particular date unless the faculty member requests a hearing to contest the dismissal. Such a request must be made in writing to the President within ten (10) working days of receipt of the communication, with a copy being given to the Faculty Senate President.

Within five (5) working days of such a request, an *ad hoc* Judicial Committee shall be constituted under the supervision of the Faculty Senate President. The *ad hoc* Judicial Committee will be composed of three (3) voting members selected from a standing panel of ten (10) well-qualified, tenured faculty jointly selected by the Provost and the Faculty Senate President for staggered five-year terms. Panelists will receive appropriate training through workshops given by the University's legal counsel and a representative of the AAUP subsequent to their appointment so that they will be prepared to serve as committee members when called upon. The chairperson of the *ad hoc* Judicial Committee will be chosen by the Faculty Senate President and may not be

The proceedings of the *ad hoc*

firm belief or conviction in the minds of a majority of the Committee's members as to the truth of the allegations that justify the termination. The Committee may proceed to its decision promptly, without having the record of the hearing transcribed, or it may await a transcript if its decision would be aided thereby. A majority of the *ad hoc* Judicial Committee is required to render a decision, and that decision must be in writing. In those cases where the decision is not unanimous, a dissenting opinion can be filed. The Committee's opinion should set out explicit findings with respect to each of the charges in the University President's letter and should indicate the reasons for its findings. The Committee should submit copies of its opinion (and any dissenting opinion) to the President and to the faculty member, and, at his/her request, should provide each with a copy of the record of the hearing. All parties are obligated to treat both the transcript of the hearing and the Committee's written opinion(s) as private communications, not intended for public dissemination.

The President may put the decision of the *ad hoc* Judicial Committee into effect immediately. However, the President or the faculty member may, within ten (10) working days of the *ad hoc* Judicial Committee's decision, request review by the Executive Committee of the Board of Trustees. If the Executive Committee of the Board, at its discretion, decides to conduct a review, that review should be based on the record of the hearing, the report of the *ad hoc* Judicial Committee, and written arguments by the principals involved. In reviewing a decision of the *ad hoc* Judicial Committee, the Executive Committee of the Board shall defer to the *ad hoc* Judicial Committee's decision unless the Board's Executive Committee finds that the *ad hoc* Judicial Committee's decision is arbitrary, capricious, or constitutes an abuse of discretion.

7. Suspension from Duties during Consideration of Termination

A faculty member who is believed to have committed acts which would justify termination may be immediately suspended from any or all of his/her assigned duties only when the President of the University judges that serious, immediate harm would come otherwise to the faculty member, to students, to other individuals, or to the University. Notice of such suspension, together with a specific statement of the causes for the action and the supporting evidence for this judgment, should be promptly provided to the faculty member. Base salary and benefits will continue to be provided to the faculty member pending the conclusion of termination procedures, subject to possible review as provided below.

At any time after the formation of an *ad hoc* Judicial Committee, the President of the University may ask the Professional Relations Committee to review the progress of the dismissal proceedings. Upon referral by the President, the Professional Relations Committee shall determine whether the suspended faculty member has failed to act in good faith to facilitate the timely conduct of the proceedings. The Committee shall submit its findings in writing to the President, the President of the Faculty Senate

will be responsible for ensuring that the subcommittee's procedures are in accord with established policies.

- 6) The Professional Relations Committee is co-chaired by two faculty representatives, one from the Health Sciences, Medicine, or Public Health. The Co-Chairpersons will be appointed by the Faculty Senate Executive Committee for staggered three-year terms. The Co-Chairpersons may be chosen from the Committee or from the faculty at large. The Co-Chairpersons have the authority to screen grievances, to assign a case to mediation initially, and to assign subcommittees to hear grievances they find to be of substance. They may serve as members of the subcommittees where appropriate.
- 7) The Co-Chairpersons of the Professional Relations Committee also have the authority to dismiss a grievance, in whole or in part, when they determine that a reasonable opportunity had been afforded to the grievant to assert the grievance and that the Professional Relations Committee had previously made a final determination concerning the same, or a substantially similar, claim.

Professional Relations Committee. Such a grievance must set forth with reasonable particularity the action(s) being grieved and the remedy being sought. Such a submission should occur no later than thirty (30) calendar days after receiving notice of the Dean's or administrative official's decision, as noted above.

- 3) A faculty member who believes that s/he has cause for grievance in situations of nonrenewal of contract, a serious sanction, or termination has no recourse under this *Manual* other than to follow the procedures in Secs. III.I.4, III.I.6, and III.I.8, respectively.
- 4) Mediation may be utilized where appropriate. Mediators are drawn from a pool of faculty or others knowledgeable about higher education who have been trained for this

for failure to adhere to decisions that proceed from a conflict of interest review are grievable.

Actions of professional credentialing, licensing, or certification organizations, including the University Medical Group, are not grievable. Further, the findings of fact of these organizations are final for purposes of any subsequent grievance.

The Professional Relations Committee has no authority to set aside the factual findings and determination of research misconduct by an investigation committee functioning in accordance with the current research integrity policy (available from the Web site of the Office of Research Services Administration). While the findings themselves are not grievable, the appropriateness of the final sanction imposed or the adequacy of the means of restoration of the respondent's reputation, consistent with those identified in the policy, is grievable. In any case where the termination of a faculty member is being sought, the *ad hoc* Judicial Committee conducts a *de novo* proceeding but receives as evidence the final reports of the investigation committee and the deciding official and gives its factual findings whatever weight the *ad hoc* Judicial Committee deems is appropriate.

Decisions by the Dean of the School of Medicine regarding medical expert witness testimony and related legal work are subject to the grievance rules set forth in Sec. III.G.7.

d. Weight Given to Professional Relations Committee Determinations

Upon completion of its consideration of the grievance or appeal, the Committee submits its findings and proposed remedies to the Provost for review and implementation. On these matters the power of review and final decision by the Provost may be exercised adversely to the Committee's determination only in exceptional circumstances, and for reasons communicated to the Committee. The Provost normally implements the recommendations of the Committee within thirty (30) calendar days after the receipt of the Committee's written recommendations. If the Provost does not accept the recommendations of the Committee, s/he normally communicates this decision to the grievant and the Committee within thirty (30) calendar days following the receipt of the Committee's written recommendations. Upon receipt of such communication, the Committee has thirty (30) calendar days to respond to the Provost's decision. The Provost normally takes final action on the grievance within thirty (30) calendar days after receipt of the Committee's response. The Provost's decision is final and is not subject to appeal.

10. Faculty Participation in Academic Reorganization

For the purposes of this section, academic reorganization is defined as the structural realignment of degree programs, Departments, Schools, Colleges, or Libraries based upon educational considerations, rather than on financial exigency, which does not result in the termination of full-time faculty. This reorganization typically involves the consolidation, and sometimes an expansion, of academic units. Academic reorganization reflects a judgment that the educational mission of the University will be enhanced by the reorganization. Academic reorganization may be initiated by the academic unit(s) affected or by the Provost. Consultation with affected faculty will precede any reorganization, and will be appropriate to the reorganization proposed. This consultation may, for example, be limited to a School or College or Library, or may extend across two or more Schools/Colleges/Libraries. In keeping with the principles of collegiality and shared governance, it is the obligation of the College/School Dean(s) or comparable administrator(s), or of the Provost, respectively, to inform the Faculty Senate Executive Committee of proposed reorganizations near the commencement of the consultation process with the unit faculty, and to

offer reasons for the proposed reorganization. While the primary role of the Faculty Senate Executive Committee is to oversee the adequacy of the consultative process, the Executive Committee, in consultation with the affected faculty units, may also offer alternatives to the proposed reorganization. Should the reorganization involve a change in leadership, directly affected faculty will be afforded the opportunity to participate in the selection of their new leader.

11. Academic Reallocation

For the purposes of this section, academic reallocation is defined as the discontinuance of a program, Department, School, College, or Library based upon considerations other than financial exigency. Termination of an appointment with continuous tenure, or of a probationary or non-tenure-track appointment before the end of the specified term, may occur under extraordinary circumstances because of the need for academic reallocation. Typically, academic reallocation proceeds from serious, documented concerns about a program's academic quality, relationship to the mission of the University, or changes in enrollment that are not cyclical or temporary in nature. Funds saved through this means, including salaries resulting from the nonrenewal of those on probationary and non-tenure-track appointments and, in some cases, the termination of appointments with tenure, are typically invested in meeting new educational needs. Academic reallocation may be initiated by an academic unit, the President of the University, or the Provost. In those cases in which reallocation is not initiated by an academic unit, and in keeping with the principles of collegiality and shared governance, the President of the University or the Provost, before formally proposing academic reallocation, shall consult with the Faculty Senate Executive Committee—and with the Dean or comparable administrator and all the faculty members of the affected College, School, Library, Department, or program—giving the reasons for the proposed reallocation and the evidence supporting it. While the primary role of the Faculty Senate Executive Committee is to oversee the adequacy of the consultative process, the Executive Committee, in consultation with the affected faculty units, may also offer alternatives to the proposed reallocation. The Board of Trustees ultimately determines the need for academic reallocation. The Faculty Senate Executive Committee, the Dean or comparable administrator, and the Faculty Assembly or equivalent group of the affected faculty unit have the right to present alternatives directly to the Board of Trustees or its designated committee.

For the purposes of this section, the discontinuance of a program which does not result in the termination of a full-time faculty member does not constitute academic reallocation, nor does the discontinuance of a recently approved program which, after a predetermined period of time, fails to meet enrollment or fiscal goals established at the time of the program's approval, even if the program's discontinuance results in the nonrenewal of a full-time faculty member.

12. Financial Exigency

Unlike academic reorganization or academic reallocation, financial exigency is a condition in which the University's existence, or that of a College, School, Department, or Library, is in serious jeopardy for financial reasons. A current operating deficit or mere financial pressure which does not threaten survival does not constitute financial exigency. Termination of an appointment with continuous tenure, or of a probationary or non-tenure-track appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably *bona fide* financial exigency. Before determining the existence of financial exigency, the President of the University shall consult with the Faculty Senate Executive Committee—and in the case of financial exigency of a College, School, Department, or Library, the Dean or comparable administrator and all the faculty members of the affected unit—giving the reasons for a declaration of financial exigency and the evidence supporting it. The Faculty Senate Executive Committee, the Dean or comparable administrator, and the Faculty Assembly or

equivalent group of the affected faculty unit have the right to present alternatives directly to the Board of Trustees or its designated committee. The Board of Trustees shall ultimately determine the existence of financial exigency.

13. Faculty Rights under Academic Reallocation or Financial Exigency

Following a declaration of financial exigency under Sec. III.I.12 or a decision to carry out academic reallocation under Sec. III.I.11 that will result in the termination of full-time faculty members, a committee, if recommended by the Faculty Senate Executive Committee, will be established to use the criteria given below to identify academic areas and faculty positions for reduction or discontinuance and to make recommendations to the President of the University within thirty (30) days of the establishment of the committee. This committee includes appropriate administrators, representatives of the Faculty Senate, the Dean or comparable administrator, and representatives of the Faculty Assembly or equivalent group of the Colleges, Schools, Departments, or Libraries affected. The committee makes every effort to consult with all faculty members who might be affected, including untenured faculty members.

The recommendations of the committee must meet the following criteria:

- (i) continued employment of tenured faculty members whose responsibilities continue to be fulfilled after the reallocation by untenured faculty (even if in significantly different form in another unit of the University). The University must make a good faith effort to continue to employ a tenured faculty member who has skills and abilities that satisfy the requirements of other positions within the University.
- (ii) retention of tenured faculty members in preference to untenured and non-tenure-track faculty members except in extraordinary circumstances where an essential part of the academic program could not otherwise be carried out.
- (iii) provision of at least a year of notice, or a year's salary, when there is no realistic choice other than to terminate the services of a tenured faculty member.
- (iv) completion of a term of appointment of an untenured or non-tenure-track faculty member, with a minimum of four months' salary or four months' notice.
- (v) not making new faculty appointments in academic areas that have been reduced or discontinued within two years of the termination of faculty positions, except in extraordinary circumstances where an essential part of the academic program could not otherwise be carried out.
- (vi) before making new faculty appointments in academic areas that have been reduced or discontinued, within three years following the termination of faculty positions, offering contracts at the same rank and tenure status to released faculty members with the same or similar skills and abilities, and providing them a reasonable time in which to accept or decline the offer before a replacement faculty member is sought.
- (vii) in circumstances which require a choice between two or more tenured faculty, primary consideration will be given to the overall good of the University. The criteria for retention should include teaching effectiveness, Departmental curricular needs, length of service, scholarly productivity, and diversity.

