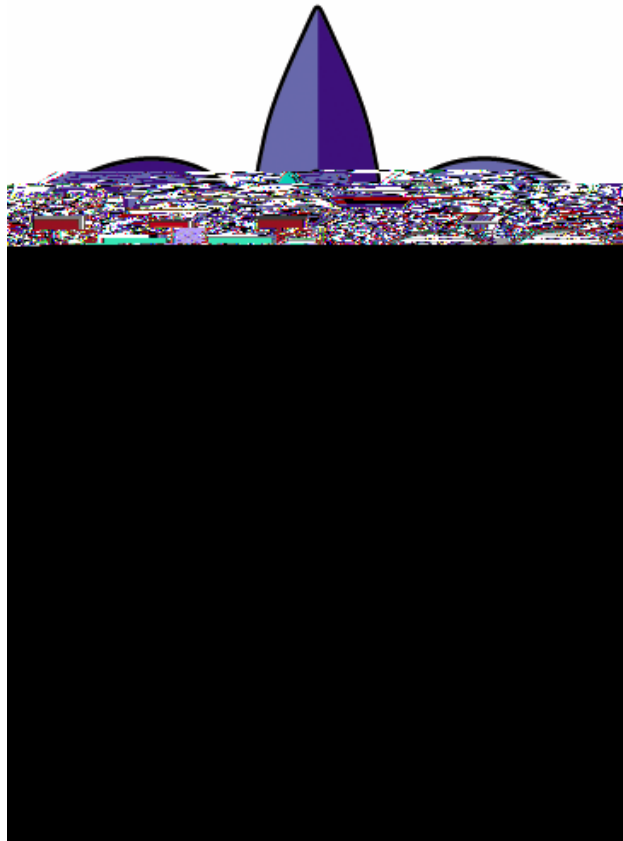


The Faculty Manual

2006

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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 DuBourg and John C. Calhoun, U. S. Secretary of War. They settled at Florissant, near St. Louis, where they established an Indian school. In 1828, they assumed direction of Saint Louis College, which had been administered for the first ten years of its existence by members of the Congregation of the Mission (Vincentians). On December 28, 1832, Saint Louis College received its charter as Saint Louis University by an act of the Missouri legislature. This was the first university charter granted by any state west of the Mississippi River. The University then assumed a significant role in educational, cultural, and religious development not only of Saint Louis and surrounding areas but also of the vast regions of the western United States. From its earliest days, the University has welcomed persons of diverse faiths among its faculty, students, and staff.

The present thirteen Colleges or Schools of Saint Louis University were founded or became part of the University in the following years:

- College of Arts and Sciences (1818)
- Graduate School (1832)
- School of Medicine (1836)
- School of Law (1842)
- College of Philosophy and Letters (1889)
- John and Lucy Cook School of Business (1910)
- School of Nursing (1928)
- School of Social Work (1930)
- Parks College of Engineering, Aviation, and Technology (1946)
- School of Public Health (1991)
- School for Professional Studies (1996)
- College of Public Service (1998)
- Edward and Margaret Doisy College of Health Sciences (2005)

Saint Louis University in Madrid (1969) is administered in accord with Spanish law and educational policy. Its faculty are not governed by this *Manual*; they have an independent contract with the University.

The primary accreditation of Saint Louis University is with the North Central Association of Colleges and Schools. In addition, a number of professional bodies accredit specific University programs. A list of these accreditations is available on the Web site of the Office of the Provost.

B. The Nature and Purposes of the University

Saint Louis University is a private, Catholic university sponsored by the Society of Jesus. It is not church-related, in the sense that it does not receive financial support from a church body, and it is

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

make their own contributions to such advances while carrying out their responsibilities in an ethical and professional manner.

In keeping with the demands of Christian charity and with the Jesuit commitment to put knowledge to the service of humanity, Saint Louis University provides its students with opportunities to serve the disadvantaged. Its professional schools make their services available to those in need. Its hospitals and clinics are open to all regardless of race, color, or creed, and they recognize a responsibility to make special efforts to serve the poor, especially those of the St. Louis community.

Inspired by the Christian faith and dedicated to the Jesuit tradition of excellence in research and teaching, Saint Louis University strives to contribute to the building of a world that is at once more human and more divine.

D. Mission of the University

1. Statement

The mission of Saint Louis University is the pursuit of truth for the greater glory of God and for the service of humanity. The University seeks excellence in the fulfillment of its corporate purposes of teaching, research, and community service. It is dedicated to leadership in the

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

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

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. When hiring for these positions, the Dean will consult

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.

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. Assistant Provost for University Libraries

The Assistant Provost for University Libraries 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 Assistant Provost for University Libraries are established by the Provost, following consultation with the faculty within his/her jurisdiction.

The Assistant Provost for University Libraries 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 Assistant Provost for University Libraries are identical to those of Deans in

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 the President of the University. A copy of the University policy governing the Animal Care Committee is available on the Web site of the Office of Research Services Administration.

5. Other Boards and Committees

The University establishes boards and committees, both standing and *ad hoc*. Ordinarily, such boards and committees include faculty representatives appointed in consultation with the Faculty Senate Executive Committee. A list of these boards and committees and their members is available on the Web site of the Office of the Provost.

E. Faculty Senate

The Faculty Senate is the principal organ and voice of the faculty in matters of University-wide concern, and it is the primary means by which the faculty members of the University participate in governance of the University as a whole. The

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

The Department Chairperson or comparable administrator must obtain approval from the appropriate Dean or comparable administrator and the Provost before a search can begin for a new faculty member. When such a search is likely to involve the appointment for the following academic year of a person who is presently a faculty member at another institution, it will be started as early as possible and normally be completed by May 1. The University will follow high ethical standards in recruiting faculty members from other institutions.

For full-time positions, a search committee composed primarily of faculty members ordinarily will be established to identify and interview candidates. The Equal Employment Opportunity Policy and Affirmative Action Plan of the University will be followed in searching for, interviewing, and choosing among candidates. The *Faculty Manual* shall be made available to current and prospective faculty members.

Full-time faculty members give their full time and attention to their duties at the University during the entire academic year (in some cases an entire calendar year, and in others a period of from nine to eleven months), unless excused by the appropriate administrator or absent on leave or regular vacation.

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 spou

2. Secondary and Joint Appointments

A faculty member who possesses the skills and competencies to justify an appointment in another academic unit or program may be given either a secondary or a joint appointment, subject to the approval of the Provost, upon recommendation of the Department Chairperson or comparable administrator of the primary academic unit and the appropriate Deans(s).

A secondary appointment is non-tenurable, is made for a limited period of time, usually three years, and involves no sharing of salary between academic units or programs. Secondary appointments are renewable. They may also be discontinued, with written notice, by the faculty member or by the Chairperson or comparable administrator of the secondary academic unit or program, after consultation with the Chairperson or comparable administrator of the primary academic unit.

A joint appointment is made for an indefinite period of time and does involve sharing of salary between academic units, or between academic units and programs. Absent a written exception from the Provost, joint appointees holding tenure possess it only in their primary academic unit. In cases of termination of a contract for cause during the contract period, the procedure that will be followed is described in Sec. III.I.6. Should a faculty member be terminated, all of that person's faculty appointments would cease. The primary academic unit bears the ultimate responsibility for the faculty member's salary, unless there is a written agreement with the faculty member providing otherwise.

The titles of record for faculty members with secondary or joint appointments will include each rank and academic unit name, unless, in specific cases, the University Committee on Academic Rank and Tenure has approved and recommended a different practice. The primary appointment will be listed first in the title but both the discipline and academic unit or program of the secondary or joint appointment will also be given (e.g., Tenure-Track Associate Professor of Sociology and Non-Tenure-Track Associate Professor of Sociology in Psychiatry; Tenure-Track Professor of Internal Medicine and Non-Tenure-Track Professor of Pediatrics).

A full-time faculty member primarily occupied with work in a Center or Institute that does not have its own degree program must have a primary appointment in a School, Department, Center, or Institute that does have its own degree program. The primary appointment must be awarded using the procedures in Sec. III.B.1. The primary appointment will be listed first in the title for such a faculty member, but the Center or Institute will also be given (e.g., Adjunct Associate Professor of History in the Center for Interdisciplinary Studies).

4. The Graduate Faculty

The graduate faculty, as an academic body, consists of all those faculty members of the various Colleges and Schools who have been individually approved for the graduate faculty. Qualifications for appointment to the graduate faculty are established by the University Board of Graduate Studies, subject to the approval of the Graduate Dean and the Provost. Individuals may be nominated for the graduate faculty by a Department Chairperson or comparable administrator, with the approval of the appropriate Deans. Applicants' credentials are reviewed by the Membership Committee of the graduate faculty, which forwards recommendations to the Dean of the Graduate School. Applicants approved by the Membership Committee and the Dean of the Graduate School are appointed for five years to the graduate faculty for teaching, advising, and examining graduate students and for directing theses and dissertations. Such appointments may be renewed using the same procedure as for initial appointments, or following a program review.

Some faculty members may be appointed for the purpose of graduate instruction only. Such temporary appointments require only recommendation by a Department Chairperson or comparable administrator and approval by the Dean of the Graduate School.

C. Part-Time Faculty

Faculty whose appointments involve less than 80% of a full load or who have an 80-100% assignment for less than an entire academic or calendar year are considered to be part-time. Part-time faculty receive fewer benefits than do full-time faculty.

D. Types of Faculty

1. Tenure-Track and Tenured Faculty

The four ranks of tenure-track and tenured 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 "Tenure-Track" or "Tenured," as appropriate.

Tenure is a contractual recognition of the faculty member's right to continuing employment that is subject to termination only by resignation as described in Sec. III.I.1, retirement, medical reasons as described in Sec. III.H.12.b, death, mutual agreement, or for one of the causes for termination listed in Sec. III.I.5. In cases of termination of a contract for cause during the contract period, the procedures to be followed are described in Sec. III.I.6.

The University upholds the value of having most of its faculty members as tenure-track and tenured faculty. Tenure is awarded through the norms described in Sec. III.F, and, unless specific exception is made for a senior-level appointee using the process described below, through the review and promotion process described in Sec. III.E. Tenure is normally associated with the ranks of Tenured Associate Professor and Te

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

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. Part-time clinical faculty interact with medical students in the treatment of patients or supervise students during their clinical practica. Some clinical faculty hold renewable appointments. The four ranks of clinical faculty are, in ascending order, Clinical Instructor, Assistant Clinical Professor, Associate Clinical Professor, and Clinical Professor. Although not eligible for tenure at the University, clinical 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.

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. Adjunct faculty members are not eligible for tenure at the University and may not be transferred to another type of faculty position. They may, however, apply for an open position according to the procedures in Sec. III.B.1, with the exception that any adjunct who previously held a tenure-track appointment at Saint Louis University is not eligible to apply for another tenure-track post.

e. Artists-in-Residence

Artists-in-Residence are individuals who have attained notable public recognition for achievement in one of the performing or fine arts and are therefore qualified as full-time or part-

selection and review of these chairs and professorships, as well as the responsibilities of and privileges accruing to the holders of these appointments, are available on the Web site of the Office of the Provost.

4. Retired Faculty

In order to retire from the University with full benefits, a faculty member must leave the University's employ at the conclusion of a specified period of service and meet the criteria stated in the *Retired and Emeritus/a Faculty Policy* available on the Web site of the Office of the Provost. Tenured faculty who wish to continue to teach a reduced course load at a proportionately reduced salary may choose phased retirement. The *Faculty Phased- Retirement Policy* is also available on the Web site of the Office of the Provost.

5. Emeriti/ae Faculty

Upon recommendation of the College, School, or Library Rank and Tenure Committee, the appropriate Dean or comparable administrator, the University Committee on Academic Rank and Tenure, and the Provost, emeritus/a status may be granted to retiring tenured or non-tenure-track faculty members with at least ten years of full-time service. In extraordinary circumstances, retiring faculty members with a shorter period of service may be considered for emeritus/a status. Emeritus/a status recognizes the achievement of high distinction on the part of the faculty member and an ongoing relationship with the University, as described in the *Retired and Emeritus/a Faculty Policy* available on the Web site of the Office of the Provost.

E. Advancement

1. Applications

Application for advancement—whether for pr

standards. Otherwise, the faculty member will be held to the new standards.

2. Policy on Extension of the Probationary Period That Applies to the Granting of Tenure

A tenure-track faculty member is eligible to apply for an extension of the tenure probationary period, whether or not a leave of absence is involved, when any of the following events occurs while the individual is a member of the Saint Louis University faculty:

- (i) a child is born or adopted into the faculty member's household; or
- (ii) by reason of a serious health condition (as defined under the *Family and Medical Leave Act of 1993*) persisting for a substantial period, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or person living in the faculty member's household; or
- (iii) by reason of a serious health condition (as defined under the *Family and Medical Leave Act of 1993*) persisting for a substantial period, the faculty member is unable to perform a material portion of the functions of his/her position.

In the event that spouses are members of the full-time faculty, this policy covers both of them.

The length of the extension, when granted, is one year. The maximum number of times a faculty member may extend the probationary period under this policy is two, resulting in no more than a two-year extension of the probationary period. Tenure expectations for a faculty member who extends the probationary period under this policy are the same as the expectations for a faculty member who has not extended the probationary period.

A faculty member who wishes to extend the probationary period under this policy must apply within 30 days of returning to active service following the event that supports the application for extension. The faculty member applies in writing to his/her Department Chairperson, School Director, or Dean, as applicable, setting forth his/her reasons for requesting an extension. The Dean, after conferring with the Department Chairperson or School Director, if applicable, will transmit the faculty member's application to the Provost unless specific and compelling factors require its denial. The Provost will communicate approval or denial of the application in writing to the faculty member and specify the revised date of tenure review and termination date of the probationary period. If the Provost denies the request, the applicant may ask the grounds for the denial and may appeal the Provost's decision to the President of the University, whose decision is final and not subject to further appeal.

3. College, School, and Library Evaluation Standards

The College, School, or Library Rank and Tenure Committee, or comparable faculty committee, will evaluate applications for advancement and tenure using the norms in Sec. III.F. However, the appropriate Dean or comparable administrator and the College, School, or Library Faculty Assembly or equivalent group establish more specific

interpretations are made available on the Web site

separate recommendations. The final decisions rest

- 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. Evidence of continuing and increasing service to the University and community. Consideration will be given to such subsidiary evidence as participation in and leadership of committees within the College, School, or Library, the University, professional societies, or community organizations of significance, along with assessments of service accomplishments.
- f. Evidence of recognition by colleagues in the same discipline, both inside and outside the University, that the candidate possesses the appropriate skill and knowledge of the field as defined in the individual College's, School's, or Library's evaluation standards.

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

Full-time faculty members may, and indeed are encouraged to, engage in extramural research, consulting, and scholarly and clinical activity, as long as this activity is proper to their academic 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 requi

the mission of a specific Department and the School. Such exceptions ordinarily shall be made upon application to the Dean of the School of Medicine by the Chairperson of the Department in 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 th

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,

Because the central freedom of an individual in the University lies within the framework of human activity and human life, it is subject also to limitations and norms:

- (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 Tc.0011 8aae

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 particip

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, Assistant Provost for University Libraries, 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 forms 576 (contingent) 11/19/00 of TFD-007 (the) or the saor the pealuation of A

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, or professional status of the faculty member, or when they are required by law or evident public welfare, leaves of absence without pay will be granted as provided in Sec. III.H.12.

11. Legal Representation and Indemnification

The University shall indemnify faculty members who are parties, or are threatened to be made parties, to any legal action, suit, or proceeding by reason of the fact that they are employees or agents of the University against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by them, if they acted in good faith and in a manner they reasonably believed to be in, or not opposed to, the best interests of the University, and, with respect to any criminal action or proceeding, had no reasonable cause to believe their conduct was unlawful, all as more specifically set forth in Article VIII of the Bylaws of Saint Louis University, as amended or revised from time to time.

12. Vacations and Leaves

a. Vacations

Normally, each full-time faculty member with an academic year of twelve calendar months is entitled to one month (22 working days) of vacation with pay during that academic year, taken at times approved by the appropriate Dean or comparable administrator. Faculty members with an academic year that is shorter than a calendar year, and those who sever connections with the University prior to the expiration of their contract, are not entitled to a vacation with pay.

b. Medical Leaves of Absence and Termination for Medical Reasons

medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment and that a reasonable accommodation of the disability cannot be made. The decision to terminate will be reached only after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and respond to the evidence. If the faculty member or representative so requests, the evidence will be examined by the Professional Relations Committee of the Faculty Senate, which then makes a recommendation to the President before a final decision is made.

The President of the University makes the final decision to terminate for medical reasons and notifies the faculty member in writing promptly of that decision. A faculty member whose appointment has been terminated is entitled to receive full salary for four months if in the first year of employment, six months if in the second year, and twelve months otherwise, less any salary paid during the previous twelve months under a medical leave of absence.

In cases in which a medical leave of absence has not been requested, the University reserves the right to terminate or place a faculty member on medical leave of absence if, in the judgment of the President of the University, based upon clear and convincing medical evidence, the faculty member cannot continue to fulfill the terms and conditions of the appointment for medical reasons and a reasonable accommodation of the disability cannot be made. In such a case, the procedures, standards, and compensation described in the preceding paragraphs apply.

For a tenure-track faculty member, a medical leave of absence normally will not be counted as a year or part of a year of service toward eligibility for tenure according to Sec. III.D.1. The Provost will specify in writing whether the medical leave of absence will or will not be counted as a year or part of a year of service. A copy of this specification is forwarded to the University Committee on Academic Rank and Tenure by the Provost.

c. Leaves of Absence without Pay

Leaves of absence without pay for up to one calendar year at a time may be granted to a full-time faculty member whenever such leaves will clearly add to the teaching effectiveness, research productivity, or professional status of the faculty member. They may also be granted for political activity or public service according to Sec. III.H.10, or for family matters demanding the attention of the faculty member. Requests are forwarded to the appropriate Dean or comparable administrator, who then forwards his/her recommendation to the Provost for a final decision.

For a tenure-track faculty member, a leave of absence without pay normally is counted as a year or part of a year of service toward eligibility for tenure according to Sec. III.D.1, except that a leave of absence for family matters ordinarily is not counted as a year or part of a year of service (see Sec. III.E.2). Upon recommendation of the Department Chairperson or comparable administrator and the appropriate Dean, and the Graduate Dean if necessary, the Provost will specify in writing whether the leave of absence without pay will or will not be counted as a year or part of a year of service. A copy of this specification is forwarded to the University Committee on Academic Rank and Tenure by the Provost.

d. Sabbatical Leaves

Full-time, tenured faculty members, including Department Chairpersons or comparable administrators, are eligible to apply for a sabbatical leave of one semester at full salary or one academic year at half salary as long as there have been at least twelve semesters of full-time service completed at Saint Louis University since their initial appointments or since they

the reduction of University salary that a two-semester sabbatical entails, provided the policies of the granting agency are followed.

- (vi) The recipient of a sabbatical leave must submit a report of his/her activities, within one semester after return, to the appropriate committee of the College or School Faculty Assembly or equivalent group, to his/her Department Chairperson or comparable administrator, and to the Dean. This report serves as a record of benefits derived from the program. Failure to file such a report is grounds for denial of subsequent applications for a sabbatical leave by the recipient.
- (vii) A faculty member who receives a sabbatical leave must return to the University after completion of the leave and remain in service until the completion of one academic year. Failure to do so makes the faculty member liable for reimbursing the University for the salary and benefits paid while s/he was on leave.

e. Developmental Leaves

Full-time untenured and non-tenure-track faculty members may be offered a paid developmental leave according to written guidelines and procedures established in advance by the appropriate Dean or comparable administrator and Faculty Assembly or equivalent group of a College, School, or Library with the approval of the Provost. Faculty members are encouraged to apply for fellowships and personal development grants to help offset the cost of such leaves.

The recipient of a developmental leave must submit a report of his/her activities within one semester after return to the appropriate College, School, or Library Faculty Assembly, or equivalent group; to his/her Department Chairperson or comparable administrator; and to the Dean or comparable administrator. This report serves as a record of benefits derived from the program. Failure to file such a report in a timely manner is grounds for denial of subsequent applications for a developmental leave by the recipient.

A faculty member who receives a developmental leave must agree to return to the University after completion of the leave, and to remain in service until the completion of one academic year. Failure to do so makes the faculty member liable for reimbursing the University for the salary and benefits paid while s/he was on leave.

f. Faculty Childcare Leaves

Full-time faculty who serve as primary caregivers in cases of childbirth or adoption may apply for leave under the *Faculty Childcare Leave Policy*, which addresses the period of leave, salary, benefits, and expectations of leave recipients. This policy is available on the Web site of the Office of the Provost. Tenure-track faculty should also consult Sec. III.E.2.

13. Faculty Eligibility for Graduate and Professional Degrees

Faculty members of the University seeking graduate and/or professional degrees from the University must avoid the conflicts of interest that can arise from their simultaneous dual roles as faculty members and students. Applicants to advanced degree programs must submit letters from their Departmental Chairpersons and unit Deans or comparable administrators that support their being allowed to pursue such a degree at the University. Applicants must establish to the satisfaction of the graduate or professional school Dean that the pursuit of an advanced degree will not interfere with their regular faculty responsibilities and that no conflict of interest does occur or will occur. If such an application is denied, the faculty applicant may appeal the decision to the Provost, whose decision is final and not subject to further appeal.

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

continuing, full-time non-tenure-track faculty must be given in writing by the Provost no later than three months before the end of the appointment for a faculty member who has served fewer than two years, no later than six months before the end of the appointment for a faculty member who has served more than two years but fewer than four years, and no later than twelve months before the end of the appointment for a faculty member who has served four years or more.

Tenure-track faculty and non-tenure-track faculty members on continuing appointments who do not intend to accept an appointment for the next academic year should give notice in writing at the earliest possible opportunity, but not later than thirty (30) days after receiving notification of the terms of appointment for the following year. Faculty members may request a waiver of this requirement of notice in case of hardship or in a

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, however, required both to be truthful in their presentations and representations and also to respond candidly to questions from the Committee. An opportunity will be given to the faculty member, designee, counsel, or other representative to make an oral presentation, and a similar opportunity will be given to the Provost, designee, counsel, or other representative. The faculty member has the burden of convincing the Committee that his/her nonrenewal would constitute a violation of academic freedom. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter will be received. The faculty member normally will have the opportunity to confront all adverse witnesses. Where unusual and urgent reasons move the Committee to

rendering a decision. In those cases where the decision is not unanimous, a dissenting opinion can be filed. The Committee shall make explicit findings as to whether the faculty member's academic freedom has been violated, and shall report its findings to the President of the University, with copies going to the affected faculty member and the Provost. The Committee will also provide the faculty member and/or the Provost with a copy of the record of the hearing, upon his/her request. All parties are obligated to treat both the Committee's written opinion(s)

- i. Documented serious and persistent substandard performance which fails to meet contractual obligations as outlined in this *Faculty Manual* and of which the faculty member has been given reasonable notice.

6. Procedures for Termination

When reason arises to question the fitness of a tenured faculty member, an untenured faculty member on the tenure-track, or a non-tenure-track faculty member whose contract or letter of appointment has not expired, for any of the reasons in Sec. III.I.5 except financial exigency or 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. At any time, the University administration may amend the grounds for dismissal provided the faculty member is allowed at least fifteen (15) working days to prepare and file an answer to the new charge.

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 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. 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 whose dismissal is sought and the Provost. In setting the date, the Committee will allow the faculty member at least fifteen (15) working days to prepare a defense. The University administration and the faculty member will exchange the names of witnesses and copies of documents that will be used in the case. If called upon to do so, both the administration and the faculty member will cooperate with the *ad hoc* Judicial Committee in securing witnesses and documents.

At his/her request only, the faculty member may be temporarily relieved of University duties in order to prepare a defense. Full salary and benefit payments will continue during such relief from duties. Additionally, the University administration may suspend the faculty member from his/her duties under Sec. III.I.7.

Not less than five (5) working days before the date set for the hearing, the faculty member is obligated to answer the statements in the University President's letter in a written communication addressed to the Committee, with a copy given to the President.

The proceedings of the *ad hoc* Judicial Committee are private, and public statements about the dismissal by the faculty member, the University administration, or the *ad hoc* Judicial Committee should be avoided. Additionally, neither the faculty member nor the University administration may retaliate against any witness in any way; evidence of any such retaliation may be introduced and considered by the Committee.

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 University administration's case for dismissal and/or the faculty member's defense may be presented and argued by the Provost and the faculty member, respectively, or by legal counsel or other representative of the faculty member's or the Provost's choice. The role of counsel in these

be reimbursed the salary that had been withheld. If the Committee finds that a bad-faith violation has not occurred, it shall establish an expeditious timeline by which the proceedings are to be brought to an orderly conclusion.

8. Sanctions Short of Termination

- a. For serious sanctions short of termination: If the administration believes that a faculty member has engaged in serious misconduct that is sufficient to justify imposition of a severe sanction, such as suspension from service for a stated period, with or without pay, the administration will notify the faculty member of the basis of the proposed sanction and provide the faculty member with the opportunity to persuade the administration not to impose the sanction. If the administration proceeds to impose the sanction, the faculty

the dispute by presenting the complaint to the appropriate administrative officer who supervises the individual whose actions are disputed.

All such efforts at internal resolution of complaints should be initiated no later than three (3) months after the date of the occurrence of the action(s) in dispute. The complaint must be in writing. Di4e Trectoohe

- 2) The Professional Relations Committee has no authority to review or set aside decisions designated in this *Manual* as final and not subject to appeal.

The Professional Relations Committee has no authority to review or set aside decisions made pursuant to Secs. III.I.10-14, respecting academic reorganization, academic reallocation, and financial exigency.

The Professional Relations Committee has no authority to review or set aside Institutional Review Board decisions.

The Professional Relations Committee has no authority to set aside the factual findings and determinations made by the Provost's Committee on Conflict of Interest in making a recommendation to the Provost. However, sanctions imposed upon a faculty member 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

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.

The President of the University must provide each full-time faculty member affected by financial exigency or academic reallocation with a written statement of the basis for the initial decision, the criteria by which individual faculty members were chosen for termination, the general information and data on which the President relied, the effective date of termination, and notification of the right to a review of the decision using the procedures of Sec. III.I.14, even after separation from the University.

14. Appeals during Academic Reallocation or Financial Exigency

A faculty member who believes that his/her rights have been violated during academic reallocation or financial exigency according to Secs. III.I.11-13 must first discuss the situation with the Department Chairperson or comparable administrator, then with the appropriate Dean or comparable administrator, and, if not satisfied, with the Provost.

If a faculty member has appealed through administrative channels and still alleges that his/her rights have been violated, s/he has the right to appeal to an *ad hoc* committee composed of four (4) faculty members selected by the Faculty Senate Executive Committee and three (3) people selected by the Provost. The request for review must be filed in writing with the Provost within thirty (30) days of the notice of termination, or in case of violations of Sec. III.I.13.v or III.I.13.vi within thirty (30) days of the new appointment.

The *ad hoc* committee will hold a hearing to consider the following issues:

(i) whether a state of financial exigency or the need for academic reallocation was declared by the Board of Trustees in accordance with the provisions above.

(ii) whether the criteria used to identify faculty members to be terminated were properly applied, or whether the University has a duty to provide replacement faculty for the terminated faculty members.

administrators, Vice Presidents, the Provost, and the President of the University. The Faculty Senate may submit any proposed changes to the Provost, who will consult with Deans or comparable administrators and then may appoint a committee consisting of representatives of the Faculty Senate and administration to reconcile differing views. The Provost may submit any agreed upon changes to the President of the University for review and approval. This *Manual* and all subsequent amendments or revisions require approval by the Faculty Senate, the Provost, and the President of the University and adoption by the Board of Trustees to become effective.