

FACULTY REGULATIONS

SAINT MICHAEL'S COLLEGE

WINOOSKI PARK

COLCHESTER, VERMONT

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PREAMBLE

These Faculty Regulations establish the mechanisms of self-governance and identify the institutional framework within which faculty responsibilities are carried out. As a community of scholars and professional academicians serving an institution of higher education, the faculty assumes primary responsibility for the curriculum, methods of instruction and the educational aspects of student life. The faculty is also vitally concerned about the overall welfare of Saint Michael's College (hereafter referred to as the College) and is collegially involved in the process of its governance carried on by the Board of Trustees and the Administration, as referenced throughout this document.

FACULTY REGULATIONS

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**RESOLUTIONS OF THE BOARD OF TRUSTEES
ESTABLISHING THE FACULTY REGULATIONS FOR
SAINT MICHAEL'S COLLEGE**

The Board of Trustees of Saint Michael's College at its annual meeting held at the College on June 8, 1996 voted to approve the following resolutions establishing the Faculty Regulations for Saint Michael's College:

A. Whereas: The Board of Trustees of Saint Michael's College has the authority under its Bylaws, Article 3.5 "To establish the procedural manuals and regulations of the College including those for the...Faculty..." and

B. Whereas: The Board of Trustees has considered a May 8, 1996 draft of substantial amendments to the Faculty Regulations which has been reviewed by the Faculty Welfare Committee, approved by the Faculty Assembly, and subjected to technical corrections and clarifications, and

C. Whereas: The Board, finding not acceptable the amendment submitted as Section II.K., Dispute Resolution, desires to leave the appeal and grievance procedures of the present Faculty Regulations in effect until appropriate amendments are adopted, and

D. Whereas: The Board of Trustees re-affirms its commitment to a collegial form of governance for Saint Michael's College and recognizes the competence and authority of the Faculty with respect to the academic programs of the College and with respect to the Regulations which govern faculty and academic policies and procedures. The Board and its executive officer, the President, as a matter of principle, expects to work with the Faculty in implementing these Faculty Regulations and will make every reasonable effort to avoid taking any action which is contrary to the recommendations received from the Faculty, and

E. Whereas: The Board of Trustees accepts its responsibility for all of the affairs, policies and programs of Saint Michael's College, reserving to itself the final authority, as expressed in its By-laws, to act in these matters in accordance with what it believes to be in the best interest of Saint Michael's College, and

F. Whereas: Modifications to the draft at I.A.5.(a); II.I.5.(a) and III., noted in the President's memorandum to the Board of June 5, 1996, are needed to maintain consistency with respect to the authority of the Board of Trustees, and

G. Whereas: The President of Saint Michael's College has recommended the approval of these amendments to the Faculty Regulations with the exceptions noted above,

1. Be it Resolved: That the Board of Trustees establishes as the Faculty Regulations of Saint Michael's College, effective July 1, 1996, the draft dated 5/8/96, except Section K., thus leaving in place the present appeals and grievance procedures, and

- 2. Be it Resolved:** That sections I.A.5, II,I,5.a, and III in the draft, being inconsistent with the authority of the Board of Trustees (cf. By-Laws, Article 3) as explained in the President's memorandum of 6/5/96, are approved only to the extent that the approval does not constitute a delegation of Board powers and does not conflict with or limit the authority of the Board to exercise its powers under its By-Laws, Article 3, in these matters without approval of the faculty.
- 3. Be it Resolved:** That the Faculty Regulations be evaluated during the next two years jointly by the administration and faculty in order to determine the degree to which these Regulations are effectively furthering the academic goals of Saint Michael's College, and
- 4. Be it Resolved:** That the Board of Trustees receive proposals based upon these evaluations by June, 1998 for further amendment to the Faculty Regulations, including proposal of appropriate procedures for faculty appeals and grievances, and proposals for the inclusion of student assessment of teaching effectiveness in faculty evaluations, and provisions to ensure that student assessment of teaching effectiveness be included in evaluations of faculty.
- 5. Be it Resolved:** That the Board of Trustees extends its appreciation to the Chairman and members of the Faculty Welfare Committee, and to all those faculty whose efforts have enabled the Board of Trustees to establish these Faculty Regulations which are expected to serve well the interests of Saint Michael's College, its faculty and its students in the years ahead.

Note: Section II.K. – Appeals and Grievances and related amendments – **RATIFIED** by the Board of Trustees in preliminary form January 29, 2001 and **APPROVED** in final form June 1, 2002.

FACULTY REGULATIONS

SAINT MICHAEL'S COLLEGE

I. GOVERNANCE

I. A. ADMINISTRATION

I. A. 1. The Board of Trustees

The Board of Trustees, acting in accordance with its Bylaws, has final authority to determine the policies affecting the College community.

I. A. 2. The President

The Bylaws of the Board of Trustees state the following:

"The President of the College shall be the Chief Executive Officer of the College and the official advisor to and executive agent of the Board of Trustees and its Executive Committee. The President shall, as educational and administrative head of the College, exercise a general superintendence over all the affairs of the institution, and bring such matters to the attention of the Board as are appropriate to keep the Board fully informed to meet its policy-making responsibilities. The President shall have power, on behalf of the trustees, to perform all acts and execute all documents to make effective the actions of the Board or its Executive Committee. Except as otherwise provided in these Bylaws, the President shall be an ex officio member of the Board of Trustees and all committees of the Board."

I. A. 3. The Vice President for Academic Affairs

I. A. 3. a. The Vice President for Academic Affairs (VPAA) is the Chief Academic Officer of the College who is responsible to the President for the administration, coordination and development of all academic and faculty policies. The VPAA is responsible for insuring that academic programs and related administrative operations are conducted in accordance with College goals and policies; that they are consistent with College financial requirements; that they are coordinated with College operations in other areas. The VPAA normally serves as the Chief Executive Officer of the College when the President is temporarily unable to fulfill those responsibilities.

I. A. 3. b. The VPAA has the responsibility for the further development of a well-qualified and effective faculty for each of the academic units of the institution. The VPAA shall oversee faculty policies and coordinate all faculty personnel decisions including recruitment, appointment, evaluation, re-appointment, promotion, tenure, compensation,

leave, retirement and programs of faculty development. In these faculty matters, it is the responsibility of the VPAA to secure and consider the recommendations of faculty and of Deans and to make recommendations to the President in accordance with the relevant provisions of these Faculty Regulations.

- I. A. 3. c.** In the administration and establishment of policy and procedures that affect the College, the VPAA will meet regularly with the Deans.
- I. A. 3. d.** When an appointment of a VPAA is to be made the faculty Assembly shall elect five members of the Faculty to serve on a Search Committee. The President may appoint up to four additional persons to the Committee and shall discuss with the Committee the nature of the position of the VPAA and the qualifications that the President is seeking in the person to be appointed. The Committee shall recommend to the President in a timely manner at least three candidates whom it judges qualified for the position. The Committee may rank those recommended in accordance with its preferences. The President then appoints the VPAA and secures the approval of the Board of Trustees.

I. A. 4. The Dean of the College

- I. A. 4. a.** The Dean of the College reports to the VPAA and has primary responsibility for the development, administration and evaluation of all instructional programs. Included are: curriculum development; course scheduling; approval of teaching, advising, and administrative assignments for both full-time and part-time faculty; and the securing of grant support for academic programs. The Dean also has responsibility for academic advising, the determination of student academic status, and degree certification. The Dean will be assisted by the Department Chairs and the Program Directors.
- I. A. 4. b.** In consultation with Department Chairpersons or Program Directors, the Dean is responsible for evaluating the instructional staff, including the full-time and part-time faculty, and for making recommendations to the VPAA in personnel decisions for full-time faculty. The Dean shall appoint part-time faculty and approve teaching assignments on the recommendation of Department Chairpersons and Directors of Programs.
- I. A. 4. c. Dean's Council**
In the administration and in the establishment of policy and procedures relating to undergraduates the Dean shall work with a Council comprised of the Chairpersons of the Departments.
- I. A. 4. d. Graduate Council**
In the administration and in the establishment of policy and procedures relating to graduate programs the Dean shall work with a Council comprised of the Directors of the

graduate programs. It will be the responsibility of the Graduate Council to act as a curriculum committee for the courses in all graduate programs.

- I. A. 4. e.** When the Dean is to be appointed, the Faculty Assembly shall elect five members of the faculty to the Search Committee. The VPAA may appoint up to four additional members of the Committee, and shall review with the Committee the nature of the position and the qualifications being sought in an appointee. Faculty members who report to the Dean should be represented on the Search Committee. The Committee shall recommend to the VPAA in a timely manner at least three candidates whom it deems qualified for the position and may rank those recommended in accordance with preferences. The President appoints the Dean.

I. A. 5. Academic Departments and Programs of the College

I. A. 5. a. Authority to Approve and Establish or Eliminate Academic Programs or Departments

All proposals for the establishment of new academic programs and departments, the elimination of existing academic programs and departments, and the establishment and modification of academic requirements for degrees and certificates must be submitted to the Curriculum and Educational Policy Committee for its deliberation and final approval by vote of the Faculty Assembly.

The Board of Trustees maintains final authority to approve and establish those academic programs and departments of the College that lead to degrees or certificates. The Board, upon the recommendation of the President, shall consider any new academic program or department leading to a degree or certificate, [any change or modification in the requirements for a degree or certificate,] and any decision to continue or discontinue an academic program or department leading to a degree or certificate. The President shall make such a recommendation only at such time as the faculty of the College has had an opportunity to review and make recommendations on the matter under consideration. This opportunity shall include a review by the Curriculum and Educational Policy Committee or, with the approval of the Faculty Assembly, by an *ad hoc* faculty committee designated for this purpose by the Curriculum and Educational Policy Committee.

I. A. 5. b. Criteria for Establishing, Modifying or Discontinuing Academic Departments or Programs

All recommendations and the decision to establish, modify or discontinue an academic program or department shall be based on educational considerations that reflect long-range judgments that the mission of the institution as a whole will be enhanced by the decision. Accordingly any proposal shall be reviewed in terms of:

- I. A. 5. b. i. its relation to the mission and goals of the College;
- I. A. 5. b. ii. the expected or existing academic quality of the program and its value for student learning;
- I. A. 5. b. iii. the long-range student interest or demand for the program;
- I. A. 5. b. iv. facilities, library or other instructional resources needed for the program;
- I. A. 5. b. v. existing or prospective faculty resources for the program;
- I. A. 5. b. vi. the relation or value of the program to other programs of the College, including alternatives of offering a program or courses within other departments or programs;
- I. A. 5. b. vii. potential problems or existing deficiencies in the program together with realistic opportunities to overcome them;
- I. A. 5. b. viii. the revenue and the costs associated with the program;
- I. A. 5. b. ix. priorities in the allocation of resources among programs of the College;
- I. A. 5. b. x. support for the program on the part of the faculty of the College;
- I. A. 5. b. xi. educational considerations which do not include cyclical or temporary variation in enrollment.

I. A. 5. c. Academic Department

An Academic Department is an academic and administrative unit of the College with shared responsibilities for conducting a course of study in a particular field or discipline. Members of an Academic Department have collective responsibility for departmental affairs which include program development, curriculum, departmental policies, recruitment, orientation and evaluation of full-time faculty, recommendations for the appointment of part-time faculty, and student advising. These responsibilities shall be fulfilled in a collegial manner under the leadership of a Chairperson. Departmental meetings are to be held on a regular basis and also when requested by the Dean or by a majority of the faculty of the Department.

I. A. 5. d. The Chairperson of a Department

The Chairpersons of Academic Departments are faculty members of their respective Departments who provide leadership in departmental matters as part of their faculty responsibilities. In a collegial manner, the Chairperson implements College policies and procedures and has responsibility for: planning the program of courses; the evaluation and development of the Department; the curriculum; student advising; the recruitment of the instructional staff; the evaluation of the teaching of full-time and part-time faculty in the Department; managing the departmental budget; and making recommendations to the

Dean on behalf of the Department concerning staffing and budgetary needs. The Chairperson reports to the Dean and is a member of the Dean's Council. In consultation with the members of the Department and upon the advice of the Faculty Council, the Dean appoints the Chairperson to a three-year term. The Chairperson serves at the discretion of the Dean and shall normally serve no more than two consecutive terms. Appointment as Chairperson typically rotates among the tenured members of the department faculty.

I. A. 5. e. Undergraduate and Independent Academic Programs

An Undergraduate Academic Program is an organized program of study (approved and established by the faculty and the administration of the College as specified in I.A.5.a. and I.A.5.b.) that is ancillary to a department or combines elements of several disciplines. The course of study may, but need not, lead to an undergraduate degree (a major) or to a minor. An Independent Academic Program is similar to an Undergraduate Program except that it is intended primarily for students other than undergraduates in the College, and does not lead to an undergraduate degree. Faculty members teaching courses in Undergraduate and Independent Academic Programs hold their faculty appointments in Academic Departments.

I. A. 5. f. Coordinator of an Undergraduate or Independent Academic Program

The Coordinator of an Undergraduate or Independent Academic Program has responsibilities similar to those of the Chairperson of an Academic Department and in addition may have responsibility for recruitment and retention of students. The Coordinator must be a faculty member with a proven record in teaching. The Coordinator of an interdisciplinary Undergraduate or Independent Academic Program reports to the Dean, while the Coordinator of an Undergraduate or Independent Academic Program contained within a single Academic Department reports to the Chairperson of that department. Coordinators are appointed on an annual basis by the Dean in consultation with the participating Academic Department(s) and with the approval of the VPAA.

I. A. 5. g. Graduate Academic Program

A Graduate Academic Program is an organized program of study (approved and established by the faculty and the administration of the College as specified in I.A.5.a. and I.A.5.b.) leading to a post-baccalaureate degree or certification. Faculty members teaching courses in a Graduate Academic Program hold their faculty appointments in Academic Departments.

I. A. 5. h. Director of a Graduate Academic Program

The Director of a Graduate Academic Program has responsibilities similar to those of the Chairperson of an Academic Department and in addition may have responsibility for recruitment and retention of students, and advertising and marketing of the Program. The Director must be a faculty member with a proven record in teaching and may be released from certain faculty responsibilities in order to direct the Graduate Academic Program.

The specific details of any release from faculty responsibilities must be stated in a written agreement between the Director and the administration at the time of the appointment as Director. Such agreements will hold Directors to standards and expectations of performance that are consistent and equitable with those required of all faculty. A Director reports to the Dean and is appointed on an annual basis by the Dean with the approval of the VPAA.

I. B. THE FACULTY

I. B. 1. The Full-Time Faculty

The faculty consists of all those who have full-time appointments at the College as Professor, Associate Professor, Assistant Professor, Instructor, President, VPAA and Academic Dean. Faculty on full or partial leave, and tenured faculty with a part-time appointment, continue as members of the faculty.

I. B. 2. The Instructional Staff

The total Instructional Staff in addition to the faculty includes College staff who have a direct role in the education of students. Persons holding the following appointments shall be members of the Instructional Staff: Director of the Library, Librarian (with degrees in library science), Assistant or Associate Dean, Associate Vice President of Admission and Enrollment Management, Registrar, Dean of Students, Director of Campus Ministry, Director of the Student Resource Center, and their Assistant Directors. In addition, part-time or adjunct faculty and visiting or emeritus faculty are members of the Instructional Staff.

I. B. 3. The Faculty Assembly

I. B. 3. a. Purpose

The Faculty Assembly is the deliberative body of the faculty. It exists so that the faculty may govern its own affairs and fulfill its roles in the overall governance of the College in a manner consistent with College policies. The Faculty Assembly may address any matter which directly or indirectly affects the interests of the faculty. It has the responsibility to consider such fundamental matters as admissions, curriculum, subject matter and methods of instruction, research, faculty status and related matters, and those aspects of student life which directly relate to the educational process. Resolutions or recommendations of the Faculty Assembly shall be submitted for information or action to the President through the VPAA. The President shall submit to the Board of Trustees, together with his/her own recommendations, those recommendations of the Faculty Assembly which must be reviewed by or acted upon by the Board.

I. B. 3. b. Membership

All full-time faculty members (see “The Full-Time Faculty,” I. B. 1.) have the right to attend, speak and vote (including making and seconding motions and nominations) in the Faculty Assembly. This includes full-time Instructors who are not designated as “visiting.” Tenured faculty with a part-time appointment may vote, but are not counted as part of the quorum.

Members of the instructional staff (see “The Instructional Staff,” I. B. 2.) have the right to attend and speak in the Faculty Assembly but they may not vote. Instructional staff who are part-time or adjunct faculty, as well as all visiting or emeritus faculty, may attend and speak in the Faculty Assembly, but they may not vote.

I. B. 3. c. By-Laws

The Faculty Assembly shall determine its own By-Laws which govern its organization, rules and procedures.

I. B. 3. d. Executive Committee of the Faculty Assembly

The Executive Committee shall consist of: the Moderator, who will serve as Chairperson of the Committee; the Chairpersons of the Faculty Council, the Faculty Welfare Committee and the Curriculum Committee of the College; and the Faculty Representatives to the Board of Trustees.

The Executive Committee will coordinate the agenda of the Assembly. It may be called upon to represent the Assembly when it is inconvenient or impractical to convene the entire Assembly. Any actions of the Executive Committee on behalf of the Assembly will be communicated to the faculty as expeditiously as possible, and substantive actions or recommendations will be presented to the Assembly for discussion and/or ratification at the next Assembly meeting.

I. C. COMMITTEES**I. C. 1. The Board of Trustees**

The Board of Trustees in accordance with its by-laws may invite faculty members to attend meetings of the Board in order to enhance communication between the faculty and the Board. The Faculty Council shall submit to the Faculty Assembly nominations of faculty to be elected for service in this capacity.

The Board of Trustees in accordance with its by-laws may appoint faculty members to Board Committees. The Faculty Council shall submit to the President its nominations of faculty members to serve on specific Board Committees. Appointments of faculty members to Board Committees are normally for a term of two years.

I. C. 2. Administration Committees**I. C. 2. a. Administration Standing Committees**

An Administration Standing Committee is an advisory committee established by the President to assist in some aspect of the administration of the institution. The Committee shall have the responsibilities and the membership designated by the President and shall report to the President or a Vice President of the institution. The responsibilities of the Committee may not conflict or overlap with those of a Statutory Committee.

Faculty members are appointed by the President to serve on an Administration Standing Committee. They shall be nominated for the appointment, normally for a two-year term, by the Faculty Council.

I. C. 2. b. Administration Ad Hoc Committees

The President, a Vice President, Dean or Director may establish an ad hoc Committee advisory to the administrator on a particular matter. The administrator shall seek suggestions from the Faculty Council or from other faculty committees regarding appointments to the Committee. The Committee shall normally exist for one year and may not have duties which conflict with those of a Statutory Committee. The administrator(s) who establish(es) an ad hoc Committee will report the existence of the Committee and its projected term of duration to the Chairperson of the Faculty Welfare Committee.

I. C. 3. Statutory Committees of the Faculty

Statutory Committees of the faculty are those which are prescribed with specific responsibilities and membership in these Regulations. These Committees also function as Standing Committees of the Faculty Assembly. Each Committee will elect its own Chairperson. The Assembly shall establish in its Bylaws the procedures which are to govern appointment to each Committee and the operation of each Committee.

I. C. 3. a. The Faculty Council

I. C. 3. a. i. The Faculty Council shall review, evaluate and make recommendations on faculty personnel matters referred to it by the VPAA in accordance with procedures specified in these Regulations. These personnel matters shall include, but are not limited to: faculty appointments in consultation with the Dean; evaluations of faculty performance with respect to re-appointments, promotion, tenure and sabbaticals; leaves of absence; termination; or outside employment. The Council shall also advise the Dean on the appointment of faculty as department chairpersons and program directors. In all of these matters the Faculty Council shall submit its recommendations to the VPAA.

- I. C. 3. a. ii.** Faculty Council shall appoint all faculty members to all non-elective Statutory, Standing, and Ad Hoc Committees of the Faculty. All faculty appointments to Committees of the Faculty will be reported to the Faculty Assembly by the Faculty Council.
- I. C. 3. a. iii.** The Dean shall meet with the Faculty Council to respond to questions on any consideration of a faculty evaluation, or sabbatical, re-appointment, promotion, or tenure application for faculty who have had teaching responsibilities in the academic unit administered by the Dean. The Faculty Council, following its meeting with the Dean, shall formulate a recommendation and vote on the matter. The Dean shall independently submit her/his own recommendation in these matters to the VPAA and report it to the Faculty Council. A copy of the Dean's recommendation shall be kept in the candidate's file.
- I. C. 3. a. iv.** The recommendations of the Faculty Council shall be submitted in writing to the VPAA together with a statement of the reasons in support of the recommendation. A minority recommendation may also be submitted. The VPAA shall submit her/his recommendation to the President who makes the final decision. Copies of the recommendations of the VPAA and of the Faculty Council shall be kept in the candidate's personnel file. In any instance where the VPAA is prepared to make a recommendation, or the President is prepared to make a decision, contrary to the recommendation of the majority of the Faculty Council, they shall meet with the Faculty Council to explain the reasons for the recommendation or decision.
- I. C. 3. a. v.** The Faculty Council shall be comprised of six (6) tenured faculty members elected by the Faculty Assembly. The VPAA shall serve as a non-voting ex-officio member of the Faculty Council. Those elected shall take office at the beginning of the following academic year. During their terms of office, members may neither apply for nor receive a sabbatical, leave of absence, or promotion. Members shall not serve on other Statutory or Standing Committees of the faculty.
- I. C. 3. b. **The Faculty Welfare Committee****
- I. C. 3. b. i.** The Faculty Welfare Committee shall advise the faculty and the administration through the VPAA concerning faculty compensation, salary, benefits, and related matters. The Committee will review the academic and professional environment as it concerns the welfare of the faculty. The Committee will participate in any process that leads to a decision that a state of financial exigency exists or is imminent at the College. The Committee shall engage in annual discussions with the administration that determine the level and pattern of faculty salaries and benefits. With full access to relevant financial information, the Committee shall advise and make recommendations on behalf of the faculty, but it cannot enter into a binding contract. The Committee shall not enter into discussions with the

Administration in order to advocate on the behalf of individual members of the faculty.

I. C. 3. b. ii. The Faculty Welfare Committee shall review the Faculty Regulations, consider issues referred to the Committee, and make recommendations to the Assembly for amendments to the Regulations and Bylaws of the Faculty Assembly. The Committee shall monitor the implementation of the procedures specified in the Faculty Regulations and Bylaws and report as necessary to the Faculty Assembly.

I. C. 3. b. iii. The Faculty Welfare Committee shall be composed of six (6) members of the faculty elected by the Faculty Assembly for two-year terms. The Committee shall meet with and advise the VPAA in its areas of responsibility.

I. C. 3. c. **The Curriculum and Education Policy Committee**

I. C. 3. c. i. The Curriculum and Education Policy Committee shall review the undergraduate academic programs and curriculum, keeping in mind the commitment of the College to a program of liberal studies. The Committee shall work with the Dean to review issues or proposals submitted by faculty members or by the Dean. The Committee is advisory both to the Faculty Assembly and to the VPAA, to whom it submits recommendations for academic program development or curricular change. The Graduate Council will serve as the Curriculum Committee for approval of course proposals in graduate programs.

I. C. 3. c. ii. The Curriculum and Education Policy Committee shall be composed of six (6) members of the faculty. No department shall have more than one representative on the Committee at any time. The Committee will include a balanced representation of all faculty in terms of the major curricular areas. The Dean of the relevant academic unit shall serve as a non-voting ex officio member of the Committee during the course of any review of a curricular matter related to that unit. Two students may also be appointed by the student association of the relevant unit to serve on the Committee for that review.

I. C. 3. d. **The Academic Review Board**

I. C. 3. d. i. The Academic Review Board shall meet at the call of the Dean to advise the Dean regarding the academic status of students who have not performed at the academic level set by the faculty and Board of Trustees of the College.

I. C. 3. d. ii. The Academic Review Board shall be composed of the Dean's Council of the academic unit or their designated faculty representatives. The Dean is ex officio chairperson of the Board. The Dean and the full Board will establish an executive committee composed of the Dean and three (3) members of the Board. This

executive committee may meet when it is difficult or impractical for the full Board to gather and shall have the same powers as the full Board.

- I. C. 3. d. iii.** The Academic Review Board shall review the record of students liable for academic dismissal and recommend whether the student should, in fact, be dismissed. The Board shall also consider the requests and supporting evidence of those students who request a review of their dismissal. The Board shall also rule on the applications of those students, previously dismissed, who seek readmission to the College. Members of the Instructional Staff (e.g., the Vice President for Student Affairs, Dean of Admissions and Enrollment Management, Director of the Student Resource Center, Director of Campus Ministry, and Registrar) may attend and participate in deliberations of the Academic Review Board as non-voting ex officio members.

I. C. 3. e. The Dispute Resolution Panel

The Dispute Resolution Panel will consist of twelve (12) tenured faculty members elected for two (2) year terms in such a manner that six (6) members are elected each year with nominations at the November meeting of the Faculty Assembly of the academic year. Current members of the Faculty Council and Faculty Welfare Committee are not eligible for election to the Dispute Resolution Panel. The elected membership of the Panel serves as a pool from which a three member Review Committee will be selected to handle any personnel dispute, i.e., a grievance or an appeal of an unfavorable personnel decision (see Article II, Section K).

II. FACULTY POLICIES AND PROGRAMS

II. A. FULL-TIME APPOINTMENTS

II. A. 1. The Formal Agreement

Every appointment of a faculty member shall be made by a formal agreement signed by the member and by the President of the College or by a person designated by the President. The agreement shall state the rank, academic department or unit in which the appointment is made, salary, length of agreement, faculty member responsibilities, and other conditions of employment. A copy of the terms of the appointment including all documents included in the terms by specific reference shall be presented to the prospective faculty member prior to the member's acceptance of the appointment. Acceptance of this appointment shall be considered as proof of the appointee's willingness to be bound by the terms of the agreement.

II. A. 2. Initial Appointment

Initial appointments to the faculty shall be made in accordance with the following procedures: Authorization by the VPAA to fill a tenure-track position requires a thorough evaluation of the departmental and institutional need for such a position and a determination that a long-term institutional need for such a position exists. When authorization to fill a faculty position has been given, the Dean shall establish a search committee in consultation with the faculty of the academic department in which the appointment is to be made. Wherever possible, a majority of the members of the search committee shall be drawn from among faculty in the department where the appointment is to be made. This committee shall meet promptly with the Director of Human Resources for a briefing on government regulations pertaining to hiring procedures. Upon completion of its search, the committee shall present to the Dean a priority list of preferred candidates. Under ordinary circumstances, up to three (3) of these candidates may be invited to campus for an interview. On the basis of the search committee's recommendation, and after consultation with the committee, the VPAA will make a recommendation to the President, who makes the final decision. The search process shall be guided by the Faculty Regulations and governed by the relevant personnel policies of the College.

II. A. 3. Tenure-Track Appointments shall be of two kinds:**II. A. 3. a. Probationary Appointments** (without tenure)

Probationary appointments are those in which faculty are evaluated with the prospect of receiving a tenured appointment prior to the end of the probationary period.

Probationary appointments end at the close of the period stated in the agreement. These appointments may be renewed, but carry no obligation of reappointment on the part of the College or the faculty member.

II. A. 3. b. Continuous or Permanent Appointments (with tenure)

Tenure assures the continuous appointment of full-time teaching faculty until retirement. No formal renewal is required; nevertheless, annual contracts will be issued to all faculty members in order to specify rank, salary, benefits and any special terms of appointment. Continuous appointments are subject to termination by the College for cause only. Such terminations must follow the procedures in Article II, Section I, "Termination of Appointments."

II. A. 4. Initial Probationary Appointment

Initial probationary appointments to the faculty, and reappointment to the faculty during the probationary period shall normally be for two years. The period of probation shall not exceed seven (7) consecutive years of full-time teaching. Prior to the expiration of the probationary period, the faculty member will be granted tenure, or have his or her contract for the next year declared terminal.

II. A. 5. Renewal of Appointment

A faculty member in the first year of a probationary appointment may receive notice no later than March 1 of a termination, without right of appeal, of the appointment at the end of the first year. In the second and subsequent years, notification of non-renewal shall be given by December 15. Contracts will be issued to all faculty members by March 1 of each year specifying rank, salary, benefits and any special terms of the appointment. Contracts shall be signed and returned to the Office of Human Resources by April 1.

II. A. 6. Credit Toward Probationary Period

Credit toward the probationary period will be granted to newly hired faculty with full-time teaching experience at an accredited institution of higher education. Credit for one (1) year's service at the College will be granted for each year's service in a full-time teaching position. However, a maximum of three (3) years' credit will be allowed. A faculty member intending to exercise the right to this credit for prior service must inform the Dean in writing at the time of initial appointment. A specification in writing as to the applicable probationary period shall be included among the terms of initial appointment. The faculty member has the option to waive this credit granted for prior service so long as this is communicated in writing to the Dean prior to April 1 of the first year of full-time service at the College. To obtain such credit, the faculty member shall submit his/her full faculty record at the other institution(s).

II. A. 7. Reappointment During Probationary Period

During the probationary period, decisions regarding the appointment of a faculty member shall be made on the basis of an evaluation of qualifications and performance, in accordance with the procedures and criteria described in Article II, Section D.2 and 3.

II. A. 8. Assignment to Rank in Probationary Period

In all instances, the VPAA shall make a recommendation to the President, who makes the final decision regarding reappointment. The candidate will receive a written summary of the evaluation, and the Chairperson or Director will discuss the evaluations with the faculty member. The complete evaluation shall be placed in the faculty member's personnel file.

II. A. 9. Academic Ranks

Upon appointment to a full-time teaching position, faculty members shall be assigned to one of four ranks on the strength of their graduate training, years of experience, and evidence of their professional competence. These ranks in ascending order are instructor, assistant professor, associate professor, and professor. Expressed in terms of both quantitative and qualitative criteria, the minimal requirements for appointment to each academic rank are as follows:

II. A. 9. a. Instructor (provisional)

Newly appointed tenure-track faculty who have not completed the requirements for the Ph.D. or equivalent terminal degree will be appointed at the rank of Instructor. A tenure-track Instructor shall have completed at least the Master's degree. The promise of effective teaching, scholarship, and service are required for the initial appointment and subsequent reappointment of a faculty member as Instructor.

Promotion from Instructor to the rank of Assistant Professor will be automatic upon satisfactory completion of the doctorate or other terminal degree.

II. A. 9. b. Assistant Professor

An Assistant Professor shall have the doctorate or other terminal degree required for the position. An Assistant Professor shall demonstrate the promise of effective teaching, significant scholarship and service.

II. A. 9. c. Associate Professor

To merit promotion to Associate Professor, the faculty member must demonstrate the following over a period of years since the appointment to Assistant Professor: 1) excellence in teaching both with respect to the effectiveness of teaching methodology and to the quality of scholarship as reflected in teaching, 2) consistent evidence of a high level of scholarship (which is often manifest in various forms of peer reviewed work) commensurate with specific standards to be developed by each academic unit, 3) a commitment to and capacity for service which addresses the needs of the department or program, the College, and the community at large.

II. A. 9. d. Professor

To merit promotion to Professor, the faculty member must demonstrate the following over a period of years since promotion to Associate Professor: 1) continued excellence in teaching both with respect to the effectiveness of teaching methods and to the quality of scholarship reflected in the teaching, 2) consistent evidence of a high level of scholarship (which is often manifest in various forms of peer reviewed work) commensurate with specific standards to be developed by each academic unit, and 3) leadership in service which addresses the needs of the department or program, the College, and the community at large.

II. A. 9. e. Exceptions

In those rare instances when the above criteria do not apply, the VPAA after consultation with the Faculty Council may recommend that the President make an appointment at a rank consistent with the judgment that the person's background, experience, unusual contribution to the College community, the civic community, or the world of scholarship, the professions, or the arts, are equivalent to the requirements of degree or other criteria.

II. A. 9. f. Emeritus Professor

Emeritus status recognizes the services and outstanding contributions of faculty members to the College. Faculty members who have been under a full-time contract with the College for fifteen (15) or more years and who have achieved the rank of Associate Professor or Professor at the time of retirement will be granted Emeritus status. This award is designed to recognize past service to the College and to encourage continued contact with and representation of the College in the community. Emeritus faculty may be retained to teach on an adjunct basis.

Faculty members who are awarded the Emeritus status will be invited to participate in and accorded non-voting attendance privileges at all College faculty meetings. Furthermore, they will be included in the College Bulletin until deceased and recognized by their title (Emeritus) as of the year of their retirement. Emeritus members of the faculty will be invited to all faculty socials and will be entitled to the use of College facilities, including parking areas, library, laboratories, gymnasium, computers, and the faculty dining room. They will also have access to faculty secretarial services, as approved by the VPAA, and will be allowed to audit academic courses at no cost. Emeritus faculty members may serve as consultants to the College on request, and they will be accorded positions of honor in all academic processions.

II. A. 10. Full-Time Non-Tenure Track Appointments**II. A. 10. a. Defined**

A non-tenure track appointment to the faculty is a full-time appointment which is neither with tenure nor with the rights and expectations of a probationary appointment. Non-tenure track appointments can be made at the rank of Assistant Professor for terms of one year renewable for up to four additional years. Non-tenure track faculty whose primary duties involve teaching in specialized areas shall be appointed as instructors with one-year terms that may be renewed indefinitely. Non-tenure track appointments do not possess the rights of probationary faculty to evaluation or appeal in connection with the non-renewal of an appointment.

II. A. 10. b. The Appointment

Non-tenure track faculty may be appointed only to cover the following two situations: to teach skills-oriented courses in the areas of language proficiency, writing, and laboratories; or to address temporary or unanticipated enrollment changes which do not justify the appointment of tenure-track faculty. Such appointments may be renewed by the Dean upon recommendation of the Chair or Director. In all other cases, full-time non-tenure-track appointments should be avoided in meeting the staffing needs of the college.

II. A. 10. c. Instructors and Lecturers

Non-tenure track faculty whose primary duties involve teaching in specialized areas shall be designated either 'Instructor' or 'Lecturer'; the former shall usually be reserved for full-time instructors or people of distinguished academic accomplishment. Contracts for non-tenure track faculty expire at the end of a specified period but may be renewed repeatedly.

II. A. 11. Temporary (Visiting) Faculty

Full-time Instructional Staff may receive temporary appointments. Temporary instructional staff contracts are generally issued for no more than one year and carry no promise or expectation of renewal. Temporary members of the instructional staff holding academic rank at another institution may be offered an appointment as a visiting member of the staff of the College with the title of the rank they hold at their home institution.

II. A. 12. Appointment of Administrators with Tenure

Administrators appointed to the office of Dean or higher who have earned tenure prior to accepting their administrative position at the College may be granted tenure in an academic department of the College concurrently with their administrative appointment. Otherwise, persons who are hired primarily for administrative positions shall not be granted tenure nor regarded as progressing toward tenure unless the procedures and requirements governing tenure-track appointments have been followed (Article II, Section A). Tenure is only granted only to faculty who have taught full-time for the requisite time in an academic department of the undergraduate College or SIS.

II. B. PART-TIME AND SPECIAL INSTRUCTIONAL STAFF APPOINTMENTS

II. B. 1. The appointment of part-time INSTRUCTIONAL STAFF should be in accord with the broad guidelines established in the AAUP statement, *The Status of Part-Time Faculty*. "The basic concerns are two-fold: (a) that part-time faculty members not be exploited, and (b) that they not be engaged to replace full-time faculty members with a result that would undermine the protection of academic freedom which faculty tenure provides and the amount of just compensation which faculty members have achieved" (*AAUP Policy Documents and Reports*, 2001, 9th edition, p. 58). Wherever possible, part-time faculty who have served in that capacity for more than three (3) years should be integrated into departmental meetings and other activities of the department relative to student advising, curriculum development, and so forth.

II. B. 2. Upon authorization by the VPAA part-time instructional staff shall be appointed by the Dean in consultation with the department chairperson or program director. An individual appointed on a part-time basis shall have achieved a level of higher education and/or distinction in a professional field commensurate with the academic responsibilities he/she is expected to

fulfill. Part-time instructional staff shall ordinarily be designated 'Lecturers' but on the recommendation of the Dean may be designated 'Instructors' by the VPAA.

II. B. 3. Part-time instructional staff are employed for specific teaching duties, ordinarily of six (6) hours or fewer each semester. Part-time faculty members do not acquire the right of probationary or continuous appointment, but part-time faculty who have taught for seven (7) continuous years or longer may be offered contracts of longer duration, some fringe benefits, and increased compensation. These privileges may be extended on the recommendation of the VPAA in consultation with the Faculty Council. All part-time instructional staff enjoy the same rights of academic freedom enjoyed by full-time faculty.

II. C. PERSONNEL FILES

II. C. 1. The College shall maintain a permanent personnel file for each faculty member, which shall be the property of the College. Such files shall contain but shall not be limited to copies of personnel transactions, official correspondence with a faculty member, and evaluation reports. Ad Hoc evaluations requested on the occasion of promotion and tenure consideration shall be deleted only after the grant of tenure and/or after the grant of a specific promotion. Faculty members shall have the right to have relevant material added to their personnel files. Faculty members are encouraged to keep this file up to date. Faculty members shall have the right to respond in writing to any document in the personnel file and have such responses included in such file and attached to the appropriate document. No anonymous evaluations and/or recommendations may be placed in the faculty member's personnel file.

II. C. 2. The faculty member, the President, the VPAA, the Vice President of Human Resources and the Dean shall have unrestricted access to the personnel file. The Board of Trustees, pursuant to a personnel issue under review by the Board shall have access to the personnel file. An application for tenure and/or promotion is construed as permission for the Faculty Council to have access to the personnel file. Otherwise, only the faculty member and the Dean may grant permission to other persons to access the personnel files, and the permission must be in writing. Beyond these exceptions, personnel files are strictly confidential.

II. C. 3. Faculty members may make or obtain copies of materials in their personnel file. Distribution of a part of the personnel file by a faculty member shall constitute authorization for distribution of other items from the file to the same distributees at the sole discretion of the President, the VPAA, or the Dean.

II. C. 4. The content of personnel files should be handled with the strictest confidentiality by all persons dealing with the information contained therein except that the data in a specific faculty member's file relating to another faculty member, or another member of the College community, may be distributed to such other members or group at the discretion of the Dean.

II. D. FACULTY EVALUATION

II. D. 1. Continuous Evaluation

As professionals, all faculty members have a responsibility to evaluate their own work continually. Beyond this, formal evaluation exists as an aid to professional self-development and as one of the vehicles for the determination of performance of professional responsibilities, promotion, and tenure. All faculty members at Saint Michael's will be evaluated regularly by chairperson or Directors and by the Dean. Evaluations, except ad hoc evaluations obtained for specific purposes only, will be written, discussed with faculty members, and placed in the personnel file.

II. D. 2. Professional Responsibilities: Faculty Evaluation Criteria

The College shall strive to recruit, retain and reward the finest faculty possible within the resources of the Institution. Promotion and tenure awards involve a serious and long-term commitment on the part of the College and largely determine its continued quality and reputation. Therefore, such decisions are highly selective and undertaken with the utmost professional care and objectivity. Teaching effectiveness is of paramount importance for both promotion and tenure. The College encourages and rewards scholarship and service, especially when they are clearly connected to teaching. Since scholarship informs and enhances teaching, scholarly contributions generally will be weighted more heavily than service in the tenure decision. Service opportunities ordinarily grow in scope and significance with experience and academic rank and accordingly are given greater weight in subsequent promotion decisions. All three criteria will be considered in any faculty evaluation.

II. D. 2. a. Teaching

Since the primary mission of the College is the education of its students, its faculty should reflect that focus. An excellent teacher is skilled at the art of instruction: able to stimulate student interest in the discipline, to convey knowledge effectively, and to increase measurably the level of student learning. Commitment to teaching requires the following: concern about and understanding of pedagogical issues, attention to communication skills, responsible class preparation, enthusiasm for the discipline, and rigorous knowledge of the subject matter in the field of expertise.

The instructor should possess deep and sustained knowledge of the discipline. She or he should have an understanding of the best and most current work in a subfield of the discipline. The instructor's teaching should reflect an understanding of the broader parameters of the discipline as well as its connections with other fields of expertise. Instructors should convey important insights about the subject, set high standards, and encourage students to work diligently. They should work effectively with students and be fair and constructive evaluators of their work. Effective teaching also entails periodic syllabus revisions, the development of new courses, and the incorporation of new pedagogic techniques.

The goals of the curriculum and the Mission Statement of the College encourage the faculty to develop and participate in interdisciplinary courses and programs which may include but are not limited to team-taught interdepartmental courses and first-year seminars.

Academic advising seeks to develop the students' understanding of the search for truth as reflected in both the liberal studies curriculum and in the major field of study. Such an understanding is an essential component of the development of the students' capacity to make decisions regarding their academic life, career planning, and life-long learning. Because this process is central to the nature of a learning community and draws deeply upon those qualities associated with effective teaching, academic advising is a teaching responsibility of the faculty.

The College encourages excellent teaching and rewards truly good teachers. Evidence of a teacher's performance relative to the above-mentioned qualities is a central consideration in the evaluation of faculty members. Though it is rare for an individual to meet all the expectations of an excellent teacher, all good teachers are expected to show evidence of superior performance relative to the qualities of excellent teaching. Good, not simply 'satisfactory', teaching is necessary to be awarded tenure or promotion and for on-going success as a faculty member.

In evaluating teaching performance, department chairs and the Faculty Council will give due consideration to student assessment of faculty teaching. Student evaluation of teaching should be interpreted carefully and in context.

II. D. 2. b. Scholarship

Given the nature of the mission of the College, the faculty engage in scholarship that is discipline specific and scholarship that reflects on the relationships among various disciplines.

Faculty should work to advance the state of knowledge in their field of expertise and recognize that they have a place within the community of scholars outside this institution. Scholarship should support teaching and serve as a means by which teaching is continually refreshed and revitalized.

Such work should be made available to professional colleagues for their evaluation and judgment to ensure that faculty members have continuing involvement with their peers, and that their work has been subjected to criticism and benefited from the insights of those best able to evaluate it through peer review outside of the College.

Manifestations of scholarship vary widely from one discipline to another. Examples of qualified scholarship include original research and scholarly studies which normally lead to publication in books or refereed journals, presentations and substantive involvement in

professional conferences, and scholarly activity supported by competitive grant applications. Equivalent expression of scholarship and creativity is expected in the performing and creative arts.

The specific standards of acceptable scholarship shall be stipulated by each academic unit. These will be reviewed by the Faculty Council, the Dean and the VPAA to assure that they conform to institutional standards.

In addition, faculty may engage in scholarship that reflects upon the relations among particular disciplines, as well as the whole array of human activities which contribute to culture and society. Such scholarship explores the questions and issues that are at the heart of a liberal education, and seeks to enhance a worthwhile life for individuals and the community. These scholarly activities and contributions are also subject to review and evaluation by those outside the College, and may complement the requirements for scholarship within one's discipline.

II. D. 2. c. Service

As an educational institution, the College needs and values the service of faculty on committees and activities which promote the state of its community in the broadest sense. Faculty guidance and input is considered essential by virtue of their academic training and experience and because of the central role they play in the education of students.

Faculty members are expected: to be active participants in the College governance process by attendance and participation in department and faculty meetings; to participate in the academic ceremonies of the College; to be responsible in committee assignments by participation and contribution; to be familiar with and support the Mission Statement of the College; to provide substantial service to the College and the academic department.

Service activities also include public service through the extension of teaching and research, such as presentations to community groups, active committee service within the College, service in professional organizations and charitable endeavors. Service connected to one's discipline is considered most valuable. Service to the broader community beyond the College is also encouraged.

II. D. 3. Evaluation of Faculty Members with Probationary Appointments

Probationary faculty members will be evaluated by their departments prior to each reappointment during the probationary period. A formal review will be conducted by the Faculty Council during the candidate's fourth year. In the case of credit for prior service, the schedule for subsequent reviews will be determined by the VPAA at the time of the initial appointment and confirmed before the end of the first academic year. Evaluations may examine (i) achievements related to the performance factors for tenure and promotion (Article II, Section D.1.) and (ii) overall value to the institution, including programmatic need within the College community.

The faculty member being considered for reappointment shall be provided an opportunity to submit information to the Office of the Dean concerning her or his qualifications and performance. The Chairperson or Director shall submit to the Dean a written recommendation on reappointment. Tenured members of the Department or Program shall also submit recommendations. Normally in the fourth year of service at St. Michael's, the application material and recommendations shall be submitted to the Faculty Council for review and recommendation to the Vice President for Academic Affairs. The faculty member under review shall have full access to the contents of the file used in reappointment reviews.

II. D. 4. Tenure Evaluation

Prior to granting tenure, a thorough formal review of probationary faculty members will be conducted by the Faculty Council in accordance with the terms described in II.E.1. below.

II. D. 5. Evaluation of Tenured Faculty Members

Tenured faculty members will be evaluated every fifth year by their department chairperson or Program Director, the Dean and another senior faculty member. In cases where the tenured faculty member is a chairperson or Director, the evaluation will be conducted by the Dean and two other senior faculty members. The regular fifth year evaluation of tenured faculty members is conducted primarily to facilitate the positive development of tenured faculty members and should therefore include establishing incentives and allocating resources to help achieve this end. Thus the Faculty Council need not be involved in the regular fifth year evaluations. Evaluators may examine the performance of faculty members as it relates to the requirements of the academic rank as described in Article II, Section A&B. and professional responsibilities as described in Article II, Section D.2. Tenured faculty members shall have full access to their files. In cases where a dispute arises concerning a tenured faculty member's formal evaluation, the faculty member may initiate a request for a formal review process (see II. K. Appeals and Grievances.)

II. E. TENURE AND PROMOTION PROCESS

II. E. 1. The awards of promotion and tenure require affirmative action by the President, whose decision is guided by the considered written opinion of the VPAA and Dean, and of the Faculty Council acting in its capacity as the elected representatives of the faculty at large. The Faculty Council is primarily responsible for the review of the candidate's application material, and consultations with and review of recommendations from the department chairperson or Program Director, and faculty colleagues, as described in further detail in Article II, Sections E.1. and E.2.c.

II. E. 2. Tenure

- II. E. 2. a.** Tenure assures the continuous appointment of full-time teaching faculty until retirement. It is subject to termination only for cause and according to the procedures described in Article II, Section I, TERMINATION OF APPOINTMENTS.
- II. E. 2. b.** Due to the long-term nature of the commitment of the institution to a faculty member in awarding tenure, the faculty member must demonstrate exceptional value to the institution. More specifically, the faculty member must have met the requirements of teaching, scholarship and service (described in Article II, Section D.2.) to a degree that warrants every expectation of a dynamic and vital professional career that will have long-term value for the College.
- II. E. 2. c.** With initial appointment and with each re-appointment there is an increasing presumption that the faculty member is meeting the performance requirements for faculty evaluated in the context of the needs of the relevant academic programs and of the institution. A tenure application should not be denied on the basis of problems of performance or institutional need which were known, or reasonably could have been known, by the time of the fourth-year evaluation, and which were not communicated to the applicant by that time. Concerns about need should address the issues which formed the basis for the establishment of the initial tenure-track appointment of the incumbent. These include current and projected enrollments, the need for the specific knowledge and skills provided by the incumbent in fulfilling department and student learning objectives, and advancement of the state of the art in the incumbents' field of expertise. It is the responsibility of both the administration and the department to address concerns about these issues in a timely fashion; they should not be based on temporary trends in enrollment or curriculum. Unless by reason of financial exigency or the discontinuance of a program as explained in Article II, Section I, the institution shall not decide to discontinue the position held by a non-tenured faculty member during the final two years of the probationary period.
- II. E. 2. d.** Normally in the sixth year of the probationary period, an individual faculty member will submit a written application for tenure according to the Guidelines established by the Faculty Council in consultation with the VPAA and the Dean. These Guidelines will be distributed to all concerned parties. Requests for tenure will be evaluated in accordance with the criteria described in Article II, Section D.2.
- II. E. 2. e.** The primary material that the College will use in evaluating a faculty member for tenure will be the application material submitted by the applicant and any written evaluations, whether solicited or unsolicited. The applicant shall provide material relevant to qualifications and performance in teaching, scholarship, and service which is as complete as possible. The Chairperson or Director and each tenured member in the department in which the applicant holds her/his appointment shall prepare and submit written evaluations of the applicant. The Chairperson or Director's letter will be

reviewed with the candidate. To insure that there are at least six internal evaluations, the Dean shall secure written evaluations from additional faculty in cognate fields selected by the Faculty Council from among a group suggested by the applicant and the Dean. These evaluations shall address in separate paragraphs the qualifications and performance of the faculty member in teaching, scholarship, and service. Then, in addition, at least two external letters of evaluation will be secured. These additional evaluations will be selected from among a group suggested by the applicant and the Dean. The Dean shall assemble separately the teaching, scholarship, and service evaluations, and all other substantive comments from all letters, without identifying the author, and submit these to the applicant who may respond in writing to any item in the evaluations. Failure to provide such access shall constitute a breach of "adequate consideration." It is the responsibility of each evaluator to maintain anonymity.

II. E. 2. f. After the decision process has been completed, all ad hoc evaluations requested in connection with the application for tenure and/or promotion with the exception of the letter of the Chairperson or Director shall be removed from the faculty member's file and shall not be referred to in any subsequent evaluation or personnel decision affecting the faculty member.

II. E. 2. g. Under normal circumstances, tenure and promotion to the rank of Associate Professor will be granted in the same process. In the case of an initial appointment of a faculty member to the rank of Associate Professor or Full Professor, tenure may be awarded after one year of full-time teaching at the College. After consultation with the Faculty Council the Dean may recommend tenure for an incoming faculty member who already had tenure at another accredited institution of higher education.

II. E. 2. h. An appeal to the President requesting reconsideration of an unfavorable tenure decision may be based only on the grounds of an infringement of academic freedom, unlawful discrimination or discrimination on a basis not demonstrably related to the faculty member's professional performance, or failure to adequately consider a decision. Following reconsideration, the decision of the President on the appeal is final. The appeal procedure is described in Article II, Section K.

II. E. 3. Promotion

II. E. 3. a. There is no limit on the number of years a faculty member may serve in a given rank. Promotion from one rank to another is not automatic, and only in exceptional circumstances will the faculty member be eligible for advancement in intervals shorter than three (3) years. The minimum requirements for each rank are developed in Article II, Section A.8 (APPOINTMENTS).

II. E. 3. b. Individual faculty members will submit a written application for promotion. (See guidelines for submitting material for tenure and/or promotion which are published

annually by the VPAA.) An information copy of the request will be sent to the department chairperson or Program Director. Requests for promotion will be evaluated in Program accordance with the criteria described in Article II, Section D.2.

- II. E. 3. c.** The primary material that the College will use in evaluating a faculty member for promotion will be the application material submitted by the applicant and any written evaluations, whether solicited or unsolicited. The applicant shall provide material relevant to qualifications and performance in teaching, scholarship, and service which is as complete as possible. The Chairperson or Director and each member of higher rank in the department in which the applicant holds her/his appointment shall prepare and submit written evaluations of the applicant. The Chairperson or Director's letter will be reviewed with the candidate. To insure that there are at least six internal evaluations, the appropriate Dean shall secure written evaluations from additional faculty in cognate fields selected by the Faculty Council from among a group suggested by the applicant and the Dean. These evaluations shall address in separate paragraphs the qualifications and performance of the faculty member in teaching, scholarship, and service. Then, in addition, at least two external letters of evaluation will be secured. The Dean shall assemble separately the teaching, scholarship, and service evaluations, and all other substantive comments from all letters, without identifying the author, and submit these to the applicant who may respond to any item in the evaluations. Failure to provide such access shall constitute a breach of "adequate consideration." It is the responsibility of each evaluator to maintain anonymity.
- II. E. 3. d.** With the exception of the letter of the Chairperson or Director, after tenure and/or promotion has been granted, all ad hoc evaluations requested in connection with the application for tenure and/or promotion shall be removed from the faculty member's file and shall not be referred to in any subsequent evaluation or personnel decision affecting the faculty member.
- II. E. 3. e.** An appeal to the President requesting reconsideration of an unfavorable promotion decision may be based only on the grounds of an infringement of academic freedom, unlawful discrimination or discrimination on a basis not demonstrably related to the faculty member's professional performance, or failure to adequately consider a decision. Following reconsideration, the decision of the President on the appeal is final. The appeal procedure is described in Article II, Section K.

II. F. ACADEMIC FREEDOM**II. F. 1. Principles of Academic Freedom**

The College supports the following principles related to academic freedom:

- II. F. 1. a.** Faculty members, as teachers and scholars, have full freedom in research, subject to the performance of other academic responsibilities.
- II. F. 1. b.** They have the freedom to publish the results of their research.
- II. F. 1. c.** They have the freedom to plan courses and discuss their subjects according to the dictates of their training and knowledge.
- II. F. 1. d.** They have the freedom to speak, write, or act on public issues as citizens without institutional censorship or discipline.

II. F. 2. Faculty Responsibilities and Academic Freedom

Recognizing the responsibilities imposed by the principle of academic freedom, faculty members agree to respect the following:

- II. F. 2. a.** In lecturing or teaching, they should support the basic mission and goals of the College. While free to discuss objectively any political or religious issue in which they have competence, and to state their position freely, they should respect the freedom of students to take a contrary position without imposing a penalty on those who do.
- II. F. 2. b.** When speaking, writing, or acting as citizens, they should remember that the public may judge their profession and their institution by their utterances or actions; hence, they should make every reasonable effort to be accurate, exercise appropriate restraint, show respect for others, and indicate that they are not speaking or acting on behalf of the institution.
- II. F. 2. c.** They should encourage the free pursuit of learning by students, maintain the highest scholarly standards, and treat their students with respect.
- II. F. 2. d.** They should respect the confidential nature of the professor-student relationship when they serve as intellectual guides and counselors.
- II. F. 2. e.** They should make every reasonable effort to foster honest academic conduct by the students and to evaluate the students according to their true merit and accomplishment.

II. G. RIGHTS OF NON-TENURED FACULTY REGARDING ACADEMIC FREEDOM, TERMINATION, OR SANCTION

II. G. 1. Non-tenured faculty members enjoy the same academic freedom as tenured faculty. These freedoms are elaborated in Article II, Section F (ACADEMIC FREEDOM).

II. G. 2. Probationary faculty members are subject to termination as delineated in Article II, Section I (TERMINATION OF APPOINTMENTS) and non-renewal as delineated in Article II, Sections A, B and I (APPOINTMENTS and TERMINATION OF APPOINTMENTS) and sanctions other than termination under the same conditions as delineated in Article II, Section J (IMPOSITION OF SANCTIONS OTHER THAN TERMINATION)

II. H. LEAVES OF ABSENCE

The College may grant leaves of absence and sabbatical leaves for the following reasons:

II. H. 1. A faculty member may be granted a leave of absence for up to two years to engage in doctoral or other continuing studies at another college. In granting such leaves, the College guarantees to faculty that they may return at the end of such leave without the loss of seniority or position. The College has no obligation to pay a faculty member's salary during such leave but may continue to pay benefits. Such leaves cannot be taken in the academic year preceding or following any other leave of absence or sabbatical.

II. H. 2. A sabbatical leave may be granted to tenured faculty who have been teaching continuously at the College for at least five years. A sabbatical leave may be granted by the President after consultation with the appropriate Chairperson or Director, Coordinator or Program Director, the VPAA, the Faculty Council, and the Dean. The faculty member will be paid full salary for one semester or half salary for a full-year leave. The faculty member will receive full benefits during any sabbatical.

II. H. 3. Sabbaticals are provided to faculty members to allow them the opportunity for enriching their professional growth through research, reflection, writing or artistic creation in their academic field. The request for a sabbatical shall originate with the faculty member, and will include a detailed proposal for how the time is to be used. At the conclusion of the sabbatical, faculty shall submit to the Dean a report of the accomplishments achieved during the sabbatical. This report, which will become a part of the faculty member's personnel file, will be used in the College's consideration of future sabbatical requests from the faculty member.

II. H. 4. Faculty who are released from certain faculty responsibilities in order to fulfill administrative duties are expected to meet the standards and expectations of performance that are consistent and equitable with those required of all tenure-track faculty. These faculty may choose to apply only some portion of their time spent in administrative duties as time to be

counted toward the probationary period for tenure. This should be confirmed in a written agreement with the faculty member at the time of appointment to administrative duties.

II. H. 5. Faculty members with tenure who suffer a substantial physical or mental breakdown with resulting inability to meet their responsibilities as faculty members will be granted a leave of absence for the duration of their illness (in no case to exceed two years) without the loss of rank. Sick leave benefits as set forth in the Faculty Manual shall apply. A finding of inability shall be made by the Dean after consultation with the Faculty Council, and the faculty member may appeal the decision in accordance with Article II, Section K.2. While the College cannot guarantee re-employment after two years, reasonable efforts shall be made to reinstate the individual concerned.

II. H. 6. Additional leaves of absence may be granted to members of the faculty at the College's discretion. The College reserves the right to grant a leave subject to no guarantee of job protection or seniority. Provisions may be made to continue payment of benefits. The terms of additional leaves of absence should be confirmed in writing at the time the leave is granted.

II. H. 7. Leaves for scholarly work during the probationary period may be counted as part of the probationary period for faculty holding the terminal degree in their field. This should be confirmed in detail by written agreement with the individual faculty member at the time scholarly leave is granted.

II. I. TERMINATION OF APPOINTMENTS

II. I. 1. Probationary Appointments

Probationary appointments end at the close of the period specifically stated in the contractual agreement. These appointments may be renewed. The determination of whether to renew or not to renew the appointments of probationary faculty members at the end of their contractual terms will be made in accordance with the appropriate procedures and evaluations specified in Article II, Section D.3. Notice of intention not to reappoint a faculty member will normally be given in writing not later than March 1 of the first year of probationary service, and not later than December 15 of the second and succeeding years of probationary service.

II. I. 2. Continuous Appointments

The appointment of a faculty member with tenure shall terminate on June 30 after the faculty member tenders a letter of resignation, unless another date is agreed to by the faculty member and the administration. A faculty member may resign at any time with the approval of the President. The request for Presidential approval should be made to the VPAA. As a matter of professional ethics, the longest possible notice of resignation should be given to the College.

II. I. 3. Termination by the College (President or Board of Trustees):

Termination by the College may be effected by independent action of the President or of the Board of Trustees. Termination of a continuous appointment or of a probationary appointment before the end of the specified term may be effected by the College only for adequate cause, such as: (i) financial exigency, (ii) sexual or racial harassment, (iii) physical or mental incapacity, (iv) conviction of a serious crime, (v) moral delinquency, (vi) public behavior that may damage the reputation of the College or its personnel, (vii) professional incompetence or continuing neglect of academic duties or other assigned responsibilities, (viii) disregard for the basic mission and goals of the College.

For complaints involving discrimination or sexual harassment, the following procedures may be augmented or superseded by College-wide policies required by applicable state, or federal law.

II. I. 4. Financial Exigency**II. I. 4. a. Defined**

Termination of individual appointments with tenure, or termination of a program which results in the termination of individual appointments with tenure, may occur because of a bona fide financial exigency. A financial exigency is a serious threat to the long-term financial viability of the institution which can be alleviated only by extraordinary measures.

II. I. 4. b. Implementation Process

- II. I. 4. b. i.** The decision that a condition of financial exigency exists is made by the Board of Trustees following consultation with the President. The Faculty Welfare Committee will participate fully in the process by which a decision is reached that a condition of financial exigency exists, and it will advise as to whether all feasible alternatives to termination of a tenured appointment have been pursued.
- II. I. 4. b. ii.** Criteria to be used for the implementation process would include the seniority of faculty members by academic rank and length of service, and the need for specific faculty in order for the College to be able to continue to offer the academic programs being retained. Specifically to be excluded as criteria would be age, gender or other personal characteristics of faculty members including the size of the faculty member's compensation. The Executive Committee of the Faculty Assembly will participate fully with the Administration in the determination of more specific criteria for identifying the faculty appointments to be terminated.
- II. I. 4. b. iii.** The VPAA, with full participation of the Chair or Director of the affected departments or programs, has responsibility for identifying the appointments to be terminated in light of the criteria established.

II. I. 4. c. New Appointments

If the institution terminates a program or individual appointments with tenure because of financial exigency, it will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.

II. I. 4. d. Placement of Faculty

Before terminating a program or an individual appointment with tenure because of financial exigency, the institution, with departmental and/or Faculty Council participation, will make every effort to place the faculty member concerned in another suitable position within the institution.

II. I. 4. e. Severance

In all cases of termination of appointment because of financial exigency, the faculty member concerned will be given notice and/or severance salary not less than what is prescribed in Regulation 8 of the "Recommended Institutional Regulations on Academic Freedom and Tenure" of the *AAUP Policy Documents and Reports*, 2001, 9th edition, p. 21.

II. I. 4. f. Replacement of Faculty

In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement without loss of seniority and a reasonable time in which to accept or decline the offer.

II. I. 4. g. Right to a Hearing

Faculty members who have been notified by the President of the intent to terminate their appointments because of financial exigency may file a written appeal with the President within ten (10) working days of receipt of formal notification of termination. The appeal must be based upon an alleged violation of academic freedom or upon an alleged failure to implement properly the provisions of I.4.b-e. Upon receipt of an appeal the President will carefully reconsider the decision in consultation with others who were involved in the process which led to the decision. The President shall make the final decision to confirm or rescind the notification of termination.

II. I. 5. Discontinuance of Program or Department NOT Mandated by Financial Exigency

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the specified term, may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply:

- II. I. 5. a.** The discontinuation of a program or department of instruction will be based essentially upon the procedures and educational considerations described in Article I, Section A.5.a. and b. This process will involve the participation of the Curriculum Committee and the approval by the faculty as a whole.
- II. I. 5. b.** Before the President issues notice to a faculty member of the intention to terminate an appointment because of the Board's decision to discontinue a program of instruction or department, every effort will be made to place the faculty member concerned in another suitable position. If placement in another position would be facilitated by a period of training, financial and other support for such training will be proffered. If no position is available within the institution, with or without retraining, the faculty member's appointment then may be terminated. Severance salary equitably adjusted to the faculty member's length of past and potential service in accordance with Regulation 8 of the "Recommended Institutional Regulations on Academic Freedom and Tenure" of the *AAUP Policy Documents and Reports*, 2001, 9th edition, p. 21.
- II. I. 5. c.** A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to appeal. The issues considered in this appeal may include the institution's failure to satisfy any of the conditions specified in Article II, Section I.5.a. and b. The decision that a department or program will be discontinued is not a matter of appeal, but the burden of proof on other issues will rest on the College.

II. I. 6. Termination for Cause

Termination of a faculty appointment for cause, which shall be defined for the purpose of these procedures to also include suspension or reduction in individual base salary or benefits, may be effected by the president as specified in Article II, Section I, 3, except (ii). Such termination must be in accordance with the procedures outlined below.

II. I. 6. a. Termination Procedures

Initiation of termination procedures cannot be used to restrain the exercise of academic freedom or fundamental civil rights. A faculty member, being informally advised by the VPAA that termination for cause will be undertaken, may waive, in writing, all or part of the termination procedures (except the formal notice of termination may not be waived), at any stage thereof and/or may make a request that a specific sanction short of termination be imposed rather than termination and such request shall be part of the deliberation process under the termination procedures. The faculty member may, at any time, terminate the termination procedure by formal written resignation.

II. I. 6. b. Notification

Notice of termination must be preceded by:

- II. I. 6. b. i.** Discussions among the faculty member, the department chairperson or Director, the Dean, and the VPAA, in an attempt to arrive at a mutually acceptable solution.

- II. I. 6. b. ii.** Informal inquiry by a three (3) member committee appointed by the Faculty Council for the purpose of preliminary fact-finding. No Council member shall serve on this committee. No written findings of fact or expression of opinion or advice need be filed by the committee nor are written minutes of the committee deliberations required. The results of the inquiry shall be orally reported in a joint meeting of the committee, the faculty member, the department chairperson or Director, the Dean, and the VPAA. The Committee shall complete its inquiry within twenty (20) working days after appointment. In this context, the term "working day" is defined as any day that the administrative offices of the College are open for business regardless of whether classes are in session.

The findings are not determinative of the cause but only advisory.

- II. I. 6. b. iii.** A statement of charges constituting the notice of termination and/or a sanction less than termination reasonably specific, from the President or his delegate.

- II. I. 6. b. iv.** A formal hearing before the Faculty Council to be held not sooner than twenty (20) days following the date that the statement of charges was issued by the President. The faculty member may challenge, and request the disqualification of up to two (2) members of the Council for reasons of bias or conflict of interest. Members of the Council may also disqualify themselves. If disqualification(s) occur, as many tenured replacements as are necessary to provide a full Council Hearing Committee will be provided by the Faculty Welfare Committee.

II. I. 6. c. **The Hearing**

- II. I. 6. c. i.** During the proceedings the faculty member and the College may choose to have academic and legal counsel at their expense. Upon the request of either party, a representative of a responsible educational association may be permitted as a non-participating observer. A verbatim record of the proceedings will be taken, and made available to the College and to the faculty member without charge.
- II. I. 6. c. ii.** The Administration will cooperate in making available necessary witnesses or evidence as required by the Hearing Committee. The faculty member and the College will have the right to introduce, confront and examine witnesses.
- II. I. 6. c. iii.** The written Findings of Fact and recommendations, and the decision will be based solely on the hearing record. The burden of proof for adequate cause is on the College.
- II. I. 6. c. iv.** The Council Hearing Committee will report its findings of fact and recommendations to the President and to the faculty member. The recommendations may be for termination, that there is insufficient cause for

termination, or that a lesser sanction would be more appropriate. The President shall make the final decision. The faculty member may elect to resign prior to the decision of the President, which is final.

II. I. 6. c. v. During the hearing procedure, a faculty member may be suspended with salary or assigned non-teaching responsibilities as specifically set forth in the notice of termination.

II. I. 6. d. Effective Date

Termination for reasons other than grave moral delinquencies, sexual or racial harassment, or irresponsible public behavior shall take effect at the end of the academic year in which the notice of termination occurs. Termination for grave moral delinquencies, sexual or racial harassment, or irresponsible public behavior shall take effect upon the date of the President's reply to the appeal or, in the event of no appeal, upon the date of the final decision of the Hearing Committee. A sanction less than termination may have a specific effective date and, if affirmed by the President, shall take effect as specified.

II. I. 6. e. Appeal

Appeals under Termination of Appointments can be made in regard to dismissal of a tenured faculty member or of a faculty member with a probationary appointment prior to the end of term. An appeal to the President requesting reconsideration of such termination decisions may be based only on the grounds of an infringement of academic freedom, unlawful discrimination or discrimination on a basis not demonstrably related to the faculty member's professional performance, or failure to adequately consider a decision. Following reconsideration, the decision of the President on the appeal is final. The appeal procedure is described in Article II, Section K.

II. J. IMPOSITION OF SANCTIONS OTHER THAN TERMINATION

II. J. 1. Reasons for Sanctions Other than Termination

Sanctions other than termination may be imposed on a faculty member for failure to fulfill professional responsibilities or for conduct tending to affect adversely the institution, as well as for all the causes specified in Article II, Section I, 3 (with the exception of (i), (ii) and (iii)).

II. J. 2. Instances

Sanctions short of termination may be imposed in any of the following instances:

- II. J. 2. a.** The cause for sanction is recognized by the institution as insufficient for termination.
- II. J. 2. b.** The institution considers the cause sufficient for termination but does not choose to terminate the individual.
- II. J. 2. c.** The President decides upon a lesser sanction as provided for in Article II, Section I.
- II. J. 2. d.** The faculty member makes the specific request, specifying the sanctions that are to be imposed.

II. J. 3. Types of Sanction

Sanctions other than termination may include but are not limited to the following:

- II. J. 3. a.** A written reprimand by the Chairperson, Director, Dean or VPAA to be entered in the faculty member's personnel file. Such a reprimand may be taken into account in subsequent considerations of re-appointment, promotion, tenure, sabbatical leave or salary increases.
- II. J. 3. b.** Restitution for damage or loss suffered by the College, its staff, students or others.
- II. J. 3. c.** The requirement to participate in a specified program of training, development or therapy.

II. J. 4. Procedures for Imposition of Sanctions Other Than Termination

In the event that the imposition of a sanction other than termination is being considered, the VPAA shall notify the faculty member of the basis for the proposed sanction and provide the faculty member with an opportunity to respond in person and in writing to the grounds for a sanction, and to the appropriateness of the proposed sanction. A sanction other than termination may be appealed by the affected member.

II. J. 5. Appeal

An appeal to the President requesting reconsideration of a sanction may be based only on the grounds of an infringement of academic freedom, unlawful discrimination or discrimination on a basis not demonstrably related to the faculty member's professional performance, or failure to adequately consider a decision. Following reconsideration, the decision of the President on the appeal is final. The appeal procedure is described in Article II, Section K.

II. K. APPEALS AND GRIEVANCES

II. K. 1. Overview of Appeals and Grievances

II. K. 1. a. This section deals with appeals and grievances.

II. K. 1. a. i. Appeals

An **appeal** is a formal request for reconsideration of a Personnel Decision (Promotion, Tenure, Dismissal of a tenured faculty member or of a faculty member with a probationary appointment prior to the end of the contract term, or of the Imposition of a sanction less than dismissal).

II. K. 1. a. ii. Grievances

A **grievance** is a complaint against policies or actions of the College not directly related to formal personnel decisions.

II. K. 1. b. **Appeals and grievances** will both be handled in a two-step process. In the first step, an informal resolution is attempted. The second, formal, step involving a Review Committee, will be used only if the matter cannot be resolved informally at the first step.

Procedures and definitions which are common to both appeals and grievances are described below in **II. K. 2**. The second step in both an appeal and a grievance involves the appointment of a Review Committee.

The specifics of the two-step process are different for appeals and grievances; and they are described separately below in **II. K. 3. Appeals**, and **II. K. 4. Grievances**.

II. K. 1. c. An **appeal** may only be made by the faculty member directly affected by a decision regarding an application for tenure or promotion, upon notification of dismissal of a tenured faculty member or of a faculty member with a probationary appointment prior to the end of the contract term, or upon imposition of a sanction less than dismissal. Personnel decisions may be appealed only upon the grounds of unlawful discrimination, infringement of academic freedom, or absence of "adequate consideration" as those terms are defined hereafter.

Saint Michael's College defines the following terms based upon the definitions of the American Association of University Professors:

II. K. 1. c. i. Unlawful Discrimination is defined by the American Association of University Professors as "illegal or unconstitutional discrimination, or discrimination on a basis not demonstrably related to the job function involved, including, but not limited to, age, sex, disability, race, religion, national origin, marital status, or sexual orientation." *AAUP Policy Documents and Reports*, 2001, 9th edition, p. 185.

II. K. 1. c. ii. Academic Freedom is defined in Sections II. F. 1. & 2. of these regulations.

II. K. 1. c. ii. Adequate Consideration is defined by the American Association of University Professors as follows: "The term 'adequate consideration' refers essentially to procedural rather than substantive issues: Was the decision conscientiously arrived at? Was all available evidence bearing on the relevant performance of the candidate sought out and considered? Was there adequate deliberation. . . over the import of the evidence in light of the relevant standards? Were irrelevant and improper standards excluded from consideration? Was the decision a bona fide exercise of professional academic judgment? These are the kinds of questions suggested by the standard 'adequate consideration'." *AAUP Policy Documents and Reports*, 2001, 9th edition, p. 19-20.

II. K. 1. d. The term grievance applies to a complaint about matters other than personnel actions. A grievance may be filed by a faculty member seeking redress from a violation, misapplication, or misinterpretation of a College regulation, policy, or procedure. A grievance is normally brought by an individual; only rarely would a grievance involve action by a class of individuals.

II. K. 1. e. The filing of a grievance shall not prevent the College from taking the action complained of, unless the complainant establishes that such action would be irreversible if the final decision were in favor of the complainant.

II. K. 2. Procedures and Definitions

The procedures and definitions described in this section apply to both appeals and grievances. Procedures specific to appeals are described below in **II. K. 3**. Procedures specific to grievances are described below in **II. K. 4**.

Whenever possible within this section, the term "complaint" will be used to apply to both appeals and grievances, and the term "complainant" will be used to apply to the person filing the appeal or grievance. The complainant will bear the burden of proof in specifying the grounds for the action being brought and the alleged irregularities.

II. K. 2. a. For complaints involving unlawful discrimination or sexual harassment, the following procedures may be augmented or superseded by College-wide policies required by applicable state, or federal law. (See Personnel Handbook, Saint Michael's College)

II. K. 2. b. The term "President" in the following description of procedures is meant to apply to the President of the College or to a subordinate officer designated by the President to handle the complaint. In the event that the dispute is handled by a subordinate officer, the actions of that officer will be deemed to be the actions of the President. Subsequent

requests that the President reconsider a dispute handled by a subordinate officer will not be permitted.

II. K. 2. c. Deadlines have been established at each step to encourage timely resolution of complaints. In this context, the term "working day" is defined as any weekday (Monday-Friday) that the academic administrative offices of the College are open for business regardless of whether classes are in session. Deadlines define the normal expectation of action or response but may be exceeded by reason of the unavoidable absence of faculty or administrators involved in the dispute resolution process. The parties involved are expected to make a good faith effort to meet deadlines and each should inform the other parties in advance of any anticipated problem in meeting a deadline and the reasons for the problem.

II. K. 2. d. Complainants may represent themselves or be represented by a faculty or staff member of their choice provided that person has had no prior involvement in this specific case.

II. K. 2. e. By filing an appeal or a grievance the complainant agrees that the Review Committee (see (g) below) shall have access to all relevant documentation including that originally viewed by the Faculty Council or College administrators.

II. K. 2. f. The complainant may withdraw an appeal or grievance at any point in the process prior to the final report of the Review Committee.

II. K. 2. g. Review Committee

Any complaint which cannot be resolved satisfactorily at Step One will be considered at Step Two by a Review Committee selected to handle that particular case.

Within ten (10) working days of receipt of a written request for a Review Committee, a three member Review Committee will be selected from those members of the Dispute Resolution Panel who are eligible for the case. Members of the Panel who have had substantive prior involvement in the case, or who have an apparent conflict of interest are ineligible to serve on the Review Committee and will withdraw from the selection process.

The three members of the Review Committee will be selected from the members of the Dispute Resolution Panel. The complainant, the President, and the Welfare Committee shall, in that order, each select one member of the Review Committee.

Following selection of the Review Committee, the complainant, the President, and the Welfare Committee shall, in that order, have the right to disqualify one committee member selected by either of the other two parties. In the event of a disqualification, the party that made the original appointment will appoint a replacement from among the

remaining members of the Dispute Resolution Panel. No subsequent disqualifications will be allowed.

The Review Committee will have full and unrestricted access to all documents relevant to the case, including the complainant personnel file, but will exercise due respect for confidentiality. The Review Committee may interview all persons involved in the dispute including but not limited to: the President, subordinate College officers, members of the Faculty Council or other relevant faculty committees, and other College personnel who reasonably can be expected to provide relevant information.

The Review Committee will establish its own procedures and define the boundaries of the inquiry. It will not be bound to conduct its business according to the legal procedures of a court of justice, but it will seek to make its decision based on information that it believes to be accurate and relevant in order to render a just decision. Apropos is the following 1976 United States Supreme Court decision:

"THE JUDICIAL MODEL OF AN EVIDENTIARY HEARING IS NEITHER THE REQUIRED, NOR EVEN THE MOST EFFECTIVE, METHOD OF DECISION-MAKING IN ALL CIRCUMSTANCES. ... ALL THAT IS NECESSARY IS THAT THE PROCEDURES BE TAILORED, IN THE LIGHT OF THE DECISION TO BE MADE, TO THE CAPACITIES AND CIRCUMSTANCES OF THOSE WHO ARE TO BE HEARD. ... SUBSTANTIAL WEIGHT MUST BE GIVEN TO THE GOOD-FAITH JUDGMENTS OF THE INDIVIDUALS CHARGED ... WITH THE ADMINISTRATION OF THE ... SYSTEM THAT THE PROCEDURES THEY HAVE PROVIDED ASSURE FAIR CONSIDERATION OF THE ENTITLEMENT CLAIMS OF INDIVIDUALS." Mathews vs. Eldridge (1976) 96 Sup Ct 893,909.

Meetings of the Review Committee are private and no minutes will be kept. At its sole discretion and only at specified times, the Review Committee may allow parties in the complaint to be present when the Review Committee believes that their presence will help facilitate resolution of the dispute.

Consistent with its responsibility to monitor the implementation of the procedures specified in the Faculty Regulations and Bylaws (I.c.3.b.ii), the Welfare Committee will meet with the Review Committee at the completion of the process to discuss the major procedural issues of the case.

II. K. 3. Appeals -- Specific Procedures

II. K. 3. a. Appeals: Step One - Filing

A written appeal must be filed with the President within ten (10) working days of receipt of formal notification of a personnel decision. The complainant should clearly indicate both the personnel decision being appealed and the specific ground(s) for making the appeal: unlawful discrimination, infringement of academic freedom, or failure to provide adequate consideration to the decision. (see II.K.1.c for descriptions and grounds). The

complainant must also provide relevant evidence or information about the alleged improprieties relative to how the decision was reached. The President or designated subordinate will issue a written response to the appeal within fifteen (15) working days of its submission. This response may consider the merits of the appeal or refer the matter to the Chair of the Welfare Committee to initiate the appointment of a Review Committee.

II. K. 3. b. Appeals: Step Two - Review Committee

II. K. 3. b. i. Preliminary Review

Within ten (10) working days of receipt of the President's response to the filing of the appeal, a complainant who is dissatisfied with the President's response shall notify in writing the Chair of the Welfare Committee that a Review Committee is requested to hear the appeal. Procedures for appointing the Review Committee are described in Section II.K.2.g.

Having received the appeal from either the President or the complainant, the Review Committee shall meet initially to select a Chair and to review the written documents relevant to the appeal. The Chair of the Review Committee shall invite the complainant to meet with the Committee for the purpose of assisting the Committee's understanding of the nature of the appeal.

The Chair of the Review Committee shall ask the President or delegated representative to meet with the Committee to aid the Committee's understanding of the administration's response to the appeal.

The Review Committee may seek an informal resolution of the appeal by facilitating communication between the complainant and the administration, by being alert to any procedural impropriety that may have occurred, and when feasible, by identifying possible bases of compromise.

This preliminary appeal process shall not normally exceed fifteen (15) days, and at its conclusion the Chair of the Review Committee shall write to the complainant and the President informing them whether the Committee was able to bring a resolution of the appeal.

In considering an appeal, the Review Committee will focus its deliberations on the three grounds for appeal described above: unlawful discrimination, infringement of academic freedom, or failure to provide adequate consideration to the decision (K.1.c). The Review Committee will not render a judgment regarding the merits of the personnel decision itself (i.e., whether the candidate deserved to be promoted, tenured, or dismissed, etc.) but rather on the alleged improprieties relative to how the personnel decision was reached.

II. K. 3. b. ii. Final Review

Within ten (10) working days of receipt of the Review Committee's response from the Preliminary Review, the complainant will notify the Chair of the Review Committee if a final review is requested of the original appeal. During this phase of the appeal the Review Committee shall expand both its interviews and the range of documents reviewed relevant to the case as described above in II.K.2.g.

The Review Committee will conclude its investigation and report in writing to the President and the complainant within twenty (20) working days. If the Review Committee determines that reconsideration is warranted, then the Review Committee will send a copy of its written report to all individuals and faculty bodies involved in the reconsideration process, as specified in II.K.3.d. below.

II. K. 3. c. Appeals: Decision Upheld

In the event that the Review Committee finds no unlawful discrimination, infringement of academic freedom, or a failure to adequately consider the personnel issue, then the disputed personnel decision shall be deemed final; the decision shall stand with no further appeal.

II. K. 3. d. Appeals: Reconsideration

If the Review Committee considering an appeal does identify unlawful discrimination, violation of academic freedom, or a failure to provide adequate consideration to the decision (II.K.1.c.), then the Review Committee will direct reconsideration of the decision beginning at the level where the problem(s) first occurred. The Review Committee's written decision shall specify the level where reconsideration shall begin and the specific irregularities that warranted the reconsideration. The Review Committee's written decision will not attempt to influence the ultimate outcome of the reconsideration.

Beginning at the level directed by the Review Committee, the reconsideration shall focus on the merits of the original application, with particular attention to the irregularities identified by the Review Committee. The reconsideration shall not be construed as an opportunity to submit additional materials as part of a new or amended application. Only those written materials that were submitted, or which should have been submitted in accordance with these *Faculty Regulations*, as part of the original application shall be considered during the reconsideration process.

The President will communicate the results of the reconsideration to the complainant and the Review Committee in writing within thirty (30) working days of the beginning of the reconsideration process. The decision of the President in the reconsideration process is final.

II. K. 4. Grievances -- Specific Procedures**II. K. 4. a. Grievances: Step One**

Informal resolution of grievances is encouraged, and this should be accomplished at the lowest administrative level possible. A faculty member should first attempt to resolve the matter with the assistance of the Department Chair or other appropriate authority.

If the grievance cannot be resolved informally, the complainant shall submit the grievance in writing to the Dean of the complainant's academic unit within ten (10) working days following the unsatisfactory, informal attempt at resolution. The written submission should state the nature of the grievance, the dates and outcomes of the discussions prior to filing said grievance. The grievance filed should include relevant facts, the provision(s) of the agreement alleged to have been violated, where relevant, and the adjustment sought.

Within ten (10) working days of receipt of the grievance, the appropriate Dean shall arrange a meeting with the parties involved. After adopting formal procedures to hear the grievance, the Dean (or if the Dean is a party to the grievance, the Vice President for Academic Affairs) shall hear the grievance, decide the same and report the decision in writing to the parties involved, with a copy to the Vice President for Academic Affairs, and the Faculty Welfare Committee within ten (10) working days of the hearing.

II. K. 4. b. Grievances: Step Two - Review Committee

A complainant who is dissatisfied with the response from Step One may ask that the matter be considered by a Review Committee by submitting a written request to the Chair of the Faculty Welfare Committee and the President (or designated subordinate) within 10 working days of the receipt of the response from Step One. Procedures for appointing the Review Committee are described above in Section II.K.2.e.

The Review Committee will undertake a Final Review of the grievance, formulate a resolution to the grievance, and report in writing to the President and the complainant within twenty (20) working days of its first meeting with the complainant. The decision of the President with respect to the grievance shall be final.

III. AMENDMENTS

The Faculty Regulations and Manual are within the jurisdiction of the Board of Trustees of the College. The approval of the Board of Trustees prior to their implementation or final amendment is a prerogative reserved to the Board of Trustees (Bylaws, Article 3).

Amendments to the Faculty Regulations will be adopted after review by the Faculty Welfare Committee, a vote of approval by the Faculty Assembly, and ratification by the Board of Trustees. A majority of the faculty membership of the Assembly must participate in the vote and at least three-fifths (3/5) of those voting must support the amendment.