2.4.2.7
Instructor

An instructor holds appropriate academic or professional qualifications and gives promise of excellent teaching. Evidence of promise in research is desired but not required. An instructor is expected to be able to plan and conduct courses with little or no supervision. The title of Instructor is sometimes used for a person whom the university intends to appoint as an assistant professor but who has not yet completed all the requirements of the expected terminal degree.

An instructor may receive a probationary appointment, temporary appointment, or a career status appointment; therefore, time spent in this rank may be counted as part of the probationary period for career status or tenure. Probationary tenure track appointments shall be limited to a period of 2 years. The probationary period for tenure or career status, or temporary time in this rank shall not exceed a total of 7 years of full-time service plus pro rata part-time service.

Although tenure is not awarded to faculty in the instructor rank, career status may be awarded upon the candidate's meeting the criteria established by the center or institute in which he/she is a member of the faculty, receiving positive evaluations and recommendations and being approved by the Board of Trustees. Career status instructors may be reappointed provided they receive satisfactory evaluations as detailed in section 2.5.2.

Appointments are for 1, 2, or 3 years. The standards for the notice of nonreappointment of probationary tenure track, temporary, and career status appointments are given in section 2.7.3.3.

2.4.2.8
Lecturer

The responsibilities of the position are primarily, if not entirely, in teaching; research responsibilities are not included. The rank of lecturer is used for persons who do not possess the normally expected scholarly credentials but, nevertheless, provide valuable instructional services. The position of lecturer is a nontenured, nonprobationary position. Appointments are temporary for 1 year or less, but may be renewed. Full-time service in the rank of lecturer is limited to 3 consecutive years, except where additional appointments are approved by the Board of Trustees.

2.4.2.9
Other Academic Titles

2.4.2.9.1
Visiting Professor

A visiting professor is an individual who holds, or has held, professional rank at another institution and is appointed to the rank of visiting assistant professor,

visiting associate professor, or visiting professor for temporary-term appointments not to exceed a total of 3 years. If a visiting professor subsequently is given a probationary appointment, upon approval of the appropriate dean and vice president, the time spent as visiting professor shall be counted toward the probationary period.

2.4.2.9.2
Adjunct Professor
An adjunct professor is an individual who offers educational experiences to students of the university on a part-time basis. The title is honorary, although the adjunct faculty member may receive an honorarium or other university prerequisites.

2.4.2.9.3
Clinical Professor
A clinical professor is one whose major responsibility is to supervise students in clinical instruction whether within the university or in another setting. Appointments may be made to the rank of clinical instructor, clinical assistant professor, clinical associate professor, or clinical professor.

2.4.2.9.4
Artist-in-Residence / Writer-in-Residence
These titles may be offered to outstanding professional artists or writers who render a specified service to the university, such as lectures, performances, demonstrations, master classes, and consultations. Academic degrees are not essential to this position, but rather candidates are chosen on the basis of outstanding professional attainments, creative accomplishments, and recognition in their specified fields. Such appointments are definite-term temporary appointments.

2.5
Types of Faculty Appointments
Faculty appointments at the university may be of the following types: tenured, career status, probationary (tenure track and career status), temporary, and special contracts (see section 2.6). These terms accompany academic titles or ranks, and are used to qualify or modify the title or rank.

All of the terms and conditions of appointments to the faculty shall be set forth in a written agreement. The agreement shall be signed on behalf of the university by its president and by the prospective faculty member. The agreement shall be effective and operative only when fully executed. The agreement shall specify among other things the academic rank and the type of appointment. Nothing therein contained shall prevent promotions to higher academic rank during the term of the agreement, but a change in the type of appointment shall require a new superseding written agreement. The university will not honor any oral or written promise that is not

expressly included in the written agreement signed by the president or his/her designee and the prospective faculty member.

2.5.1
Tenured Appointments
Tenure is awarded only by the Board of Trustees of the university upon the recommendation of the president who is guided by the judgment of the faculty review committees and officials in the prior levels of review. There shall be no tenure by default, or by the mere serving of the maximum probationary period.

Tenured appointments are described in detail in section 2.7.4.

2.5.2
Career Status Appointments
Career status is awarded only by the Board of Trustees of the university upon the recommendation of the president who is guided by the judgment of those persons and committees in the prior levels of review. There shall be no career status by default, or by the mere serving of the maximum probationary period.

Career status appointments are continuing term appointments available to instructional employees in the Center for Academic Reinforcement (CAR). Such appointments are for 3-year renewable terms contingent on satisfactory instructional evaluations by peers, students, and component coordinators and a renewal recommendation by faculty appointments and promotions committees, component coordinator, and the director. Career status extends to retirement age unless terminated by resignation, early retirement, death, incapacity for medical reasons, or by action of the trustees under the provisions for just-cause removal or by reason of financial exigency, program elimination or unless terminated for unsatisfactory evaluations and a recommendation for nonrenewal by the appointments and promotions committees, component coordinator, and the director.

2.5.3
Probationary Appointments
Probationary appointments are definite-term appointments for 1 or more years in a tenure track (or career status track in CAR) at the faculty rank of instructor, assistant professor, associate professor, or professor.

There shall be definite limits on the length of time any faculty member can serve in probationary tenure track or probationary career status appointments without the award of tenure or career status. For probationary career status, the maximum probationary period is 7 years; the initial appointment is for 2 years and reappointments may be made for 2- and 3-year periods, respectively.

For members of the faculty initially appointed as assistant professor, the initial appointment is for 1, 2, or 3 years. The maximum probationary period for assistant professors is 7 years, including time spent as an instructor in probationary status.

Faculty serving in the rank of assistant professor will be evaluated for tenure no later than in the sixth year of the probationary period, and will be notified in a timely manner of the university's decision respecting tenure. The seventh year will be the faculty member's final year, if the university's decision is not to award tenure to the faculty member.

Faculty initially appointed from outside the university to the rank of associate professor or professor without tenure have an initial appointment of 3 years and a maximum probationary period of 5 years or 3 years, respectively. Tenure or career status shall not be granted by default through the mere serving of the full limit of time (7 years, initial appointment as an assistant professor or instructor; 5 years, initial appointment as an associate professor; 3 years, initial appointment as full professor;) by a faculty member under probationary appointment.

Leaves of absence for professional development shall be included in the total probationary period. Leaves of absence for study toward a degree, military service, or family care (within the time allowed) will not be included in the calculation of the maximum probationary period. Part-time service will be included and counted on a pro rata basis. The probationary period can be interrupted for 2 years by a leave of absence for family care.

2.5.4
Temporary Appointments

Temporary appointments may be made in the academic ranks of lecturer, instructor, assistant professor, associate professor, and professor or with other titles including, but not limited to, visiting professor, adjunct professor, or clinical positions at any rank.

Temporary lecturer and instructor appointments are definite-term appointments that do not exceed a total of 7 years and in full-time status. Since these appointments are not tenure track positions, persons holding such appointments are not eligible for tenure, educational leave, or sabbatical leave. Under no circumstances shall a faculty member assume that a temporary appointment shall be renewed unless a copy of the fully executed faculty agreement has been received. The standards for notice of nonreappointment of probationary tenure track, temporary, and career status appointments are given in section 2.7.3.3.

2.6
Other Types of Faculty Appointments and Status

2.6.1
Administrative Appointments
Normally, deans, associate deans, and department chairs will hold tenure within their departments. Administrators with faculty tenure retain their seniority and retreat rights within their department when they leave their administrative position.

2.6.2
Emeritus Status
Tenured faculty members and all administrators who hold tenure as faculty members and who have at least 10 years' full-time service at the university, upon retirement, shall automatically attain emeritus status in their faculty rank. Other faculty members retiring from the university may be granted emeritus status only by specific action by the Board of Trustees.

Those faculty who have attained emeritus status are entitled to use any available university facility, to retain membership in university organizations, and to have their names included in published membership listings. They may serve on committees and perform such other services as they and the university find mutually desirable. Persons in the emeritus status may not vote in departmental or school faculty meetings except as provided in section 2.7.8.2.

2.6.3
Endowed Chair
When a gift is made to the university for the endowment of a chair, the school, department, or general interest area are frequently stipulated by the donor. A specific faculty member to hold the chair cannot be stipulated by the donor.

2.6.4
Graduate Faculty
Faculty members who hold appointments in departments that offer graduate degree programs through the Graduate School of Arts and Sciences also may be appointed to graduate faculty status in the Graduate School of Arts and Sciences. Such appointments may be without compensation (WOC) and may be for renewable terms up to 3 years, but in no case at a rank different from or a term longer than the rank and term in the programs, departments, or schools/colleges in which the compensated appointment is held.

2.6.5
Joint Appointments
Faculty members may be given joint appointments in which salary and professional assignments are distributed between two or more units of the university in any proportion of full-time service that may be mutually agreed on. Responsibility for

initiating evaluations, recommendations for reappointment, promotion, or tenure shall be the responsibility of the unit that provides more than 50 percent of the salary, with the advice of the other unit(s) participating in the joint appointment. In the case of units that share equally in the salary of the joint appointee, recommendations for reappointment, promotion, or tenure shall be initiated by the units acting jointly.

2.7
Procedures for Appointments, Reappointment, Promotion, and Tenure

The faculty has the responsibility for recommending appropriate action on such matters as faculty appointments, reappointments, promotions, the granting of indefinite tenure, and dismissals. The recommendations of the faculty for such matters are based on the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity are expected to have the chief competence for judging the work of their colleagues. Such competence should be exercised before either adverse or favorable judgments are made in this regard. Consideration in these matters is to be by faculty action through established procedures. These actions shall be reviewed by the dean, the appropriate vice president, and the president, and shall be submitted to the Board of Trustees for final action, where necessary.

2.7.1
Search Procedures

The search for a person to fill a faculty appointment shall be initiated by the department chair based on written authorization from the appropriate dean and vice president, and the search should be carried out in collaboration with departmental faculty. Open and uniform procedures shall be followed to the greatest extent possible by all units and search committees in filling vacant or new positions. Individuals are recruited and employed in all positions without regard to race, religion, sex, age, ancestry, color, creed, handicap, marital or parental status, national origin, sexual preference, political affiliation, or belief.

In principle, the university's commitment to excellence is best expressed by careful and extensive searches to find the best qualified persons for faculty positions. A diversity of background, experiences, and viewpoints is considered to be an element of strength. Whenever possible, positions will be nationally advertised.

2.7.2
Appointment Procedures

A recommendation to appoint an individual to any faculty position should be initiated by a recommendation of the department chair (component coordinator) and the department committee of all tenured (career status) faculty. The recommendation of the department, together with the credentials of the prospective faculty, are forwarded to the appropriate dean (director), who seeks the advice of the school/college (or center) APT Committee. The dean's recommendation, together

with all prior recommendations and the file of credentials, is forwarded to the appropriate vice president. For temporary appointments and appointments below the rank of associate professor that are neither tenured nor in the tenure track, final signature authority rests with the relevant vice president. For all other appointments, the vice president adds his/her recommendation, and the entire reviewing file is forwarded to the president for final action and ratification by the Board of Trustees. An appointment is not final until a written notice of appointment has been sent by the president (or vice president in the cases noted above where the vice president has final signatory authority) to the candidate who, in turn, has returned a signed acceptance to the official who signed it.

When the department chair initiates an appointment, there is an obligation to secure evidence from the prospective employee that he/she is authorized to work in the United States under the immigration laws currently in force. Verification is required regardless of whether the prospective employee is a U.S. citizen or not. Detailed instructions respecting the means by which this verification can be established are available from the Department of Personnel Services, Office of Human Resource Management.

2.7.2.1
Orientation

New faculty members must report to the Office of Staff Benefits for orientation and to the Payroll Office before they are placed on the payroll. Verification of employee eligibility will be made by a representative of Personnel Services who will be present at the orientation. If Personnel Services has not received the verification forms at the time of the orientation, the affected employee will be referred to the department chair for assistance.

Detailed procedures for appointments are described under the section on tenure (2.7.4).

2.7.3
Reappointment of Temporary, Probationary, and Career Status Faculty

2.7.3.1
Policy

Subject to the time limits applicable for appointments to the rank of instructor, and to such positions as lecturer and visiting professors, faculty members may be considered for reappointment at the expiration of their current term, except when such reappointment would extend the appointment beyond the maximum allowable time in a probationary or temporary status, or beyond the term of any grant from which the salary of the faculty member is paid.

The employment of a faculty member who is denied tenure may be extended with a terminal appointment until the appeals process is complete. For the purpose of determining the start of the terminal appointment of a faculty member who is denied tenure, the date of notification shall be considered to be the date of the terminal appointment. The appointment may be extended until the appeal is complete.

2.7.3.2
Procedures

2.7.3.2.1
Probationary and Career Status Faculty

The procedures, timetable, criteria, and right to appeal a negative decision applicable to probationary tenure track and career status reappointments are the same as those outlined for a recommendation for tenure. (See sections 2.7.4.4, 2.7.4.5, and 2.7.4.6.)

2.7.3.2.2
Temporary Faculty

Recommendations for reappointment are usually initiated by the department chair who shall seek the advice and consent of the department APT Committee. If the chair and committee decide not to recommend reappointment, no recommendation is generated and the matter is closed. If either the chair or the APT Committee recommends reappointment, the chair's recommendation, together with that of the departmental committee, is sent forward with appropriate documentation to the dean. The dean, in turn, obtains the recommendation of the school/college APT Committee, adds his/her recommendation, and forwards the entire file to the vice president. If the proposed reappointment is for a temporary position, the decision of the vice president is final. Temporary appointments pursuant to special contracts require a written justification from the dean indicating why the appointment is necessary and outlining efforts to recruit probationary faculty for the position in question.

2.7.3.3
Standards for Notice of Nonreappointment of Probationary Tenure Track, Temporary, and Career Status Appointments

Notice of nonreappointment, or of intention not to recommend reappointment should be given in accordance with the following standards:

(a) Not later than March 1 of the first academic year of service, if the probationary appointment expires at the end of that year; or if a 1-year appointment terminates during an academic year, at least 3 months (90 calendar days) in advance of its termination.

(b) Not later than December 15 of the second academic year of service, if the probationary appointment expires at the end of that year; or if

an initial 2-year appointment terminates during an academic year, at least 6 months (180 calendar days) in advance of its termination.

(c) At least 12 months (365 calendar days) before the expiration of a probationary or career status appointment after 2 or more years in the institution.

(d) After 2 or more years at the university, full-time temporary faculty are entitled to receive a notice of nonreappointment at least 3 months in advance of termination.

(e) Failure to provide timely notification of nonreappointment shall entitle the probationary faculty member to a temporary appointment limited to either one academic semester for notice periods of 90 or 180 calendar days, or one academic year for a notice period of 365 calendar days, after expiration of the appointment. Late notice does not entitle the faculty member to tenure or career status by default.

2.7.4
Tenure

2.7.4.1
Purpose of the Tenure System

The protection of the academic freedom of individual faculty members is the instrument by which society at large is protected from hindrances to the search for knowledge and from limits on the dissemination of knowledge. The system of tenure for faculty members is the preeminent means of fostering and protecting academic freedom of the faculty in teaching and in scholarly inquiry.

The tenure system consists of rules and procedures that establish an essentially self-regulated body of scholars enjoying the continuity of existence within which academic freedom is both fostered and protected. The protections of academic freedom are extended to all members of the faculty during their terms of appointment.

The existence of a system of tenure is justified in that it ensures the necessary conditions that allow tenured faculty to achieve and maintain superior quality in their performance of the four major functions of universities in the modern world. These functions are:

(1) the discovery and dissemination of important new knowledge;

(2) the communication of that knowledge to students and the cultivation in them of the understanding and skills that enable them to engage productively in the further pursuit of knowledge;

(3) the preparation of students for entry into professions that require for their practice a systematic body of specialized knowledge; and

(4) service to the larger community locally, nationally, and internationally.

In intellectual matters, a university faculty is not merely an assemblage of individual scientists, teachers, and scholars; it must possess a corporate life and an atmosphere created by the research, teaching, and conversation of individual scientists, teachers, and scholars that stimulates and sustains the work of colleagues and students at the highest possible level. Research, teaching, and the preparation of students are the work of individual faculty members, who depend for their effectiveness, at least in part, on the university's provision of a tenure system--a system that ensures the presence and continuity of a distinguished core of faculty members (tenure recipients) who have performed the functions of research, teaching, student preparation, community service, and maintenance of the intellectual community of the university consistently at the highest level.

2.7.4.2
Basic Principles of the Tenure System

A faculty member who has received tenure has a continuous appointment made by the Board of Trustees that extends to retirement, death, or resignation, subject only to termination for incapacity due to medical reasons, for just cause, or for financial exigency. Notwithstanding anything contained elsewhere in this handbook, the Board of Trustees, in accordance with the powers conferred by the university's charter, maintains its historical right to remove any professor, or officer of the university, when, in the board's judgment, the interests of the university require it. In the event that such action becomes necessary, the president shall propose to the board any policies and procedures to implement such termination actions.

A faculty member with tenure who is notified of dismissal because of financial exigency has the right to a hearing only when other tenured faculty members in his/her department or program are retained.

A faculty member holding tenure has the right to a hearing as provided in section 2.8 prior to dismissal for cause.

Assignment of tenured faculty will normally be to academic departments, but tenured faculty may, by consent, be assigned to other professional duties.

Tenured appointments will normally be made to faculty in the ranks of associate professor and professor; in exceptional cases, tenured appointments at the assistant professor level may be made.

Tenure ends at retirement. Appointments to the faculty after retirement are on a term basis and are mutually agreed on by the individual faculty member and the appropriate vice president after consultation with the department or division of appointment.

The choices that the university makes in granting tenure are crucial to its endeavor toward academic excellence. A decision to grant tenure must reflect an assessment

of high professional competence and performance measured against university standards.

An award of tenure is based on a thorough evaluation of the candidate's total contribution to the university. Basic competence or mere satisfactory performance in itself is not sufficient to justify granting tenure, for such competence is a prerequisite for the initial appointment. Nor shall tenure be granted by default, through the mere serving of the full limit of time by a faculty member under a probationary appointment. The decision to grant tenure is inherently and inescapably judgmental and is a deliberate action indicating that the person has been selected as a member of the permanent faculty because of demonstrated high-quality performance and relative merit.

In addition to the qualifications of the candidate for tenure, other considerations that enter into an individual decision to confer tenure include the particular needs within the department or the changed circumstances of the university. A decision not to grant tenure, therefore, does not necessarily reflect an unfavorable judgment of the candidate for tenure.

2.7.4.3
Authority to Award Tenure

Tenure is awarded only by the Board of Trustees of the university upon the recommendation of the president who is guided by the judgment of the faculty committees and the responsible officials in the prior levels of review.

A recommendation for a tenure track appointment may be made only when a tenured position has been authorized in writing by the appropriate vice president.

2.7.4.4
Criteria for Tenure

The basic criteria are clear: excellence in carrying out the responsibilities of the position and unusual promise for continued achievement. The responsibilities of a faculty member include teaching; research and other scholarly achievement; professional development; public service; student advising; and contributions to the department, the college, and the university. Not all faculty members are assigned all these responsibilities. The emphasis given to each responsibility, as determined by existing circumstances, varies among the colleges and departments of the university and may change within a department.

The faculty, in cooperation with the department chair and the dean, will initiate, formulate, and establish the criteria for appointment, promotion, and tenure that are specific to and appropriate for the varied and diverse academic units of the university. These criteria are subject to review by the university administration and are subject to approval by the Board of Trustees. If the school faculty does not formulate these criteria, the appropriate vice president may appoint an ad hoc committee of faculty to set criteria.

Good practice requires that the institution (department, college, or university) define the criteria for reappointment and tenure and the procedure for reaching decisions on these matters. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both the institution and the teacher before the appointment is consummated. Moreover, fairness to probationary faculty members prescribes that they be informed, early in their appointments, of the substantive and procedural standards that will be followed in determining whether or not their appointments will be renewed or tenure will be granted.

It is the responsibility and duty of the departments and schools/colleges to improve their quality by periodically reevaluating and, where appropriate, upgrading the criteria for (re)appointments, tenure, and promotion. Changes in the criteria, however, should evolve over time, and reasonable time must be accorded candidates to meet the new standards. Any evaluation of candidates for appointments, promotions, or tenure must consider any weight given to teaching versus research in the initial appointment. While specific responsibilities of faculty members may vary because of special assignments or the particular mission of an academic unit, all evaluations for tenure shall address the manner in which each candidate has performed in teaching, research and publications or creative activity, professional development, and service.

Probationary faculty must be aware, however, that in the grant of tenure or reappointment, consideration will be given to the academic needs of the department and to fiscal condition of the department, school/college, and the university as a whole.

2.7.4.5

Documentation of Tenure

With the assistance of the candidate, the following documentation is collected where appropriate:

(a) A complete curriculum vitae of the candidate containing information of past educational and professional experience and a bibliography of published work.

(b) Documentation of success in teaching in the form of student course evaluations (required); letters from students selected by the candidate; faculty colleague and chairperson evaluations of classroom performance; course syllabi and other materials; and descriptions of courses taught.

(c) Copies of the most relevant publications, indicating if they were peer reviewed.

(d) Letters from reviewers external to the university who are experts in the same discipline as the candidate to provide an evaluation of the quality of the candidate's creative work and its impact on the scholarship of the field.

(e) Evidence of grants, awards, certifications, and fellowships received.

(f) Evidence of exhibitions, concerts, or other forms of creative activity.
(g Evidence of participation in professional conferences, invited symposia, and invited seminars.
(h) Evidence of participation in reviewing manuscripts, grants, and so on.
(i) Evidence of participation in professional societies.
(j) Evidence of service to the department, the school or college, the university, and the wider community.

2.7.4.5.1
Guidelines for Selecting External Reviewers
The candidate will recommend two reviewers external to the university who are experts in the same discipline. The committee of all tenured faculty and the department chair will recommend two reviewers external to the university who are experts in the same discipline as the candidate. The candidate's curriculum vitae and publications shall be submitted to the external reviewers by a member of the department APT Committee.

2.7.4.6
Procedures for Tenure Recommendation

2.7.4.6.1
Department Level
When a review for tenure recommendation is conducted, it is required to be thorough and well documented, since the decision that is made is of far-reaching importance both to the individual and to the university. The first step in the process is a review of the candidate by the department's faculty. For this purpose, and with the assistance of the candidate, the documentation described in section 2.7.4.5 is assembled. Then the following procedure is pursued:

(a) distributing the documentation gathered to the department chair and the committee of all tenured faculty in the department;
(b) holding a meeting of all tenured faculty members excluding the chair (APT Committee) for the announced purpose of discussing and voting on the recommendation for tenure; and
(c) taking the vote.

Whenever the department does not have at least three faculty eligible to vote, the dean in consultation with the faculty can establish an ad hoc committee of faculty, from the same or different school, in the same or related area as the candidate. The department chair and the department committee of all tenured faculty each submit to the dean and the school/college APT Committee a recommendation concerning tenure along with the results of the committee vote, the aforementioned documentation, as well as an evaluation of the research, teaching, professional

development, and service of the candidate. Within 3 academic weeks of assembling the completed file, the departmental review including the written evaluation shall be completed and the candidate notified of the recommendation. The department chair shall forward all recommendations of the department APT Committee to the dean.

Reconsideration at the Department Level. Any faculty member who is reviewed for and denied a positive recommendation for tenure may ask for reconsideration of that decision at the department level. The candidate shall be informed of this right, and the procedures for exercising it when he/she is first notified of a negative tenure decision. For the purpose of determining the start of the terminal appointment of a faculty member who is denied tenure, the date of notification shall be considered to be the date of the terminal appointment. The appointment may be extended until the appeal is complete.

Within 2 academic weeks after being notified that the departmental decision is negative and prior to referral to the dean, the candidate will receive a written statement of the reasons for the negative decision, unless the candidate expressly relinquishes his/her right to receive the statement within 2 academic weeks of said notice. The statement shall respect the limits set by the need to preserve confidentiality. If the candidate wishes to have the department decision reconsidered, he/she shall respond to the chair in writing within 2 academic weeks of receipt of the department's statement of reasons. The candidate may address any issue in writing that he/she deems appropriate, and may present new information. The tenured faculty shall consider the candidate's response, and a second vote shall be taken. The final department decision and the reasons for it shall be provided in writing to the candidate within 3 academic weeks of receipt of the candidate's response.

2.7.4.6.2
School/College Level

After the department's initial review and any reconsideration are completed, whether positive or negative, the decision is reviewed at the school/college level by the school/college APT Committee and the dean. The school/college APT Committee is composed of tenured faculty excluding the department chairs, directors of centers, deans (assistant, associate, and full), and members of the same department as the candidate who participated in the departmental review. The committee makes a recommendation to the dean. The dean and committee shall review and notify the candidate and the department of their recommendation within 6 weeks of receiving the completed file of the candidate.

Appeal to the Faculty Grievance Commission. If the dean's or school/college APT Committee's final decision is negative, the candidate or the department, or the candidate and the department in concert, may appeal that decision to the Faculty Grievance Commission (FGC) (see section 2.8) before the recommendation is reviewed by the appropriate vice president. The grounds for appeal shall be limited to

(a) violations of established procedures;
(b) decisions unsupported by the record submitted by the candidate;
(c) consideration of factors unrelated to performance in carrying out professional responsibilities; and
(d) actions violative of academic freedom.

All grievances sustained by the FGC under this provision will result in the file being returned to the appropriate level of review for reconsideration.

2.7.4.6.3
University Level

The final recommendations made after any reconsiderations or appeals (whether positive or negative) of the department, school/college APT Committee, and dean (along with the documentation and supporting rationale for the decisions) are communicated to the appropriate vice president for review.

Within 7 academic weeks of receiving the completed file of the candidate or within 7 academic weeks of the deadline, the vice president shall review and notify the candidate, department, and dean of the result of the review. If a tenure recommendation is approved by the vice president, it along with the supporting documentation and reasons provided at each level are forwarded to the president for review and for the president's final recommendation to the Board of Trustees for action.

Where the department APT Committee, school/college APT Committee, and dean concur in a recommendation for tenure and the president does not approve their recommendation, either the candidate or the school/college may request in writing, and is entitled to, a written explanation of the reasons, within the limits set by the need to preserve confidentiality. The written explanation is due within 2 weeks of the request.

2.7.4.6.4
Timetable for Tenure Review

It is in the interests of the university and the candidate to conduct a timely review for tenure.

The department shall review and notify the candidate within 3 weeks of assembling the completed file. If requested by the candidate, a written statement for a negative decision will be provided within 2 academic weeks of notification. The candidate has 2 academic weeks to reply.

The dean and school/college APT Committee shall review and notify the candidate and the department of their recommendation within 6 academic weeks of receiving the completed file of the candidate. If requested by the candidate, a written statement for a negative decision will be provided within 2 academic weeks of notification. The candidate has 2 academic weeks to reply.

The vice president and president shall conduct a review and notify the candidate, department, and dean within 7 academic weeks of receiving the completed file.

If the president does not approve the recommendation of the department APT Committee, school/college APT Committee, or dean, either the candidate or the school/college may request in writing, and is entitled to, a written explanation of the reasons within the limits set by the need to preserve confidentiality. The explanation written by the president or vice president, or his/her designee, is due within 3 academic weeks of the request.

2.7.5
Promotion to Full Professor

The criteria for promotion from associate professor with tenure to professor are excellence in teaching, research, and a judgment on whether the individual has fulfilled the promise on which tenure was originally granted. The procedures, timetable, criteria, and right to request reconsideration or to appeal a negative decision applicable to the promotion to full professor are the same as those outlined for the recommendation for tenure, except for the composition of the department and school/college APT committees.

The department committee for full professor promotions shall consist of at least two full professors and all the tenured faculty in the department. Whenever the department does not have at least three faculty eligible to vote, the dean in consultation with the faculty can establish an ad hoc committee of faculty from the same or different school and in the same or related area as the candidate. The department chair and the department committee of all tenured faculty each submit to the dean and the school/college APT Committee a recommendation for tenure along with the results of the vote, the documentation, as well as an evaluation of the research, teaching, professional development, and service of the candidate.

The school/college APT Committee for full professor promotions shall consist of only full professors, excluding department chairs, directors of centers, deans (assistant, associate, and full), and members of the same department as the candidate who participated in the department review. Whenever the school/college APT Committee does not have at least three faculty eligible to vote, the dean in consultation with the faculty can establish an ad hoc committee of faculty from the same or different school and in the same or related area as the candidate.

2.7.6
Performance Evaluation of All Faculty

Each member of the faculty holding a temporary, probationary, or tenured appointment, whether full or part time shall be evaluated at least every 2 years. The purposes of the evaluation include the following:

(a) Providing a basis for awarding merit pay;
(b) Establishing a basis for making decisions concerning reappointment, promotion, and tenure; and

(c) Providing a basis for counseling respecting faculty development.

The department chair in consultation with the department faculty shall develop a performance evaluation plan. The department chair and the department APT or Executive Committee shall review the faculty member. Student input is required in this process. With respect to schools and colleges without departments, the dean in consultation with the faculty shall develop the evaluation plan. The chair will share these evaluations with the faculty member in a personal interview. The faculty member will sign the evaluation to indicate that he/she has examined it, and may in addition attach a statement of agreement or disagreement and the reasons therefor. This statement becomes a part of the faculty member's personnel file. Should the faculty member fail to sign his/her evaluation, the chair will indicate thereon that it was shown to and discussed with the faculty member.

When a faculty member is being considered for merit pay, reappointment, promotion, or tenure, the evaluation file for the relevant time period shall be a primary source of data on which such decisions are made.

2.7.6.1
Criteria

Candidates for appointments, reappointments, promotions, or tenure shall be evaluated in terms of criteria related to the requirements of their various appointments and ranks. Each school or college shall develop its own written criteria for approval by the Board of Trustees.
Probationary and tenured faculty are expected to engage in teaching, to make scholarly contributions in research or creative achievement, to exhibit evidence of professional development, and to render service to the university, the profession, and the community. Criteria for the evaluation of persons in these positions shall include each of these four areas of responsibility.

Part-time and temporary faculty may be employed for limited duties, such as teaching specific courses or engaging in research. Therefore, the evaluation criteria will be limited to those that are related to the duties that these persons are expected to perform.

The school or college plans must be approved by the faculty of that unit, the dean, and the vice president of the division. The school or college evaluation plan will be distributed to the faculty of that unit prior to the beginning of the academic year in which faculty are to be evaluated.

When a faculty member is being considered for merit pay, reappointment, promotion, or tenure, the evaluation file for the relevant time period shall be a primary source of data on which such decisions are made.

2.7.7
Periodic Review of Matters Important to Probationary Faculty

The chair of the Faculty Senate should review periodically the practices of all departments with regard to matters important to the quality of life of nontenured faculty. The results of the review, based on responses of nontenured faculty, should be communicated to the President and the Faculty. This review should pay particular attention to the

(a) Fairness with which teaching assignments are distributed;
(b) Frequency with which nontenured faculty are assigned to teach upper-level undergraduate and graduate courses in their own specialties;
(c) Possible overloading of nontenured faculty with advising and committee responsibilities; and
(d) Extent to which nontenured faculty are involved formally and informally in determining policies for the department as a whole.

2.7.7.1
Disciplinary Actions Including Discharge for Just Cause

The faculty of the university is a community characterized by collegiality and mutual trust. Standards for faculty conduct are derived from tradition and evolve with contemporary practice. Accordingly, grounds for discipline for members of the faculty of a university are usually not made the subject of precise statement; when commonly held standards of conduct are broken, however, disciplinary action must be taken if the community is to be sustained.

Disciplinary actions against faculty members may include a reprimand, a probationary period with specified conditions, suspension (with or without pay), temporary or indefinite reduction in pay and/or rank, or dismissal for cause. The grounds for disciplinary action include: (1) professionally incompetent performance or neglect of duty; (2) gross personal misconduct rendering the person unfit for association with students or colleagues; (3) conduct employing unlawful means to obstruct the orderly functioning of the university or to violate rights of other members of the university community; and (4) violation of university regulations approved by the Board of Trustees. Other grounds for disciplinary action are specified below in the section on grounds for discharge.

2.7.8
Separation

At times, Howard University or individual faculty members may find it necessary to sever their contractual relationship. To protect the interest of both parties, categories of separation are here defined, and the policies and procedures related to each are set forth.

2.7.8.1
Resignation

Resignation by an academic employee, whether tenured or on a nontenured appointment, is normally effective at the end of an academic term. To allow the academic unit to prepare for the loss of the staff member, the employee should notify the department chair or the director of the unit of the intended resignation as early as possible. A month's notice is required for processing salary, benefits, accrued vacation, and other details of the resignation.

Resignation is a severance action by which a faculty member voluntarily seeks to be released from a contract with the university. Because of the extreme hardship that is often caused by untimely resignation, all faculty should provide the earliest possible written notice of a request to resign. All resignations are subject to approval by the university. Ordinarily faculty are expected to give notice to the department chair, dean, and vice president no later than 30 days prior to the end of the academic year. It is expected that, except in unusual circumstances, resignation will be effective at the end of the academic year.

2.7.8.2
Retirement

The customary retirement age at Howard University is on June 30 on or after the 65th birthday; the mandatory retirement age for tenured faculty is on June 30 on or after the 70th birthday, or in accordance with the existing law. Early retirement is possible on the first day of any month provided that the sum of one's age (figured to the nearest one-twelfth of a year) plus the number of years of credited service equals or exceeds 70.

There shall be no presumption of reappointment after retirement, and any such reappointment shall be on a temporary basis for renewable terms not to exceed 1 year.

Information on current policies and benefits is available from the university Office of Employee Benefits (C.B. Powell Building). The university defines "normal" retirement age as 65, i.e., effective on the first day of the academic year that follows a faculty member's reaching age 65.

2.7.8.2.1
Rights and Privileges of Retired Faculty Members

Although no faculty member acquires new rights or privileges in the university upon retirement, certain of those rights and privileges to which he/she was entitled prior to retirement are still extended.

(a) When a retired faculty member is actively engaged in productive scholarship, the university will try to furnish him/her office space as well as assistance from the departmental secretarial pool. Such aid can be granted only if it is available; prior consideration must necessarily be given to the full-time and part-time faculties.

(b) Retired faculty members may file research or travel grant applications. The consent of the relevant department chair or dean must be obtained prior to submission to the associate vice president for research. Such applications will be transmitted further only if the vice president believes the project to be of significance, if there is probability of its being completed and if necessary office and laboratory space is available. If there is a shortage of such space, first priority must go to the full-time and part-time faculties.

(c) Retired faculty members may attend meetings of their former departments and schools or colleges, and may participate in the work of committees if invited. However, only those who have active faculty status by current temporary appointment may vote in these meetings and only in accordance with the voting rights attendant to that status as provided by the school or college bylaws. Retired faculty members may participate in the university convocations with appropriate academic attire.

(d) Retired faculty members may attend Faculty Senate meetings.

(e) The library use privileges enjoyed by the full-time and part-time faculties are continued for retired faculty members, who may apply for faculty studies in the library if such facilities are required.

(f) Retired faculty will be listed in the university telephone directory, if they so desire.

(g) Retired faculty may receive mail at the university and may use the university as a mailing address.

(h) The privilege of receiving the *New Directions* and special reports is continued.

(i) After retirement a faculty member may retain the Howard University faculty identification card and have access to such events, facilities, and services that require the card for admission.

(j) Faculty tuition remission benefits are continued to those eligible for such benefits at the time of retirement. If a dependent is pursuing a degree program under the tuition remission plan currently in force at the time of retirement, such benefits will continue in accordance with the policies governing this plan and subject to the plan's limitations.

2.7.8.3
Prolonged Medical Disability Rendering Faculty Members Unable to Perform Duties

If a tenured faculty member is unable to perform all or a substantial part of his/her duties for a significant period of time because of medical disability, he/she may request leave without pay until such time as he/she may be able to resume normal duties, but not exceeding 2 academic years. Through the dean, a faculty member shall submit his/her request for medical leave with a doctor's statement, describing the faculty member's medical condition, to the appropriate vice president.

If the faculty member does not request leave or if any approved period of leave has expired and the faculty member continues to be unable to perform his/her regular

duties, the appropriate dean or director will initiate a recommendation to terminate the faculty member's employment, after taking the following steps. The dean or director will consult with the faculty member and inform him/her of the basis for the proposed action. The faculty member will be afforded an opportunity to respond and present his/her position. The dean or director shall forward any recommendation for termination on medical disability grounds to the appropriate vice president, who, in turn, shall forward the file, together with his/her own recommendation, to the president and board for final action.

In the event that a nontenured faculty member is unable to perform all or a substantial part of his/her duties for a significant period because of medical disability despite reasonable accommodation, the university may terminate the appointment prior to the end of the contract period. The decision to terminate will be reached only after the faculty member has been informed in writing of the basis for the proposed action and allowed an opportunity to respond.

In all instances in which mental or physical disability is an issue, the faculty member, upon request, shall supply a medical evaluation of his/her state of health. The university reserves the right, at its discretion, to require that the faculty member be evaluated by a panel of three physicians, one of which is chosen by the university, one chosen by the faculty member, and the third chosen by the other two members of the panel. A failure on the part of the faculty member to provide the requested medical evaluation or to cooperate in an examination required by the university shall be grounds for termination.

The decision of a majority of the panel members as to whether the faculty member is medically fit shall be final and binding on the university and faculty member for that academic year.

2.7.8.4
Financial Exigency

2.7.8.4.1
Definition

A financial exigency is defined as an imminent fiscal crisis that will result in grave or irreparable harm to the quality of educational or research programs at the university, and which requires termination of faculty appointments to alleviate it. A financial exigency should not be declared merely as an opportunity to engage in academic reform.

2.7.8.4.2
Declaration of a State of Financial Exigency

A financial exigency will be declared by a majority of the members of the university Board of Trustees in accordance with policies and procedures established by the board upon the recommendation by the president.

2.7.8.4.3
Development of a Plan of Action
Upon the board's declaration of a financial exigency, the president will develop a plan of action to deal with the exigency. The composition of the group will be determined by the President.

The following principles will be adhered to in the development of the plan of action:

(a) The responsibility of the faculty in matters of general educational policy will be recognized, and consideration will be given to faculty judgments regarding the best response to the exigency.
(b) No faculty member with tenure will be terminated unless faculty members without tenure in the academic unit or program designated for retrenchment have been terminated to the extent consistent with the academic purposes of the university.

The plan of action will be presented to the appropriate Faculty Senate Committee in a timely fashion by the president.

2.7.8.4.4
Notification to Faculty Members
All tenured faculty members terminated for reasons of financial exigency will be terminated at the end of the academic year in which termination notice is given. To the extent that less than 120 calendar days' notice is given, severance pay will be paid in order that the terminated member shall receive a total of 120 days' pay after notice.

The notification statement to the faculty member must include a statement of the faculty member's right to respond and/or to present his/her case to the Faculty Grievance Committee.

2.7.8.4.5
Rights of Tenured Faculty Members
Before terminating the appointment of a faculty member with tenure because of financial exigency, every reasonable effort will be made to find another suitable position for the faculty member within the university. Departmental transfers may be made if mutually acceptable, and the president will work with the affected parties to achieve an agreeable accommodation. Faculty retraining may be provided if such retraining will prepare the faculty member for another suitable university position within a reasonable period of time. Faculty members meeting age and service requirements as agreed to by the Board of Trustees will be given the option to retire

early. After exhaustion of the above options, the tenured faculty member may be terminated.

A tenured faculty member who is terminated for reasons of financial exigency will be allowed to participate in the university group health insurance program for 18 calendar months following the date of termination, absent participation in another insurance plan. The faculty member is entitled to other rights and benefits of terminated employees as may be specified by the Board of Trustees.

The appropriate Faculty Senate Committee will monitor the efforts made by the university in finding suitable positions for displaced faculty members within the university.

2.7.8.4.6
Other Rights Pertaining to All Faculty
Faculty members terminated for reasons of financial exigency will be provided counseling regarding employment opportunities outside the university.

If a program that has undergone sufficient reduction or elimination as a result of financial exigency is reinstated or strengthened by reinstated full-time employees within 3 years after termination of the state of financial exigency, tenured faculty terminated as a result of said reduction or termination will have the right to reinstatement.

A faculty member whose appointment is terminated for reasons of financial exigency has the right to appeal under established policies and procedures in cases where other faculty members in the same department are retained.

2.7.8.4.7
Sunset Provisions
A declaration of financial exigency is valid for a period fixed by the Board of Trustees. In any case, after a period of 1 year from the date of declaration of a financial exigency, circumstances should be reviewed by the president and the advisory group and reported to the Board of Trustees for appropriate action.

2.8
Grievance--Rights, Privileges, and Resolution of Disputes Governing Academic Freedom and Conduct of the Faculty

2.8.1

Who is Eligible?

The grievance procedures are available to all full-time tenured and probationary faculty members, and CAR staff members with career status.

The following are excluded:

(a) All administrative officers (president, deans, department chairs, directors, division chiefs, and so on). Faculty members holding such administrative positions, however, may invoke the procedures for grievance arising from their capacity as faculty members;

(b) Trainees (postdoctoral candidates, administrative associates, clinical interns, residents, and fellows). Faculty who share their areas of employment with other entities of the university (e.g., Howard University Hospital, Howard University Hotel, WHUR, or WHMM) will be able to direct their grievances to the appropriate body; and

(c) All temporary and part-time faculty.

2.8.2

Grievance Matters

A grievance is a complaint that action has been taken that involves the faculty member's personnel status or terms and conditions of employment, and that is a violation of academic freedom, arbitrary and capricious (i.e., an act that is unsupported by the record presented to support the action taken), or a violation of established rules and procedures.

Specific actions that may be considered under grievance procedures are the following:

(a) Departmental, school, or administrative recommendation of dismissal for cause;

(b) Demotion or suspension;

(c) Administrative recommendation of revocation of tenure and dismissal because of financial exigency, only in cases in which other tenured faculty members in the same department or program are retained;

(d) Departmental, school, or administrative recommendation of reduction in academic rank;

(e) Departmental, school, or administrative recommendation of reduction in individual salary;

(f) Denial of sabbatical leave; and

(g) Denial of tenure, promotion, or reappointment where such denial allegedly involves a violation of academic freedom.

2.8.3

General Procedures for Resolution of a Faculty Grievance

2.8.3.1
Faculty Grievance Commission
The FGC shall be elected at large by the Senate from the tenured university faculty. No administrative officer or department chair may serve on the commission. The FGC shall consist of seven faculty members. In addition, a Hearing List of 30 tenured faculty members representing all schools and colleges shall also be elected. Members of the Hearing List will be selected to serve on a Hearing Panel if formal procedures are invoked.

The members of the FGC shall be elected to 2-year terms. Members of the Hearing List shall also be elected for 3-year terms, and the appointments shall be arranged so that the terms of approximately one-third of the members shall expire each year.

The commission shall elect a chair from among the seven members and the chair shall serve as the presiding officer of grievance hearings.

There shall be an independent legal officer to assist the commission in its operations. The legal officer's professional responsibility shall be to the Senate and the terms and conditions of employment shall be determined by the Senate.

2.8.3.2
Preliminary Procedures
A good faith attempt must be made to mediate any disputes between the faculty member and the administrative officer at the department or school/college level before filing a formal complaint. Failing to receive satisfaction, the faculty member may take steps to formalize the complaint by filing with the FGC.

2.8.3.3
Formal Complaints
All petitions and complaints shall be made in writing by the faculty member to the chair of the FGC within 2 weeks after the faculty member has received written notice of action from the administration. A grievance may be based on prior as well as recent or continuing events. However, the grievance, where feasible, should be focused on recent and continuing events or conditions.

A. The petition or complaint shall

   (a) Detail the nature of the grievance and provide any factual or other pertinent data; and
   (b) State against whom the grievance is directed (administrative officer).

B. Upon receipt of the written petition or complaint and within 30 days, the FGC will decide whether or not the grievance merits detailed investigation:

(a) The FGC may choose not to handle the grievance (i.e., dismissal of the complaint because it does not fit criteria).
(b) If it accepts, the FGC must attempt to mediate and resolve the complaint informally.
(c) If the FGC is unable to resolve the complaint informally, then it must proceed with a formal hearing.

2.8.3.4
Formal Hearing

Within 3 weeks of the recommendation of the FGC regarding its inability to resolve the matter informally and the need for a formal hearing, the chair of the FGC will convene an ad hoc Hearing Panel of five faculty members selected from Hearing List to conduct formal hearings regarding the complaint.

A. The grievant and administrator shall each select two candidates respectively from the elected Hearing List for the Hearing Panel. Members of the Hearing List deeming themselves disqualified because of personal bias or conflict of interest will remove themselves from consideration, either at the request of either party or on their own initiative. The final decision with respect to whether a member should hear the grievance rests with the remaining panel members. The four panel members shall select a fifth who shall act as chair. Members of the commission with current complaints against the university shall be disqualified automatically.

B. The chair of the FGC shall serve as chair of the Hearing Panel. If the chair of the FGC should be a member of the department of the grievant or the respondent, or has a current grievance or formal complaint pending, the chair shall be excused. A replacement shall be selected from the remaining members of the commission as agreed on by the members of the FGC and both parties.

C. The Hearing Panel shall conduct its hearings within 8 weeks (except in extraordinary circumstances as recognized by the chair of the Senate) and report its recommendations in writing to the FGC no later than 30 days after the conclusion of the hearings.

(a) The chair of the Hearing Panel shall notify all parties in writing of the time and place of the hearing. The Hearing Panel, in consultation with both the grievant and the respondent, will exercise its judgment as to whether the hearings should be public or private. A transcript of the hearings will be taken and a copy will be made available upon request to both parties without cost.

(b) The decision on the merits of a grievance will be made by the panel after hearings in which the grievant and the respondent have the opportunity to present their cases. The grievance hearing is not a

formal judicial proceeding. Its purpose is to provide a fair evaluation of the allegation that a right or privilege has been violated.

The Hearing Panel may receive any relevant evidence that is not privileged and may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, or needless presentation of cumulative evidence. Arguments, oral and documentary evidence, and witnesses may be presented by the grievant, the respondent, or the Hearing Panel. The university will make a reasonable effort to facilitate the appearances of witnesses.

The grievant may have the assistance of an academic advisor and counsel in the preparation and presentation of his/her case to the panel. Such a colleague should normally have academic qualifications in the grievant's field of study and therefore be able to provide expert assistance in the case.

(c) The recommendation of the Hearing Panel shall be based solely on evidence and argument presented in the hearings. The written report shall state the committee's findings on all parts of the complaint and may include recommendations as to disposition of the case. The report shall be transmitted to the grievant, respondent, dean, appropriate vice president, and the FGC. If no appeal is filed, the recommendation is forwarded to the president for decision and action; if the president is a party to the action, the report shall go to the Board of Trustees. The president's decision shall be made and communicated in writing to the chair of the Faculty Grievance Commission, the grievant, and the respondent within 30 days from the date the transcript of the hearing is prepared. In the event the president declines to implement the recommendations, the written communication shall include detailed reasons, and it shall be sent to the chair of the Senate.

D. The recommendations of the Hearing Panel may be appealed to the FGC by either party. The notice of appeal must filed with the chair of the commission within 15 days after receipt of the recommendation of the Hearing Panel.

The members of the FGC who were not members of the Hearing Panel and would meet the criteria regarding qualifications for the panel shall hear the appeal. Evidence not introduced in the hearing may not be considered in the appeal. The commission shall decide by majority vote and render a recommendation in writing--sustaining, modifying, or remanding the decision of the Hearing Panel. The commission's recommendation shall be forwarded to the president for decision and action. The President's decision shall be made and communicated in writing to the FGC chair, the grievant, and the respondent within 30 days. In the event the president declines to

implement the recommendations, the written communication shall include reasons, and it shall be sent to the chair of the Senate.

2.8.4
Appeal of a Negative Decision Regarding Probationary Reappointment, Tenure, Career Status, and Promotion at the University Level

A. If the dean's or school/college APT Committee's final decision is negative, the candidate or the department, or the candidate and the department in concert, may appeal the decision. The appeal must be filed in writing with the dean of the school/college and the Faculty Grievance Commission within 3 weeks of notification of the dean's decision and must state the specific reasons for the appeal. The reasons must be based on one or more of the grounds listed below. Failure to raise a particular reason may be treated as a waiver of such a claim in this or any subsequent procedure.

B. The grounds for an appeal shall be limited to

(a) Violations of established procedures;
(b) Decisions unsupported by the record submitted by the candidate;
(c) Consideration of factors unrelated to performance in carrying out professional responsibilities; and
(d) Actions violative of academic freedom.

If a grievance is sustained by the FGC, the file will be returned to the appropriate level of review for reconsideration.

C. In its deliberations and findings, the Faculty Grievance Commission and Hearing Panel shall respect the following principles and restrictions:

(a) The Faculty Grievance Commission's review shall be limited to determining whether any one of the four possible grounds for appeal has been established.
(b) The Hearing Panel shall recognize the central role of peer judgment in tenure decisions. Hence, the committee shall not substitute its assessment of the appellant's professional qualifications for those of the department and the experts outside the department who have been asked to submit evaluations. The committee's role in judging professional merit shall be limited to determining whether the recommendations of the department and the dean were arbitrary and capricious or based on improper considerations.
(c) Comparisons with other tenure review cases may be used by the Hearing Panel. However, the committee shall recognize the right and duty of the departments to improve their quality or take into account different departmental needs, so long as this is not done as a pretext.

A weak previous tenure appointment shall not by itself be taken to define the departmental standard; however, there should have been justification for such a decision.

2.8.5
Suspension or Termination of Faculty for Just Cause

A. Discharge or suspension proceedings may be instituted on, but not limited to, the following grounds:

(a) Professional incompetence;
(b) Continued neglect of academic duties despite oral and written warnings;
(c) Serious personal misconduct;
(d) Deliberate and serious violation of the rights and freedom of fellow faculty members, administrators, or students;
(e) Admission or conviction of a felony or misdemeanor involving moral turpitude;
(f) Serious failure to follow the canons and professional ethics of one's discipline;
(g) Falsification or misrepresentation of credentials and experience;
(h) Failure to follow the standards of the institution in respect to guidelines within this handbook after oral and written warning; or
(i) Loss of required professional certification or licensure.

Discharge for cause, in normal circumstances, should be preceded by a written admonition by the appropriate administrative officer describing the alleged problem and warning that the faculty member's employment status is in jeopardy. The warning also must stipulate a period of time within which correction of the alleged problem is expected. If the faculty member does not contest the allegation and corrects the problem or fulfills his/her obligations, the matter is settled. If the faculty member fails to correct the problem, dismissal procedures may be initiated or a lesser sanction may be applied.

Recommendations for dismissal will be made by the dean to the vice president of the division after consultation with the department chair. Deans and department chairs should seek the advice and assistance of faculty peers.

B. Upon receipt from a dean of a request to initiate dismissal procedures, the vice president, if he/she concurs, will do the following:

(a) Provide written notice to the faculty member that a recommendation for dismissal for cause will be made to the president. This notice shall contain a statement of the grounds upon which the recommendation is to be made and a summary of information supporting such grounds.

(b) Provide a reasonable opportunity for the faculty member to meet with the dean and vice president to present his/her defense to the dismissal recommendation.

C. Depending on the circumstances, the president may elect to impose a disciplinary action short of outright discharge, such as suspension for a period of time with total or partial discontinuance of salary, denial of promotion and suspension of all salary increments, temporary suspension or withdrawal of faculty privileges, and/or demotion.

In any case involving dismissal for cause, the burden of proof that just cause exists shall be on the university. Proof shall be by the preponderance of the evidence on the record considered as a whole.

The dean also will inform the faculty member that he/she may file a formal grievance according to the procedures described in section 2.8. However, faculty members who are disciplined or terminated because they have falsified or misrepresented their credentials or experience are not entitled to the grievance hearing procedures. Pending the results of any grievance hearing and a final decision by the president, the faculty member may be suspended or assigned to other duties in lieu of suspension. Salary may continue during the period of suspension pending the final decision.

D. Formal proceedings of suspension or termination of a member of the faculty shall be preceded by discussions between the faculty member and appropriate university academic administrative officers looking toward a mutually agreeable settlement. The Faculty Grievance Commission may be used for this purpose.

2.8.5.1

Procedures for Suspension or Termination for Just Cause

Procedures for determining the existence of just cause for suspension or termination of a member of the faculty are described below.

A. Action to suspend or terminate the appointment of a faculty member shall be initiated by a member of the university administration, who shall normally be the dean responsible for the budget in which the faculty member is carried but who may, in unusual circumstances, be the president or vice president. The dean and the president may act personally or through a delegate.

B. Should a question arise concerning possible suspension or termination, the dean or the president will normally interview the faculty member in the presence of the department chair concerned, if any, and will afford opportunity for informal adjustment of the matter. Thereafter, the dean or the president may initiate the proceedings for suspension or termination if

(a) The matter is not adjusted informally; or

(b) He/she has conducted an investigation of the matter and has consulted with members of the faculty concerned to aid in determining whether there is substantial reason to believe that just cause exists for suspension or termination.

C. The matter shall be referred to the appropriate vice president if a faculty of a school/college has by resolution requested its dean to examine a question concerning possible suspension or termination and within 2 months following the date of such resolution was adopted

(a) The dean has not initiated proceedings for suspension and termination; and
(b) The dean has not reported to the faculty on the matter or has reported that proceedings for suspension or termination will not be initiated; and
(c) The reasons, if any, given by the dean for not initiating such proceeding are not deemed adequate by the faculty.

D. A faculty member shall not be suspended during the above mentioned proceedings unless immediate harm to himself/herself or others is threatened by continuance. Any such suspension may be with salary.

E. If it is determined that actions should be taken for suspension or termination, the complainant shall send to the FGC a written statement that sets forth in as much detail as is practicable the grounds for the proposed suspension or termination. The FGC shall immediately consider the statement. In the process of arriving at its conclusion at this stage of the proceedings, the FGC shall afford the complainant opportunity to present oral and written argument, but shall not hold a hearing to receive evidence.

F. Whenever further proceedings are taken, the FGC shall send to the faculty member

(a) A copy of the complainant's statement of the grounds for suspension or termination;
(b) Written notice that he/she may request a hearing before the Hearing Panel submitting the request for a hearing in writing to the chair of the FGC within 30 days from the faculty member's receipt of such notice;
(c) A summary statement of the evidence proposed to be presented by the complainant, a list of witnesses to be called by the complainant, and copies of statutes, the standing resolutions, memoranda, and other university documents relevant to the faculty member's procedural rights in the matter.

2.9
Procedure for Revision of the Faculty Handbook

The following procedure is adopted as an orderly process for the initiation and consideration of amendments to 1.5.1.1, 1.5.1.2, and 1.5.2.2 of Section 1 and all of Section 2 of the *Faculty Handbook*. The rest of the *Faculty Handbook* is not covered by this procedure, and revisions may be made by the Board of Trustees or through an administrative update, as appropriate.

The university and the Faculty Senate commit their good faith efforts to following this process and to achieving agreement on policy issues affecting faculty employment. That commitment shall not prejudice the responsibility and authority of the Board of Trustees to exercise its prerogatives to govern and administer the university.

The procedure outlined below is based on three interconnected principles:

(a) It tries to satisfy the need for an orderly manner that allows all segments of the university to contribute, each in a proper capacity, to the formulation or alteration of policy statements.
(b) It attempts to make the process of revision effective by introducing into it the principle of self-limitation, which prevents endless debate and allows particular issues to be brought to decisive action.
(c) It recognizes the fact that the adoption of policy, however formulated or proposed, is among the powers reserved to the Board of Trustees.

2.9.1
Proposed Amendments

Proposals for revising those portions of the *Faculty Handbook* covered by this procedure can be made by the Board of Trustees, the president, the Faculty Handbook Committee, or any person or committee connected with the university. While the manner of making such proposals is a matter of individual style and custom, the following is nevertheless expected:

(a) Proposals will be made in the form of texts intended to replace in whole or in part some current expressions of the handbook.
(b) A particular proposal will contain no more than one alteration of substance.
(c) A brief explanation of the reason(s) for proposing the revision will accompany the proposal.
(d) Recognized governing bodies or committees will pass upon such proposed amendments by their own procedures or by a simple majority vote of the voting membership.

2.9.2
Processing of Proposals

2.9.2.1

Role of the Faculty Senate

Wherever proposals originate, they will be considered by the Faculty Handbook Committee of the Faculty Senate. Without prejudice to its procedures, this committee, upon receipt of a revision proposal, may choose a course of action, such as the following:

(a) The committee may receive and transmit it to the Steering Committee of the Council of the Faculty Senate without change or comment.

(b) The committee may endorse it and attach its endorsement to the original proposal.

(c) The committee, with the consent of the submitter, may either alter or amend the proposal before transmitting it to the steering committee.

(d) If the submitter does not agree to such alterations or amendments, the Faculty Handbook Committee may object to the proposal and attach its objections or an amendment before sending the proposal to the steering committee.

The Steering Committee of the Council of the Senate will receive the proposal as transmitted by the Faculty Handbook Committee. It has the same courses of action open to it as those listed above for the Faculty Handbook Committee before placing the proposal, together with all recommendations (if any) of the Faculty Handbook Committee and the Steering Committee, on the agenda of the next meeting of the Council of the Faculty Senate. If the proposal is rejected in all forms by the Council of the Senate, the matter is ended. If the proposal in original form or in amended form is approved by the Council of the Senate, it is sent forward to the president.

2.9.2.2

Role of the Board of Trustees

Proposals forwarded to the president for consideration by the board shall be submitted by the president to the Board of Trustees in a timely manner according to procedures adopted by the board. The action of the board is final.

2.9.2.3

Emergency Procedure

When the president, the Faculty Handbook Committee, and the chair of the Faculty Senate agree that in the best interests of Howard University a modification in the sections of the *Faculty Handbook* covered by this procedure is necessary, they may petition through the president and the chair of the Board of Trustees for a special board review of a specific change at the next regular or emergency meeting of the Board of Trustees. It shall be fully at the discretion of the board to accept or reject such a petition.