

Saint Mary's University of Minnesota

College Faculty Handbook

TABLE OF CONTENTS

Page

Part I: History, Mission and Mission Statement, Vision and Learning in the Lasallian Tradition

History: Sec. 1.1	1
Mission Statement: Sec. 1.2	3
Vision: Sec. 1.3	5
Learning in the Lasallian Tradition: Sec. 1.4	6

Part II: Faculty Governance

Constitution of the Faculty of Saint Mary's University: Sec. 2.1	7
Bylaws of the Faculty of Saint Mary's University: Sec. 2.2	9
Article I Membership: Sec. 2.2.1	9
Article II Involvement in Governance: Sec. 2.2.2	11
Article III Selection of Faculty Council Members: Sec. 2.2.3	15
Article IV Duties of Officers: Sec. 2.2.4	16
Article V Elections: Sec. 2.2.5	18
Article VI Meetings: Sec. 2.2.6	20
Article VII Amendment of Bylaws: Sec. 2.2.7	22
Committees of Saint Mary's University: Sec. 2.3	22
Faculty Committee Protocols: Sec. 2.3.1	22
Institutional Committees: Sec. 2.3.2	24
Student Life Committee: Sec. 2.3.2.2	24
Facilities Committee: Sec. 2.3.2.3	25
Grievance Review Committee: Sec. 2.3.2.4	26
Ad Hoc Review Committee on Sexual Harassment: Sec. 2.3.2.5	27
Creative Works Committee: Sec. 2.3.2.6	27
Faculty Advancement and Tenure Review Committee: Sec. 2.3.2.7	27
Standing Committees of the Faculty: Sec. 2.3.3	28
Faculty Council: Sec. 2.3.3.1	28
Curriculum Committee: Sec. 2.3.3.2	29
General Education Curriculum Committee: Sec. 2.3.3.3	31
Educational Standards Committee: Sec. 2.3.3.4	32
Faculty Handbook Subcommittee: Sec. 2.3.3.5	33
Faculty Salary and Benefits Committee: Sec. 2.3.3.6	34
Faculty Development Committee: Sec. 2.3.3.7	35
Library Committee: Sec. 2.3.3.8	36
School Structures and Policies: Sec. 2.3.3.9	38
Faculty Handbook Revision: Sec. 2.4	38

Procedure for Revision of the Faculty Handbook: Sec. 2.4.1	38
Proposed Amendments: Sec. 2.4.2	38
Processing of Proposals: Sec. 2.4.3	39
Role of the President: Sec. 2.4.4.....	39
Board of Trustees Approval: Sec. 2.4.5	40
Emergency Procedure: Sec. 2.4.6	40
General Rules of Implementation: Sec. 2.4.7	40

Part III: Faculty Employment Policies and Procedures

Overview: Sec. 3.0.....	41
General Principles Regarding Faculty Employment: Sec. 3.0.1	41
Definition of Faculty Rank and Faculty Titles: Sec. 3.1	41
The Ranked Faculty: Sec. 3.1.1	41
Full-Time Faculty: Sec. 3.1.1.1.....	41
Criteria for Appointment to Specific Ranked Faculty Status: Sec. 3.1.2.....	42
Criteria for the Rank of Instructor: Sec. 3.1.2.1.....	42
Criteria for the Rank of Assistant Professor: Sec. 3.1.2.2	42
Criteria for the Rank of Associate Professor: Sec. 3.1.2.3.....	43
Criteria for the Rank of Professor: Sec. 3.1.2.4	43
Special Provisions on Appointment to Rank: Sec. 3.1.2.5	44
Part-Time Faculty: Sec. 3.1.3.....	44
Adjunct Faculty: Sec. 3.1.3.1	44
Adjunct Lecturer: Sec. 3.1.3.2	44
Adjunct Senior Lecturer: Sec. 3.1.3.3	45
Special Appointment Faculty: Sec. 3.1.4.....	45
Emerita/Emeritus Status: Sec. 3.1.4.1.....	45
Status and Privileges of Emeritus Faculty Members: Sec. 3.1.4.1.1	46
Visiting Appointments: Sec. 3.1.4.2	46
Artist/Writer/Scholar-In-Residence: Sec. 3.1.4.2.1	46
Replacement Faculty: Sec. 3.1.4.3.....	46
Types of Contracts and Contract Definition Policies: Sec. 3.2.....	47
Term Contracts: Sec. 3.2.1.....	47
Probationary Contracts: Sec. 3.2.2.....	47
Continuous Contracts: Sec. 3.2.3.....	48
Locus of Appointments: Sec. 3.2.4.....	48
Issuance and Receipt of Contract: Sec. 3.2.5.....	48
Search/Appointment: Sec. 3.3.....	49

Hiring Procedures: Sec. 3.3.1.....	49
Employment Conflict of Interest: Sec. 3.3.2.....	49
Personnel Records: Sec. 3.4.....	49
Personnel Files for Full-Time, Part-time, and Special Appointment Faculty: Sec. 3.4.1	49
Access to Personnel Files: Sec. 3.4.2.....	49
Evaluation Criteria for Faculty: Sec. 3.5.....	50
Teaching and Advising: Sec. 3.5.1	51
Teaching Experience: Sec. 3.5.1.1	51
Teaching Effectiveness: Sec. 3.5.1.2	51
Advising: Sec. 3.5.1.3	52
Scholarship and Creative Work: Sec. 3.5.2	53
Service 3.5.3.....	53
Service to the University: Sec. 3.5.3.1	54
Service to the Student Body: Sec. 3.5.3.2.....	54
Service to the Profession: Sec. 3.5.3.3.....	55
Service to the Community: Sec. 3.5.3.4.....	55
Professional Development: Sec. 3.6	56
Professional Development Goals for Probationary Faculty: Sec. 3.6.1	56
Sabbatical Leave: Sec. 3.6.2	56
Sabbatical Procedures: Sec. 3.6.2.1	57
Promotion Review Files: Sec. 3.6.2.2	58
Evaluation by the Department Chair/Dean: Sec. 3.6.2.3	59
Committee Review: Sec. 3.6.2.4.....	59
Dean's Recommendation: Sec. 3.6.2.5.....	59
Recommendation of the Academic Vice President: Sec. 3.6.2.6.....	59
Travel Support: Sec. 3.6.3.....	60
Tenure Policy and Procedures: Sec. 3.7.....	60
Definition of Probationary and Tenured Status: Sec. 3.7.1.....	60
Annual Review of Probationary Faculty: Sec. 3.7.2	61
Professional Leave and the Review Cycle: Sec. 3.7.2.1	61
Third-Year Review: Sec. 3.7.3.....	62
Third-Year, Tenure, and Promotion Reviews: Sec. 3.7.4	62
Eligibility for Tenure: Sec. 3.7.4.2.....	63
Eligibility for Promotion: Sec. 3.7.4.3	63
Simultaneous Application for Tenure and Promotion to Associate Professor: Sec. 3.7.4.4.....	63
Dean's Recommendation: Sec. 3.7.4.5	64
Recommendation of Academic Vice President: Sec. 3.7.4.6.....	64
Annual Review of Probationary Faculty: Sec. 3.7.5	64
The Dossier Prepared by the Candidate: Sec. 3.7.5.1	64
Material Solicited by the Faculty Advancement and Tenure Review Committee: Sec. 3.7.5.2 ...	64

Evaluation by the Department Chair: Sec. 3.7.5.2.1	64
Evaluation by the Department: Sec. 3.7.5.2.2	65
FATRC Evaluation and Recommendation: Sec. 3.7.5.3	65
Dean's Evaluation and Recommendation: Sec. 3.7.5.4.....	66
Recommendation of the Vice President for Academic Affairs: Sec. 3.7.5.5.....	66
Location and Use of Review Files: Sec. 3.7.6	66
Review Timetables: Third-Year, Tenure, and Promotion: Sec. 3.7.7.....	66
Timetable for Third-Year Review: Sec. 3.7.7.1.....	66
Timetable for Tenure Review: Sec. 3.7.7.2	67
Timetable for Promotion Review: Sec. 3.7.7.3.....	67
Separation: Sec. 3.8.....	68
Resignation: Sec. 3.8.1.....	68
Retirement: Sec. 3.8.2.....	68
Faculty Retirement Programs: Sec. 3.8.2.1.....	68
Privileges of Retired Faculty Members: Sec. 3.8.2.2	69
Non-Reappointment of Probationary Contracts: Sec. 3.8.3.....	69
Non-Reappointment Decision: Sec. 3.8.3.1.....	69
Notice of Non-Reappointment: Sec. 3.8.3.2	70
Layoff/Termination: Sec. 3.8.4	70
Prolonged Mental or Physical Illness: Sec. 3.8.4.1	70
Discontinuation of Academic Programs, Departments, or Majors: Sec. 3.8.4.2.....	71
Enrollment Emergency: Sec. 3.8.4.3.....	71
Financial Exigency: Sec. 3.8.4.4.....	71
General Procedures Regarding Layoff: Sec. 3.8.4.5	72
Specific Procedures of Layoff: Sec. 3.8.4.5.1	72
Order of Layoff: Sec. 3.8.4.6	73
Appeals on Layoff/Termination: Sec. 3.8.4.7.....	73
Recall Policy: Sec. 3.8.4.8	74
Dismissal for Cause: Sec. 3.8.5	74
Progressive Discipline of Faculty Members: Sec. 3.8.5.1	75
Alternative Disciplinary Sanctions: Actions Short of Dismissal: Sec. 3.8.5.2.....	76
The Faculty's Obligations, Rights, Academic Freedom, and Code of Ethics: Sec. 3.9.....	77
Faculty Responsibilities: Sec. 3.9.1	77
General Statement: Sec. 3.9.1.1	77
Adherence to University Regulations: Sec. 3.9.1.2	78
Principal Occupation: Sec. 3.9.1.3.....	78
Course Offerings and Content: Sec. 3.9.1.4.....	78
Absence and Class-Related Duties: Sec. 3.9.1.5.....	78
Availability and Office Hours: Sec. 3.9.1.6.....	79

Student Advising: Sec. 3.9.1.7.....	79
Guidelines for Student Advising: Sec. 3.9.1.7.1.....	79
Share in Governance: Sec. 3.9.1.8.....	80
Recruitment of Prospective Students: Sec. 3.9.1.9.....	80
Community Service: Sec. 3.9.1.10.....	80
Academic Community Cooperation: Sec. 3.9.1.11.....	80
Deadlines: Sec. 3.9.1.12.....	80
Academic Freedom: Sec. 3.9.2.....	80
Academic Freedom and Artistic Expression: Sec. 3.9.2.1.....	81
Academic Freedom for Librarians: Sec. 3.9.2.2.....	82
Faculty Policy for Academic Freedom of Speech and Assembly: Sec. 3.9.2.3.....	83
Code of Professional Ethics: Sec. 3.9.3.....	83
The Statement: Sec. 3.9.3.1.....	83
Definition of Work Load: Sec. 3.10.....	84
General Contractual Obligation: Sec. 3.10.1.....	84
Teaching Duties: Sec. 3.10.2.....	85
Non-Teaching Duties: Sec. 3.10.3.....	86
Definition of Year: Sec. 3.10.4.....	86
Primary Faculty Responsibility: Sec. 3.10.5.1.....	87
Outside Activities and Outside Professional Activities: Sec. 3.10.5.2.....	87
Examples of Usual Outside Professional Activities of Faculty: Sec. 3.10.5.2.1.....	87
Applicable Procedures: Sec. 3.10.5.3.....	88
Prior Authorization: Sec. 3.10.5.3.1.....	88
Time Restriction on Outside Activities and Outside Professional Activities: Sec. 3.10.5.3.2.....	88
Use of University Facilities and Services: Sec.3.10.5.3.3.....	88
Use of the University Name and Seal: Sec. 3.11.5.3.4.....	89
University Non-Responsibility for Outside Activities: Sec. 3.10.5.3.5.....	89
Political Activity as Basis for Leave from the University: Sec. 3.10.5.3.6.....	89
Compliance and Enforcement: Sec. 3.10.5.4.....	89
Working Conditions: Sec. 3.12.....	90
Closure: 3.12.1.....	90
Hazardous Waste Disposal: Sec. 3.12.2.....	90
Creative Works: Sec. 3.12.3.....	90
Interest in Creative Works: Sec. 3.12.3.1.....	91
Policy Revisions: Sec. 3.12.3.2.....	94
Creative Works Committee: Sec. 3.12.3.3.....	94
Sale of Employee Created Materials to University Students: Sec. 3.12.3.4.....	95
Fund-raising Policy: Sec. 3.12.4.....	95
Human Subject and Animal Research: Sec. 3.12.5.....	95

Part IV: Appendices

Institutional Committee (FATRC) Membership and Terms: Sec. 4.196

University Administrative Structure: Sec. 4.2 97

President: Sec. 4.2.1 97

President’s Cabinet: Sec. 4.2.1.1 97

Executive Vice President: Sec. 4.2.1.2 97

Provost: Sec. 4.2.1.3 97

Vice President for Graduate and Special Programs – Twin Cities Campus: Sec. 4.2.1.4 98

Vice President for Graduate and Special Programs – Winona Campus: Sec. 4.2.1.5 98

Vice President for Development and Alumni Relations: Sec. 4.2.1.6 98

Vice President for Financial Affairs: Sec. 4.2.1.7 98

Vice President and General Counsel: Sec. 4.2.1.8.....99

Vice President for Mission: Sec. 4.2.1.9.....99

Vice President for Communication and Marketing: Sec. 4.2.1.1099

Vice President of the College: Sec. 4.2.1.11..... 99

Vice President for Admission: Sec. 4.2.1.12 100

Vice President for Student Development: Sec. 4.2.1.13..... 100

Associate Vice President for Academic Affairs: Sec. 4.2.1.14..... 100

Associate Vice President and Academic Dean – Twin Cities Campus: Sec. 4.2.1.15 100

Undergraduate Academic Administration: Sec. 4.2.2..... 100

Vice President of the College: Sec. 4.2.2.1..... 100

Associate Vice President for Academic Affairs: Sec. 4.2.2.2..... 101

Dean of a School: Sec. 4.2.2.3 101

Term of Office: Sec. 4.2.2.3.1.....101

Duties and Responsibilities: Sec. 4.2.2.3.2.....101

Associate Deans: Sec. 4.2.2.4102

Dean of International Studies: Sec. 4.2.2.5..... 103

Department Chair: Sec. 4.2.2.6.....103

Term of Office: Sec. 4.2.2.6.1.....104

Duties and Responsibilities: Sec. 4.2.2.6.2.....104

Leaves: Sec. 4.3 106

With Pay: Sec. 4.3.1 106

Sick Leave: Sec. 4.3.1.1 106

Civil Duty Leave: Sec. 4.3.1.2 107

Funeral Leave: Sec. 4.3.1.3 107

Paid Parental Leave Policy 4.3.1.4.....108

Leaves Without Pay: Sec. 4.3.2 108

Leaves of Absence: Sec. 4.3.2.1 108

Family and/or Medical Leave Act Policy: Sec. 4.3.2.2..... 109

Benefits: Sec. 4.4	116
Statutory: Sec. 4.4.1	117
Worker's Compensation: Sec. 4.4.1.1	117
Unemployment Compensation: Sec. 4.4.1.2.....	117
Social Security: Sec. 4.4.1.3	117
Carrier Benefits: Sec. 4.4.2.....	117
Health Insurance: Sec. 4.4.2.1.....	117
Retirement Plan: Sec. 4.4.2.2.....	117
Long Term Disability Insurance: Sec. 4.4.2.3.....	118
Term Life Insurance: Sec. 4.4.2.4	118
Liability Insurance: Sec. 4.4.2.5.....	118
Institutional Benefits: Sec. 4.4.3	118
Tuition Remission Benefit: Sec. 4.4.3.1	118
Parking: Sec. 4.4.3.2	118
Events: Sec. 4.4.3.3.....	118
Use of Copyrighted Materials: Sec. 4.5	118
Saint Mary's University Equal Employment Opportunity Policy Statement: Sec. 4.6.....	125
Saint Mary's University Discrimination and Sexual Harassment Policy Statement: Sec. 4.7.....	125
Review and Grievance Procedure: Sec. 4.8	126
Intent: Sec. 4.8.1	126
Definition: Sec. 4.8.2	126
Review Committee: Sec. 4.8.3.....	126
Duties of the Review Committee and the University: Sec. 4.8.3.1.....	126
Procedure for Handling Grievances: Sec. 4.8.4	128
Step I: Sec. 4.8.4.1	128
Step II: Sec. 4.8.4.2.....	128
Formal Hearing: Sec. 4.8.4.3	130
Ad Hoc Hearing Committee: Sec. 4.8.4.3.1.....	130
Formal Hearing Procedures: Sec. 4.8.4.3.2.....	130
Step III: Sec. 4.8.4.4.....	131
Step IV: Sec. 4.8.4.5	131
General Provisions: Sec. 4.8.5	132
Academic Policies and Services of Interest to the Faculty: Sec. 4.9.....	132
Library Policies: Sec. 4.9.1	132
Classroom Policies: Sec. 4.9.2.....	132
Class Meetings: Sec. 4.9.2.1	132

Student Class Attendance: Sec. 4.9.2.2.....	133
Examinations: Sec. 4.9.2.3.....	133
Cheating and Plagiarism: Sec. 4.9.2.4	134
Disciplinary Dismissal from a Class or Course: Sec. 4.9.2.5	137
Excessive Absence Policy: Sec. 4.9.2.6.....	138
Registrar's Policies: Sec. 4.9.3	139
Program Evaluation Policies: Sec. 4.9.4.....	139
Academic Services: Sec. 4.9.5	139
Media: Sec. 4.9.6	139
Computer: Sec. 4.9.7.....	139
Administrative and Financial Policies of	
Interest to the Faculty: Sec. 4.10.....	139
Keys: Sec. 4.10.1.....	139
Mail: Sec. 4.10.2.....	139
Bulletin Board: Sec. 4.10.3.....	139
Telephones: Sec. 4.10.4	139
Purchase Orders/Requisitions: Sec. 4.10.5	139
Travel Policies: Sec. 4.10.6.....	139
Student Development Policies of Interest to	
the Faculty: Sec. 4.11	140
FERPA (Family Education Rights and Privacy Act) 4.11.1	140
External Relations Policies of Interest to	
the Faculty: Sec. 4.12.....	142
Communication Procedures: Sec. 4.12.1	142
Publicity for Faculty Events: Sec. 4.12.2.....	142
Grants Policy: Sec. 4.12.3.....	142
Use of Institutional Letterhead: Sec. 4.12.4.....	142
Disclaimer: Sec. 4.13	142

Part I

History, Mission and Mission Statement, Vision, and Learning in the Lasallian Tradition

1.1 History

Founding Years

Bishop Patrick R. Heffron, the second bishop of Winona, founded Saint Mary's as a college in 1912 to provide higher education for young men in southern Minnesota's Diocese of Winona and surrounding areas. In its early years, the university operated as an academy and junior college. In 1925, it became a four-year liberal arts college. The descendants of 19th-century settlers in Minnesota and Wisconsin thus received a classical education from a highly educated faculty composed primarily of diocesan clergy. The students of the early decades became religious, professional, and business leaders in their communities.

The Institute of the Brothers of the Christian Schools, an international Catholic teaching order founded in France in 1680 by St. John Baptist de La Salle, purchased Saint Mary's College from the Diocese of Winona in 1933. Soon thereafter, the university obtained formal accreditation of its bachelor's degree programs by the North Central Association of Colleges and Schools. Enrollment increased from 200 to 500 students over the next fifteen years, aided by an influx of graduates from De La Salle Christian Brothers' high schools in Minneapolis, Saint Paul, Chicago, Kansas City, and St. Louis.

The Saint Mary's curriculum, combining the traditional liberal arts and sciences with career-related studies, served the interests of both students and faculty in pursuing an integrated liberal and career education. Major programs included accounting, business administration, preparation of secondary-school teachers, and strong pre-professional majors in natural and social sciences, mathematics, law, medicine, theology, philosophy, and the humanities. All students completed a general education in the liberal arts in addition to their chosen major. These historical components of Saint Mary's College exist in today's curriculum, alongside the career-related applications that have evolved in recent years.

Mid-Century

Many Saint Mary's graduates from the 1940s through the 1970s later earned advanced degrees in law, medicine, dentistry, ministry, science, and humanities. In a national study conducted during the 1980s, Saint Mary's University achieved a ranking in the top 15% nationally in the proportion of its graduates who later went on to earn a doctoral degree.

In the late 1950s and throughout the 1960s, when enrollment reached the 1,000 mark, the college expanded its physical facilities significantly, especially to accommodate housing needs for the high representation of students (85%) electing to live on campus.

The Catholic religious developments embodied in Vatican Council II in the mid-1960s, as well as the social movements of that decade, transformed Saint Mary's College. Between 1968 and 1974,

the college experienced one of the greatest periods of change in its history:

- (1) establishment of an independent Board of Trustees, all but the president being from outside the university;
- (2) clear separation of college administration from the district administration of the De La Salle Christian Brothers;
- (3) revision of faculty and student body governance;
- (4) a decision to become a coeducational institution in 1969, starting with a very small class of women; subsequently to the achievement of a complete balanced mix of genders within the student body;
- (5) declining numbers of seminarians and Brothers in the student body;
- (6) shift in perception from "student" to "young adult" status, and
- (7) expansion of the curriculum. By 1980, enrollment had surpassed 1,200 undergraduates and 200 master's degree students.

Present Day

During the 1980s the campus underwent vigorous growth. Constructed during this decade were the Ice Arena (1986), Performance Center, including Figliulo Recital Hall and Joseph Page Theatre (1987), Brother Charles Hall science addition (1987), Gilmore Creek Residence (1989), and Christian Brothers Residence (1989). Extensive renovation also took place. The Saint Thomas More Chapel, art and music facilities, and most classrooms and residence halls were remodeled.

From the mid-1980s to the present time, simultaneous with the elimination of all deferred maintenance to the facilities, the addition of new facilities and the renovation of over thirteen of the existing campus buildings, vigorous change and growth took place within the academic and in every other area of Saint Mary's.

Major curricular changes occurring since the mid-1980s were the development of a completely new core curriculum, the introduction, and eventual expansion of the Lasallian Honors Program, the establishment of the De La Salle Language Institute and the introduction of the Program for Academic Success. Foreign study centers were established in London, Florence, and Mexico, expanding international educational opportunities to greater numbers of the traditional undergraduate student body.

Vigorous growth took place in graduate study offerings with the decision to move core centers for graduate studies to the campus in Minneapolis and centers in Rochester and Apple Valley, Minnesota. Graduate study offerings were also expanded on the Winona Campus during these years.

The Hendrickson Institute for Ethical Leadership, and the Metanoia Group, along with new degree majors at both the undergraduate and graduate levels, were all additions during this time, bringing greater depth and outreach to the mission of Saint Mary's University.

The academic administration of the university was divided into schools in order to more effectively concentrate on the wide range of offerings being made to an increasingly diverse student body. In addition to these many changes, a new campus was established in Nairobi,

Kenya, offering a Bachelor's degree in education and a Master's degree in African Studies. In 1995, Saint Mary's College was renamed Saint Mary's University of Minnesota.

The New Millennium

Saint Mary's University of Minnesota has played a vital role in the arena of higher education since its founding in 1912. What was a local college providing education for young men in 1912 is today an international university serving women and men of every age, race and nationality. The university is true to its Lasallian heritage in Saint John Baptist de La Salle's belief in meeting the needs of the people of the times. Saint Mary's continues to carry out this integral part of our mission. It strives at the same time to remain a university that is attentive to unique individuals with varying psychological, social, physical and spiritual needs. This has been a hallmark of this university's success and a critical dimension which seems most appropriate in these ever-changing, conflicted times.

There are many positive opportunities on the horizon for the university. Saint Mary's University received its continued accreditation from the North Central Association of Colleges and Schools in 1997 until 2007. The university continues to be increasingly attractive to our diverse audience of students. New and exciting possibilities await us on the horizon and we welcome them in our desire to continue to refine and increase the quality and degree of excellence our educational offerings can provide for every individual member of our academic community.

1.2 Mission and Mission Statement

Mission

Enriched by the Lasallian Catholic heritage,
Saint Mary's University of Minnesota
awakens, nurtures, and empowers learners
to ethical lives of service and leadership.

Saint Mary's University of Minnesota: A 21st Century University

Saint Mary's University of Minnesota is a dynamic and transformational learning community that provides a person-centered educational experience grounded in excellent teaching and engaged interactive student learning. At the heart of a Saint Mary's education is the development of meaningful relationships that help the individual learner realize and achieve their potential in a trusting and respectful environment. In this way, we prepare graduates with the advanced knowledge, skills and critical-thinking abilities necessary to be lifelong learners, successful workers, good neighbors and ethical citizens.

We are a **comprehensive university** that offers an innovative preparation, such that our graduates prosper in today's knowledge economy and are prepared to meet the challenges of the 21st century. We provide relevant, engaging personal and online learning experiences, and research opportunities supported by a community of educators in order to ignite the potential of each learner. We prepare our graduates richly for the responsibilities and challenges they face as

a global citizens – citizens whose judgments, decisions and actions will profoundly affect the decency, integrity and sustainability of the human family and our global environment.

We are a **Catholic university** that prepares graduates with a distinctive identity in fidelity to the Church’s mission in service of the Good News of the Gospel and with a world vision rooted in the Catholic intellectual tradition: a belief in the presence of the divine in all created reality; an appreciation of and thirst for truth and knowledge; an understanding of the unity of faith and reason; a profound reverence for the self, the other and all of creation; a respect for all human life and protection of the vulnerable; the celebration of community and sacrament; a commitment to the issues of peace, justice, solidarity and human equality; and a desire to serve the common good.

We are a **Lasallian Catholic university** that is a living expression of the vision of John Baptist de La Salle, inspirational 17th-century educational innovator, patron saint teachers and founder of the De La Salle Christian Brothers: excellent quality education; respect for the dignity of all individuals; inclusive and participatory community; interiority; accessibility; civility; innovation; belief in the presence of a benevolent God; an ecumenical and inter-religious openness; solidarity with the poor; and advocacy for those suffering from injustices. We do this as a proud partner with 1,000 schools, agencies and universities that constitute the worldwide Lasallian educational network.

Understanding the complex and evolving nature of education in the 21st century, Saint Mary’s University is committed to addressing present-day challenges by striving to remain affordable for the families of our students and through distinctiveness in structure and fluidity in operation. Consequently, we function with a number of strong, innovative and complementary units.

The **residential undergraduate College** unit – nestled in the extraordinarily beautiful environment of Winona and comprised of the schools of humanities and sciences, arts, education, business, and of a seminary for clergy formation – integrates a four-year undergraduate education rooted in the liberal arts and complemented by a dynamic residential community experience that allows learners to cultivate and refine their intellectual, spiritual and professional capacities for mature leadership. Our commitment to relevant liberal education encompasses knowledge of human cultures and the natural world; hones the skills of critical thinking, analytic reasoning, creativity and effective written and oral communication; and prepares graduates for work, life, future scholarship and ethical lives of service.

The **undergraduate bachelor’s completion** unit of the Schools of Graduate and Professional Programs – in the greater Twin Cities area of Minnesota – recognizes and honors prior educational and life experience, assures an engaging, affordable and accessible learning delivery model, and opens for students successful pathways for career advancement, career transition and graduate education.

The **master’s and doctoral degrees** unit of the Schools of Graduate and Professional Program – an established leader in flexible and adaptable scheduling and delivery models in each of its schools of business and technology education, and health and human services – assures

accessible and affordable quality private graduate education in the Twin Cities and throughout Minnesota and Wisconsin; provides relevant, rigorous and relational academic experiences for adult learners through an integration of practical, professional and ethical education offered in dynamic and caring environments; and utilizes industry and community partnerships and primarily part-time cadre of competent faculty practitioners to deliver programs grounded in the principles of collaborative team-building, commitment to innovation, intercultural competence and practical applied opportunities to integrate scholarship in a real-world context.

The **international academic initiatives** unit makes operational – both in Kenya and in Jamaica – the university’s commitment to strategic global institutional relationships that respond to the expressed educational needs of underserved Lasallian and Catholic populations around the world.

Together and by association each unit of the university – the undergraduate residential College, the adult-oriented undergraduate bachelor’s completion program, the graduate studies programs of the Schools of Graduate and Professional Programs, and the international academic initiatives – strives to meet learners where they are and to provide them with opportunities for growth in knowledge, professional preparation and personal transformation. In these ways, Saint Mary’s has provided students various and flexible learning options and has remained nimble enough to adjust methods as needs and desires change.

Consequently, enriched by the Lasallian Catholic heritage, Saint Mary’s University of Minnesota proudly awakens, nurtures and empowers learners to ethical lives of service and leadership, strives to transform society one learner at a time, and graduates students who have over the years consistently been successful and risen to levels of leadership in the fields of business, health and human services, government, church and education.

This is who we are – a transformational and innovative national university with a global footprint. Our 100-year story of success is an extraordinary one, and we remain committed to providing the transformative education needed for our day and time as a modern American university in the Lasallian Catholic tradition.

1.3 Vision

Grounded in its Lasallian Catholic identity, Saint Mary’s University of Minnesota is nationally ranked transformational and innovative university with a global footprint. Saint Mary’s graduates gain the advanced knowledge, skills and critical-thinking abilities necessary to be lifelong learners, successful workers, good neighbors and ethical citizens that ensure Saint Mary’s standing as a well-known top-tier national university preparing tomorrow’s leaders.

Approved by the Board of Trustees
October 5, 2012

1.4 Learning in the Lasallian Tradition

Learning at Saint Mary's University is active, collaborative, and contextual, and is supported by a Lasallian commitment to serve the needs of individual learners.

The College integrates undergraduate education in the liberal arts with a residential experience to challenge and support students in their intellectual, spiritual, personal, and professional development. The academic program of the College offers courses in general education, including a required core and elective courses, and in a disciplinary major of the student's choice. The co-curricular program of the College provides students with opportunities for positive community participation, faith-formation, service, and athletic competition. This educational programming produces graduates who:

- are competent in a major;
- have acquired a breadth of knowledge and exposure to approaches to understanding the human condition;
- have developed skills for life-long learning; and
- possess a Lasallian disposition toward leadership and service.

The School of Graduate and Professional programs provides relevant and rigorous academic experiences for adult learners through an integration of practical, professional, and ethical education offered in dynamic and caring environments. The academic program of the School of Graduate and Professional Programs offers coursework from the undergraduate through doctoral level. The School supports the individual learning expectations of each student and acknowledges the wealth of experience and prior learning that each adult learner brings to the classroom. At the conclusion of all programs of study, graduates are expected to be able to:

- demonstrate competence in their professional fields;
- communicate effectively in a variety of modes;
- work effectively with diverse populations;
- demonstrate critical thinking skills;
- understand the ethical implications of their actions; and
- continue learning throughout their lives.

Part II

Faculty Governance

2.1 Constitution of the Faculty of the College of Saint Mary's University of Minnesota

ARTICLE I

Name

The name of this organization is the Faculty of the College of Saint Mary's University of Minnesota, sometimes herein referred to as the *Faculty*.

ARTICLE II

Grant of Powers

Definition of Faculty Powers

The affairs of Saint Mary's University are managed by the Board of Trustees. Subject to the Board of Trustees and the provisions of the University Articles of Incorporation and University Bylaws, the Faculty will exercise the express powers set forth in these Faculty Bylaws. The Faculty shall have the right to recommend requirements for admission, courses of study, conditions for graduation, nature of degrees to be conferred, and regulations for the conduct of educational work of the university. It will recommend bylaws for the governance of the Faculty and will insure the necessary organization for the conduct of those aspects of student life and activities affecting academic matters. Finally, it will recommend, as and when appropriate, to the Board of Trustees candidates for degrees from the College and candidates for honorary degrees.

Exercise of Faculty Powers

The exercise of the powers herein conferred on the Faculty which in the judgment of the President of the university involves a major issue in the educational policy or social functioning of the university, requires the explicit approval of the President of the university and of the Board of Trustees. In case of disagreement among the Faculty, the President, and the Board of Trustees on such a major issue, the Board of Trustees will consult with the Faculty and the President before making a final decision. Any such decision shall be within the sole discretion of the Board of Trustees.

ARTICLE III
Purpose

The purposes of this organization shall be:

1. to promote both the ethics and ideals, and the rights and duties, of the faculty;
2. to facilitate the exercise of the members' rights and the performance of their duties as professional educators at the College of Saint Mary's University;
3. to participate in the academic governance of the College of Saint Mary's University;
4. to promote cooperation among the Faculty and among all groups which comprise the Saint Mary's University community;
5. to advance the members' general welfare and their security in the profession as members of the Faculty of the College of Saint Mary's University; and
6. to act as the voice of the Faculty when its members wish to speak to matters of common concern.

ARTICLE IV
Membership

All academic administrative officers, full-time faculty, associate academic faculty, and academic administrative personnel, shall be members of the Faculty, and are expected to attend the meetings of the Faculty.

ARTICLE V
Officers

The officers of the Faculty shall be a Chair, a Vice-Chair and a Secretary.

ARTICLE VI
Committees

The Faculty may name standing or ad hoc committees of the Faculty to conduct the business of the Faculty.

ARTICLE VII
Method of Amendment

This constitution may be amended at any business meeting by a 1/2 majority vote of the voting members present, provided that the proposed amendment has been distributed in writing at the previous regular meeting. Such amendments will become effective upon approval by the Board of Trustees of Saint Mary's University.

2.2 Bylaws of the Faculty of Saint Mary's University

2.2.1 ARTICLE I
 Membership

A. Definitions

The following definitions of academic administrative officers, academic personnel, and academic administrative personnel determine eligibility for Faculty membership as provided in Article IV of the Faculty Constitution. In any Faculty governance document, reference to a Faculty group by using a phrase as underlined below shall be understood to mean that group as defined in this Article.

1. Academic Administrative Officers

Academic administrative officers include the President of the university, the Vice President for Academic Affairs, the Deans of the Schools, the Vice President of the College, and, as appropriate, the Vice President for the Schools of Graduate and Professional Programs.

2. Academic Personnel

A. Full-time Faculty A full-time faculty member:

- a. ordinarily has full-time teaching duties or has teaching and other duties (e.g., research, academic administration, counseling duties) equivalent to a full-time teaching load as specified in his/her contract with the university (see Section 3.11.2).
- b. fulfills the duties and responsibilities of a faculty member; and
- c. holds academic rank as described in Section 3.1.2.

B. Associate Academic Faculty

- a. Part-time or Special Appointment Faculty as defined in Sections 3.1.3 and 3.1.4 of this *Handbook*.
- b. Per course or special appointment Faculty engaged in instruction, research, academic advising, or a combination of these tasks. Their primary contract is signed by the Vice President for Academic Affairs and specifies a definite salary dependent on the number of hours spent in professional duties. Emeritus faculty as special appointment are considered Associate Academic Faculty.

3. Academic Administrative Personnel

Other persons whose responsibility is in the area of academic administration and who report to the Vice President for Academic Affairs, either directly or indirectly, through academic administrative supervisors.

B. Exclusion

Notwithstanding any other provision of this article, no full-time undergraduate student registered for credit at Saint Mary's University may be a member of the Faculty.

C. Voting

1. Academic administrative officers, full-time faculty members, and full-time academic administrative personnel will have full voting privileges.
2. Associate academic faculty and part-time academic administrative personnel shall have all rights and privileges of participation in discussions but will not vote on matters before the Faculty.
3. Emeritus faculty may request from the Chair full voting privileges with attendant obligations, which would include, but not be limited to, teaching courses, serving on Faculty or university committees, etc.

D. Institutional and Faculty Committee Membership

Unless otherwise specified under committee membership, only full-time faculty and full-time academic administrative personnel can serve on Institutional and Faculty Committees.

E. Quorum

A quorum shall consist of a majority of all voting members as defined above. See also Section 2.2.6 (C).

2.2.2

ARTICLE II
Involvement In Governance

A. Purpose

Governance at Saint Mary's University is appropriately shared among the members of the institution. In any institution, all authority (the legitimate right to decide) is obtained by delegation from the highest authority. At Saint Mary's University, this body is the Board of Trustees.

As a matter of philosophy, effective authority is obtained through the voluntary consent of those to be governed by the authority. Responsibility, the accepting of the consequences of decisions, must be closely linked to authority or the delegation of authority.

As part of the governance process, certain advisory relationships are established. Their purpose is to allow members of the institution who may be affected by a decision to communicate that information to the one(s) who exercise(s) the authority.

The faculty, as a body, through its committees, its chairpersons, and individually, participates in the governance process. In order to participate effectively, the faculty operates within the authority and advisory relationships which are defined.

A. Purpose and Authority:

1. The Faculty Council and all Faculty committees have as their ultimate purpose contributing to the common good of Saint Mary's University as articulated in the university's mission statement. Committee work will reflect the university's Lasallian Catholic identity. To this end, all committees will strive to actualize the principles of mutual respect, mutual trust, communication, and accountability.
2. Committees charged with areas identified as *Immediate Authority* as defined in Article 2, Section B, of this Handbook are considered committees of the Faculty.
3. To insure attention to the university's mission and common good, all committees of the Faculty will adopt procedures that include appropriate communication with affected faculty, deans, academic administrators, and university administrators. At a minimum, each committee will ordinarily make available its agenda, at least three days before its meetings, and its minutes, as soon as they are approved.

B. Definitions

1. Immediate Authority - Decision effective immediately, not usually subject to higher review.
2. Regular Authority - Decision effective immediately, normally reviewed by higher authority and may be rescinded.
3. Limited Authority - Decision not effective until approved by higher authority.
4. Shared Authority - Decision not effective until all sharing the authority have decided.
5. Regular Advisory - A defined ongoing relationship.
6. Requested Advisory - A relationship that exists only for the life of a single decision (or related family of decisions).
7. Voluntary Advisory - An undefined relationship.

C. The Areas of Authority and Advice

1. Authority

In all matters appearing in this section, it must be noted that authority extends only to those decisions made within the constraints established by university policy.

a. Immediate Authority

Immediate authority is that authority exercised by the highest levels and is not normally subject to review. Faculty members exercise immediate authority in matters related to the administration of a class. This includes, but is not limited to: evaluation of student work, selection of teaching method(s), selection of material to be presented within the guidelines set by departments, and the maintenance of a class atmosphere conducive to the learning process.

The Faculty has immediate authority regarding the conduct of its own business meetings. This authority does not extend to substantive constitutional or bylaw changes.

b. Regular Authority

Regular authority is that authority delegated to one who can best make the decision. It has immediate effect but is subject to administrative and/or board review.

The faculty, as a body, through departments, schools, and its committees, has regular authority regarding the establishment, termination, or change in undergraduate academic programs and the establishment, termination, or modification of courses which support those programs. This authority extends to the establishment and maintenance of academic standards.

The faculty, through its departments, has the regular authority to manage funds, subject to dollar limitations, as defined by the approved university budget.

The faculty, through established handbook procedures, has regular authority regarding appeals by dismissed tenured faculty.

c. Limited Authority

This authority concerns matters which require approval by a higher authority before they may take effect.

The faculty has limited authority to set its own bylaws.

The faculty, through properly constituted search committees, has a limited authority in recommending faculty to fill teaching positions.

d. Shared Authority

Shared authority recognizes the appropriateness of a collaborative management style in regard to some decision areas. It is stronger than a regular advisory relationship. It encompasses matters where the ultimate responsibility falls equally on two or more bodies. To be effective, in cases of impasse, the administration carries more authority than the others. However, the important concept is that a maximum effort is made by all parties to reach a mutually acceptable decision.

2. Advisory

In many matters authority must be retained by the administration even while direct or indirect responsibility falls upon the faculty. In these matters advisory relationships are defined.

a. Regular Advisory

The Faculty, through its committees, maintains an ongoing advisory relationship with various administrative offices.

The Faculty, as a body through committee action, has a regular advisory role in determining those matters related to compensation, welfare and work environment. The regular advisory role also includes those matters relating to faculty retention, promotion, and tenure which are not covered by the section on authority.

The Faculty, through the Student Life Committee, has a regular advisory role in those matters where the Office of the Vice President of Student Life has authority.

b. Requested Advisory

In those matters which are not regular, recurring, or anticipated, the administration may request the formal advice of the Faculty. These circumstances are under the control of the proper authority but should be exercised when decisions will have a recognized affect on the faculty or academic life of the institution. When the administration requests formal advice from the Faculty, the Faculty Council should be consulted as to who has the right to speak for the Faculty. Requesting advice from an individual Faculty member is not equivalent to requesting advice from the Faculty.

c. Voluntary Advisory

The Faculty has the right to speak to any matter affecting the university. The matters need not have direct or indirect affect on the academic life. The university is a community and the faculty are members of that community. Faculty must exercise this right with full respect for the authority that must make the decision.

D. Exceptions to the Policy

The effectiveness of this policy requires adherence to its guidelines under all but exceptional circumstances. If the designated authority cannot make a timely decision, then the higher authority may exercise the power after so informing the designated faculty body.

Other exceptional circumstances may occur under conditions of exigency. Exceptions, based upon exigency, will only occur after a proper exigency determination has been

made. The declaration of exigency cannot occur until the Faculty Council has the opportunity to study the financial health of the university.

2.2.3

ARTICLE III

Selection of Faculty Council Members

Faculty governance, including committee service, is a valued dimension of faculty work. An effective governance system is one in which participation is accessible, exercise and delegation of authority are transparent, and decision-making is efficient. Implementation and management of such a system requires expertise and time. Members of the Council bear particular responsibility to act as partners in the stewardship of University resources, as advocates for the interests of the faculty body, and as effective, efficient managers of faculty business. The context in which they must render this service is characterized by significant institutional dynamism, and by high colleague expectations for integration, transparency and individual responsiveness.

Individuals elected to Faculty Council positions are asked to prioritize these roles as substantial services to the University. Persons who stand for election to these positions must recognize that these roles require engaged presence, and are expected to refrain from seeking or accepting other substantial commitments to scholarship or service. Concomitantly, the significance of service in these roles will be recognized as substantive in matters of faculty advancement. Likewise, academic departments and the academic administration commit to allocating resources such that every member of the voting faculty has equitable access to leadership via the Council.

Faculty Officers are uniquely responsible to present the face and voice of the faculty body within the University community. To do so with integrity, they engage with other constituencies at the College in ways that foster familiarity and a genuine sense of shared ownership of institutional concerns.

In recognition of the high expectations for and value of service provided by council members (officers and at-large), the faculty and academic administration shall maintain a meaningful compensation plan for Council members, which may include stipends or reassignment.

- A. The Faculty Council shall consist of the Chair, Vice-Chair, Secretary and four (4) additional members. The election of Faculty Chair, Vice-Chair, and two at-large members shall be staggered in alternate years with the election of the Secretary and two at-large members. Faculty officers and at-large Council members shall be elected at-large, by and from among the voting members of the Faculty. They assume office on June 1 of the election year, to serve terms of two years, summers inclusive.
- B. A Parliamentarian shall be appointed by the Chair of the Faculty. S/he may be chosen from the members of the Faculty or from qualified persons who are not members of the Faculty. The appointment shall be reported to the faculty as a matter of faculty business via minutes, and as such is subject to a call for reconsideration [per Faculty Handbook Section 2.3.3.1 (d)].

ARTICLE IV
Duties of Officers

A. The Chair

1. The Chair of the Faculty shall be the principal elected officer of the Faculty.
2. The Chair shall convene and preside at meetings of the Faculty.
3. The Chair of the Faculty shall be the chair of the Faculty Council.
4. The Chair shall relay to the Faculty as a body or through its Council any information or communication which he or she judges to be of interest to the Faculty or which is directed to the Chair as principal elected officer of the Faculty.
5. The Chair shall represent the Faculty in conveying resolutions and recommendations of the Faculty to the Secretary of the Board of Trustees, the President of the University, the Vice President for Academic Affairs for the college, or other administrative officers.
6. The Chair shall represent the Faculty in any other matters in which the Faculty wishes its principal elected officer to speak or act on its behalf.

B. The Vice-Chair

1. The Vice-Chair of the Faculty shall preside at meetings of the Faculty whenever the Chair is absent.
2. The Vice-Chair shall assume all other powers and duties of the office of Faculty Chair for the duration of an absence from or vacancy in that office.
3. The Vice-Chair of the Faculty shall be the vice-chair of the Faculty Council.
4. The Vice-Chair shall serve as chair of the Handbook Subcommittee of the Faculty Council.

C. The Secretary

1. The Secretary of the Faculty shall keep the roster of the members of the Faculty.
2. Before the first regular meeting of each semester of the academic year, the Secretary shall obtain from the Vice President for Academic Affairs a list of the names and appointments of academic administrative officers, full-time Faculty and associate-academic Faculty, and academic-administrative personnel. The list

will clearly indicate those members on leave, reappointment or sabbatical, including the term (fall, spring, full year).

3. The Secretary of the Faculty shall be the secretary of the Faculty Council.
4. The Secretary shall conduct the correspondence of the Faculty, except when directed otherwise by the Chair of the Faculty.
5. The Secretary shall assist the Chair of the Faculty and the chairs of Faculty committees in the preparation of communications and documents.
6. The Secretary shall notify all members, the President of the University, the Vice President of the College, the Vice President for Academic Affairs, and invited observers of the time and place of each meeting of the Faculty.
7. The Secretary shall make the agenda for meetings of the Faculty available to all members, the President, the President's Cabinet, the Vice President of the College, the Vice President for Academic Affairs, and invited observers.
8. In the event of the absences of the Chair and Vice-Chair from a meeting of the Faculty or their failure to call meetings as required, the Secretary shall call a meeting of the Faculty, which shall elect its presiding chair for that meeting.
9. The Secretary shall call the roll at Faculty meetings when required.
10. The Secretary shall keep minutes of the proceedings and actions of Faculty and Faculty Council Meetings and make copies of the approved minutes available to members of the Faculty.
11. The Secretary shall submit all revisions of the *Faculty Handbook* approved by the Faculty to the Vice President of Academic Affairs for consideration by the President, and then the Board of Trustees.
12. The Secretary shall serve as the Chair of the Nominations and Elections Subcommittee of the Faculty Council.

D. The Parliamentarian

1. The Parliamentarian shall be appointed by the Chair of the Faculty. S/he may be chosen from the members of the Faculty or from qualified persons who are not members of the Faculty. The appointment shall be reported to the Faculty as a matter of Faculty business via minutes, and as such is subject to a call for reconsideration. (See 2.3.3.1(d).
2. The Parliamentarian shall attend all regular and special meetings of the Faculty.

3. The Parliamentarian shall advise the Chair and all other presiding officers regarding the conduct of Faculty meetings and, when requested by the committee chair, the procedural conduct of Faculty committees.

2.2.5 ARTICLE V

Elections

A. Term Limits

With the exceptions of the Secretary of the Faculty and Parliamentarian (who may serve any number of consecutive terms), the officers of the Faculty and members of standing committees may be elected or appointed to succeed themselves for at most one additional term of office, unless otherwise specified in this *Handbook* under Section 2.3.

B. The Nominations and Elections Subcommittee

The Secretary of the Faculty is the Chair of the Nominations and Elections Subcommittee as outlined in Section 2.2.4, Article IV, C12 and is responsible for all faculty election proceedings. The Secretary, at his or her discretion, may ask up to two members of the Faculty Council to serve on the Nominations and Elections Subcommittee. Nominees for any faculty governance position will come from the faculty voting list of the most recently approved faculty roster.

C. Election of Committee Members

1. Elections to committees shall take place in February, March, or April of each year. Unless noted otherwise, an absolute majority of votes cast shall be required for election. If no candidate for an office has an absolute majority on the first ballot, the two candidates with the greatest number of votes on that ballot shall be the only nominees eligible for the office in subsequent ballots. unless otherwise specified in this handbook.

2. Newly elected committee members shall begin their term at the start of the next contract year.

3. A Faculty member may serve on only two standing committees and one *ad hoc* committee at a time, be it a Standing Committee of the Faculty or an Institutional Committee. This restriction does not apply to standing committees of schools or departments.

4. Committee members required to be elected from a particular school or department will be elected by that school or department through a process determined by the Faculty within that school or department. At-large positions are drawn from the full faculty. Nominations will be organized and overseen by the Nominations and Elections Subcommittee of the Faculty Council.

5. Elected committee members who are unable to serve during a portion of their term of service have the option, except in the special cases noted below, of taking a temporary leave or resigning from the committee. In making this decision, due consideration should be given to the affect of a temporary absence on the integrity and continuity of the committee's work.

- a. The Faculty member's intent to take a temporary leave or resign from a committee shall be stated in writing to the Chair of the Faculty with a copy to the chair of the affected

- committee. This written statement shall describe the reason(s) for leaving and the effective date(s) of the absence. Such written notice should be submitted in a timely manner so that arrangements for a replacement (if necessary) can be made.
- b. The Faculty Council, in consultation with the chair of the affected committee, shall examine the need for replacement of a Faculty member who requests a leave or resigns from a committee. When this consultation dictates that a replacement is in order, the Faculty Council, through the Nominations and Elections Subcommittee, shall, at the earliest reasonable date, arrange a Special Election for a temporary (in cases of leave) or permanent (in cases of resignation) replacement. A person elected as a permanent replacement shall serve out the term that remains for the person who resigned.
 - c. Faculty who stand for election to Faculty Committees should first consider whether they anticipate being on leave (e.g., due to sabbatical) during part of their term of service. If so, they should decline the nomination and thereby avoid the need for resignation and replacement. Should a member of a committee become unable to serve for an extended period during his or her term (e.g., one semester), then a resignation shall be submitted.
 - d. Unless consultation suggests otherwise, a Faculty member who has served a majority of his or her elected term shall be considered as having completed a full term.
 - e. Should any committee decide that a committee member or chair is not effectively fulfilling his or her duties, the committee will report this concern to the Faculty Council. The Faculty Council will investigate the complaint, and based on the outcome of the investigation, may ask such member or chair to resign his or her position. If he or she refuses, the Faculty Council will bring the matter to the full faculty and ask for a vote to remove the member or chair. If this occurs, a Special Election will take place immediately to fill the empty position.

Election of Chair

1. At the end of each academic year, all Committees of the Faculty will elect from their membership a full-time faculty member to chair the committee for the next year. Current members of the committees at that time are eligible to vote for chair. The chair will be responsible for convening the committee and for orienting new members to the committee's responsibilities and procedures.
2. If a chair is unable to carry out his or her duties for a short period of time, the chair will appoint a current member of the committee as acting chair.
3. If a chair is unable to complete a term of office, a new chair will be nominated and elected by current members of the committee.

Election of Secretary

1. An election will be held in the fall to determine the secretary of each committee for the current year. All committee members are eligible for nomination as secretary.
2. If a secretary is unable to carry out his or her duties, the chair will appoint an acting secretary.

Communication

1. To ensure attention to the concept of collaborative leadership, all committees of the Faculty will adopt procedures that include appropriate communication with all

affected faculty, deans, and administrators. Within two weeks after a meeting, the minutes of each committee will be emailed to the Faculty Council Secretary who will post them on the Faculty governance web site.

2. All Committees of the Faculty will submit at least one report to the Secretary of the Faculty Council each year. This report will function as an annual report, summarizing policy initiatives under discussion and actions taken (with due consideration of confidentiality and privacy requirements where appropriate) during the academic year. This annual report will be self-evaluative, identifying aspects of the committee work that are going well and areas of responsibility that might call for adjustment. Annual reports will be submitted to the Secretary of the Faculty Council no later than one week before the final Faculty Council meeting of the academic year. Submitting these reports is the responsibility of each committee chair.

D. Special Elections

1. Vacancies which occur in the elected membership on committees shall be reported to the Faculty Secretary, as Chair of the Nominations and Elections subcommittee. The Nominations and Elections Subcommittee shall solicit the candidacy of members of the Faculty eligible to complete the term of office and shall conduct an election to fill the vacancy. Ballots may be distributed by campus mail to all voting members of the Faculty immediately, without waiting for further nominations from the Faculty. A plurality of votes returned shall be sufficient for election. In case of ties, election shall be determined by lot. The result of such special elections shall be reported by the Secretary of the Faculty to the faculty committee and the faculty at large.
2. When a vacancy occurs in the office of Vice-Chair or Secretary of the Faculty, the Chair shall hold an election to fill the vacancy at the next regular meeting of the Faculty. Two weeks notice of this election shall be given in writing to all members of the Faculty. The election shall follow the procedures for election of officers specified in this article.
3. Special elections requested by the administration, the Faculty, or a committee of the Faculty shall be held in accordance with the procedures established by the body which requests them.

2.2.6

ARTICLE VI
Meetings

There will be at least three business meetings of the Faculty each contract year, one of which will be during the month of April.

- A. A yearly schedule for faculty meetings will be established by the Faculty Council at the beginning of the contract year. Special meetings can be called by the Faculty Council, requested by academic administration or university

administration, or called when a written request is submitted to the Secretary by 20 members of the Faculty. Notices of special meetings will be provided forty-eight hours in advance, except in cases of emergency.

- B. Meetings will be governed by *Robert's Rules of Order Revised* in all cases unless they are inconsistent with the bylaws or the special rules of order of the Faculty.
- C. A quorum consists of a majority of the voting membership, not including members on leave or on sabbatical. See also 2.2.1.E.
- D. A schedule of regular meetings will be given in writing or electronically to all members of the Faculty, the Vice President for Academic Affairs, the President's Cabinet, and the President at least two weeks prior to the start of the contract year.
- E. The meeting agenda and minutes of the previous meeting will be distributed to all members one week before the meeting whenever possible.
- F. The Faculty Council Council prepares the agenda, but any member of the Faculty may bring up any matter within the jurisdiction of the Faculty under New Business. When the Faculty acts upon a Faculty Council decision, a simple majority vote of those present is required.
- G. The order of business at meetings will usually follow this order: Call or order, invocation, approval of the minutes of the previous meeting, communications, executive reports from committees (if any), old business, new business, adjournment.
- H. Proxy voting will be allowed for faculty members who are absent from Faculty meetings because of professional activity in service to the University as approved by the Vice President for Academic Affairs. A proxy voter must be named in writing and filed with the Secretary by the person whose vote the proxy represents prior to the start of the meeting at which the vote is to be recorded.
- I. Representatives of the student body, in limited number, and as approved by the Chair of the Faculty, may attend Faculty meetings as guests and observers. Such representatives shall be certified to the Secretary of the Faculty by the President of the Student Senate.
- J. Guests and observers may be excluded from any Faculty discussion where their presence would create a conflict with the Faculty's professional obligation against improper disclosure. The vote to exclude regularly invited guests and observers requires a two-thirds vote of the voting members present and voting to carry. If passed, the vote will exclude all guests and observers without exception, except those guest observers asked to remain by the faculty, who may be the subject of discussion.

2.2.7 ARTICLE VII
Amendment of Bylaws

See Section 2.4.

2.3 Committees of Saint Mary's University

2.3.1 Faculty Committee Protocols

The following protocol directs the ways the Faculty conducts its business through its committees.

1. Faculty committees are advisory to the Faculty unless they have been specifically empowered to act on behalf of the Faculty.
2. The Faculty conducts its business primarily through two types of standing committees: Institutional Committees and Faculty Committees.
3. Election of Chair
 - a. At the end of each academic year, all Committees of the Faculty will elect from their membership a full-time faculty member to chair the committee for the next year. Current members of the committees at that time are eligible to vote for chair. The chair will be responsible for convening the committee and for orienting new members to the committee's responsibilities and procedures.
 - b. If a chair is unable to carry out his or her duties for a short period of time, the chair will appoint a current member of the committee as acting chair.
 - c. If a chair is unable to complete a term of office, a new chair will be nominated and elected by current members of the committee.
4. Election of Secretary
 - a. An election will be held in the fall to determine the secretary of each committee for the current year. All committee members are eligible for nomination as secretary.
 - b. If a secretary is unable to carry out his or her duties, the chair will appoint an acting secretary.
5. Standing committees, if charged with maintaining standing subcommittees, may not dissolve such subcommittees without prior approval of the Faculty.

6. Standing committees will determine if and when individual meetings are open to faculty, but periods of deliberation and voting are limited only to members of the committee and may not be observed by visitors.
 - a. To ensure attention to the concept of collaborative leadership, all committees of the Faculty will adopt procedures that include appropriate communication with all affected faculty, deans, and administrators. See also 2.2.A.3.
 - b. Within two weeks after a meeting, the minutes of each committee will be emailed to the Faculty Council Secretary who will post them on the Faculty governance web site.
 - c. All Committees of the Faculty will submit at least one report to the Secretary of the Faculty Council each year. This report will function as an annual report, summarizing policy initiatives under discussion and actions taken (with due consideration of confidentiality and privacy requirements where appropriate) during the academic year. This annual report will be self-evaluative, identifying aspects of the committee work that are going well and areas of responsibility that might call for adjustment. Annual reports will be submitted to the Secretary of the Faculty Council no later than one week before the final Faculty Council meeting of the academic year. Submitting these reports is the responsibility of each committee chair.
7. Standing committees will meet at least once every two months during the academic year.
8. Standing committees will determine if and when individual meetings are open to faculty, but periods of deliberation and voting are limited only to members of the committee and may not be observed by visitors.
9. Communication between standing committees and the Faculty Council (see Section 2.3.3.1) will take place through Faculty Council liaisons for each committee and by making minutes available to the Council. How this is done can be determined by the committee.
10. Standing committees, if charged with maintaining standing subcommittees, may not dissolve such subcommittees without prior approval of the Faculty.
11. With the exception of *ex officio* members, student members of Faculty committees and standing subcommittees will be selected by whatever process the Student Senate deems appropriate.
12. Faculty members and students who are not members of a committee may be elected or appointed to a subcommittee.
13. Faculty committee members should disclose conflicts of interest as a part of any committee discussion.

14. In accordance with Article V, no faculty member may serve more than two consecutive terms on the same committee.

2.3.2 Institutional Committees

Election of its members to Institutional Committees is an important means by which the Faculty exercises its authority and advisory role in specific areas of institutional functioning. All Institutional Committees are identified in this section as structures of recognized and enduring importance to the institution and to the faculty. Those committees to which the faculty advisory role is of particular importance are described in detail here. Those committees pertaining to areas of institutional functioning in which the faculty advisory role is necessary and in proportion to that of other constituencies are more fully described in Human Resources Office documents.

2.3.2.2 Student Life Committee

Duties of the Student Life Committee shall include the following:

- a. Reviewing, evaluating, and making recommendations concerning student life at the College;
- b. Initiating and pursuing its own studies, recommendations, and proposals in all areas of student life.

Membership:

- a. Composition. The Student Life Committee shall be composed of the following eight members:
 1. The Vice President of Student Life, *ex officio*.
 2. The President of the Student Senate, *ex officio*.
 3. Three members of the voting faculty (per Handbook Section 2.2.1.C) with at least one year prior service at the College elected at large.
 4. Three students selected by the Student Senate.
- b. Term of Office:
 1. The term of office of all faculty members of the Student Life Committee shall be two contract years.
 2. Continuity of faculty membership shall be ensured by the election of no more than two-thirds of the faculty members each year.

3. The term of office of student members of the Student Life Committee shall be determined by the Student Senate.

2.3.2.3 Facilities Committee

Duties of the Facilities Committee shall include the following:

- a. Review, revise and/or redevelop the long-range plan for the overall improvement of the University.
- b. Prepare and publish the annual planning calendar.
- c. Provide oversight of the strategic plan of Saint Mary's University.
- d. Review plans and proposals for campus improvements and make recommendations as to priorities and timetables for implementation.
- e. Review the financial and statistical data compiled in Information for Decision Making on an annual basis.
- f. Consider and propose allocation of resources.
- g. Forming *ad-hoc* committees for special planning special programs and projects which will include appropriate representation of the membership of the areas involved.
- h. Recommend to the President and to the President's Cabinet the implementation of modified long-range plans and making known committee priorities with respect to the various areas considered throughout the course of the committee's term.
- i. The Facilities Committee shall be advisory to the President of the University.

Membership:

- a. Composition. The Facilities Committee shall be composed of the following:
 1. The Vice President of the College, *ex officio*.
 2. Three full-time faculty members (see Section 2.2.1.C) elected at large, with a minimum of one year experience at the College.
 3. One representative from the academic administrative personnel of the College (excluding Student Life) with a minimum of one year experience at the College, elected by the membership of this area.

4. One representative from and designated by areas reporting to the Vice President for Student Life.
 5. One student as appointed by the Student Senate.
- b. Term of office:
1. The term of office of all members of the faculty and administration shall be two contract years.
 2. The term of office of student members of the Facilities Committee shall be determined by the Student Senate.
- c. The Committee shall have as resource personnel those members of the University community who would serve as appropriate consultants for a particular area being considered.

2.3.2.4 Grievance Review Committee

The Grievance Review Committee shall consist of five members, none of which can be a member of the Faculty Advancement and Tenure Review Committee or Faculty Council.

Duties of the Review Committee and the University:

The Grievance Review Committee shall hear cases as indicated below:

- a. Dismissal for Cause
- b. Termination for Prolonged Mental or Physical Illness
- c. Grievances

Membership:

a. Composition. The Grievance Review Committee shall be composed of the following members:

1. Two ranked, tenured, full-time faculty members elected by the Faculty;
2. Two members appointed by the President of the university, one of which has to be a full-time faculty member and one administrator who does not report to an academic administrator;
3. One member will be chosen by the first four;
4. The committee members will elect a chairperson.

b. Term of Office:

1. The term of office for all committee members will be two calendar years;
2. Continuity of members shall be ensured by one member appointed by the President and one elected by the Faculty at the beginning of each academic year;
3. Vacancies will be filled by the individual or group who made the original appointment.

See Section 4.9.3

2.3.2.5 Ad Hoc Review Committee on Sexual Harassment

See Employee Handbook – Human Resources Office

2.3.2.6 Creative Works Committee

See Section (3.12.3.3)

2.3.2.7 Faculty Advancement and Tenure Review Committee

Duties of the Faculty Advancement and Tenure Review Committee shall include the following:

- a. Considering and recommending all applicants for retention and advancement in rank and appointment to tenure.
- b. Applying the criteria for rank and tenure recommendations set forth in Part III of this Faculty Handbook.
- c. Reviewing the progress of all faculty as called for in Section 3.6, "Promotion Policies and Procedures," through 3.7.4, "Annual Review of Probationary Faculty."
- d. Seeking such information and assuring that such records as are needed to fulfill its functions are maintained, including confidential records of its deliberations as far as legally permitted.
- e. Ensuring adherence to filing dates as established by the committee or as specified in Section 3.6.
- f. Determining that supervisory evaluation and self-evaluation are sufficient for judgment and address the criteria established in Sections 3.4 and 3.5.
- g. Reviewing and recommending desirable changes to the Faculty Handbook Committee in the criteria for promotion in rank and for advancement to tenure.

2.3.3 Standing Committees of the Faculty

2.3.3.1 Faculty Council

Selection of Faculty Council members and duties of the Faculty officers are described in Sections 2.2.3 and 2.2.4 respectively.

In general, the Council shall adhere to, advocate, and report on its efforts to advance, the documented priorities of the faculty body. The Council is charged to collaborate with the academic administration and other constituencies in the collegial and pragmatic spirit of shared governance as articulated in the Bylaws of the Faculty, Article II.

Duties of the Faculty Council include the following:

- a. Facilitating the work of all standing committees of the Faculty through familiarity with Committee minutes and regular consultation with committee chairs.
- b. Acting on all advisory decisions received from the standing committees of the Faculty.
- c. Initiating studies as it sees fit and directing the appropriate committee to carry out these studies.
- d. Reporting all of its decisions, actions and recommendations to the Faculty in a timely fashion. The decisions of the Faculty Council regarding recommendations to the administration shall become the Faculty's final recommendation 30 working days after they are reported to the Faculty. Decisions of the Council shall be reported to the faculty within 10 working days. The decisions of the council can be brought before the Faculty for reconsideration by one of the following:
 1. A simple majority vote of the Faculty.
 2. A 2/3 majority vote by the committee with primary responsibility for the issue.
 3. Upon the council's own request.
- e. A simple majority of those present and voting in a regular or special meeting of the Faculty is required to override the Faculty Council except as specified in Section 2.4.
- f. Determining the agenda of all regular Faculty meetings of which there shall be at least three each contract year (Section 2.2.6). The Faculty Council shall receive communications requesting Faculty study, advice or action. All items so

communicated to it shall be placed either on the agenda of the next regular Council or the next regular Faculty meeting. The Council shall establish and publish criteria by which it makes agenda placement decisions.

- g. Inviting non-members and guest speakers to the Faculty meetings when the Council deems it appropriate.
- h. Assuring the proper functioning of all Faculty standing committees.
- i. Attending by invitation meetings of the Board of Trustees, with authority to speak on behalf of the Faculty if requested by the Board of Trustees.
- j. Maintaining a Faculty Handbook Subcommittee, comprised of two members elected from and by the Council, and the Faculty Vice Chair, who shall serve as convener.
- k. Maintaining a Nominations and Elections Subcommittee, comprised of the Faculty Secretary, who shall serve as chair and convener, and one to two members of the Faculty Council if requested by the Faculty Secretary.
- l. Exercising the authority of the faculty in regular consultations with other constituencies of the College, subject to review by the Faculty body. In particular, the Council will initiate and report to the Faculty body on standing monthly meetings with the college Vice President for Academic Affairs; twice yearly meetings with the President of the University; and an annual meeting with Board of Trustees representatives.

2.3.3.2 Curriculum Committee

The Curriculum Committee oversees, evaluates, and approves all dimensions of the curriculum of the undergraduate college. It respects best practices and innovation within and across departments, focuses on excellence in student learning, and ensures that programs, majors, minors, and courses conform to the mission of the university and challenge and support learners in their academic and professional development.

Duties of the Curriculum Committee include the following:

- a. The Curriculum Committee shall exercise the regular authority of the faculty to initiate, establish, review, evaluate, resolve, recommend, and/or approve all matters involving the undergraduate curriculum, with the exception of the coding of courses relative to content and skill area criteria within the general education program (cf. the duties of the General Education Curriculum Committee, below). The purview of the Committee includes, but is not limited to, the following:
 - 1. Academic priorities, guidelines, and procedures for granting credit for all courses;

2. Minimum and maximum credits for undergraduate majors and minors;
 3. Departmental self-studies, program assessment plans, etc.;
 4. Academic curricular matters, concerns, and conflicts within and between schools;
 5. Courses, majors, and programs (including Lasallian Core Traditions, Lasallian Honors, and Study Abroad), credit-bearing Institutes, and
 6. Proposals to discontinue, redirect, or add programs and departments.
- b. The Committee will review each department, program, and credit-bearing Institute in the College on a regular basis and will coordinate a program review schedule with the administrative unit responsible for academic assessment.
 - c. All decisions, recommendations, and actions of the Committee shall be subject to review by the Faculty Council as described in the Guiding Principles section of the handbook. Notice of each decision, recommendation, or action will be provided by the Curriculum Committee in electronic or written form to each affected party (e.g., proposers, chairs, program directors, deans, the registrar, the Vice-President for Academic Affairs) and in summary form to the Faculty Council by means of the Committee's minutes.

Membership:

- a. Composition. The Curriculum Committee shall be composed of the following members:
 1. The Vice President for Academic Affairs, *ex officio*, or a designee, provided that that individual is designated by name in writing by the Vice President for Academic Affairs, either for the year or for a specified number of meetings.
 2. Three full-time faculty members from the School of Humanities and Sciences.
 3. One full-time faculty member from each of the other schools of the College, as constituted at the time of the election.
 4. One member representing those departments, programs, and services regularly staffed as academic administrative personnel. See 2.2.1A.3.
 5. One voting faculty member elected at-large.
 6. Two students, preferably one male and one female, with a minimum of two years' attendance at Saint Mary's University, to be selected by the Student Senate.
 7. The Registrar, if not elected to the Committee, will serve in a non-voting, advisory capacity.
 8. If this combination results in an even number of Committee members, one additional at-large member shall be elected.
 9. All elected full-time faculty members shall have a minimum of three years' experience at the College. Members representing schools or academic

administrative personnel shall be elected by the faculty of their respective entities. The at-large member(s) shall be elected by the entire faculty.

b. Term of Office:

1. The term of office of elected faculty members of the Curriculum Committee shall be two contract years.
2. The term of office of the student members of the Curriculum Committee shall be one academic year.
3. Continuity of faculty membership shall be ensured by the election of no more than one half of the elected voting faculty members each year.

2.3.3.3 General Education Curriculum Committee

In its work to provide a high quality liberal education experience for students, the General Education Curriculum committee has four important tasks. The committee approves course initiation, change, and termination in all areas of the Core Curriculum. It certifies that coded courses meet the criteria for skill and content areas. It reviews and recommends criteria for course coding as well as the content guidelines for individual courses in the Lasallian Core Traditions and Lasallian Honors programs. It monitors the assessment of student learning outcomes in all Core Curriculum.

Duties of the General Education Curriculum Committee shall include the following:

- a. Approve individual course initiation, termination, and change in all areas of the core curriculum (i.e., all courses in the Lasallian Honors and Lasallian Core Traditions programs).
- b. Certify that disciplinary courses coded as fulfilling the requirements of the skill and content areas of the general education program meet the relevant criteria for those skill and content areas. This includes certifying courses coded as writing intensive as fulfilling all of the criteria set forth in the Writing Across the Curriculum domain of the written communication skills area. This approval and certification is subject to review by the Faculty Council as defined in the Guiding Principles section of the handbook and the faculty as a whole under normal procedures.
- c. Review and recommend criteria for course coding for the general education content areas and for the skills requirements
- d. Review and recommend content guidelines for individual courses in the Lasallian Core Traditions and Lasallian Honors programs.
- e. Monitor the assessment of student learning outcomes in courses in the skill and content areas and in the Lasallian Core Traditions and the Lasallian Honors programs.

Membership:

- a. Composition. The General Education Curriculum Committee shall be composed of the following members:
 1. The Dean for Humanities and Sciences and the Director of the Lasallian Honors Program, both *ex officio*.
 2. Five elected full-time faculty members to be chosen at large. All elected members shall be members shall have a minimum of three years' Experience at the College. Further, two of the elected members shall be Tenured members of the College faculty.
 3. Two students, preferably one male and one female, with a minimum of two years' attendance at the College, to be selected by the Student Senate.

- b. Term of Office:
 1. The term of office for members of the General Education Curriculum Committee shall be two contract years.
 2. Continuity of faculty membership shall be ensured by the election of no more than three of the elected faculty members each year.
 3. The term of office for the student members of the General Education Curriculum Committee shall be one academic year.

2.3.3.4 Educational Standards Committee

The Educational Standards Committee oversees the content, quality, and functioning of the policies governing the undergraduate college academic program including, but not limited to, registration, orientation, advising, academic records, testing, academic penalties and sanctions, and academic honors and distinctions.

The Educational Standards Committee shall exercise the regular authority of the faculty in the following duties:

- a. Review and make recommendations on policies regarding:
 1. student academic standards;
 2. admission and retention;
 3. probation, dismissal, and readmission, assuring that such policies reflect respect for human rights and integrity; and
 4. student performance evaluation and grading;

- b. Review and recommend guidelines and plans for:
 1. all phases of the registration and pre-registration of students;
 2. the academic aspects of student orientation, advising, and records; and

3. the placement testing program;
- c. Review and evaluate undergraduate college academic credit policies for procedures including, but not limited to, transcript evaluation, total credit hour and ancillary requirements for graduation, credit by examination, credit for life experience, total credits taken by independent study, and total credits taken under pass/fail grade requirements;
- d. Recommend means of improving the study atmosphere or learning environment on campus;
- e. Assist in the evaluation of academic officers, if requested by the Vice President for Academic Affairs; and
- f. Communicate to the Faculty Council all committee decisions affecting the academic standards of the undergraduate college.

Membership:

- a. Composition. The Educational Standards Committee shall be composed of the following members:
 1. As *ex officio* members, the Vice President for Academic Affairs, the Registrar, the Director of Admission, the Dean of Student Success, or their designees, who must be designated by name in writing by the *ex officio* member either annually or for a specified number of meetings.
 2. Five full-time faculty members, each with a minimum of two years' teaching experience at the College, elected at large. Further, two of the Elected members shall be tenured members of the College faculty.
 3. Two students, preferably one male and one female, with a minimum of two years' attendance at the College, to be selected by the Student Senate.
- b. Term of Office:
 1. The term of office of the elected faculty members of the Educational Standards Committee shall be two academic years.
 2. Continuity of the faculty membership shall be ensured by the election of no more than three of the elected faculty members each year.
 3. The term of office of the student members of Educational Standards Committee shall be one academic year

2.3.3.5 Faculty Handbook Subcommittee

The task of the committee is to oversee recommended changes and updates in the handbook as

suggested by the faculty and submit faculty-approved changes to the Vice President for Academic Affairs for input before they are submitted to the President, and then the Board of Trustees.

Duties of the Faculty Handbook Committee include the following:

- a. Recommend revisions and/or amendments of Part II and Part III of the *Faculty Handbook* according to the procedures in Section 2.4, Faculty Handbook Revision.
- b. Review all proposed revisions and/or amendments of the sections of the *Faculty Handbook* in (#1) above according to the procedures given in Section 2.4, Faculty Handbook Revision.
- c. Review the *Faculty Handbook* when a question arises and submit a recommendation relative to it to the Faculty Council.
- d. Forward any discrepancies between the *Faculty Handbook* and the implementation of the Handbook that come to the committee's attention to the Faculty Council for consideration.

Membership:

- a. Composition. The Faculty Handbook Committee is a Subcommittee of the Faculty Council that is chaired by the Vice Chair of the Faculty and includes two other members of the Faculty Council as elected by the Council.
- b. Term of Office:
 1. The Vice-Chair of the Faculty shall chair the Subcommittee while in office.
 2. Other members from the Faculty Council will serve a term to be determined by the Council that is concurrent with terms on the Faculty Council.

2.3.3.6 Faculty Salary and Benefits Committee

The Faculty Salary and Benefits Committee shall exercise the regular advisory authority of the Faculty with a commitment to fostering a competitive salary scale and a high-quality benefits package that support the recruitment and retention of first-rate faculty and is consistent with the mission and identity of Saint Mary's University.

Duties of the Faculty Salary and Benefits Committee include the following:

- a. Review, evaluate, and may make recommendations concerning faculty salary and benefits at Saint Mary's University.
- b. May initiate and pursue its own studies, recommendations, and proposals in all areas related to faculty salaries and benefits.
- c. Communicate proposals to the Faculty Council and, once approved by the Council, present the proposals to the faculty at large for vote and ratification.

Membership:

- a. **Composition.** The Faculty Salary and Benefits Committee shall be composed of five full-time faculty members to be elected by the faculty. Among the five elected faculty, all three ranks of Assistant Professor, Associate Professor, and Professor must be represented. No more than three of the five members may be Department Chairs.
- b. **Term of Office:**
 - 1. The term of office of elected faculty members of the Faculty Salary and Benefits Committee shall be two contract years.
 - 2. Continuity of faculty membership shall be ensured by the election of no more than three of the full-time faculty members each year.
 - 3. Members will take the office on June 1 each year.

2.3.3.7 Faculty Development Committee

The mission of the Faculty Development Committee is to foster the healthy professional development of the faculty at large. To accomplish this goal, the committee facilitates and provides opportunities for the professional growth of each faculty member. It constructively reviews and makes recommendations regarding faculty proposals for sabbaticals, grants, and other development opportunities as are made institutionally available; recommends guidelines for faculty development; suggests institutional changes promoting professional development; cultivates collaborative learning opportunities such as book discussion groups, workshops, and teaching circles; and encourages public sharing of individual faculty development efforts to provide opportunities for faculty to improve as educators, scholars, and collegial members of a Lasallian academic community

Duties of the Faculty Development Committee include the following:

- a. Recommend guidelines for faculty development.
- b. Advocate for funding and implementation of faculty development plans.

- c. Recommend institutional changes which are supportive of faculty development or which are necessitated by faculty development.
- d. Review proposals and advise the Vice President for Academic Affairs on funded faculty development programs.
- e. Review proposals for sabbatical leave; the review for sabbatical shall include a recommendation to the Vice President for Academic Affairs as to whether the sabbatical shall be granted.

Membership:

- a. Composition. The Faculty Development Committee shall be composed of five full-time faculty members with a minimum of three years' service at the College to be elected at large by the faculty. Further, two of the elected members shall be tenured members of the College faculty. Student members can be asked to serve when appropriate.
- b. Term of Office:
 - 1. The term of office of all members of the Faculty Development Committee will be two contract years.
 - 2. Continuity of membership shall be ensured by electing no more than three of the members each year.
 - 3. Members may serve any number of consecutive terms.

2.3.3.8 Library Committee

The Library Committee facilitates communication between the library and the faculty with respect to faculty needs, library development and institutional priorities. To that end, the Committee serves in an advisory role on matters of library mission and organization, activities and services offered, policies for procurement of information, and in-library technology use. The Committee provides faculty and staff perspectives to guide budgetary decisions, acquisitions, and the development and maintenance of the library's physical facilities.

Duties of the Library Committee include the following:

- a. Serve an advisory function to the Library Director on matters of mission and organization, activities and services offered, policies for procurement of information, and in-library technology use.

- b. Provide faculty and staff perspectives on the resources made available through the library resources that support student learning, teaching, and scholarship to assist the library staff in identifying needs and priorities in these areas, and consequently assist the library staff in identifying budget priorities to guide budgetary decisions.
- c. Act as a sounding board for the faculty and Library Director for innovative projects.
- d. Report to appropriate faculty bodies at least annually.

Membership:

- a. Composition. The Library Committee shall be composed of the following members:
 - 1. The Director of the Fitzgerald Library, *ex officio*.
 - 2. One full-time faculty member elected from each of the schools of the College at the time of election;
 - 3. One member representing those departments, programs, and services reporting directly to the Vice President for Academic Affairs;
 - 4. One member representing the graduate programs on the Winona Campus, to be appointed by the Vice President for Academic Affairs in consultation with the Vice President of the Schools for Graduate and Professional Programs.
 - 5. Two students, preferably one male and one female, with a minimum of two years' attendance at Saint Mary's University, to be selected by the Student Senate.
 - 6. One Information Technology (IT) representative appointed by the Director of IT.
- b. Term of Office:
 - 1. Terms of office of the elected members shall be two contract years, recognizing that members may be on year-round or on academic year contracts.
 - 2. Continuity of membership will be ensured by the election of no more than two-thirds of the members each year.
 - 3. Terms of office for student members shall be determined by the Student Senate.

2.3.3.9 School Structures and Policies

The faculty in each school, in conjunction with its Dean, shall develop appropriate structures and policies necessary to effectively advise the Dean. These structures and/or policies will follow the principle described in this document.

2.4 Faculty Handbook Revision

2.4.1 Procedure for Revision of The Faculty Handbook

The following procedure is adopted as an orderly process for the initiation and consideration of amendments to Parts II and III. The rest of the *Faculty Handbook* is not covered by this procedure, but can be changed only by the Board of Trustees and/or administrative update.

The University and the Faculty commit their good faith efforts to the process of achieving agreement on policy issues affecting faculty governance and employment. That commitment shall not prejudice the responsibility and final authority of the Board of Trustees, which has the final authority to govern and administer the University, to exercise its prerogatives to govern and administer the University. The procedure outlined below is based on three interconnected principles:

- a. The first principle is to allow, in an orderly manner, all segments of the institution to contribute, each in a proper capacity, to the formulation or alteration of policy statements.
- b. The second principle is to attempt to complete work on particular issues in a timely manner by structuring, and possibly limiting, debate to allow for both complete discussion and efficiency.
- c. Third, the final adoption of policy, however formulated or proposed, is among the powers reserved to the Board of Trustees.

2.4.2 Proposed Amendments

Proposals for revising Part II and Part III of the *Faculty Handbook* can be made by the Faculty, the Faculty Council, the Faculty Handbook Committee, any Faculty committee, the Associate Vice President for Academic Affairs, the Vice President for Academic Affairs, the Vice President of the College, the President, or the Board of Trustees.

While the manner of making such proposals is a matter of individual style and custom, it is recommended that:

- a. proposals 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 contain no more than one alteration of substance;
- c. a brief explanation of the reason(s) for proposing the revision accompany the proposal; and
- d. recognized committees approve suggested amendments by a majority vote and then pass them on to the Faculty Handbook Committee.

2.4.3 Processing of Proposals

- a. Wherever proposals originate as described in 2.4.2, they will be considered by the Faculty Handbook Committee. This committee, upon receipt of a revision proposal, may choose one of the following courses of action:
 - 1. It may receive and transmit it to the President, the Vice President for Academic Affairs, and Faculty without change or comment.
 - 2. It may endorse it, attach its endorsement to the original proposal, and then transmit it to the President, the Vice President for Academic Affairs, and Faculty.
 - 3. With the consent of the submitter, it may either alter or amend a proposal before transmitting it to the President, the academic Vice President for Academic Affairs, and Faculty.
 - 4. 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 amendment before sending it to the President, the Vice President for Academic Affairs, and Faculty.
- b. The Faculty will accept or reject the amendment(s) by a simple majority vote. The Faculty Council and/or Faculty may modify the proposal and accept the modification, or may return the proposal to the Faculty Handbook Committee for further work or modification.
- c. All amendments passed by the Faculty will be sent to the Vice President for Academic Affairs for review and comment before the Faculty submits them to the President.

2.4.4 Role of the President

- a. The President may also accept, reject, amend, or remand the proposal in respect to the proposed amendment(s).
- b. If the President disagrees with the action of the Faculty, the President and the Faculty Council will meet to discuss the next steps, which may include further

study, modification, and/or resubmission of the proposal to the original submitter.

- c. Actions on amendments by the Faculty and the President will be considered by the Board of Trustees at any meeting of the Board, providing the Board of Trustees has given their approval to consider such amendments at that meeting.

2.4.5 Board of Trustees Approval

- a. Proposals approved by the President and the Faculty in a timely manner will be submitted by the President to the Board of Trustees normally thirty calendar days prior to the next meeting of the Board of Trustees.
- b. The amendment process is concluded in accordance with the action of the Board of Trustees. This action is either an approval and promulgation or a rejection of the proposed amendment(s).
- c. Proposals under discussion by the Board of Trustees have no status whatsoever, not even a promissory one, until approved by the Board of Trustees.

2.4.6 Emergency Procedure

When the President, the Vice President for Academic Affairs, and the Faculty Council, agree that in the best interests of the University, a modification in Part III of the *Faculty Handbook* 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 will be fully at the discretion of the Board of Trustees to accept or reject such a petition.

2.4.7 General Rules of Implementation

- a. Any amendments of the provisions of the *Faculty Handbook* contained in Part II and Part III will take effect immediately upon approval by the Board of Trustees.
- b. All new members of the faculty shall receive a copy of the *Faculty Handbook* at the time of their initial appointment as a new faculty member. Such copy must contain Part III in the form that will apply during the offered contract term recognizing said Part III may be modified during the contract term and any modifications will be effective immediately and binding upon the faculty member. Continuing members of the faculty will be notified of approved amendments. Said approved amendments will be added to the *Faculty Handbook* available online.
- c. A copy of the *Faculty Handbook* with current revisions will be available for inspection during regular hours at the Office of the Vice President for Academic Affairs and the Library. A copy of the *Faculty Handbook* will also be available on the university's website.

Part III

Faculty Employment Policies and Procedures

3.0 Overview

Part III of the *Faculty Handbook* addresses terms and conditions of employment at the University. The provisions in this part are legally binding on all parties, except in cases where an individual contract is inconsistent with the provisions of Part III. In those cases, the contract language supersedes.

Should there be any misapplication or misinterpretation or violation of the specific provisions of this section, the faculty member involved in such a situation may refer actions taken to the Human Resources Office, to the Faculty Handbook Committee, or may file a grievance under the Grievance Procedures found in *Faculty Handbook* Part IV. Only language in Part III of the *Faculty Handbook* comes under the grievance procedures outlined in the handbook.

3.0.1 General Principles Regarding Faculty Employment

As respected members of the Saint Mary's University community, faculty have both responsibilities and benefits. Definitions of faculty rank follow here; faculty responsibilities and benefits are outlined in Section 3.9.

1. All members of the Faculty have the right to know their professional status at Saint Mary's University and to exercise the rights and enjoy the benefits of employment.
2. Professional status encompasses provisions that apply to a faculty member's recruitment, rank, tenure, promotion, notice of non-reappointment, resignation, and dismissal. All are contained in this section of the *Faculty Handbook*.

3.1 Definition of Faculty Rank and Faculty Titles

Types of contracts (Section 3.2) and the contractual rights and responsibilities of full-time faculty (Section 3.1.1.1), part-time faculty (Section 3.1.3), and special appointment faculty (Section 3.1.4) are defined in this section and also in the sections on Evaluation (Section 3.5) and Separation (Section 3.8). Faculty engaged in instruction, advising, scholarship, and service who have been granted a specific rank and tenure prior to the approval of the current version of the *Faculty Handbook* will retain their achieved rank and tenure status and will be covered by the handbook under that rank.

3.1.1 The Ranked Faculty

The ranked faculty member is a full-time employee of the College who has been appointed to one of the four regular academic ranks: Instructor, Assistant Professor, Associate Professor, or Professor.

3.1.1.1 Full-Time Faculty

Duties of full-time faculty may vary depending on rank (e.g. Instructor, Assistant Professor, etc.)

and contract status (e.g., terminal, probationary tenure-track, tenured continuing) but a full-time faculty member

- a. is selected in the manner set forth in the current employment policies of the Human Resources Office; and generally,
- b. has primarily full-time teaching or has teaching and related duties (e.g., advising, scholarship, academic administration) equivalent to a full-time teaching load (Section 3.10.2);
- c. fulfills the duties and responsibilities of a faculty member (see Sections 3.9 and 3.10); and
- d. holds academic rank as described in Section 3.1.2.

3.1.2 Criteria for Appointment to Specific Ranked Faculty Status

At the time of initial appointment of a full-time faculty member, the Vice President for Academic Affairs of the College, in consultation with the Dean and the Department Chair makes a judgment about rank for the initial contract using the criteria described here. Written copies of the decision will be provided to the Dean, the Department Chair, the individual faculty member, and the Faculty Advancement and Tenure Review Committee (for information when considering the faculty member for tenure and promotion).

After the initial contract is awarded identifying initial rank assignment, rank changes are subject to Section 3.7 of the *Faculty Handbook*. Within all sections dealing with ranks, a university of *recognized standing* refers to a university that is accredited by a regional accrediting association (e.g., the *Higher Learning Commission*) or a university that is internationally recognized.

Descriptions of effective teaching, advising, scholarship, and service are in Section 3.5 of this handbook.

Definitions of descriptors such as *noteworthy* and *outstanding* as used in rank descriptions can be found in Faculty Advancement and Tenure Review Committee rubrics in the appendices of this handbook.

3.1.2.1 Criteria for the Rank of Instructor

- a. possession of a master's degree from a university of recognized standing or equivalent experience and professional recognition (e.g., professional recognition in the creative arts, business or medical community) as defined in Section 3.1.2; and
- b. either proven or presumptive potential to obtain an appropriate earned doctoral degree or the terminal professional degree recognized by the College; and
- c. either proven or presumptive potential for satisfactorily fulfilling the duties and responsibilities of a faculty member.

3.1.2.2 Criteria for the Rank of Assistant Professor

- a. possession of an appropriate earned doctorate or an appropriate terminal professional or academic degree from a graduate institution of recognized

standing (e.g., C.P.A. with Master's degree, M.B.A., or M.F.A.), or accomplishments that are considered equivalent (e.g., recognized performance in the creative arts or in the business or medical community) as defined in Section 3.1.2; or

1. Completion of doctoral coursework with dissertation to be completed within one year (ABD), or
 2. Master's degree plus one additional year's graduate study plus two years' university teaching experience, or
 3. Master's degree plus three years' university teaching experience; and
- b. either proven or presumptive potential for satisfactorily fulfilling the duties and responsibilities of a faculty member; and
- c. either proven or presumptive competence in the areas of teaching effectiveness, advising, scholarship, and service as defined in Faculty Advancement and Tenure Review Committee rubrics.

3.1.2.3 Criteria for the Rank of Associate Professor

- a. possession of an appropriate earned doctorate or an appropriate terminal professional degree from a graduate institution of recognized standing (e.g., C.P.A. with Master's degree, M.B.A. or M.F.A.), or experience and professional recognition (e.g., outstanding performance in the creative arts or in the business or medical community) as defined in Section 3.1.2; and
- b. a minimum of six years of full-time ranked teaching in a regionally accredited college or university (or recognized international university), or a minimum of five years of full-time teaching at the rank of Assistant Professor at Saint Mary's University; and
- c. evidence of sustained *noteworthy* teaching effectiveness, advising, scholarship, and service as defined in Faculty Advancement and Tenure Review Committee rubrics.

3.1.2.4 Criteria for the Rank of Professor

The title of Professor is in recognition of exceptional teaching, advising, scholarship, and service to the college as defined in tenure and review documents and processes.

Criteria are:

- a. possession of an appropriate earned doctorate from a graduate institution of recognized standing, or an appropriate terminal professional degree from such an institution (e.g., C.P.A. with Master's degree, M.B.A., or M.F.A.), or widely acclaimed accomplishments in the field (e.g., the creative arts or the business or medical community), and

- b. possession of a minimum of twelve years of full-time ranked teaching in a regionally accredited college or university (or its equivalent), or a minimum of six years of full-time teaching at the rank of Associate Professor.
- c. demonstration of *outstanding* performance in at least three of the four areas of *teaching, advising, scholarship, and service* at the College; demonstration of at least *noteworthy* performance in the fourth area, as defined in current Faculty and Tenure Review Committee rubrics.

3.1.2.5 Special Provisions on Appointment to Rank

For determining rank at the time of initial appointment, two years of full-time non-university teaching or appropriate experience may be counted as one year of university experience, with two years of university experience being the maximum equivalency given for non-university experience. This credit will be determined by the Vice President for Academic Affairs at the time of initial appointment and cannot be renegotiated at a later time.

3.1.3 Part-Time Faculty

3.1.3.1 Adjunct Faculty

A part-time faculty member is considered an adjunct faculty, is a temporary employee of the College and has no more than half-time faculty duties. Part-time faculty may be assigned a temporary academic title of Adjunct Lecturer or Adjunct Senior Lecturer.

Part-time faculty:

- a. have a half-time or less teaching load;
- b. usually have no other faculty duties and responsibilities, except those listed here and in Section 3.9;
- c. meet the criteria of the appropriate temporary academic titles;
- d. are selected in the manner set forth in the current employment policies maintained by the Human Resources Office;
- e. always receive a term contract (see Section 3.2.1);
- f. receive no fringe benefits or tuition remission;
- g. do not accrue time towards tenure, promotion, or sabbatical.

3.1.3.2 Adjunct Lecturer

Lecturers are selected by the Department Chair in consultation with the Dean and Vice President for Academic Affairs. Lecturers are hired to teach specific courses on a part-time term contract basis. The position usually does not lead to or count toward tenure or lead to promotion to academic ranks.

Selection of lecturers will be consistent with the academic standards of the College. A person assigned this title should meet the minimal requirements set forth for Instructor. In lieu of these requirements, considerable experience in an appropriate technical, artistic, or professional field may be substituted.

3.1.3.3 Adjunct Senior Lecturer

This title may be assigned to a part-time teaching faculty member in recognition of distinguished teaching service to the College, its students, and its faculty over a period of at least five years. Assignment of this title is made by the Vice President for Academic Affairs, upon the recommendation of the Department Chair and the Dean.

3.1.4 Special Appointment Faculty

3.1.4.1 Emerita/Emeritus Status

All former presidents of Saint Mary's University shall be granted the status of Emerita / Emeritus Professor with the rights and privileges that are customarily associated with this title.

This status shall be assigned to Associate Professors or Professors who request it, when or up to one year after they limit or terminate their responsibilities as a ranked faculty member for valid reasons (e.g., retirement, illness) after ten or more years of full-time service to the University.

The Human Resources Office will include in faculty exit procedures and documents a clear opportunity for faculty members to indicate a "Request for Emerita / Emeritus Status". Once the request is submitted on the appropriate form(s), Human Resources staff will confirm that the faculty member meets the rank and service eligibility requirement, that regular successful post-tenure reviews as per Section 3.5 are documented, and that no ineligibility criteria apply. Faculty who leave the College to teach full-time at another university or who terminate their services under a current letter of admonition (see Section 3.8.5, which includes Progressive Disciplinary Action and Dismissal for Cause) are not eligible for Emerita / Emeritus status.

The faculty member will be notified in writing of her or his designation adding the term Emerita or Emeritus to the faculty rank held at retirement (e.g., Associate Professor Emerita/us or Professor Emerita/us). The Academic Affairs Office will maintain a list of Emerita, Emeritus, and retired faculty.

No compensation accrues by virtue of this status unless by mutual agreement between the Dean and the individual. S/he may be offered a part-time term contract by the Dean to teach or fulfill other duties. In such cases, supplementary benefits, if any, will be set forth in the contract and such term contract is limited to less-than-half-time faculty status.

3.1.4.1.1 Status and Privileges of Emerita/Emeritus Faculty Members

The University is committed to promoting close ties between itself and its Emerita/Emeritus faculty members. To this end, the following assistance and privileges are available to these faculty:

- a. The Communication Director, at the request of such a faculty member and provided that this person keeps her/his current address on file, will assure that notices of major campus activities are sent to the retired faculty member.
- b. Emerita/Emeritus faculty members may attend the meetings and other activities of their former departments. However, only those who have faculty status by current appointment may vote in these meetings and only in accordance with the voting rights attendant to the status they hold.
- c. All such faculty members may participate in the University graduation and commencement exercises with appropriate academic dress if they so wish.
- d. Emerita/Emeritus faculty members may make use of the departmental secretarial services on a low-priority basis.

3.1.4.2 Visiting Appointments

Visiting Appointments, including Artist/Writer/Scholar-In-Residence appointments (Section 3.1.4.2.1), are those made for a limited period of time with no intent of ongoing employment. Such appointments will be full-time or part-time depending on the needs of the College. Such appointments are term contracts. Visiting appointments are reserved for faculty members from other institutions, professors emeritus and persons distinguished in their fields. Salary, office space, housing, etc. for Visiting Appointments will be negotiated with the Vice President for Academic Affairs on an individual basis. These benefits are not assumed with this rank.

3.1.4.2.1 Artist/Writer/Scholar-In-Residence

The College may appoint to the faculty, distinguished artists, writer, poets, and scholars to the special faculty status of Artist/Writer/Scholar-In-Residence. Such appointments will follow the guidelines of visiting appointments (Section 3.1.4.2).

3.1.4.3 Replacement Faculty

Where there is need, the College may appoint a temporary and/or replacement faculty member by full-time or part-time term contract. Service in such contracts does not count for tenure, promotion, or sabbatical leave unless such service is recognized by the Vice President for Academic Affairs at the time the probationary contract is offered.

3.2 Types of Contracts and Contract Definition Policies

Contracts for faculty at the College are defined as *term*, *probationary*, or *continuous*. *Term* contracts are considered year-to-year, *probationary* contracts are those given to tenure-track faculty who are not yet tenured, and *continuous* contracts are given to tenured faculty.

3.2.1 Term Contracts

Term contracts at the College are given to non-tenure track full-time, part-time and special appointment faculty members (defined in Section 3.1.2), and are limited to the term of the employment contract. Term contracts are not tenure track and do not confer upon a faculty member an entitlement to continued employment after the term specified in the letter of appointment expires.

Term contracts with the approval of the Vice President for Academic Affairs, after consultation with a Department Chair and the Dean, may also be used with ranked faculty in special circumstances as follows: for summer session contracts; for replacements of faculty leave; and for short-term curricular needs.

If the need for a full-time term contract in a department persists, the Department Chair may recommend the addition of a tenure-track position. After such a recommendation is made, the Department Chair, Dean, and the Vice President for Academic Affairs will consult to determine whether approval for a tenure-track position should be sought. Tenure-track positions are created at the sole discretion of the President.

A person holding a term appointment does not enter the promotion or tenure track nor does such an appointee acquire any right in expectation of future employment with the College. However, each new term contract is independent of previous contracts and may include a change in rank based on change in credentials or experience if it is determined by the Vice President for Academic Affairs that requirements for the new rank (see Section 3.1.2) have been met. Such changes in rank are at the sole discretion of the Vice President for Academic Affairs. Even if a promotion in rank is granted, term contracts remain year to year and do not lead to tenure.

If a term appointee applies for and receives a full-time faculty probationary appointment, previous service as a terminal contract appointee at Saint Mary's University may be considered toward tenure at the sole discretion of the Vice President for Academic Affairs under the conditions set forth in Section 3.1.2.

3.2.2 Probationary Contracts

Probationary contracts at the College are given to faculty in tenure-track positions who have not yet been granted tenure.

Beginning with appointment to the rank of full-time Instructor or higher, the probationary period will not normally exceed six full-time academic years of service at Saint Mary's University. (See Section 3.7.4.1 for Professional Leaves and Tenure Clock Adjustment exception.)

Up to two years of full-time previous employment at Saint Mary's University or other academic institutions with duties equivalent to those performed by full-time ranked faculty members who hold a probationary appointment at Saint Mary's University may be counted toward fulfillment of the six-year requirement. The terms of such an agreement must be stated in writing at the time of initial probationary appointment at Saint Mary's University and, in the absence of such an agreement, no previous employment will be considered. A decision to credit previous employment is made at the sole discretion of the Vice President for Academic Affairs.

A person offered a probationary contract who, at the time of initial hiring, does not hold the appropriate terminal degree will be informed by the Vice President for Academic Affairs at that time if attainment of the appropriate terminal degree is a condition for tenure. If either the attainment of or substantial progress toward the appropriate terminal degree is a condition for tenure, this condition will be stated in the cover letter accompanying the initial contract and will remain in place until either the condition is met or tenure is granted or denied. If the condition does not appear on the contract or initial appointment letter, it may not be added to subsequent contracts.

3.2.3 Continuous Contracts

Continuous contract rights at the College are given to ranked faculty members who have attained tenured status as defined in Section 3.7. Faculty members employed under continuous contract are entitled to annual contract renewal and will be subject to the terms and conditions of employment that exist at the time of each annual renewal by Saint Mary's University unless separated according to the provisions of Section 3.8 of this handbook.

3.2.4 Locus of Appointments

All faculty appointments to probationary or continuous contracts have as the locus of their appointment the department(s) of Saint Mary's University which is stated in their annual letter of appointment.

3.2.5 Issuance and Receipt of Contract

All ranked full-time faculty (probationary and tenured) contract offers and letters of nonrenewal to non-tenure-track and probationary faculty must be issued on or before March 1, and signed by faculty and returned on or before April 1 or the first working day thereafter. Generally, signed contracts will be returned to faculty by the last contract day of the academic year. In the event this date cannot be met for any reason, faculty will be informed by the Vice President for Academic Affairs as to the status of the contract.

The exception to this timeline is the contract for probationary faculty member undergoing review for tenure, typically in the sixth year. These contracts will not be issued until the Board of Trustees makes a decision on the granting of tenure at the May Board of Trustees meeting. If tenure is granted, a continuous contract for the following year with tenure will be issued by May 15. If tenure is denied, a terminal contract for the following year will be issued by May 15.

3.3 Search/Appointment

3.3.1 Hiring Procedures

Saint Mary's University is an equal opportunity employer. Policies related to equal opportunity employment can be found on the Human Resources Office website.

Before hire, the Dean and Department Chair will be responsible for seeing that final candidates for positions are made aware of excerpts from the *Faculty Handbook* that define rank (see Sections 3.1.2.1, 3.1.2.2, 3.1.2.3, 3.1.2.4, 3.1.2.5, and 3.2.2) and all applicable employment policies.

3.3.2 Employment Conflict of Interest

A conflict of interest at the College exists when an employee would be asked to serve in a direct supervisory capacity over a spouse, relative, or dependent. For the purposes of this policy, *relative* will refer to any person with the first degree of consanguinity, and *dependent* will be defined as provided in Section 152 of the United States Internal Revenue Code.

In the case of a conflict of interest of this kind, another supervisor for the faculty member will be named by the Vice President for Academic Affairs, and the faculty member will be informed of this appointment.

3.4 Personnel Records

Because appointment as a ranked faculty member may lead to a continuing relationship with the University, it is essential that there be adequate and detailed documentation to support every action involving each individual, especially those actions pertaining to appointment, tenure, promotion, layoff, and dismissal.

3.4.1 Personnel Files for Full-Time, Part-Time, and Special Appointment Faculty

The Human Resources Office and the office of the Vice President for Academic Affairs maintain files for full-time, part-time, and special appointment faculty.

The Human Resources Office file may include application information, appointment and reappointment letters, personal data (sex, race, marital status, date of birth, etc.), payroll information, transcripts, and vita current to the most recent review process.

The Office of the Vice President for Academic Affairs maintains the academic part of the personnel file - materials related to review, advancement, recognition and disciplinary processes.

3.4.2 Access to Personnel Files

Faculty files housed in the Human Resources Office and the office of the Vice President for Academic Affairs are available on a need to know and confidential basis only to the Board of

Trustees, Legal Counsel, the President, the Vice President for Academic Affairs, the Dean, and Human Resources personnel. The faculty member can access his/her individual files at any time.

The faculty member may, for the cost of duplication or printing, obtain copies of any material in her/his official personnel files. Any such copies will be made by a staff member of the Human Resources or Academic Affairs staff.

For a valid reason, the faculty member or the President may authorize in writing access to the faculty member's file by a person not indicated above. The University may permit access to and copying from such files pursuant to lawful requests and identification of federal or state agencies relevant to investigations, hearings, or other proceedings pending before such agencies or the courts.

Except in the cases of lawful requests, the faculty member whose file is subject to an access request will be informed of the intent to release the file and will have the opportunity to make a case for the file not being released. If the file is released, the faculty member whose file has been accessed will be notified immediately in writing as to who has been so authorized and when the authorization occurred.

3.5 Evaluation Criteria for Faculty

The evaluation process at Saint Mary's is a means by which members of the teaching faculty can obtain constructive and balanced information that will better enable them to fulfill their academic responsibilities and to assist in retention, promotion and tenure decisions.

Members of the teaching faculty receive regular performance evaluation of their faculty assignments and have the responsibility to report progress made in professional development.

Annually, Department Chairs are expected to have at least one evaluation interview with each member of their department and to visit the classrooms of non-tenured department members and tenured department members who are seeking promotion. While not required, Department Chairs are also encouraged to visit the classrooms of tenured faculty each year. At the time of senior faculty evaluation, the Chair will visit the classroom of a tenured faculty member.

Evaluation interviews will include discussion of teaching effectiveness, including the classroom visit, as well as advising, scholarship, and service. A written appraisal of performance, including areas of teaching effectiveness, advising, scholarship, and service, will be given to the faculty member, who will have an opportunity for a debriefing session with the Department Chair if desired. The written appraisal of performance and any faculty response will be shared with the Dean, who may also be involved in the review process if he/she chooses. If performance in any area is deemed less than adequate by the Department Chair and/or Dean, interventions (e.g. mentoring by senior faculty, teaching seminars, a second visit to the classroom) may be put in place by the Department Chair and/or Dean or requested by the faculty member to aid in improving performance.

Senior members of the department faculty may complete the classroom visit and interview required for evaluation of a non-tenured Department Chair.

The Dean and the Vice President for Academic Affairs will be responsible for ensuring that evaluations written by Department Chairs and corresponding faculty and/or Dean responses are included in the appropriate files.

Formal evaluations by the Faculty Advancement and Tenure Review Committee are carried out during the third full-time appointment year (earlier when a faculty member's initial appointment includes experience-based credit toward tenure), in the granting of tenure, and before promotion in rank. Processes for these formal evaluations are detailed in Sections 3.7.3, 3.7.4 and 3.7.5.

The Faculty Advancement and Tenure Review Committee will provide documents to faculty that delineate expectations for tenure to a department and promotion to Associate Professor or Professor. The Committee shall annually establish timelines for review processes which clearly place review for tenure before review for promotion, including notice of the Board of Trustees' tenure decision before notice of the promotion decision.

Guidelines for effective teaching, advising, scholarship, and service as they apply to a specific discipline will be developed and then provided to faculty in the annual evaluation process. The Deans, Faculty Advancement and Tenure Review Committee and Vice President for Academic Affairs will be notified of changes in these guidelines, which should be periodically reviewed.

3.5.1 Teaching and Advising

The primary responsibility of each faculty member is teaching and advising students. All faculty members are expected to demonstrate excellence in teaching and advising in a manner that reflects integrity and collegiality, and illustrates qualities of respect for and support of the Mission of the University as stated in its Mission documents.

3.5.1.1 Teaching Experience

The requirements for full-time ranked teaching experience for each rank are described in Section 3.1.2. A year of full-time, ranked teaching experience means that an individual has fulfilled the duties and responsibilities of a ranked faculty member for a complete academic year as defined in Section 3.10.2. Administrative officers at Saint Mary's University who teach on a part-time basis will gain credit for teaching experience equivalent to the teaching load of such part-time teaching duties.

3.5.1.2 Teaching Effectiveness

Saint Mary's University recognizes that excellence in teaching is the most important attribute of a faculty member. Effective teaching includes, but is not limited to, the following:

- a. Command and use of knowledge

1. command of one's subject
 2. knowledge of the relationship of one's discipline to the liberal arts tradition
 3. knowledge of current developments in one's discipline and pedagogy
 4. the ability to relate one's subject to other areas of knowledge
- b. Communication and relationship with learners
1. skill in communicating with students
 2. the ability to plan and execute a substantive, well-organized course
 3. the capacity to challenge students (for example, to motivate independent work)
- c. Course organization and instructional strategies
1. the ability to stimulate and broaden student interest in the subject matter
 2. the ability to utilize effective teaching methods and strategies
 3. possession of the attributes of integrity, open-mindedness and objectivity in teaching
 4. consideration of student and peer feedback to improve teaching effectiveness

Evidence of teaching effectiveness may include, but is not limited to, the following:

- a. self-evaluation
- b. evaluations by the Department Chair or Program Director where applicable
- c. peer evaluation
- d. student evaluations
- e. a review of course syllabi by peers inside or outside the College
- f. demonstrated use of knowledge and skills from further course work or other continuing education in one's field
- g. demonstrated use of knowledge and skills from seminars and/or workshops on teaching skills
- h. work toward meeting professional development goals in the area of teaching effectiveness (see Section 3.6.1)

3.5.1.3 Advising

Faculty members have an obligation to advise students. Effective advising includes, but is not limited to, the following:

- a. the ability to communicate with students
- b. the ability to help students select a course of study appropriate to their interests and abilities and to the aims of a liberal education
- c. the ability to assist students in academic and career planning, through formal meetings and informal advising activities
- d. the ability to help students be successful in their course of study

Evidence of effective advising may include, but is not limited to, the following:

- a. self-evaluation
- b. evaluation by the Department Chair and administrators in academic advising programs
- c. peer evaluations
- d. student evaluations
- e. work toward meeting professional development goals in the area of advising (see Section 3.6.1)

3.5.2 Scholarship and Creative Work

Effective teaching necessitates active involvement in the intellectual, scholarly and creative developments in a discipline. Because what is considered appropriate scholarship varies from discipline to discipline, scholarship should be evaluated in terms of its level of recognition among peers and its significance to the particular discipline. Scholarly activity includes artistic and creative productivity. Such activity may include, but is not limited to, the following:

- a. sustained inquiry in an area of one's discipline
- b. sustained inquiry in the scholarship of teaching and learning
- c. scholarly productivity demonstrated by publications, or where appropriate, artistic works and performance
- d. application and awarding of research or project grants
- e. presentations at professional conferences
- f. presentation of research findings at professional meetings
- g. willingness to share expertise with the College community

Evidence of effective scholarship may include, but is not limited to, the following:

- a. documented, self-report of activities
- b. evaluation or statements by professional peers
- c. juried publications, exhibits or installations
- d. citation of research in other works
- e. conference programs that include faculty presentation summaries
- f. research grants to the faculty member
- g. awards, prizes, or commendations
- h. demonstrated skill in methods of scholarship associated with one's discipline
- i. work toward meeting professional development goals in the area of scholarship (see Section 3.6.1)

3.5.3 Service

An effective faculty member actively participates in service to the college, student body, profession, and community with integrity and collegiality in a manner that demonstrates respect for and support of the Mission of Saint Mary's University as stated in its Mission documents.

3.5.3.1 Service to the University

Along with excellence in the classroom, Saint Mary's University depends on its faculty for services rendered outside the classroom. Therefore, a faculty member is expected to participate in the operational concerns of the institution. Service to the university may include, but is not limited to, the following:

- a. service on department committees, attendance at department meetings, and participation in the decision-making and curriculum development process
- b. effective participation on College and/or University committees and/or Faculty Council
- c. leadership in some area of College or University life (e.g., governance, faculty development, curriculum design)
- d. service as Chair of a department or a committee or as director of a program
- e. acting as representative of the College or University to the larger regional, national, or international community

Evidence of service to the university may include, but is not limited to, the following:

- a. documented, self-report of activities
- b. Department Chair/Program Director reports
- c. assessments by committee, a committee chair, or a supervisor of an activity (e.g., a report from the Director of Admissions or Director of Development)
- d. work toward meeting professional development goals in the area of service (see Section 3.6.1)

3.5.3.2 Service to the Student Body

In addition to their responsibilities in advising, faculty members may also be expected to serve the student body in other ways. Service to the student body may include, but is not limited to, the following:

- a. service as advisor to a student organization
- b. service as a moderator of student activities
- c. planning and/or participation in extra-curricular student activities
- d. planning and/or participating in curricular-related enrichment activities outside normal course offerings.

Evidence of service to the student body may include, but is not limited to, the following:

- a. documented, self-report of activities
- b. supervisor reports
- c. peer reports
- d. student reports

- e. work toward meeting professional development goals in the area of service (see Section 3.6.1)

3.5.3.3 Service to the Profession

All faculty members have an obligation to maintain a high level of professional competence and to remain current in their fields. Faculty members are encouraged to support and to be active in appropriate professional organizations. Service in support of the profession may include, but is not limited, to the following:

- a. appointment in a scholarly capacity to a state, regional, or national post
- b. participation in professional organizations (e.g., attendance at annual meetings)
- c. leadership position in professional organizations
- d. reading papers before learned societies
- e. presentations at professional conferences or meetings
- f. service in the individual's professional area as a consultant or resource person
- g. review of creative work

Evidence of service to the profession may include, but is not limited to, the following:

- a. documented, self-report of activities
- b. evaluation or statements of professional peers
- c. published citations or acknowledgments of contributions
- d. work toward meeting professional development goals in the area of service (see Section 3.6.1)

3.5.3.4 Service to the Community

A faculty member may provide service to his/her local community by working with people and/or organizations not in her/his professional field. Service to the community may include, but is not limited to, the following:

- a. lectures to non-professional community groups
- b. a leadership position in political, church, or community activities
- c. participation in non-profit organizations designed to serve the general public
- d. service to community groups in a professional capacity

Evidence of service to the community may include, but is not limited to, the following:

- a. documented, self-report of activities
- b. awards
- c. testimony by leaders of community groups
- d. work toward meeting professional development goals in the area of service (see Section 3.6.1)

3.6 Professional Development

Professional Development for individual faculty is important in the overall evaluation process. The Vice President for Academic Affairs, in consultation with Deans, the Faculty Development Committee, and Department Chairs, will lead the College faculty in academic and curricular planning, and make known to departments and individual faculty members both the long-range and short-range educational goals of the College. Department Chairs will work with faculty in their department to meet these goals for their departments.

The importance of professional development opportunities for both probationary and tenured faculty is recognized by the College. Development opportunities for probationary faculty include, but are not limited to, those available through departmental mentoring and annual reviews. Development opportunities for tenured faculty include, but are not limited to, those that can be accomplished through a sabbatical leave.

3.6.1 Professional Development Goals for Probationary Faculty

Each probationary ranked faculty member is expected to set annual individual professional development goals that align with program, department, and University goals communicated to the faculty member by the Department Chair and the Dean (see Section 3.5.4). The faculty member's annual goals should align with individual abilities and needs and should be developed in consultation with and be submitted in writing to the Department Chair, who will sign the goal statement to indicate that the goals are seen as appropriate to the Department, and will submit the goals to the appropriate Dean. These goals, and work toward their achievement, can be included as evidence of teaching effectiveness, advising, scholarship, and service throughout all tenure, advancement and sabbatical processes.

3.6.2 Sabbatical Leave

1. Members of the College teaching faculty must be tenured before they are eligible to apply for a sabbatical. Once tenured, faculty members in at least their sixth year of full-time service to Saint Mary's Univ'rsity may apply for a sabbatical to be taken in the subsequent year. Faculty members are eligible to apply for another sabbatical no sooner than the sixth year of full-time service following completion of the previous sabbatical.
2. During the sabbatical period, a faculty member will not lose any seniority rights.
3. During the sabbatical period, the University agrees to pay one-half of the individual's salary and full fringe benefits for an entire year if the sabbatical is for an entire contract year and all of the individual's salary and full fringe benefits if the sabbatical is for the equivalent of a single semester of a contract year.
4. Individuals returning from sabbaticals may expect to receive normal raises and salary increments to the sabbatical year's base salary as determined by the Board of Trustees in the fall of the year following the sabbatical.

3.6.2.1 Sabbatical Procedures

1. A faculty member considering a sabbatical should discuss plans with his/her Department Chair or Program Director (or Dean in the absence of a Department Chair or Program Director) before developing a Sabbatical Proposal. It should be noted that it is not the university's practice to provide funding and/or resources in support of sabbatical activities. In some cases, a small amount of financial support may be provided for on-campus research involving students. A request for funding should be included in the proposal submitted on October 1. Approval of funding is at the sole discretion of the Vice President for Academic Affairs.
2. On or before October 1, an eligible faculty member may request a sabbatical to be taken during the following contract year by submitting copies of a Sabbatical Proposal to his or her Department Chair or Program Director (or Dean, if the Proposal is submitted by a department Chair or Program Director) and to the Vice President for Academic Affairs.

In preparing the Sabbatical Proposal, the faculty member must follow the Faculty Development Committee Sabbatical Proposal Guidelines, a document available from the Chair of the Faculty Development Committee.

A Faculty Development Sabbatical Proposal will include:

- a. Sabbatical Proposal
 - b. Current Curriculum Vitae
 - c. Appended documents that help create a context for the proposal (e.g., grants awarded, commissions, scripts)
3. On or before October 7, Department Chairs and Program Directors (or Deans) must review and evaluate each Sabbatical Proposal within the department. The Chair, Program Director or Dean will recommend Sabbatical Proposals for funding to the appropriate Dean and Vice President for Academic Affairs. The recommendation will be provided in a letter of support, which will address:
 - a. The merits of the proposal; and
 - b. How the Candidate's proposed absence could be accommodated in the Department or Program
 4. On or before October 15, the candidate must provide a copy of the Sabbatical Proposal (with all supporting documents, including the letter of support from the chair, Director, or Dean) to the Chair of the Faculty Development Committee.
 5. The Faculty Development Committee will review each candidate's sabbatical materials and conduct a personal interview with each candidate. The Faculty Development Committee will forward its recommendations to the Vice President for Academic Affairs on or before November 15.

6. After consultation with the Faculty Development Committee and the appropriate Deans, the Vice President for Academic Affairs will recommend faculty for sabbaticals to the President of the University on or before January 1.
7. The granting of a sabbatical will be at the discretion of the President. Candidates will be notified of the decision of the President on or before January 30.
8. Sabbaticals are granted on the condition that the recipient sign an agreement to return to the University for a full academic year immediately following the conclusion of the sabbatical. If the recipient fails to return, the salary paid by the University during the period of sabbatical must be reimbursed over a period of time not to exceed two calendar years from the beginning of the semester the recipient is scheduled to return.

3.6.2.2 Promotion Review Files

The promotion reviews by the Faculty Advancement and Tenure Review Committee will be based on the evidence contained in the review file of the faculty member. This file will consist of two parts: the file prepared by the faculty member and the file containing material solicited by the Faculty Advancement and Tenure Review Committee.

a. The File Prepared by the Faculty Member:

This file should contain a current curriculum vitae, evidence of teaching excellence (including student evaluations), the Individual Program of Professional Development, letters of recommendation and other evidence that the candidate has adequately met the various criteria (Section 3.1 and 3.5) necessary for the promotion. No material may be placed in this file without the faculty member's knowledge, indicated by her/his signature or initial on each document. It is the right and responsibility of the faculty member to make sure that her/his review file is complete for this evaluation.

b. Material solicited by the Faculty Advancement and Tenure Review Committee:

It is the responsibility of the Faculty Advancement and Tenure Review Committee to solicit a letter from the appropriate Chair. In accord with section 3.6.2.3, the letter from the Department Chair will be shown to the faculty member before being submitted to the Committee. It is also the duty of the Committee to solicit an evaluation of a faculty member's performance from appropriate students. No material will be accepted for this file other than what is solicited by the Committee. This part of the file, with the exception of the letter from the Department Chair, is closed to the candidate and will be kept separate.

When the file is complete, the Faculty Advancement and Tenure Review Committee shall interview the candidates for promotion. The interview will

permit the candidate to respond to comments, positive and negative, as solicited according to procedures in Sections 3.6.2.2(a) and (b).

At no time during the review process will the material in the review file be available to anyone other than the members of the Faculty Advancement and Tenure Review Committee, the Dean, the academic Vice President, and the President. The candidate may, at no time, be permitted to examine the materials in the file described in Section 3.6.2.2(b). Upon completion of the review process, this review file will be closed and sealed, and will remain in the office of the academic Vice President. Except as specified, the material in the file is not to be made available to anyone and can be used for no other purpose except during the grievance process (see Section 4.9).

3.6.2.3 Evaluation by the Department Chair/Dean

It is the responsibility of the appropriate Department Chair to submit to the Faculty Advancement and Tenure Review Committee an evaluation of each candidate from her/his area who is applying for promotion. These evaluations shall specifically address the degree to which the candidate meets or fails to meet the appropriate criteria (Section 3.5). In conducting this evaluation, the Chair make a classroom visitation arranged with prior notice.

In the event that a Department Chair is applying for promotion, the application may be supported by the Dean.

The Chair's letter of evaluation shall be sent to the Dean, the academic Vice President, and the Faculty Advancement and Tenure Review Committee after being shown to the faculty member being evaluated.

3.6.2.4 Committee Review

Upon completion of the review process as described herein, the Committee will determine the degree to which the candidate meets the standards for promotion. The Committee's findings and recommendation shall be submitted to the academic Vice President with a copy to the candidate and to the candidate's Dean.

3.6.2.5 Dean's Recommendation

In the case of all faculty members applying for promotion, the Faculty Advancement and Tenure Review Committee will make the entire review file available to the Dean. A copy of the Committee's recommendation to the academic Vice President shall be sent to the Dean. The Dean, after reviewing the file, may solicit advice or opinion as she/he deems appropriate. At her/his discretion, the Dean may conduct a classroom visitation, arranged with prior notice. The Dean will submit a recommendation to the academic Vice President with a copy to the candidate.

3.6.2.6 Recommendation of the Academic Vice President

Upon receipt of the Committee's recommendation and the Dean's recommendation, the academic Vice President shall consult as she/he deems appropriate. The academic Vice President shall

then transmit the recommendations of the Committee and of the Dean to the President along with her/his own evaluation and recommendation. The President shall then reach a decision and notify the candidate as promptly as possible.

3.6.3 Travel Support

Faculty members are encouraged to attend scholarly and professional conferences, workshops, and consultations as a means of gaining knowledge about recent developments in their areas of professional work, of contributing to scholarly exchanges through presentation at conferences, presentation of papers, performing or showing of works, chairing sessions, professional education, and participation in professional association meetings, etc.

The Vice President for Academic Affairs allocates funds to the Schools through the Deans and/or to the Faculty Development Committee. Faculty apply for funding by submitting to the Dean or the Faculty Development Committee a Travel Request form, and must attach a brief memorandum that states the purpose of the travel and itemizes expenses.

3.7 Tenure and Promotion Policy and Procedures

Institutions of higher education are conducted for the common good, which depends upon the free search for truth and its free exposition by teachers and scholars. The University recognizes the value of tenure as promoting not only academic freedom but also the stability of a community of teachers and scholars dedicated to these ideals.

Saint Mary's University seeks to sustain and improve its academic stature. Maintaining and improving the quality of the faculty is a primary means of achieving these ends. Promotion in academic rank is a means by which the University encourages, recognizes, and regards faculty members for excellence in the performance of their duties.

Appointment rank and types of contract are defined in Sections 3.1 and 3.2 and should be read in conjunction with this section; see also Section 3.5, Evaluation Criteria for Faculty.

3.7.1 Definition of Probationary and Tenured Status

Probationary status gives faculty members time to demonstrate their ability to the College, and gives the College time to evaluate them on the basis of their performance in a faculty position. During this period, a faculty member has the same academic freedom as a tenured faculty member. Non-reappointment (see Section 3.8.3) cannot be based on release that involves a violation of academic freedom. Non-reappointment, layoff/termination, dismissal, or suspension of a probationary faculty member can occur only in accordance with the provisions of Section 3.8 of this handbook.

Conferral of tenure means that a faculty member is entitled to annual contract renewal by Saint Mary's University until resignation or retirement (as defined in Section 3.8.1 and 3.8.2) unless there is proof of adequate cause (as defined in the sections pertaining to "Dismissal for Cause",

“Prolonged Mental or Physical Illness”, “Enrollment Emergency”, “Financial Exigency” or “Changes in the Educational Program”.

After retirement or resignation, appointments of previously tenured faculty may occur on a term basis and are mutually agreed upon by the individual faculty member and the Vice President for Academic Affairs after consultation with the Department Chair and the appropriate Dean.

3.7.2 Annual Review of Probationary Faculty

Faculty members holding probationary appointments are evaluated for reappointment or non-reappointment on a yearly basis by the Department Chair, the Dean, and the Vice President for Academic Affairs. Annual review for reappointment is defined as the evaluation of ranked probationary faculty not in their third year or tenure review year. All reviews of probationary faculty employed for more than one year will include a yearly evaluation by the Department Chair in the form of a classroom observation, interview, and letter.

Probationary faculty are also evaluated typically in the third and sixth years by the Department Chair, the Faculty Advancement and Tenure Review Committee, the Dean, and the Vice President for Academic Affairs.

Evaluation interviews will include discussion of teaching effectiveness, including the classroom visit, as well as advising, scholarship, and service. A written appraisal of performance, including areas of teaching effectiveness, advising, scholarship, and service, will be given to the faculty member, who will have an opportunity for a debriefing session with the Department Chair if desired. If the Department Chair deems performance in any evaluation area to be less than expected for the member’s rank and contract status, interventions (e.g. mentoring by senior faculty, teaching seminars, a second visit to the classroom) may be put in place to aid the faculty member in improving performance.

The written appraisal of performance and any faculty response will be shared with the Dean, who may also be involved in the review process if s/he chooses. The review is based on the evaluation criteria for faculty found in this handbook and in Faculty Advancement and Tenure Review Committee documents.

3.7.2.1 Professional Leave and Review Cycle

- a. Sabbatical leave will count as academic service for promotion and/or tenure eligibility.
- b. Approved leaves of less than a semester, granted at the request of the faculty member, with or without pay, will count in the determination of years of academic service for tenure and promotion. Common examples include Visiting Scholar appointments at other institutions and leaves associated with the birth or adoption of a child.
- c. Approved leaves of a semester or more, granted at the request of the faculty member, with or without pay, will not count toward tenure or promotion unless

the faculty member and the Vice President for Academic Affairs agree otherwise in writing when the leave is granted.

d. Third-Year or Tenure Clock Adjustment

A faculty member whose probationary period has included an approved leave of absence may request a delay in third-year or tenure review. The candidate must submit his or her request to the Vice President for Academic Affairs by October 1 of the year in which the faculty member is scheduled for review.

3.7.3 Third-Year Review

Professional development is important for all teachers and scholars. The College recognizes the third-year review process as an important benchmark that allows faculty to gauge progress toward the level of performance expected for tenure. It is the responsibility of the Faculty Advancement and Tenure Review Committee to conduct a formal review of all faculty members in their third year of full-time teaching at the College. The third-year review process is described in Faculty Advancement and Tenure Review Committee documents, available from the Academic Affairs Office.

3.7.4 Third-Year, Tenure and Promotion Reviews

Faculty are tenured and promoted on the basis of the fulfillment of the qualifications discussed in this Section, in Section 3.5, *Evaluation Criteria for Faculty* and in Section 3.1, *Definition of Academic Faculty Rank and Faculty Titles*. Once a faculty member is hired at Saint Mary's University, changes in rank can only be achieved through the tenure and review process outlined in this handbook.

The fulfillment of minimum requirements for tenure and/or promotion does not in itself ensure promotion in rank, nor does it require a faculty member to apply for promotion in rank. All faculty members are encouraged to earn advancement and to seek rank commensurate with the body of evidence that represents the faculty member's work (Section 3.1.2).

Tenure is granted by the Board of Trustees on the recommendation of the President, who is guided by the advice of the Vice President for Academic Affairs, the Dean, and the Faculty Advancement and Tenure Review Committee. In addition to the qualifications of the candidate for tenure, other considerations that enter into an individual decision to confer tenure include particular needs within a department and the financial resources of the College. A decision not to grant tenure may not, therefore, necessarily reflect an unfavorable judgment of the candidate for tenure.

Advancement in rank is conferred by the President in each instance guided by the advice of the Vice President for Academic Affairs, the Dean, and the Faculty Advancement and Tenure Review Committee.

3.7.4.2 Eligibility for Tenure

Beginning with a full-time faculty appointment at the rank of Instructor or a higher rank, the probationary period will not exceed six full-time academic years of service at Saint Mary's University. If recognized by the Vice President for Academic Affairs at the time of hiring, two years of service in all regionally accredited colleges and universities may be applied to years of service. Because Saint Mary's requires four years of full-time, ranked service at Saint Mary's University to be considered for tenure, it is recognized that the faculty member's total probationary period in the academic progressions may be extended beyond the normal maximum of six years because of such prior service. The precise terms of any credit given for previous teaching experience and the length of the probationary period to be fulfilled at Saint Mary's will be stated in writing at the time of the initial appointment and will be incorporated into the initial letter of appointment and in the initial contract.

Since the actual conferral of tenure is an affirmative act by the Board of Trustees, the individual must formally request tenure during the final (typically the sixth) year of probationary status, as granted by Saint Mary's University. This request for tenure review is made upon notification by the chair of the Faculty Advancement and Tenure Review Committee (Section 3.7.3) of the faculty member's eligibility for tenure review. If the Committee fails to file timely notice, it is the faculty member's duty to bring such failure to the attention of the Vice President for Academic Affairs.

3.7.4.3 Eligibility for Promotion

Although a Department Chair, a Dean, the Vice President for Academic Affairs or the Faculty Advancement and Tenure Review Committee may recognize superior service by recommending advancement in rank and the University may concur by offering advancement in rank, individual faculty members may not ordinarily apply for advancement until the minimum length of time in current rank has been completed (Section 3.1.2).

3.7.4.4 Simultaneous Application for Tenure and Promotion to Associate Professor

A positive review for tenure will not automatically result in promotion in rank. There may be instances in which a tenure candidate believes the record assembled exceeds the requirements for tenure **and** meets the requirements for promotion to Associate Professor. In those instances, a faculty member may choose to apply for tenure to a department and promotion to Associate Professor in the same review cycle. Application for promotion to Professor may not occur at the time of application for tenure.

In all cases, tenure and promotion in rank are to be considered independently. Candidates will present evidence for tenure and promotion in a single dossier, providing separate cases for tenure and promotion, if applicable, according to the Faculty Advancement and Tenure Review Committee documents.

Evaluation letters from Department Chairs and Deans will address tenure and promotion separately.

The Faculty Advancement and Tenure Review Committee shall establish timelines for review processes which clearly place review for tenure before review for promotion, including notice of Board of Trustee's tenure decision before notice of the promotion decision.

3.7.4.5 Dean's Recommendation

In the case of all faculty members undergoing tenure review, the Faculty Advancement and Tenure Review Committee will make the entire file available to the Dean. A copy of the Committee's recommendation to the academic Vice President shall be sent to the Dean. The Dean, after reviewing the file, may solicit advice or opinion as she/he deems appropriate. At her/his discretion, the Dean may conduct a classroom visitation, arranged with prior notice. The Dean will submit a recommendation to the academic Vice President with a copy to the candidate.

3.7.4.6 Recommendation of Academic Vice President

Upon receipt of the Committee's recommendation and the Dean's recommendation, the academic Vice President shall consult as she/he deems appropriate. The academic Vice President shall then transmit the recommendations of the Committee and of the Dean to the President along with her/his own evaluation and recommendation. The President shall then submit these recommendations along with his recommendation to the Board of Trustees for its decision. The President will notify the candidate of the Board's decision no later than May 15.

3.7.5 Annual Review of Probationary Faculty

Annual review for reappointment is defined as the evaluation of ranked probationary faculty not in their third year or tenure review year. Annual review is less extensive than the third-year and tenure review process and is conducted by the appropriate departmental and academic administrators. It is based on the evaluation criteria for faculty found in Section 3.5.

3.7.5.1. The Dossier Prepared by the Candidate

The review dossier prepared by the candidate should contain all documents listed in the guidelines provided by the Faculty Advancement and Tenure Review Committee. It is the right and responsibility of the faculty member to make sure that her/his review dossier is complete for this evaluation.

3.7.5.2. Material solicited by the Faculty Advancement and Tenure Review Committee

3.7.5.2.1. Evaluation by the Department Chair

It is the responsibility of the Faculty Advancement and Tenure Review Committee to solicit a letter from and interview the appropriate Department Chair of each candidate for third-year, tenure and promotion review. The letter from the Department Chair will be shown to the faculty member before being submitted to the Committee.

It is the responsibility of the Department Chair to submit to the Faculty Advancement and Tenure Review Committee a written evaluation of each candidate from her/his area who is applying for third-year reappointment, tenure, and/or promotion. Evaluation letters will specifically address the degree to which the candidate meets or fails to meet the evaluation criteria (Section 3.5). In conducting this evaluation, the Department Chair will make a classroom visitation arranged with prior notice. When the candidate is a Department Chair, the evaluation will be conducted by the Dean.

The Department Chair's letter of evaluation will be shown to and discussed with the faculty member being evaluated, prior to being sent to the chair of the Faculty Advancement and Tenure Review Committee, the Dean, and the Vice President for Academic Affairs. The faculty member may address both positive and negative comments included in this letter during the interview with the Faculty Advancement and Tenure Review Committee.

3.7.5.2.2 Evaluation by the Department

All faculty members of the appropriate department(s) will be polled to obtain their evaluation of each candidate scheduled for third-year review, tenure, and promotion. No faculty member who has an administrative role in the evaluation process will participate in this poll. The Faculty Advancement and Tenure Review Committee will send questionnaires to each faculty member being polled, typically in October for third-year reappointment reviews in December for tenure and promotion reviews. (see section 3.7.7 for Review Timetables). Any probationary member who wishes not to participate in the poll may abstain. However, it is the responsibility of every tenured member of the faculty to complete, sign, and return the questionnaire to the Faculty Advancement and Tenure Review Committee. No incomplete or unsigned questionnaires will be considered. These questionnaires are to be placed in the Committee section of the review file and are not available to the candidate.

3.7.5.3 Faculty Advancement and Tenure Review Committee Evaluation and Recommendation

When the review file is complete, the Faculty Advancement and Tenure Review Committee will interview the candidate for third-year review, tenure, and/or promotion. The interview will permit the candidate to respond to questions from the Committee about the dossier and to respond to comments, both positive and negative, from the letter submitted by the Department Chair.

The Faculty Advancement and Tenure Review Committee will also interview the appropriate Chair(s) or, when the Chair is under review, the appropriate person appointed by the Committee. The Committee also has the right to consult peers and/or additional reviewers either from within or outside of the University for information which might aid in the evaluation.

Upon completion of its review process, the Committee will determine the degree to which the candidate meets faculty evaluation criteria, relative to the performance standards for the

requested reappointment, tenure or promotion. The Committee's written findings and recommendation will be submitted to the Vice President for Academic Affairs, with copies provided concurrently to the candidate and the candidate's Dean.

3.7.5.4 Dean's Evaluation and Recommendation

The Faculty Advancement and Tenure Review Committee will make the entire review file available to the Dean for each candidate for third-year, tenure and/or promotion review. The Dean, after reviewing the file, may solicit advice or opinion as s/he deems appropriate. At his/her discretion, the Dean may conduct a classroom visitation, arranged with prior notice. The Dean will submit a recommendation to the Vice President for Academic Affairs and provide a copy concurrently to the candidate and the Faculty Advancement and Tenure Review Committee.

3.7.5.5 Recommendation of the Vice President for Academic Affairs

Upon receipt of the Faculty Advancement and Tenure Review Committee's recommendation and the Dean's recommendation, the Vice President for Academic Affairs will consult with the Dean, Faculty Advancement and Tenure Review Committee, and or candidate as s/he deems appropriate. Should the decision made by the Dean differ from the recommendation made by the Faculty Advancement and Tenure Review Committee, the candidate will have an opportunity meet and address evidence with the Vice President for Academic Affairs before the Vice President submits a final recommendation to the President of the University.

The Vice President for Academic Affairs will transmit to the President the recommendations of the Committee and of the Dean along with her/his own evaluation and recommendation. The President will reach a decision and notify the candidate as promptly as possible, but no later than January 15 for candidates undergoing "Third-Year Review" and May 15 for candidates for tenure and/or promotion.

3.7.6 Location and Use of Review Files

The dossier and all related written evaluations and responses will be housed in the office of the Vice President for Academic Affairs until the entire review process is complete. The material in the dossier and the letter from the Department Chair cannot be made available to anyone other than the candidate, the Chair, members of the Faculty Advancement and Tenure Review Committee, the Dean, the Vice President for Academic Affairs, and the President, and can be used for no purpose other than review, unless required as a part of a documented grievance (see Section 4).

3.7.7 Review Timetables: Third Year, Tenure and Promotion

3.7.7.1 Timetable for Third-Year Review

- October 4: Candidate's file (dossier) due to Vice President for Academic Affairs' office, where it is available to Department Chair, Dean, and FATRC, VPAA, and President
- October 4: Faculty in the department polled by the Faculty Advancement and Tenure Committee
- October 17: Department Chair evaluation due to FATRC and Dean
- December 1: Dean evaluation due to Vice President for Academic Affairs
- December 1: Faculty Advancement and Tenure Review Committee evaluation due to Vice President for Academic Affairs
- December 15: Vice President for Academic Affairs makes recommendation to President
- January 15: Vice President for Academic Affairs notifies faculty member

3.7.7.2. Timetable for Tenure Review

- December 1: Candidate's file (dossier) due to Vice President for Academic Affairs' office, where it is available to Dean, Department Chair, and FATRC, VPAA, and President
- December 1: Faculty in the department polled by the Faculty Advancement and Tenure Committee
- January 17: Department Chair evaluation due to FATRC and Dean
- April 1: Faculty Advancement and Tenure Review Committee evaluation due to Vice President for Academic Affairs
- April 1: Dean evaluation due to Vice President for Academic Affairs
- April 11: Vice President for Academic Affairs makes recommendation to President
- May: Tenure resolutions presented to Board of Trustees
- May: Vice President for Academic Affairs notifies faculty member of decision

3.7.7.3 Timetable for Promotion Review

- October 1: Faculty member notifies Vice President for Academic Affairs, Dean, Department Chair, and Chair of Faculty Advancement and Tenure Review Committee that she/he is seeking promotion
- October 15: Dean will review the list of candidates with the Department Chair
- November 1: Dean informs the candidate she/he meets eligibility requirements for promotion
- December 1: Candidate's file (dossier) due to Vice President for Academic Affairs' office where it is available to Dean, Department Chair, and FATRC, VPAA, and President
- December 1: Faculty in the department polled by the Faculty Advancement and Tenure Committee
- January 17: Department Chair evaluation due to FATRC and Dean
- April 1: Dean evaluation due to Vice President for Academic Affairs
- April 1: Faculty Advancement and Tenure Review Committee evaluation due to Vice President for Academic Affairs
- April 11: Vice President for Academic Affairs makes recommendation to President

May 15: Vice President for Academic Affairs notifies faculty member of decision

3.8 Separation

At times Saint Mary's University or individual faculty members may find it necessary to sever their contractual relationship. To protect the interests of both parties, categories of separation and related policies and procedures are defined here.

Types of Separation:

- a. resignation
- b. retirement
- c. non-reappointment—probationary contract faculty
- d. layoff/termination
- e. suspension or dismissal for cause

3.8.1 Resignation

Resignation is a severance action by which a faculty member voluntarily seeks to be released from a contract with the University. Because of hardships to departments and programs of the College that can be caused by untimely resignation, it is requested that all faculty members provide the earliest possible notice of an intent to resign. Faculty are expected to give notice to the Department Chair, the Dean, the Vice President for Academic Affairs, and to the President on or before March 15 of the year that marks the end of service. It is expected that resignations will be effective at the end of the academic term.

If a resignation is for reasons of prolonged mental or physical illness, the College, in consultation with the individual or his or her representative, may consider whether the option of leave of absence would be appropriate and beneficial for all parties concerned.

3.8.2 Retirement

Retirement from active service assignments to the College is the termination of duties and scheduled responsibilities for the faculty member who, because of age, infirmity or other valid reasons, is honorably ending full-time service to the College. Qualifying retirement age is defined in the University retirement plan and stated in the Human Resources Employee Handbook. Any ranked faculty member at Saint Mary's University who is retired or pensioned from the College, is considered to have been separated from service to the College in good standing.

3.8.2.1 Faculty Retirement Programs

Information on the University retirement program, and any alternatives specific to the faculty role, is available from the Human Resources Office. Faculty members are encouraged to consult with that office for up-to-date information as their careers at Saint Mary's progress.

3.8.2.2 Privileges of Retired Faculty Members

The College will provide for retired faculty members the following privileges:

- a. meeting facilities for such retired faculty members who may wish to meet as a group.
- b. a campus parking permit,
- c. up to two free tickets to musical and theatrical performances sponsored by the School of the Arts, excluding Page Performance Series events.
- d. a library card that will allow them to use the Fitzgerald Library.
- e. admission to College athletic events at no cost to them.

3.8.3 Non-Reappointment of Probationary Contracts

The term *non-reappointment* means that the University has decided not to renew a faculty appointment at the conclusion of the stated probationary contract term (see Section 3.2.2 for definition of *probationary contract*). Non-reappointment is different from *lay-off and termination* (Section 3.8.4) and *dismissal for cause* (Section 3.8.5).

Legitimate reasons for non-reappointment of a probationary contract may include, but are not limited to, the following:

- a. cancellation of or change in a program as defined in Section 3.8.4.2;
- b. declining enrollment or enrollment emergency as defined in Section 3.8.4.3;
- c. financial exigencies as defined in Section 3.8.4.4;
- d. over-staffing;
- e. incongruence between the teaching interests of the faculty member and the educational goals of the University;
- f. unfavorable reviews of the faculty member's primary appointment responsibilities of teaching as outlined in the evaluation criteria (Section 3.5); and/or
- g. inadequate performance of the faculty member's other appointment responsibilities as determined by the Vice President for Academic Affairs, in consultation with the Dean and Department Chair.

3.8.3.1 Non-Reappointment Decision

The decision not to reappoint a ranked faculty member is made at the sole discretion of the President, except that such decision may not be arbitrary, capricious, or reached in violation of established procedures.

The President will act following completion of the evaluation process and after receiving the recommendation of the Vice President for Academic Affairs (see Section 3.7). A formal appeal of a non-reappointment decision may be made through the Grievance Procedure set forth in Section 4.

3.8.3.2 Notice of Non-Reappointment

Notice of non-reappointment must be given in writing by the following dates:

- a. Faculty members in their first year of full-time teaching at Saint Mary's University must be given notice of non-reappointment on or before March 1.
- b. Faculty members in their second, third, fourth and fifth years of full-time teaching at Saint Mary's University must be given notice of non-reappointment on or before January 15.
- c. Faculty members in their tenure review year at Saint Mary's University must be given notice of failure to achieve tenure by May 15. They will receive a terminal contract for the following year.

Since a notice of non-reappointment is not a dismissal for cause, the University is not required to set forth its reasons. However, the probationary faculty member can make a request to the Vice President for Academic Affairs, in writing and within 60 calendar days after notice of non-reappointment, to have the reasons provided in writing. This request should be honored by the Vice President.

3.8.4 Layoff/Termination

Layoff is a severance action by which the University terminates the services of a probationary or tenured faculty member, but that faculty member is awarded some rights relative to rehiring. Termination is a severance action by which the University terminates the services of a probationary or tenured faculty member. The termination will normally occur at the end of the contract period except in special cases as noted in Section 3.8.4.1.

Reasons for layoff/termination are:

- a. prolonged mental or physical illness;
- b. major changes in curricular requirements, academic programs or departments;
- c. enrollment emergency;
- d. financial exigency.

3.8.4.1 Prolonged Mental or Physical Illness

Termination of an appointment with tenure or a probationary contract before the end of the period of appointment for medical reasons, will be based upon clear and convincing medical evidence that a faculty member is or will be unable to continue to fulfill the terms and conditions of the appointment because of medical circumstances for a period of at least one year despite reasonable accommodation.

The decision to terminate for medical reasons will be made on or after there has been appropriate consultation among the Vice President for Academic Affairs, the faculty member, the Department Chair, and the Dean. The decision will be made only after the faculty member or her/his representative has been informed in writing of the basis of the proposed action and has

been afforded the opportunity to respond to the evidence. If the faculty member or a representative so requests within fifteen working days of the notice of termination, the situation will be reviewed by the Grievance Review Committee before final action is taken by the President. Affected faculty members are encouraged to consult the Human Resources Office for advice on the University's Long Term Disability plan. The University will work to ease the burden of any such medical termination as is contractually possible.

3.8.4.2 Discontinuation of Academic Programs, Departments, or Majors

Discontinuation of academic programs, departments, or majors may result in the separation of a tenured faculty member from the College. Recommendations to discontinue programs, departments, or majors will be made by the Vice President for Academic Affairs in consultation with the Curriculum Committee.

Faculty terminated under a discontinuation decision will receive notice according to the schedule in Section 3.8.3.2. No less than a one-year notice is required for those on a continuous contract. The College will normally end such programs and faculty member's relationship with the University at the end of a contract.

Faculty terminated under this Section have the same rights as those under Enrollment Emergency or Financial Exigency as delineated in Sections 3.8.4.3 and 3.8.4.4.

3.8.4.3 Enrollment Emergency

Enrollment Emergency is defined as protracted decline in student enrollment that results in a decline in the institutional student-faculty ratio, the detrimental financial effects of which are too great or too rapid to be offset by the normal procedures outlined in the Faculty Handbook.

The preliminary procedures for an enrollment emergency will follow the procedures for discontinuation of academic programs, departments, or majors (Section 3.8.3.2), since the effect of such emergency will be to modify or eliminate programs or areas.

The layoff or termination procedures for an enrollment emergency will follow the procedures for Layoff / Termination (Section 3.8.4.5).

3.8.4.4 Financial Exigency

Termination of a probationary, tenured, or special appointment faculty member before the end of the specified term may occur under extraordinary circumstances because of demonstrable financial exigency, i.e., an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means.

The Faculty Council will participate in the decision that a condition of financial exigency exists or is imminent, and that all feasible alternatives to termination of appointments have been

pursued. Before any faculty are laid off because of financial exigency, the Board of Trustees must officially declare that financial exigency exists. The faculty will be represented in administrative processes relating to program reorganization or the curtailment or termination of instructional programs due to financial emergency through the Faculty Council and the Curriculum Committee. Faculty will not, however, necessarily be represented in individual personnel decisions. The Board of Trustees will have final authority in all matters related to financial exigency.

3.8.4.5 General Procedures Regarding Layoff

When financial exigency or an enrollment emergency necessitates the layoff of ranked faculty members, a serious and documented institutional effort will be made to assist such faculty members to find employment either at Saint Mary's University or elsewhere.

If a ranked faculty member is laid off for reasons of financial exigency or an enrollment emergency, no replacement for her/his position will be hired within a period of three years unless the laid off faculty member has been offered reappointment under conditions comparable to those had at the time of layoff. The faculty member will be given at least one month's written notice of the offer of reappointment within which to accept the reappointment.

It will be the duty of a laid off faculty member to provide a current address to the Vice President for Academic Affairs for purposes of this Section, and notice sent to the address by the University will be presumed received if sent by certified mail, postage prepaid.

3.8.4.5.1 Specific Procedures of Layoff

Faculty layoff will follow these specific guidelines and procedures:

- a. Persons involved in this decision-making process will consider seniority, relative faculty size, and composition of the College, in addition to academic quality and integrity of the faculty as a whole.
- b. Layoff of specific faculty positions will be determined by the Vice President for Academic Affairs in consultation with the Dean and the Curriculum Committee. The Curriculum Committee will be consulted to ensure that high academic quality within the curriculum is maintained.
- c. Reductions in faculty will be made in consultation with the Dean involved. The Vice President for Academic Affairs and the Curriculum Committee will make recommendations for elimination of program(s) or department(s) to the President.
- d. In case of financial exigency as defined in Section 3.8.4.4, the following procedures may be followed:

1. The Vice President for Academic Affairs, in consultation with the Curriculum Committee, may advise the President to hold all contracts until May 31 and serve notice to non-tenured

faculty on non-renewal of contracts pending a final decision on the seriousness of a financial emergency.

2. All tenured faculty will receive one year's notice from date of officially receiving the decision of the Board of Trustees. Non-tenured or term faculty will complete the current academic term, if such is in progress on the date of the decision by the Board of Trustees.

3.8.4.6 Order of Layoff

Once the department(s) or academic program(s) to be affected are determined, the decision to layoff a particular faculty member will be in accordance to the following guidelines, keeping in mind the program integrity guidelines in Section 3.8.4.5.1.

a. Prior to involuntary layoffs, the following voluntary actions should be investigated.

1. Faculty will be consulted regarding the possibility of voluntary retirements.
2. Tenured faculty who have been laid off will be offered non-teaching positions at Saint Mary's University if there are openings for which they are qualified.

b. All administrative ranked faculty and term contract faculty will be eliminated within the program or department involved unless program integrity is affected.

c. Non-tenured faculty will be laid off unless program integrity is affected.

d. A faculty member with tenure will not be laid off in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result. The decision of extraordinary circumstances will be made by the Vice President for Academic Affairs in consultation with the Dean, the Department Chairs, the Curriculum Committee, and the Faculty Council.

e. If a tenured faculty member is laid off, the following order will be followed: lowest rank, lowest degree in rank as determined by credit hours, lowest seniority in rank.

f. The Vice President for Academic Affairs will provide the appropriate committees and interested parties with the official documentation on rank, degrees, and seniority; credit hours; enrollment; and number of faculty. (See Section 3.8.4.8 for recall rights of faculty who are laid off.)

3.8.4.7 Appeals on Layoff/Termination

If the administration issues notice to a particular faculty member of an intention to terminate or layoff the faculty member because of reasons discussed in Sections 3.8.4.2, 3.8.4.3, and 3.8.4.4, the faculty member will have the right to recourse through the Human Resources Office and through Grievance Procedures set forth in Section 4.11.

3.8.4.8 Recall Policy

Tenured faculty members who are laid-off or terminated (Section 3.8.4) will be retained on a recall list for a period of three years from the last date of contracted employment with the College.

Individuals on the recall list will be given first right of refusal for any faculty position at the University which is opened for hiring provided the individual is qualified to perform the duties of the position, at the discretion of the Vice President for Academic Affairs, after comparing the position description and the vita of the individual.

If more than one individual is qualified for the position, the Vice President for Academic Affairs will offer the position first to the best qualified individual, as determined in her/his discretion. If the offer is declined, the position will be offered to the next best qualified individual in descending order until the position is accepted or until all qualified individuals have been offered the position, whichever occurs first. If one or more individuals are equally qualified, the position will be offered first to the individual with the greater length of tenured service to the College. Tenured service will include years of service in an administrative position after tenure has been awarded, but will not include time on unpaid leaves of absence.

Offers will be presented to individuals on the recall list in writing, mailed first class, return receipt requested, to the address last known to the office of the Vice President for Academic Affairs. The offer must be accepted by written notification to the Vice President for Academic Affairs, which must be received in the Academic Affairs Office no later than the close of business on the twentieth (20th) calendar day after delivery of notice to the individual as evidenced by postal receipt.

Any individual who is offered a position under this provision and who declines the offer, or fails to properly respond, or respond at all, will be removed from the recall list, and all her/his rights under this provision will end.

Individuals on the recall list will be obligated to maintain on file with the Academic Affairs Office at all times during the recall period their current mailing address, telephone number and vita.

An individual who is reemployed under this provision will be restored to the rank, tenure status and salary held at the time of termination.

3.8.5 Dismissal for Cause

Dismissal for cause is a severance action by which the University terminates its contract with the faculty member for just cause. Any teaching contract is subject to action under this section. Dismissal will not be used to restrain a faculty member's academic freedom. Dismissal proceedings may be instituted on the basis of the following:

- a. professional incompetence;
- b. continued neglect of academic duties after written warnings;
- c. serious personal misconduct;
- d. deliberate and serious violation of the rights and freedom of fellow faculty members, administrators, staff and/or students;
- e. conviction of a crime directly related to the faculty member's fitness to practice her/his profession;
- f. serious failure to follow the professional ethics of one's discipline;
- g. falsification of credentials and experience.

In every instance dismissal procedures will include the following steps:

- a. Written notice to the faculty member from the Vice President for Academic Affairs that a recommendation for dismissal with cause will be made to the President. This notice will contain a written statement of the grounds upon which the recommendation is to be made.
- b. Within fifteen calendar days from the receipt of written notice of dismissal, a faculty member may request a meeting with the Vice President for Academic Affairs to present a defense to the dismissal recommendation before the recommendation is made. The Vice President for Academic Affairs should notify the faculty member within two working days whether or not the dismissal recommendation has been forwarded to the President.
- c. If the dismissal recommendation is forwarded to and accepted by the President, then within fifteen calendar days of the notification of acceptance, the faculty member may request a meeting with the President to present a defense to the dismissal recommendation.
- d. The President will consult with the Dean and Department Chair before making a final decision to go forward with the dismissal proceedings.

In any case involving dismissal for cause, the burden of proof that just cause exists will be on the University.

The decision of the President may be the basis of a grievance heard before the Grievance Review Committee, which will review the case and make a recommendation to the President in accordance with procedures established in Section 4.8.4 of this handbook.

3.8.5.1 Progressive Discipline of Faculty Members

The College attempts to clearly communicate to faculty when performance or behavior is not seen as adequate and to provide faculty with the opportunity to improve. Such communications may come from Chairs or Deans in response to notable declines in performance or in response to specific incidents. Notice of disciplinary action will be in the form of a written statement from the Chair, Dean or Vice President for Academic Affairs; will describe the alleged problem; and will provide warning that the faculty member's contract status is in jeopardy. The warning must always stipulate a period of time (which must be reasonable) within which correction of the entire problem is expected.

Disciplinary action is distinct from the formative evaluation and corrective feedback provided to tenure-track faculty during the probationary contract period, although disciplinary action may occur during the probationary period.

The faculty member may contest the allegation(s) in the notice of disciplinary action and may request a meeting with the Vice President for Academic Affairs to discuss the alleged problem within ten days of receipt of the written statement. If the meeting does not resolve the problem, and if the faculty member believes the stipulated period of time is not realistic, then he/she may present a case to the Vice President for Academic Affairs to have the period of time changed. Final decisions as to the resolution of the problem and the stipulated period of time are at the sole discretion of the Vice President for Academic Affairs.

If the faculty member resolves the problem by the end of the stipulated time period, the matter is settled. If the faculty member fails to correct the problem, dismissal procedures or a lesser sanction may be applied.

In view of the past merits of the faculty member, final action by the President may take a milder form of temporary suspension rather than outright dismissal. Such suspension may not last beyond a full year, but may entail the total or partial discontinuance of all salaries and benefits, the suspension of all promotion and salary increments and the temporary suspension or withdrawal of all faculty privileges.

Actions in Sections 3.8.5 are grievable through the procedures in Section 4.

3.8.5.2 Alternative Disciplinary Sanctions: Actions Short of Dismissal

Depending on the circumstances, the President may elect to invoke a lesser disciplinary action short of dismissal, such as suspension for a period of time without pay. In unusual circumstances, the President may take disciplinary action without previous citation or warning.

Suspension may also be the temporary separation of a faculty member from the University where it is determined by the President that there is a strong likelihood that the faculty member's continued presence at the University poses an immediate threat of harm to the University or to individual members of the University community. Such suspension shall be with pay and shall last only so long as the threat of harm continues, or until dismissal for cause occurs.

Suspension of the faculty member during the dismissal proceedings involving her/him is justified only if, in the opinion of the Vice President for Academic Affairs as confirmed by the President, immediate harm to the faculty member or others is threatened by continuance of employment. The decision to suspend should be reached only after consultation with those parties charged with rendering advice to the administration during the preliminary proceedings, as specified in Section 3.8.5 above, or, when very prompt action is necessary, at least with the committee chair. Any such suspension will be with pay.

The Grievance Review Committee (Section 4) will serve as an advisor to the President on such matters and will be asked to review cases where the faculty member questions the decision. In the case of a filed grievance, the Grievance Review Committee (Section 4) will render a decision to the President. Upon request, the faculty member will be notified as to the finding of the Grievance Committee. The President's decision after such a review is final. If the President disagrees with the committee's finding, the President will set forth reasons for such in writing. These reasons will be communicated to the Grievance Committee and to the faculty member involved.

3.9 The Faculty's Obligations, Rights, Academic Freedom, and Code of Ethics

3.9.1 Faculty Responsibilities

3.9.1.1 General Statement

Membership in the academic profession carries with it responsibilities for the advancement of knowledge, the intellectual growth of students and the improvement of society. Faculty must order and evaluate their activities in terms of their commitment to these goals, as well as in terms of their own personal and professional development.

Moreover, the faculty of Saint Mary's University have a special obligation to understand the nature of this institution of higher learning, and to appreciate its unique characteristics and its philosophy and objectives. Faculty should strive to improve the intellectual and practical effectiveness of the University.

A faculty member's overall responsibilities generally include teaching, which is paramount; scholarship, which sustains and enriches teaching; research, presentations, or publication or, in the arts, creativity evidenced by exhibits, performances or publication; academic advising; and service to the University, which includes willing participation in University governance, student recruitment, and service to students, the community and the faculty member's profession.

A faculty member shall be responsible for carrying out satisfactorily the duties agreed to in the individual faculty assignment (see Section 3.10). The responsibility to give continued application of time and talents to improve one's education and teaching, to seek professional achievement in one's academic discipline, and to continue to support a liberal arts education will also be obligations of a faculty member (see Section 3.10).

As an educational institution, Saint Mary's University does not wish to impose a rigid body of codified rules upon the members of its faculty. The University does, however, have certain legitimate expectations concerning the conduct of professional academics. The following statements outline in a general way the responsibilities incumbent on faculty members of the undergraduate college of Saint Mary's University.

3.9.1.2 Adherence to University Regulations

The responsibility to adhere to University regulations is self-evident. An organization can operate effectively and consistently only if it has policies and rules to guide it and its members.

The material in this *Faculty Handbook*, and especially this Section 3.9, represents an attempt to summarize those regulations pertaining directly to the faculty and is intended as an attempt to enhance freedom, stimulate enthusiasm, and promote loyalty to the University's objectives, rather than as an attempt to impose restrictions.

Any new or amended policies developed between this edition of the *Faculty Handbook* and its next revision will be approved by the appropriate body(ies) of the University and will be disseminated to the University community. Each faculty member has a responsibility to know these regulations and to make every reasonable effort to adhere to them. If questions of interpretation arise, clarification should be sought from the President, the Vice President for Academic Affairs, or the Faculty Handbook Committee. Any exceptions mutually agreed to should be in writing and signed by all parties concerned.

3.9.1.3 Principal Occupation

A faculty member is appointed with the expectation that s/he will be principally occupied with the academic growth and development of students during all terms of the academic year (see also Section 3.11.4, Definition of *Year*).

Teaching will normally be the primary concern and occupation of the faculty, along with required advising, scholarship, and service as required by rank. Direction of additional individual learning projects is encouraged, but not to the detriment of classroom teaching, student advising, scholarship, and service, which includes governance duties (see also Section 3.11.5.1, Primary Faculty Responsibility).

3.9.1.4 Course Offerings and Content

All course offerings should be in accord with the general requirements of Saint Mary's University, the needs of the department majors, and the needs of the student body. Faculty members are expected to conduct their classes at a level appropriate to the level of the assigned course. Each instructor is responsible for establishing course objectives and requirements and making them known to students; planning and presenting the assigned course material; selecting and ordering texts and supplemental materials; planning and carrying out effective formative and summative assessments that measure student learning; and assigning grades.

3.9.1.5 Absence and Class-Related Duties

Faculty are expected to meet their classes punctually. If for some valid reason a faculty member is unable to meet a class, arrangements will be made to offer alternate instruction to satisfy

students' expectations and the individual's own contractual obligations. This can be accomplished in various ways, and the method to be adopted will be approved by the Department Chair. Absences from class must be reported to the Department Chair.

A faculty member will not enroll or refuse to enroll students in courses on the basis of their beliefs, or otherwise discriminate among them, based upon considerations unrelated to academic performance as defined by Saint Mary's University. When grades or other evaluations of academic performance are required, a faculty member will provide the University with such grades or evaluations of each student in terms of academic performance. A faculty member will return tests and required papers to students in a timely fashion, with appropriate comments and/or grades, so that the assessments can inform students in future work.

3.9.1.6 Availability and Office Hours

The Department Chair will determine the number office hours appropriate to the discipline; six hours per week is recommended. Each faculty member should establish, post, and make students aware of regular and adequate office hours so distributed throughout the work week as to be of maximum convenience to the students. Additional office hours will normally be needed during registration and examination periods. A copy of the office hours schedule is to be submitted to the Department Chair and posted outside the office of the faculty member.

Adjunct faculty are expected to be available to advise students regarding course work at least 1 hour per week for each course taught.

3.9.1.7 Student Advising

Since the fundamental objective of private institutions of higher education like Saint Mary's University is to assist students to develop their interests in order to reach their full personal and professional potential, the University emphasizes the role of its faculty in the academic advising of students.

The central element in academic advising is a genuine and sustained concern for students as persons and for their academic and personal growth. It is the duty of the Deans and Department Chairs to allocate such responsibilities and to inform the individual faculty member of what is expected in the discharge of such responsibilities.

3.9.1.7.1 Guidelines for Student Advising

There are other offices that provide specialized support, such as the Wellness Center, the Writing Center, the Student Success Center, and Campus Ministry, to which the student may be directed for professional assistance. However, the faculty member has a special and unique mentorship role which may take three forms:

a. advising the student with regard to the student's work in classes taught by the faculty member;

- b. serving as an academic advisor in assisting students to set academic goals, to ensure that University and departmental requirements are met and understood by the student, and to ensure that electives are planned to coincide with the student's personal and career objectives; and
- c. recognizing when the student needs professional assistance with problems of a personal nature or resulting from academic skill deficiencies and directing the student to the appropriate office or person from whom such assistance is available.

The faculty member is not authorized to make representations or commitments on behalf of the University that are contrary to University policies, regulations, or procedures.

3.9.1.8 Share in Governance

A faculty member shares responsibility for the governance of the University. This responsibility shall be exercised by regularly attending and taking part in meetings of the department and the faculty by being available for the work of departmental and University committees, and by performing any duties assigned.

3.9.1.9 Recruitment of Prospective Students

A faculty member will cooperate with the admissions staff in appropriate ways. This may include inviting visiting students into the classrooms or laboratories, communicating with prospective students through visits or emails, calling prospective students, or making admission visitations.

3.9.1.10 Community Service

Faculty are encouraged to participate in discipline-related community service. On-campus service includes summer registration of freshman students, involvement in University testing programs, student orientation, and emergency teaching or proctoring duties. Faculty are required to take part in major academic events such as Commencement and Founder's Day. Off-campus service includes participation in civic programs and social endeavors.

3.9.1.11 Academic Community Cooperation

While members of the faculty have a primary responsibility to their own department, they are also members of the larger community and should, therefore, make every effort to work cooperatively with members of other departments.

3.9.1.12 Deadlines

Each faculty member is responsible for meeting the appropriate deadlines established by the Vice President for Academic Affairs, the Registrar, and the Campus Bookstore.

3.9.2 Academic Freedom

The following is based on a Statement on Academic Freedom published in 1940 by the American Association of University Professors: Institutions of higher education are conducted for the common good and not to further the interests of either the individual or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom to research is fundamental to the advancement of truth. Academic freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.

The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The faculty member is entitled to freedom in the classroom in discussing her/his subject, but should be careful not to introduce into the teaching controversial matter which has no relation to the subject.

The College faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When s/he speaks or writes as a citizen, s/he should be free from institutional censorship or discipline, but her/his special position in the community imposes special obligation. As a person of learning and an educational officer, s/he should remember that the public may judge her/his profession and the institution by her/his utterance. Hence s/he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that s/he is not speaking for the institution.

3.9.2.1 Academic Freedom and Artistic Expression

Saint Mary's University is rooted in Catholic and Lasallian intellectual and cultural traditions made contemporary for the times in which we live. In this endeavor, the College seeks to serve diverse communities of learners through educational programs that embrace a Catholic values orientation and foster ethical development. As an institution of higher education, it exists for the common good, which depends upon the free search for and the free expression of truth. It is essential to maintain academic freedom for both students and faculty.

Academic freedom pertains to all types of artistic expression including student work, faculty projects, or exhibits displayed by the university from outside sources or artists. Artistic expression would include but not be limited to the fine arts, the performing arts, the graphic arts, and electronic creations.

While freedom of artistic expression is encouraged, a position as a member of the Saint Mary's University community imposes upon faculty and students some obligations. Because the public

or other members of the Saint Mary's community may judge faculty professions and the University by words and works, faculty in particular should exercise appropriate sensitivity to and show respect for the opinions of others.

Saint Mary's University recognizes the integrity of artistic expressions, while reserving the right not to exhibit artistic expressions judged to be obscene, sacrilegious, or racist, which promote ethnic or religious hatred, or which, for the purpose of advocacy only, promote values in clear contradiction of the University's mission.

As a Catholic institution of higher education with a publicly stated mission, Saint Mary's University will use the following criteria for assessing artistic expressions. (1) Artistic expressions on campus should recognize the diversity of people and points of view that exists in a pluralistic world. Such artistic works should encourage debate as an opportunity for learning. (2) In all cases, artistic expressions should meet the criterion of appropriateness within the context of the teaching mission of the university. (3) Potentially offensive or controversial artistic expression may be deemed appropriate, but also must be advertised as such so people can make an informed decision about exposure to it.

In dealing with disagreements about the appropriateness of an artistic work or expression, especially insofar as the decisions relate to the protection of academic freedom and artistic expressions, it is the responsibility and obligation of the President of Saint Mary's University of Minnesota to appoint, convene and preside over a committee whose members will include, *but not be limited to*, the President of Saint Mary's University, the Vice President for Academic Affairs, the Chair of the Faculty, the President of the Student Senate, and the Dean of the School of Arts. The charge of this committee will be to make decisions that best reflect and respect the mission of the university. After discussing the issue at hand, each member of the committee will vote by secret ballot to advise the President on the issue at hand.

3.9.2.2 Academic Freedom for Librarians

Academic freedom, as defined in Section 3.9.2, is accorded to all professional librarians because they are often present at the point of student contact with ideas. Librarians are free from fear of dismissal or reprisal for carrying out job-related decisions such as those listed below:

- a. the selection of publications, including determination of what to discard from the existing collection and what to accept or refuse from donors;
- b. the determination of restrictions on circulation or on access with regard to library materials;
- c. the determination of the degree of prominence in the shelving of selected library materials;
- d. the issuing of bibliographies that might include controversial publication; and

- e. the advising of students as to what to read or study.

3.9.2.3 Faculty Policy for Academic Freedom of Speech and Assembly

In connection with its endorsement of a governance plan of the University, the faculty of the undergraduate College of Saint Mary's University reaffirms its commitment to the principles of academic freedom and the ideals of academic community. The faculty believes that procedures for effective change and for promoting responsible and reasonable discussion exist, and that members of the academic community, should direct efforts for constructive reform through the channels created for this purpose.

The faculty believes that violence and disruptive protests may undermine and by-pass existing procedures, thus violating the spirit of an academic community and infringing upon the rights of its members. Out of respect for the academic freedom of all, the faculty will adhere to established procedures designed to result in constructive reform.

Participation in violence or disruptive protests does not exempt a faculty member or student from their respective academic obligations with regard to attendance, examinations, etc.

To protect the rights of all members of the academic community, the University will use appropriate means to assure both freedom to learn and freedom to teach.

3.9.3 Code of Professional Ethics

Although no set of rules or professional code can either guarantee or take the place of the faculty's personal integrity, Saint Mary's University believes that the "Statement of Professional Ethics" promulgated by the American Association of University Professors in April 1966 may serve as a reminder of the variety of obligations assumed by all members of the academic profession. Saint Mary's endorses the Association's "Statement." The following section contains an abbreviated form of this "Statement."

3.9.3.1 The Statement

A. Members of faculty, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

B. As teachers, the members of faculty encourage the free pursuit of learning by their students. They hold before them the best scholarly standards of their discipline. They

demonstrate respect for the student as an individual and adhere to their proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of students reflects the students' true merits. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students for their private advantage. They acknowledge significant academic or scholarly assistance from students. They protect students' academic freedom.

C. As colleagues, members of the faculty have obligations that derive from common membership in the community of scholars. They do not discriminate against or harass colleagues. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas, they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept the professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of their institution.

D. As members of their institutions, members of faculty seek above all to become effective teachers and scholars. Although they observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. They give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, they recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

E. As members of their community, the members of the faculty have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession and to their institution. When they speak or act as private persons, they avoid creating the impression that they speak or act for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

3.10 Definition of Work Load

Saint Mary's University recognizes the multiple expectations on faculty for effective teaching, advising, scholarship, and service. The percentage of time spent in each of the four areas may vary depending on discipline and department needs in any given academic year. Responsibilities in each of the four areas are found in Section 3.5.

3.10.1 General Contractual Obligation

Acceptance of a contract as a full-time faculty member (defined in *Faculty Handbook* Part II, Faculty Constitution, Article 2.2.1.a.2.a) obligates the contracting party to provide services to the University for a full professional work week during each week of the contract period. A

professional work week is devoted to professional tasks connected to teaching, advising, scholarship and service. This may include laboratory duties, administrative duties, student recruitment and advising, class preparation, professional study and informal contacts with students and fellow faculty members.

An occasional absence from campus during the professional work week is permitted, if the absence does not interfere with the performance of scheduled duties. Such occasional absence for personal reasons needs no permission. Repeated or regularly scheduled absence from campus during the professional work week must receive the prior written approval of the Department Chair and Dean.

Acceptance of a contract as a part-time faculty member obligates the contracting party to provide those services specified in the contract. Part-time faculty members are required to remain on campus only during the hours of their specified duties, including, but not limited to, teaching and being available to students through office hours (Section 3.9.1.6).

3.10.2 Teaching Duties

a. Full-time faculty members are expected to teach a full-time teaching load, which is generally defined as 22-24 credit hours per contract year.

b. This teaching load may be adjusted

1. In situations where credit hours do not match time required (e.g. one-credit science labs that require 3-4 hours per lab)

2. In situations where course loads routinely include course structures other than the typical three-credit model. In these cases, a full-time teaching load may total 26 credits with agreement by the Department Chair, Dean and the Vice President for Academic Affairs.

3. By a joint agreement of the faculty member and the Vice President for Academic Affairs that allows the faculty member to engage in other professional activities.

c. Such adjustments in teaching load should not result in increased average class size or institutionalized overloads for the faculty.

d. Faculty members whose teaching loads will exceed 24 credit hours / contract year will confer with the Department Chair, the Dean and the Vice President for Academic Affairs to determine compensation. b. Faculty members will act as academic advisors for a reasonable number of students. The number of students a faculty member advises may vary by department. The Department Chair will establish what is reasonable in each department. Faculty teaching first-year seminar courses advise students within that course until an advisor in the major is assigned during the freshman year or until the end of the freshmen year. After the freshman year, the student is required to seek an advisor within the student's anticipated major.

c. Faculty members will be available for student consultation at posted times during the school week. The recommended number of hours is six hours per week for a full-time faculty member and one hour per week per three-credit course for part-time faculty. In the event a student is not able, for good reason, to meet with the faculty member during the posted time, the faculty member will arrange a mutually convenient time.

- d. Faculty members will prepare a syllabus sufficiently detailed to provide the student with adequate direction. All faculty are required to use the syllabus template provided by the College and to provide copies of all course syllabi to the Academic Affairs Office.
- e. Faculty members are responsible for examining library holdings in their field as requested by the Department Chair and making recommendations for purchase to insure that library resources within the department are current.
- f. Faculty members may act as graduation project advisors for a reasonable number of students.
- g. Faculty members will provide written, electronic, or telephone recommendations for students past and present.

3.10.3 Non-Teaching Duties

The following non-teaching duties are mandatory for all faculty members (defined in *Faculty Handbook* Part II) unless performance by the faculty member is excused by the Vice President for Academic Affairs:

- a. attendance at all faculty workshops, Convocation Day, Founder's Day, and Commencement;
- b. reasonable cooperation with the Office of Admissions in meeting with students who are visiting campus.

Faculty are also expected to attend faculty meetings as stated in the *Faculty Constitution, Article IV*.

The following non-teaching duties are not mandatory, but faculty members are strongly encouraged to undertake such activities:

- a. acting as a representative of a School at conferences and meetings when called upon by the Dean;
- b. participating in University, faculty and department meetings, committees, and activities;
- c. attending official University functions such as University convocations and special meetings called by the President and/or Vice President for Academic Affairs;
- d. serving as advisors to various clubs and organizations;
- e. participating in Office of Admissions recruitment activities;
- f. undertaking professional self-improvement such as membership in professional societies, research, writing, etc.

3.10.4 Definition of Year

The members of the full-time faculty are engaged and paid on the basis of a contract year. If any teaching member of the faculty is asked to be on duty for longer than the present nine-month period of instruction (the academic year), s/he will receive additional compensation.

The contract year begins one week prior to the opening of fall classes, and ends one week after the last day of final exams scheduled in the spring.

3.10.5.1 Primary Faculty Responsibility

The primary responsibility of a faculty member is to render to the College the most effective service possible. At the same time, consulting and other outside activities of a professional nature are encouraged by the University where such activities give the faculty member experience and knowledge valuable to professional growth and development. These activities may help the faculty member make worthy contributions to knowledge, contribute to instructional programs, or otherwise make a positive contribution to the University or the community.

3.10.5.2 Outside Activities and Outside Professional Activities

For purposes of this section, *outside activities* and *outside professional activities* are distinguished as follows:

- a. *Outside activities* are those activities, compensated or uncompensated, which are not included, directly or indirectly, in a faculty member's contractual obligations to the University and which are not related to the faculty member's academic specialty.
- b. *Outside professional activities* are those activities compensated or uncompensated related to the faculty member's academic specialty which involve persons, entities or governmental agencies other than the University (an "outside entity") or programs administered through or sponsored by an outside entity. For probationary faculty or those applying for promotion, some of the following activities may be included as evidence in the tenure and review process. In this situation, such activities are not considered *outside professional activities*. Examples of outside professional activities include:

1. practicing a profession on a part-time basis;
2. providing professional, managerial, or technical consulting services to an outside entity;
3. serving on a committee, panel, or commission established by an outside entity;
4. testifying as an expert in administrative, legislative, or judicial hearings;
5. participating in or accepting a commission for a musical, dramatic, dance, or other artistic performance or event sponsored by an outside entity.
6. teaching at an institution other than Saint Mary's University.

3.10.5.2.1 Examples of Usual Outside Professional Activities of Faculty

The following activities are considered *usual outside professional activities* if they are chosen by the faculty member as a required part of demonstration of scholarship as a part of the review process:

- a. writing of scholarly books, monographs and articles;
- b. participating in professional organizations, seminars, and colloquia that are relevant to the educational process at the University and/or to the individual's academic interests;
- c. acting as a reviewer or editor for professional journals or book manuscripts; or
- d. presenting occasional lectures or papers at meetings of an outside entity.

3.10.5.3. Applicable Procedures

All *outside activities* and *outside professional activities* are subject to University policy. Conflict between such activities and a faculty member's primary obligations must be avoided. However, in recognition that outside professional activities may make a valuable contribution to the University and to an individual's professional growth, as long as the activities are undertaken in a manner consistent with the full performance of the faculty member's primary obligations to the University, the following procedures are adopted:

3.10.5.3.1 Prior Authorization

A member of faculty should inform the Department Chair, the Dean, and the Vice President for Academic Affairs prior to any instance where a conflict between her/his primary responsibility and her/his outside activity may arise. Such planning is in the best interests of the faculty member, the department, and the University.

A faculty member is not required, however, to obtain prior authorization before engaging in outside professional activities in the academic and scholarly activities described previously, unless there is a conflict between such activity and the faculty member's primary responsibility to Saint Mary's University.

Prior authorization to teach at another institution must be obtained from the Vice President for Academic Affairs.

3.10.5.3.2 Time Restriction on *Outside Activities* and *Outside Professional Activities*

Unless otherwise approved in writing by the Vice President for Academic Affairs, time spent by full-time faculty members on outside activities and outside professional activities must be in addition to, rather than a part of, the normal full-time effort expected of faculty members for University work. The general guideline for time spent on such activities will be the equivalent of one work day (eight hours) per five-day week.

3.10.5.3.3 Use of University Facilities and Services

University facilities may be used by faculty members in connection with the academic or scholarly activities described above without being subject to the requirements of prior approval or reimbursement. This includes voluntary community service.

While faculty members may utilize the services of the administrative support staff of their respective departments to assist in the preparation of professional articles, papers, reviews, etc., such assistance should not interfere with official work.

Except for the use of facilities, in all cases, any cost for the use of equipment, materials or services incurred by the faculty member or his/her outside employer or sponsor will be paid by

the faculty member or his/her outside employer or sponsor at the rate established by the University. If it is more than the above stated eight-hour limit, prior approval from the Chair of the faculty member's department, the Dean, and the Vice President for Academic Affairs must be received.

3.10.5.3.4 Use of the University Name and Seal

The University's name and seal are the exclusive property of Saint Mary's University and, consequently, may not be used in connection with goods or services offered by any outside organization without prior permission from the Vice President for Academic Affairs. Faculty members publish a considerable number of reports in the form of bulletins, circulars, scientific articles, monographs and books, some of which are copyrighted and others of which are not. Material from such recognized publications is, of course, quotable, and proper recognition should be given both to the individual author and to the University in connection with such material.

Official stationery may not be used in connection with *outside activities* as defined in Section 3.11.5.2 except with respect to the academic and scholarly activities described above. No report or statement relating to outside activities may use the name of Saint Mary's University or be attributed to it. The use of official University titles for personal gain or publicity is prohibited without the written approval of the Vice President for Academic Affairs.

3.10.5.3.5 University Non-Responsibility for Outside Activities

The University assumes no responsibility for the competence or performance of outside activities engaged in by a faculty member, nor may any responsibility be implied in any advertising with respect to such activities. Faculty members may not represent themselves as acting on behalf of the University.

3.10.5.3.6 Political Activity as Basis for Leave from the University

Faculty members, as citizens, are free to engage in political activities. Any member of the faculty who wishes to engage in direct political activity that will involve a substantial amount of time away from the performance of her/his University responsibilities (e.g., holding or running for political office, managing a campaign, directing group action on behalf of a political candidate or issue) is expected to work out a mutual agreement for leave of absence with the Department Chair, the Dean, and the Vice President for Academic Affairs, with the approval of the President, before undertaking such activity. The terms of such leave of absence will be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.

3.10.5.4 Compliance and Enforcement

The Department Chairs and Deans are available for advance consultation with respect to potential conflicts between a faculty member's primary responsibility and outside activities. The

University expects faculty and staff members to seek advice from these sources. Legal guidance is also available for problems not otherwise resolvable.

If the Chair or Dean is concerned about whether a faculty member is meeting the standards of this policy, the concern will be discussed with the faculty member. If a satisfactory resolution cannot be reached, the Chair will advise the Dean, who will meet with the faculty member to resolve the issue. If the issue cannot be resolved, the Dean may refer the matter to the Vice President for Academic Affairs.

3.12 Working Conditions

3.12.1 Closure

The Board of Trustees or the President of the University, or persons acting under their authority, may close the University due to circumstances beyond the University's control which impair its ability to continue normal operations. Such circumstances may include, but are not limited to, inclement weather, natural disaster, national emergencies, or other forces or circumstances beyond the University's control.

Announcement of the closure of the University shall be disseminated by means of local radio stations. During such occurrences, the employees are requested to monitor the stations for information.

3.12.2 Hazardous Waste Disposal

Employees who handle toxic or hazardous substances on behalf of the University are required to maintain and use such substances in accordance with applicable state, federal and local laws and regulations as a condition of their employment. The employee may obtain assistance in ascertaining her/his obligations under these laws and regulations. Any employee who violates any such laws, unless such violation occurs despite reasonable reliance upon advice given by the University, shall be deemed to have acted outside the scope of her/his authority.

3.12.3 Creative Works

All employees of Saint Mary's University, including but not limited to staff, faculty and administrators, shall conduct their activities on behalf of the University, including but not limited to any research or writing activities, in such a fashion so as to meet and comply with all the requirements of the United States copyright laws and regulations (Title 17, U.S.C.).

In the event that a copyright infringement occurs as a result of the acts of an employee, if the employee is able to demonstrate good faith compliance with the law, the employee shall not be required to indemnify the University for any damages, judgments or costs which may be obtained against the University for the acts of the employee.

If, however, an employee willfully, intentionally, negligently, or without good faith violates the copyright provisions, the employee shall be solely liable for all losses, damages, judgments, and costs of whatsoever kind or nature that may be incurred. Should Saint Mary's University, its officers, employees or agents, be named in any legal or equitable action arising from such wrongful infringement, the employee agrees to save, hold harmless, and indemnify each of them against all losses, damages, fees (including attorney fees), or other penalties, monetary or otherwise, that may be incurred as a result of such conduct.

3.12.3.1 Interest in Creative Works

It is the policy at Saint Mary's University not to interfere with the long-standing and traditional rights of the faculty and staff to write, create, produce or otherwise generate works or products which are copyrightable, patentable, or of commercial value, on their own initiative. Any such materials written, created, produced or otherwise generated by a member of the faculty or staff shall remain the exclusive property of the faculty or staff member, and that person shall have the sole right of ownership and disposition, unless the materials are written, created, produced, or otherwise generated "for hire."

Materials written, created, produced or otherwise generated "for hire" are defined as inventions, creations, manuscripts, or other works or things of commercial value which are written, created, produced or otherwise generated by persons, including but not limited to faculty and staff members, who are engaged by the University specifically to write, create, produce or otherwise generate such materials or to conduct the research or other activity which produced anything included in the material(s); are released from other University responsibilities in order to write, create, produce or otherwise generate the materials; or, engage a substantial use of University resources in the writing, creation, production or generation of the materials without prior written approval of the University or agreement for reimbursement for said use of University resources. Any copyrightable, patentable or otherwise commercially valuable materials written, created, produced or otherwise generated "for hire" shall belong completely and exclusively to the University subject to this policy.

Copyrightable materials include, but are not limited to, books, pamphlets, brochures or other printed materials; films, video or audio tapes; computer programs or computer-based instructional materials; musical compositions; and any and all copyrightable materials covered by the copyright laws of the United States or any foreign government, as amended. Patentable works include but are not limited to inventions, creations and any and all things patentable under the patent laws of the United States or any foreign government, as amended. Materials of commercial value are any materials which the University, in its sole discretion, determines to have commercial value.

Materials written, created, produced or otherwise generated pursuant to or under the sponsorship of an outside agency or governmental grant shall be subject to the copyright, patent and exploitation terms and conditions of said grant, contract or agreement. If no such terms and

conditions are stated, then the materials produced by the faculty or staff member shall be subject to the terms of this policy.

Faculty or staff members who write, create, produce or otherwise generate copyrightable, patentable or other commercially valuable materials using University resources shall be governed by the following principles in determining what constitutes substantial use of resources:

- A. The following resources may be used by faculty and staff members for their creative and/or intellectual pursuits at institutionally authorized levels without accounting for substantial use under this policy:
 1. use of personal office, laboratory, or studio space;
 2. local telephone calls;
 3. typewriters;
 4. personal computers;
 5. word processors;
 6. library facilities;
 7. other faculty or staff members as consultants;
 8. use of University resources with prior written approval or agreement to reimburse.

- B. The following resources, when used by the faculty or staff members for the writing, creation, production, or generation of copyrightable, patentable, or otherwise commercially valuable materials will constitute substantial use of University resources, and the faculty or staff members without prior written approval or agreement to reimburse shall keep accurate and detailed records reflecting her/his use of the resources. Records of utilization must include actual hours or quantity of use and estimated or actual cost or value of each resource used:
 1. university secretarial services;
 2. plant and animal specimens;
 3. University supplies including but not limited to paper, copying costs, etc.;
 4. chemical supplies;

5. long distance telephone calls;
6. "WATS" line telephone calls;
7. video movie cameras;
8. broadcast studio (personnel and supplies);
9. postage;
10. mainframe computer;
11. computer software, 16mm films, video/audio tapes;
12. blank diskettes, blank film, blank video/audio tapes;
13. electronic music synthesizers;
14. any other University resource not included in Section A above, or any resource used at greater than institutionally authorized levels.

If any disputes should arise in the implementation of this policy, the faculty or staff member who writes, creates, produces or otherwise generates any copyrightable, patentable or potentially commercially valuable materials while in the employ of the University shall submit a written statement to the Creative Works Committee describing the circumstances under which the materials were generated and circumstances under which the University resources have been or will be utilized, the extent of the utilization, and the necessity of the use.

The Creative Works Committee (see Section 3.12.3.3) shall, within thirty (30) calendar days following submission of the written description, make a decision and notify in writing the faculty or staff member whether the materials were written, created, produced or otherwise generated "for hire." If the committee finds that the materials were written, created, produced or otherwise generated as works "for hire," the material shall then become the property of the University according to the terms and conditions of this policy. The faculty or staff member shall assign all of her/his rights to the University. The faculty or staff member, upon such assignment of rights, shall be entitled to receive 33.3% of the net profits, as defined herein above, if any, derived from the commercial exploitation or dissemination of the materials.

When the University has obtained rights of whatsoever kind or nature in copyrightable, patentable, or commercially valuable materials which have been written, created, produced or otherwise generated by faculty or staff members, then the terms and conditions of this policy shall be binding upon all parties in regard to the copyrightable, patentable or commercially valuable materials until all of the following conditions have been met:

1. for a minimum of five calendar years from the date of assignment;
2. until such time as the University has recovered all the expenses and costs attributable to the writing, creation, production, generation and/or exploitation of the materials;
3. for so long as the faculty or staff member is employed by the University plus an additional two calendar years from the calendar date of cessation of employment for whatever reason;
4. until the University's copyright, patent, or contract rights expire.

3.12.3.2 Policy Revisions

Copyright and patent law is a constantly changing area of expertise. Due to changes in the laws which may occur, this policy may undergo revision from time to time in order to adapt to the legislative changes or differing interpretations of the laws. The policy shall be reviewed annually by the Creative Works Committee, which shall recommend necessary changes to the President of the University and the Faculty Handbook Committee. The academic Vice President shall provide faculty with updated information on changes as they occur.

3.12.3.3 Creative Works Committee

A standing Creative Works Committee shall be established by the University in order to administer this policy. The committee shall consist of five (5) members composed as follows:

- a. two (2) appointed by the President;
- b. three (3) faculty members with research and/or creative works credentials, appointed by the Executive Committee of the Faculty. One shall be chair. The term of office shall be one contract year.

The committee shall operate in accordance with Robert's Rules of Order. Committee members with a conflict or potential conflict of interest shall excuse themselves from committee service to the extent of the conflict. All vacancies on the committee shall be filled by the President of the University. All questions concerning committee operations or decisions shall be finally determined by the President of the University.

3.12.3.4 Sale of Employee-Created Materials to University Students

Faculty and staff members often create materials in which they hold commercial interests and which might be used in courses or programs which the faculty or staff member is teaching or administering for the University. It is the policy of the University that faculty or staff members may require students to purchase materials in which the faculty or staff member holds a commercial interest for courses taught or programs administered by that faculty or staff member. In this situation, however, the faculty or staff member shall assign all income rights for all the materials sold to the University. Any income thus received shall be placed in a special fund which shall then be made available by application to faculty and staff members in order to promote research, publication, or other creative efforts.

3.12.4 Fund-raising Policy

While the University encourages employee fund-raising on its behalf, proper coordination and approval is necessary to avoid conflicts and confusion.

Therefore, all fund-raising activities conducted on behalf of or in the name of the University by any employee shall be subject to the coordination of the Vice President for University Relations. Grants or gifts may not be accepted on behalf of the University unless approved by the Vice President for University Relations.

Employees may not solicit funds on behalf of any organization, other than an approved University organization, on University property unless prior approval is received from the President's Office. Employees may not sell, or solicit the sale of, products on University property or on work time other than University - approved products, the sale of which is part of the employee's job duties or responsibilities.

It is unlawful for anyone to appropriate to her/his own use or the use of another the University name, logo, seal, emblem, or any other trademarks or service marks of the University without the written permission of the President.

3.12.5 Human Subject and Animal Research

Faculty conducting or supervising research with animal or human subjects will adhere to the applicable federal and state regulations and to the ethical standards established by the major professional organization in one's discipline for such work. A copy of these regulations and standards will be made available by the Human Subject and Animal Research Committee, consisting of four members selected by the Deans.

Part IV

4.1 Institutional Committee Membership and Terms

Faculty Advancement and Tenure Review Committee

Membership:

- a. One member from each of the other schools of the university and three members from the School of Humanities and Sciences as constituted at the time of the election; one faculty member at-large appointed by the current Faculty Executive Committee immediately following the spring election. The FEC will consider gender composition of the committee when making this appointment. The FEC should take the full pool of candidates from all schools who have accepted nominations at the April meeting and select from that pool the candidate with the highest vote total (after those who have been selected are set aside) such that better gender balance is achieved. If the gender composition goal cannot be achieved from within the candidate pool, FEC shall appoint the FATRC member from outside the candidate pool to achieve better gender balance. In the event there is an odd number of schools of the university, an additional at-large faculty member will be elected. All members shall be full-time, tenure faculty.

No dean or other member of the Academic Council which advises the Associate Vice President for Academic Affairs may serve on FATRC. Department Chairs who serve on FATRC shall abstain from voting during FATRC consideration of faculty members who apply for promotion or tenure from their respective department during their service on FATRC. They may participate in all FATRC discussions and have full voting privileges on all other matters before the committee.

In the event that a school(s) has no faculty member eligible and willing to serve on FATRC, a special election shall be conducted by the Nominations and Elections subcommittee to elect such at-large member(s) to the committee so as to achieve an odd number of members. Such at-large members must be full-time, tenured faculty and shall serve for a term of one year subject to renewal should the Faculty Chair determine a need after input from the FATRC membership. At the end of two years of such at-large serve, the Faculty Chair shall make further determination as to FATRC membership and further special elections shall be called as needed. An individual may serve for no more than four consecutive years on FATRC in this type of at-large capacity.

b. Term of Office:

1. The term of office shall be for two contract years.
2. Continuity of membership shall be ensured by the election of no more than four of its members each year.

4.2 University Administrative Structure

4.2.1 President

The President of Saint Mary's University is the chief administrative officer of the university and is directly responsible to the Board of Trustees. The President is the official spokesman for the university in all its external relations; internally he provides leadership and direction for the university community, both directly and through the administrative officers of the various areas. It is the duty of the President to assure that the standards and procedures in operational use within the institution conform to the policies established by the Board of Trustees and to the standards of sound academic practice. He shares responsibility for the definition and attainment of the mission and goals of the university. He is responsible for the maintenance of existing institutional resources and the creation of new resources. In all areas, the responsibilities of the President are to plan, organize, direct, and represent.

4.2.1.1 President's Cabinet

The composition and responsibilities of the Cabinet are at the discretion of the university President so as to ensure the efficient and effective operation of the university in all its components. The President's Cabinet typically includes the officers listed in 4.3.1.2 - 4.3.1.11.

4.2.1.2 Executive Vice President

Duties and responsibilities for the position of Executive Vice President are assigned by the President as the needs of the institution dictate. This position is intentionally designed to be flexible enough to meet unforeseen and various other future institutional needs. The Executive Vice President is a member of the President's Cabinet.

4.2.1.3 Provost

The Provost is the chief academic and operating officer of the university, with particular responsibility for working with external accrediting agencies and the public. The Provost is responsible for planning, integrating, coordinating, and implementing university policies and programming. These responsibilities are exercised primarily through the three operating officers

of the university, the Vice President of the College, the Vice President of Graduate and Professional Programs, Twin Cities campus, and the Vice President of Graduate and Professional Programs, Winona campus. The Provost is a member of the President's Cabinet.

4.2.1.4 Vice President for Graduate and Professional Programs - Twin Cities Campus

The Vice President for Graduate and Professional Programs serves as the chief operating officer for graduate and professional programs administered from the Twin Cities campus. The Vice

President establishes and maintains the budget for all graduate programs with input from the graduate administrators; directs new program efforts and strategic planning for graduate and professional programs; makes all faculty and staff appointments for graduate and professional programs; and appoints all advisory committee members. The Vice President is a member of the President's Cabinet.

4.2.1.5 Vice President for Graduate and Professional Programs – Winona Campus

The Vice President for Graduate and Professional Programs serves as the chief operating officer for graduate and professional programs administered from the Winona campus. The Vice President establishes and maintains the budget for all graduate programs with input from the graduate administrators; directs new program efforts and strategic planning for graduate and professional programs; and makes all faculty and staff appointments for graduate and professional programs. The Vice President is a member of the President's Cabinet.

4.2.1.6 Vice President for Development and Alumni Relations

The Vice President for Development and Alumni Relations is responsible for initiating and supporting major gift efforts, and for facilitating the roles of the President and the Board related to philanthropic support of the university. The Vice President focuses on funding mission and vision derived priorities of the university, while providing leadership to the overall development program of the university. The Vice President is responsible for the creation of a short-term and a long-term plan and vision for the development program of the university. The individual also engages and directs the Director of Development in creating and implementing a plan of development in support of the university's development vision. The Vice President is a member of the President's Cabinet.

4.2.1.7 Vice President for Financial Affairs

The Vice President for Financial Affairs is the chief financial officer of the university. In addition, the Vice President is responsible for activities and offices which support the effective organization and operation of the university with respect to buildings and grounds, business affairs, technology, facilities usage, and support personnel. The Vice President seeks to provide

effective management, organization and service to the entire university community in order to ensure effective daily operation of critical areas which support and foster the educational mission of the university. The Vice President is a member of the President's Cabinet.

4.2.1.8 Vice President and General Counsel

The Vice President and General Counsel provides legal and technical advice to the administration and academic and non-academic staff on a variety of matters relating to the university including, but not limited to, student issues, statutory compliance, contracts, immigration requirements, intellectual property, development and fundraising, and tax matters. The Vice President and General Counsel also provides legal and technical advice on academic and non-academic staff employment-related matters, including, but not limited to, promotion, tenure, benefits, and terminations. The Vice President is a member of the President's Cabinet.

4.2.1.9 Vice President for Mission

The Vice President for Mission preserves, initiates, coordinates, and integrates the university-wide process of maintaining and promoting the distinctive Catholic and Lasallian identity and mission of Saint Mary's University of Minnesota. The Vice President for Mission also serves as a resource for existing programs that promote the Catholic and Lasallian identity and mission of the university in areas such as academic affairs, student development, advancement, communication and marketing, human resources, and for the collaborative development of new programs in these areas. The Vice President is a member of the President's Cabinet.

4.2.1.10 Vice President for Communication and Marketing

The Vice President for Communication and Marketing is the leader and coordinator of the university's overall strategic visibility and marketing initiatives. The Vice President acts as the university's spokesperson and coordinates university annual reports and major public events. The Vice President also supervises the activities of the Winona campus Office of Communication and Marketing. The Vice President is a member of the President's Cabinet.

4.2.1.11 Vice President of the College

The Vice President of the College is the chief operating officer of the College. The Vice President of The College oversees all aspects of the undergraduate bachelor or arts, residential, liberal arts educational experience, including admission, athletics, student life, academic affairs, and academic student services. Day-to-day responsibilities in these areas are delegated to Vice Presidents and Directors. The Vice President is a member of the President's Cabinet.

4.2.1.12 Vice President for Admission

The Vice President for Admission supervises student recruitment and admission for the College, and financial aid for the university. The Vice President is responsible for the development of retention studies; s/he serves as the principal official to admission, testing and admission and financial aid related governmental agencies.

4.2.1.13 Vice President for Student Development

The Vice President for Student Development is responsible for providing leadership that will create an environment which meets the basic human and spiritual needs of students in their personal development. The Vice President oversees the residence life, student government and activities, intercollegiate athletic programs, intramural sports, campus safety, food service, counseling, health services, student conduct and judicial affairs. The Vice President is a member of the President's Cabinet.

4.2.1.14 Associate Vice President for Academic Affairs

The Associate Vice President for Academic Affairs serves as the primary oversight of all academic matters for the College. The Associate Vice President for Academic Affairs manages the processes of the undergraduate departments and provides support to faculty in curriculum, assessment, and development. The Associate Vice President for Academic Affairs will serve as the contact between the programs of the College and the Provost, who has ultimate oversight of all academic activities.

4.2.1.15 Associate Vice President and Academic Dean – Twin Cities Campus

The Associate Vice President/Academic Dean works as a team with the Vice President of the School of Graduate and Professional Programs - Twin Cities Campus to provide leadership for the overall functioning of the Twin Cities campus. This position fosters an atmosphere that embodies the mission of the university and facilitates planning, delivery, and evaluation of academic programs from pre-bachelor through doctoral level programs. The Academic Dean is responsible for overseeing the curricula, faculty, students and overall administration of the Twin Cities campus.

4.2.2 Undergraduate Academic Administration

4.2.2.1 Vice President of the College

See section 4.3.1.11.

4.2.2.2 Associate Vice President for Academic Affairs

See section 4.3.1.14.

4.2.2.3 Dean of a School

The Dean of a School is appointed by the Vice President of the College in consultation with the Associate Vice President for Academic Affairs upon the recommendation of the candidate by the search committee, after the search committee has consulted with the department heads of the school, and the faculty-at-large of the school. The Dean reports to the Associate Vice President for Academic Affairs.

The Dean is the academic officer of the school charged with supervision of all departments in the school. As such, the Dean holds a position of direct responsibility for the planning of curriculum and the quality of instruction in the school. As an academic officer, the Dean assumes a university-wide perspective with a strategic role in communication with the university's constituent publics. Associate or Assistant Deans may also be appointed to coordinate programs for interdepartmental groups within a particular school.

4.2.2.3.1 Term of Office

The Dean's term of office is three contract years. The Dean will be formally evaluated by the Associate Vice President for Academic Affairs in consultation with the school's faculty at the end of each three year term. As with all academic administrators, the Dean is issued an annual contract subject to renewal by the President. Associate or Assistant Deans will be subject to such evaluation policies and procedures as the Associate Vice President for Academic Affairs may require in order to carry out the proper functioning of each school or academic area of the university.

4.2.2.3.2 Duties and Responsibilities

In the spirit of collegiality and good management, the Dean has a leadership role in establishing and promoting the direction, goals, priorities, and internal communication of the school. The specific duties and responsibilities of the Dean are to:

- a. plan and supervise the academic programs, e.g., definition of major components within the school's offerings, accreditation processes, curriculum and student appeals;
- b. evaluate the school's faculty and staff competence, e.g., make recommendations for hiring, promotion, tenure, and professional development;
- c. initiate and coordinate faculty development programs;

- d. manage the relations with school publics, e.g., potential donors, parents, prospective students, industry and government, professional societies, alumni, counselors, and colleagues;
- e. be a teaching member of the faculty and teach from 1-4 courses a year, depending on the other needs of the school;
- f. share a leadership and managing role together with other senior administrators throughout the university, especially with the Associate Vice President for Academic Affairs;
- g. supervise and execute the school's budget and advise the Associate Vice President for Academic Affairs on annual and long range academic budgeting;
- h. collaborate with other Deans in matters of mutual concern and especially with those involving overlapping policies, programs and faculty;
- i. develop and implement specialized summer programs so as to expose the school to various publics and/or increase revenue to the university; and
- j. be an advocate for the faculty, programs, and curriculum of the school to the university administration.
- k. The Deans are directly responsible to and will meet with the Associate Vice President for Academic Affairs on a regular basis as the primary administrative academic coordinating/communications council. Also, regularly scheduled meetings will take place with the addition of the Vice President for Admission, the Vice President for Development and Alumni Relations, and the Vice President for Student Development in order to effect on-going accountability and planning for enrollment, development and student programs of each respective school.

4.2.2.4 Associate Deans

Associate Deans are appointed to two-year terms to assist the Associate Vice President for Academic Affairs and the Deans with the administration of the undergraduate program. Associate Deans serve as a link between the faculty and the administration, advocating for the faculty and curriculum to the administration and implementing the agenda of the administration. Associate Deans will participate in the Academic Council, which advises the Associate Vice President for Academic Affairs on development of the academic agenda. Specifically, Associate Deans will:

- a. evaluate the competence of the faculty, e.g., make recommendations for hiring, promotion, tenure, and professional development;
- b. supervise the academic programs;
- c. supervise and execute a budget;
- d. handle relations between students and faculty;
- e. collaborate with other members of the Academic Council on matters of mutual concern;
- f. supervise the assessment of student learning in their school/area; and
- g. provide an annual report on the status of their area.

4.2.2.5 Dean of International Studies

The Dean of International Studies is responsible, in collaboration with the Associate Dean of Off Campus Programs, for the administration and supervision of the London and Florence Semester Abroad Programs.

4.2.2.6 Department Chair

Department Chairs represent the faculty of and have administrative responsibilities within their respective departments. They have the special obligation to build departments strong in scholarship and teaching capacity. The Chair of every academic department is a ranked faculty member, appointed by the Dean, with the approval of the Associate Vice President for Academic Affairs, and upon the recommendation, by a majority vote, of the members of the department. If the Dean does not concur in the department's selection of a Chair, s/he must give the department her/his reasons in writing and discuss her/his recommendations with the department. In the exceptional circumstance when the Dean and the department cannot reach agreement, the matter is referred to the Dean and his decision is final. When, in the best interests of the department or the university, it is necessary to appoint a Department Chair from outside the university, the Dean and the department will conduct a cooperative search and the Associate Vice President for Academic Affairs, with the advice of and in consultation with the department and Dean, will appoint a Department Chair subject to confirmation by the University President.

The evaluation of the Department Chair is made by the Associate Vice President for Academic Affairs in consultation with the members of the Department and the appropriate Dean. After reviewing relevant inputs, the Associate Vice President for Academic Affairs and/or Dean will

discuss with the Department Chair, without identifying particular department members, their own evaluation of the Department Chair. Both the department member's evaluations and that of the Dean will be included in any written evaluation of the Chair.

4.2.2.6.1 Term of Office

The Department Chair is appointed in April to serve a term of three contract years which ends on the day of Spring Commencement. S/he may be reappointed by the Dean if the department members so recommend.

A Department Chair can be relieved of her/his administrative duties at any time during the term of the appointment. The department can recommend removal of the Chair from office if one-half of the department members sign a petition requesting removal of the Chair and if two-thirds of the department so vote by written ballot in a consequent department meeting, the Dean presiding, in which the Chair has had the opportunity to answer the complaints set forth in the recall petition. The Dean, with the approval of the Associate Vice President for Academic Affairs, can relieve the Department Chair of her/his administrative duties if there is a clear indication of the necessity for such action, but only after consultation with the department and after the Chair has had the opportunity to respond to the Dean concerning the problem. Being relieved of administrative duties does not affect the individual's status as a faculty member. When a Department Chair is to be absent for a period of one month or less, s/he has the authority to appoint a substitute from within the department after consultation with the Dean. When her/his absence is unforeseen or will be for more than a month, the Dean will appoint an Acting Chair after consultation with the department.

4.2.2.6.2 Duties and Responsibilities

The Department Chair's duties and responsibilities include:

- a. scheduling regular department meetings;
- b. preparing the agenda and presiding over all department meetings and assuring that the minutes of such meetings are forwarded to the members of the department and to the Associate Vice President for Academic Affairs within two weeks following the meeting;
- c. maintaining a file of departmental records;
- d. assisting departmental faculty in a yearly evaluation of their performance and preparing the required written evaluations covered elsewhere in the Faculty Handbook;

- e. making candid and documented recommendations to the Faculty Advancement and Tenure Review Committee, which recommendations address the criteria established in this Handbook regarding promotion in rank, advancement to tenure, and renewal of contracts of departmental faculty members;
- f. developing the teaching schedule of the department so that the teaching load provisions in Section 3.11.2 are maintained, after consultation with the individual members and subject to the approval of the Associate Vice President for Academic Affairs;
- g. recruiting of new faculty;
- h. acquainting new faculty members with departmental and university policies and procedures;
- i. encouraging the active participation in learned societies and in research activities by department members;
- j. preparing, in consultation with departmental faculty, departmental objectives, descriptions and revisions of teaching programs, or curricula, and course descriptions for the Catalog and the Committee on Educational Policies;
- k. preparing, in consultation with members of the department, the yearly budget and supervising the implementation of the budget;
- l. approving the outline or syllabus of all special study, independent study and experimental courses offered by departmental faculty;
- m. overseeing and assisting in the department's academic advising program;
- n. preparing the annual report on the department's progress;
- o. evaluating student complaints regarding department members and handling them in accordance with department and university procedures;
- p. supervising and being accountable for the departmental procedure by which students are accepted as majors and approved for graduation;
- q. supervising the departmental procedures for informing majors about graduate and professional schools and helping them gain admission to such schools;
- r. supervising, in conjunction with the Associate Vice President for Academic Affairs, other facilities of the department;

- s. selecting departmental office staff, supervising their duties, and evaluating their performance, when applicable;
- t. assigning to other members of the department such specific duties as will make possible the more effective operation of the department;
- u. recruiting new students to the university; and
- v. assuming other duties as may be assigned by the Dean or the Associate Vice President for Academic Affairs for the administration of the department.

4.3 Leaves

4.3.1 With Pay

4.3.1.1 Sick Leave

All full-time faculty are entitled to one day of paid sick leave for each month of employment. Half-time or more faculty members are entitled to paid sick leave on a pro-rated basis. Sick leave may be accumulated from year to year, but the total may not exceed 60 working days.

Sick leave may be used whenever a faculty member has physical or mental health problems, is pregnant or has pregnancy-related problems. It may also be used for the serious health condition of the faculty member's spouse, dependent child, or parents which requires the care and attention of the faculty member. Finally, sick leave may be used for the medical and dental appointments of the faculty member, the faculty member's spouse, and the faculty member's dependent child(ren), including appointments for mental health treatment or therapy.

Faculty must notify their appropriate supervisor whenever sick leave is utilized. During a period of sick leave, the employee must inform his or her supervisor of the employee's health status. The supervisor may request that a physician advise the university as to the employee's health condition. If a supervisor has reason to believe a faculty member has engaged in a pattern of sick leave abuse, the supervisor may require the faculty member to provide a physician's statement for each use of sick leave by the faculty member.

At no time may any faculty member take more sick leave than has been accumulated. However, vacation time or leave of absence may be used to supplement sick leave if available sick leave has been exhausted. Unused accumulated sick leave days are not paid upon termination of employment.

Faculty are advised that the university will adhere to this policy on sick leave. Sick leave will not be provided to faculty with no accumulated sick days.

4.3.1.2 Civil Duty Leave

A faculty member who (a) is summoned to jury duty or (b) is subpoenaed as a witness is eligible for a paid leave of absence for such duty. This benefit does not apply to involvement as a principal in a lawsuit or to appearances as an expert witness for a party to litigation. Faculty who are members of the National Guard or any armed forces reserve unit will be eligible for leaves of absence consistent with state and federal law.

4.3.1.3 Funeral Leave

All full-time and part-time employees are eligible for up to three working days leave with pay to attend the funeral of a member of the immediate family, or a person who regularly resided in the employee's household at the time of death, or one day for extended relatives outside the immediate family. Extended relatives residing in the employee's household shall be considered members of the immediate family.

The following lists will assist in answering specific questions about the relationship applicable in each of the leave classifications:

Immediate Family:

Husband	Wife	Father	Mother
Son	Daughter	Sister	Brother
Stepfather	Stepmother	Stepson	Father-in-law
Stepdaughter	Stepbrother	Stepsister	Mother-in-law
Son-in-law	Daughter-in-law	Guardian	Ward of the Court

Extended Relatives:

Grandfather	Grandmother	Grandson	Granddaughter
Uncle	Aunt	Brother-in-law	Sister-in-law
Niece	Nephew	Cousin	Grandfather-in-law
Grandmother-in-law	Pallbearer	Members of the employee's religious order	

Time taken in excess of the three days (immediate family) or one day (extended family) will be charged against sick leave. Additional leave does not accrue if the funeral occurs during other periods of authorized leave (e.g. family, medical, or personal).

4.3.1.4 Paid Parental Leave Policy

Eligibility:

An employee is eligible for paid parental leave pursuant to this policy if:

- The employee is a full-time employee, and
- The employee has worked for the university at least six (6) months.

Parental Leave:

Full-time employees will be granted one month (20 days) of parental leave with pay upon the birth or adoption of a child. Said leave must be taken within five weeks of the birth or adoption of a child. This paid leave is available to only one (1) employee per household. The leave will not be deducted from accrued sick leave or vacation leave. The leave will count against any leave to which the employee might be entitled under the Family and Medical Leave Act.

If a medical authority deems additional time off is required, the employee may use days from his or her sick leave account for a maximum paid sick leave not to exceed twelve (12) weeks, including the paid parental leave granted above. Any use of sick leave must comply with university policies relating to the use of said leave.

Adjustment of Tenure Clock:

If a faculty member utilizes paid parental leave during his or her probationary period, the faculty member may initiate a request to adjust the tenure clock, after consultation with his or her department chair. Any such request must be submitted in writing to the Vice President for Academic Affairs. The faculty member may make the request any time during the tenure probationary period but normally no later than September 1 of the semester in which the tenure review materials are due. The tenure review process may only be delayed for one year total during the probationary period.

Effective June 1, 2008.

4.3.2 Leaves Without Pay

4.3.2.1 Leaves of Absence

Full-time faculty members may apply for leaves of absence for academic or appropriate professional purposes. During these leaves of absence, the university will not pay the faculty member's salary. Ordinarily, the university will pay the fringe benefits to which a full-time faculty member is entitled.

Probationary members of the faculty to whom leave of absence is granted must learn from the Associate Vice President for Academic Affairs whether the leave period will be included in tabulating the time period required for eligibility for tenure. The nature of the work to be done during the leave will be one criterion for making this decision. No more than one year of leave will be counted in meeting the time requirement for tenure.

4.3.2.2 Family and Medical Leave Act Policy

I. Introduction

The federal Family and Medical Leave Act of 1993 (FMLA) applies to all eligible faculty and staff. The law allows eligible employees to take job-protected, unpaid leave for the birth of a child, adoption of a child, or placement of a child for foster care. The laws also allow leave when the employee is needed to care for a family member with a serious health condition, or when the employee has a serious health condition.

II. Definitions

- A. Serious health condition is any impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice or residential medical care facility or a subsequent treatment in connection with such inpatient care; or (2) continuing treatment by a health care provider.
1. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - A period of incapacity (i.e., inability to work, attend school or perform regular daily activities) of more than three consecutive calendar days and any subsequent treatment or incapacity relating to the same condition. This period of incapacity must also involve treatment two or more times by a health care provider; or
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the provider's supervision.
 2. Any period of incapacity due to pregnancy or prenatal care;
 3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - requires periodic visits with a health care provider;
 - continues over an extended period of time; and

- causes occasional rather than continuous periods of incapacity (e.g. asthma, diabetes, epilepsy, etc.)
- i. A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective, provided the employee is under the continuing supervision of a health care provider (e.g., Alzheimer's, stroke, terminal stage of a disease).
 - ii. Any period of absence to receive multiple treatments (including a period of recovery there from) by a health care provider either for restorative surgery, or for a condition which, if untreated, would likely result in a period of incapacity for more than three consecutive days (e.g., chemotherapy, dialysis, physical therapy).
 - iii. A serious health condition does not include cosmetic treatments or cosmetic surgery unless hospitalization is required. Common colds, flu, headaches, earaches, routine dental treatments, and similar conditions are not serious health conditions for FMLA purposes. Treatments such as use of over-the-counter medications or bed rest, which can be initiated without visiting a physician, are generally not serious health conditions.

B. **Health Care Provider** is defined as any physician, podiatrist, dentist, clinical psychologist, optometrist, nurse or midwife who is authorized to provide health care and is acting within the scope of his or her duties.

C. **Family member** includes the employee's spouse, son, daughter or parent (but not a parent "in-law"). A "son" or "daughter" is any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day-to-day basis and for whom the employee is financially responsible. A "son" or "daughter" is also a child over 18 who is incapable of self-care because of a mental or physical disability. A "parent" is any biological parent, or any individual who assumed day to day and financial responsibility for the employee when the employee was a child.

III. Eligibility

To be eligible for FMLA leave, an employee must have been employed by the University for at least 12 months, and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

All periods of time when the employee was on the payroll, including casual and temporary employment, count toward determining whether the employee has been employed for at least 12 months. Only periods of actual work time count toward the determination of whether the employee has worked at least 1,250 hours during the preceding 12 months. Periods of paid or

unpaid leave, holidays, etc. which are not work time for purposes of the Fair Labor Standards Act are excluded.

The 12 month period during which FMLA leave is calculated and during which FMLA leave may be taken is based on a rolling 12-month period. Under this method of calculation, an employee may take up to twelve weeks of FMLA leave at any time during a 12-month rolling period.

IV. Leave

An eligible employee is entitled to up to twelve (12) weeks in any twelve (12)-month period, in any of the following instances:

- the birth of a child; or
- the placement of a child with the employee for adoption or for foster care; or
- the care of a family member of the employee who has a serious health condition.
- the serious health condition of the employee that makes the employee unable to perform the functions of the position of such employee.

The leave period begins on the first work day of the employee's first qualifying leave within the past 12- month period, as applicable.

Entitlement to leave attendant to birth, adoption or placement of a child expires 12 months after the birth, adoption or placement of a child with the employee.

An employee who does not return to work after an approved family or medical leave shall be considered to have resigned unless the University:

- grants the employee an extension of the leave of absence at the employee's request. The request must be in writing and accompanied by an estimate from a physician as to the extended duration of the recovery period. Such extension may not exceed ninety (90) working days, and does not obligate the University to maintain the position vacancy. Approval of this extension will be at the discretion of the appropriate vice president or the president.
- places the employee in a position the employee is capable of performing, giving full consideration to the employee's medical condition.
- places the employee on a medical leave of absence because, in the opinion of the appropriate vice president and immediate supervisor, the employee's physical and/or mental health prevents the employee from adequately performing his/her job

responsibilities. Such a leave must be approved by the president. Prior to placing an employee on medical leave, the University will attempt to accommodate the physical and or mental health circumstances/needs of the employee.

V. Intermittent Leave

A. Illness

An employee taking FMLA leave for his/her own serious health condition or to care for a seriously ill spouse, child or parent may take leave on an intermittent basis, or by reducing his/her scheduled work hours. The employee must provide certification from the health care provider caring for the employee and/or family member that leave must be taken in that manner. Intermittent leave will be taken in increments of whole hours.

In the event an employee is granted intermittent FMLA leave or a reduced work schedule, due to his/her serious health condition or to care for a seriously ill family member, it is incumbent upon the department to keep track of lost work time and to deduct the time from an existing benefit or from salary, as appropriate.

Intermittent leave is limited to the equivalent of 12 weeks' work time. The total number of hours of intermittent leave available to an employee is equal to 12 times the number of hours per week which the employee is normally scheduled to work, less any other FMLA leave taken in the same calendar year.

B. Birth, Adoption or Foster Care

FMLA leave for birth, adoption, or foster care placement cannot be taken intermittently or on a reduced schedule of any kind without the written permission of the employee's department.

VI. Procedures for Requesting Family or Medical Leave: Certification Process

An employee seeking unpaid family or medical leave should request such leave in writing to their supervisor who will forward it to Director of Payroll and Benefits for review. The request should include the following documentation:

- In the case of family leave for birth, adoption or placement of a child with an employee, the employee should provide appropriate documentation to substantiate the request.
- In the case of family leave for the care of a family member, the employee must include the written certification of a licensed health care provider, stating the date on which the serious health condition commenced, the probable duration of the condition, and the appropriate medical facts entitling the employee to take leave. The certification must also include the amount of time the employee is needed to care for the family member.

- For medical leave for the employee, the employee must include the written certification of a licensed health care provider, stating the date on which the serious health condition commenced, the probable duration of the condition, and the appropriate medical facts entitling the employee to take leave. The certification must also include a statement that the employee is unable to perform the functions of the employee's job.

The university also reserves the right to contact the health care provider for clarification.

The Director of Payroll and Benefits will inform the dean or department director and the cognizant vice president of any approved leaves.

The designation of whether leave is FMLA leave or not should be made BEFORE the leave commences, or the leave may not qualify as an employee's FMLA entitlement. However, if the university has insufficient information to designate FMLA leave before or during the leave, a post-leave retroactive designation can be made if the determination is made within two business days after the employee's return to work.

VII. Resolution of Certification Disputes

The university at its sole discretion may require a second opinion from an independent medical provider selected by the department with the expenses borne by the department where the employee works. If the opinions of the employee's and the department's health care providers differ, then the department can require a third opinion at the department's expense which can be issued by a mutually agreed health care provider.

The university may require that the employee obtain subsequent certification on a reasonable basis. The university shall keep any medical information obtained from a certification report confidential, and will use such information only to make decisions regarding the employee's family or medical leave.

VIII. Relationship to Other Kinds of Leave

The university will require an employee to use paid sick leave and paid vacation leave as part of the employee's FMLA leave up to the full amount such accrued leave, unless the university elects to waive this requirement. The remainder of the leave shall be unpaid.

If two family members are employees of the university, they are entitled to an aggregate of not more than 12 weeks of medical or family leave for any 12-month period.

IX. Notice Required by Employees Seeking Leave

A. Foreseeable Leaves

If the need for FMLA leave is foreseeable, the employee should provide notice to the supervisor at least 30 days in advance. If proper prior notice is not given, leave may be denied unless there is a reasonable excuse for the delay. If otherwise qualifying FMLA leave is denied for lack of notice, the university may designate leave to start 30 days after proper notice is given.

B. Leaves Not Foreseeable

If the need for family or medical leave is not foreseeable, notice must be given by the employee as soon as possible and practicable. Except in the case of extreme medical emergencies, employees are expected to advise their supervisor as soon as they know of the need for and expected duration of leave, and generally within two business days of the time they know of the need for leave. Notice may be given by telephone, e-mail, fax, or other similar methods.

C. Scheduling

If the leave is for the planned medical treatment of the employee or a family member, or requires intermittent or reduced schedule leave, employees may be required by their supervisor to arrange a particular schedule or to reschedule appointments or treatments, subject to the consent of the health care provider.

D. Denial of Leave

An employee's failure to provide reasons sufficient to qualify for FMLA leave will result in the denial of the leave.

X. Return to Employment

Prior to the employee's return to work after a serious health condition, the employee shall submit a certification from the appropriate medical provider stating the employee is able to perform the essential functions of his or her job. When released by a medical provider to return to work, the employee must immediately notify the appropriate supervisor so that necessary steps may be taken to reinstate the employee to active status. The university may request a "fitness for duty" certification if it has reasonable safety concerns about the employee's return to work. If the certification from the medical provider is limited to "light duty," the duty must be described by the medical provider. Return to such duty must be approved by the appropriate supervisor. The university may elect not to return an employee to "light duty".

XI. Employment and Benefit Protection

Position Protection: Upon return from family or medical leave, the employee shall be restored to the position of employment previously held by the employee or to an equivalent position with equivalent benefits, pay, seniority, and other terms and conditions of employment.

Benefits Protection: Seniority, pension, vacation, sick leave and other benefits do not accrue while the employee is on FMLA leave. The university is required to maintain its contribution toward medical coverage for up to the 12 weeks of FMLA leave at the same level as if the employee were actively at work. If employee contributions are required also, such contributions remain the employee's responsibility for payment. At the employee's option, payment may be made either in advance, in a lump sum, or monthly, during the leave. If the employee does not return to employment with the university after FMLA leave, the university may charge the employee retroactively for the full premium cost of health insurance coverage during the leave.

XII. Special Provisions for Members of the Armed Services

Effective January 28, 2008 the federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces ("service member FMLA".)

A. Definitions

Active Duty is duty under a call or order to active duty of members of the uniformed services as described in section 101(a)(13)(B) of title 10, United States Code.

Covered Service member is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Contingency operations is an action or operation against an opposing military force.

Eligible Employee shall mean the spouse, son, daughter, or parent of a service member in the case of leaves for "qualifying exigency." It means the spouse, son, daughter, parent or next of kin of a service member in the case of leave to care for an ill or injured service member.

Qualifying Exigency includes the following situations: (1) short-term deployment, (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities, and (8) additional activities to address other events which may arise out of the service member's active duty or call to active duty status.

B. Leave Entitlement

Service Member FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

- A “qualifying exigency” arising out of a covered service member’s active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- Care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank or rating.

C. Duration of Service Member FMLA Leave

- When leave is due to a qualifying exigency an eligible employee may take up to 12 weeks of leave during any 12-month period.
- When leave is to care for an injured or ill service member, an eligible employee may take up to 26 weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.
- When both husband and wife work for the university, the aggregate number of weeks will be limited to 26 weeks during the single 12 month period if the leave is under this section or a combination of leave under this and other sections of the policy.
- Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

D. Notice and Certification

The university may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the Department of Labor may prescribe. In any case in which the need for leave is foreseeable, the employee shall provide such notice as is reasonable and practicable.

4.4 Benefits

The following benefits are provided to university employees. The descriptive statement provided for each benefit is a summary statement. Details of coverage and benefits may be obtained in the Business Office. The university reserves the right to modify coverages, change carriers, or terminate benefits as is determined appropriate in the best interests of the university.

4.4.1. Statutory

4.4.1.1 Worker's Compensation

An employee injured during the performance of duties must immediately report the accident to the immediate supervisor who will complete a Statement of Accident report. This report will then be filed with the appropriate insurance carrier for further processing. Even though no immediate medical attention may be required, this procedure must be observed.

When an injured employee is determined eligible for compensation for lost work time, such compensation may not be combined with regular wages to exceed such regular wages. Payments from Worker's Compensation Insurance may be supplemented by sick leave pay to the extent necessary to provide total compensation in the amount of the employee's regular wages. This use of sick leave shall be at the employee's discretion.

4.4.1.2 Unemployment Compensation

The university provides unemployment insurance coverage for employees in accordance with the laws of the State of Minnesota. For detailed information concerning coverage and benefits, contact the Business Office.

4.4.1.3 Social Security

For details concerning social security coverage and benefits, contact the local office of the Social Security Administration or the Business Office of the university.

4.4.2 Carrier Benefits

Employees are to consult with the Director of Payroll and Benefits in the Business Office under the guidance of the Vice President for Financial Affairs, for current information regarding all benefits listed below. Reports and/or policies are mailed to employees routinely, each year.

4.4.2.1 Health Insurance

Full-time employees are provided health insurance coverage on a participatory payment basis. The Vice President for Financial Affairs, in consultation with the President, shall determine the health plan and the university's and the employee's contribution to it. See Information/Guidelines in the Business Office.

4.4.2.2 Retirement Plan

The university provides a retirement plan. See Information/Guidelines in the Business Office.

4.4.2.3 Long Term Disability Insurance

The university provides a Long Term Disability Program as a group policy. See Information/Guidelines in the Business Office.

4.4.2.4 Term Life Insurance

The university provides Term Life Insurance. See Information/Guidelines in the Business Office.

4.4.2.5 Liability Insurance

The university carries liability insurance which, to the extent of the policy limits and subject to the exclusions therein, covers a faculty member acting within the scope of her/his employment.

4.4.3 Institutional Benefits

4.4.3.1 Tuition Remission Benefit

Saint Mary's University offers tuition remission to its eligible employees and their faculty members. The policy statement is available in the Business Office, or the Financial Aid Office.

4.4.3.2 Parking

All vehicles operated or parked on campus by employees must be registered annually. Stickers are to be placed on the right rear window. Each employee is entitled to one free parking sticker.

4.4.3.3 Events

All faculty are entitled to be admitted to university athletic, theatrical, and musical events which are open to the public, or other events designated by the President, free of charge.

4.5 Use of Copyrighted Materials

(Changes in copyright law and copyright requirements occur frequently. Below, the 1976 Act represents basic copyright law. For the more recent changes and reforms faculty should consult the U.S. Copyright Office online at www.loc.gov/copyright/rb.html or by phone at (202)707-3000.)

In using copyrighted materials, faculty members should be aware of both legal and ethical responsibilities that govern appropriate use of such materials. Faculty members who use copyrighted materials bear legal responsibility for use of such materials.

The Federal statute controlling the use of copyrighted materials is The Copyright Act of 1976 (Public Law 94-553). The implications and interpretations of this law will become clearer as time passes and as a body of case law involving this act develops. Therefore, faculty should keep abreast of new developments with regard to the copyright law. A copy of the law is available in the Library. A booklet titled The New Copyright Law: Photocopying for Educational Use is available in the Library.

Under no circumstances should copying be used to avoid payment for the use of copyrighted materials. The author and publisher deserve to be compensated for their contributions.

These legal and ethical considerations will apply to any use made of copyrightable materials. Four situations which might involve use of copyrightable materials in teaching are (1) photocopying, (2) taping off the air, (3) using music for instructional purposes, and (4) software.

1. Photocopying

Faculty members should follow the guidelines listed in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions with Respect to Books and Periodicals" section of the AAUP booklet titled The New Copyright Law: Photocopying for Educational Use, which is available in the Library and in departmental offices.

Minimally, faculty should adhere to the following guidelines:

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at her/his individual request for her/his scholarly research or use in teaching or preparation to teach a class:

- a. a chapter from a book;
- b. an article from a periodical or newspaper;
- c. a short story, short essay, or short poem, whether or not from a collective work;
- d. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for the classroom use or discussion,

provided that:

- a. the copying meets the test of brevity and spontaneity, and,
- b. meets the cumulative effect test, and,
- c. each copy includes a notice of copyright.

III. Definitions

Brevity

- (i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.

- (iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- (iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity

- (i) The copying is at the instance and inspiration of the individual teacher, and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- (i) The copying of the material is for only one course in the school in which the copies are made.
- (ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- (iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

IV. Prohibitions as to I and II Above

Notwithstanding any of the above, the following shall be prohibited:

- a. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- b. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and text booklets and answer sheets and like consumable materials.
- c. Copying shall not:
 - 1. substitute for the purchase of books, publishers' reprints or periodicals;
 - 2. be directed by higher authority;
 - 3. be repeated with respect to the same item by the same teacher from term to term.
 - 4. charge the student beyond the actual cost of photocopying.

2. Sound Recordings and Videotapes of Copyrighted Material

As the new law goes into effect, many questions regarding the use of sound recordings and videotapes in the classroom remain unanswered. Discussions and conferences at the national

level will probably result in some specific guidelines in the future. In the meantime, the following general guidelines will apply:

- a. Programs, tapes, films, etc. should not be copied to avoid paying rental or purchase price. If a program is available commercially, it should be rented or purchased.
- b. Permission of the copyright owner should be secured before keeping a tape of a broadcast program for longer than seven days.
- c. Brief segments of programs may be copied and retained without securing permission.
- d. The Multimedia and I.T. Support Manager or the Head Librarian will attempt to answer questions or offer other assistance to faculty members in regard to off-air copying.

The following specific guidelines are the minimum standards of educational fair use of off-air recording:

- a. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after the date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
- b. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period. "School days" are school session days--not counting weekends, holidays, vacations, examination periods, and other scheduled interruptions--within the forty-five (45) calendar day retention period.
- c. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

- d. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
- e. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
- f. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
- g. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

3. Use of Music in the Classroom

Guidelines for fair use of music for educational purposes are included in The New Copyright Law: Photocopying for Educational Use. These guidelines must be observed.

The following guidelines represent the minimum standards of educational fair use of music:

- a. Emergency copying may be made to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
- b. (a) For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a selection, movement, aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.

(b) For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print, or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of her/his scholarly research or in preparation to teach a class.

- c. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of this work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
- d. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- e. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

The following prohibitions apply to use of music in the classroom:

- a. Copying to create or replace or substitute for anthologies, compilations or collective works.
- b. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
- c. Copying for the purpose of performance, except as in A(1) above.
- d. Copying for the purpose of substituting for the purchase of music, except as in A(1) and A(2) above.
- e. Copying without inclusion of the copyright notice which appears on the printed copy.

4. Software

It is the policy of this university that no person shall use or cause to be used in the university's microcomputer laboratories any software which does not fall into one of the following categories:

- a. it is in the public domain;
- b. it is covered by a licensing agreement with the software author, authors, vendor, or developer, whichever is applicable;

- c. it has been donated to the university and a written record of a bona fide contribution exists;
- d. it has been purchased by the university and a record of a bona fide purchase exists;
- e. it has been purchased by the user and a record of a bona fide purchase exists and can be produced by the user upon demand;
- f. it is being reviewed or demonstrated by the users in order to reach a decision about possible future purchase or request for contribution or licensing;
- g. it has been written or developed by a Saint Mary's University employee for the specific purpose of being used in the Saint Mary's University computer laboratory.
- h. The Director of the Computer Center of Saint Mary's University is designated as the only individual who may sign license agreements for software for Saint Mary's University.

It is also the policy of the university that there be no copying of copyrighted or proprietary programs on computers belonging to the university.

The Digital Millennium Copyright Act, affecting providers of on-line, digital services and content, was signed into law in October 1998.

The Act provides regulations and a process for handling copyright complaints pertaining to material posted on-line. To avoid liability, service providers are to register with the U.S. Copyright Office.

4.6 Saint Mary's University Equal Employment Opportunity Policy Statement

Copies of the Equal Employment Opportunity Statement and recruitment and hiring procedures are on file in the Affirmative Action Office.

4.7 Saint Mary's University Discrimination and Sexual Harassment Policy Statement

The university's Discrimination/Sexual Harassment/Sexual Assault Policy is available from the Business Office and/or from the university's website. Information in Section 4.9 - Review and Grievance Procedure and 4.10.2-4.10.2.5, Classroom Policies is subject to Board and/or administrative update and this is accomplished in consultation with appropriate Faculty Committees and/or the Faculty Body.

4.8 Review and Grievance Procedure

4.8.1 Intent

The university recognizes and endorses the importance of academic due process and of adjusting grievances properly without fear of prejudice or reprisal. Accordingly, the university agrees that it will use its best efforts to encourage the informal and prompt settlement of grievances, as defined below. The processes hereinafter set forth are designed to provide an orderly and equitable resolution of grievances and to protect academic freedom and tenure. It is the intent of the university that these processes be the sole method for the resolution of all grievances, except in the case of sexual harassment or discrimination (see Section 4.8).

4.8.2 Definition

A grievance is defined as an allegation by a faculty member or a group of faculty members that there has been a claimed breach, misinterpretation, or misapplication of university policy or procedure as set forth in the Faculty Handbook; or a claimed infringement of the rights of a faculty member, as set forth in the Faculty Handbook, which related to academic freedom, compensation, appointment or reappointment, tenure, promotion, dismissal, suspension, reassignment, or termination. The parties to a grievance shall be the grievant (an individual faculty member or a group of faculty members) and the university (as the responding party).

4.8.3 Review Committee

A Review Committee of five members, none of which can be a member of the Faculty Advancement and Tenure Review Committee or Faculty Handbook Committee, is herewith established in the following manner: two ranked, full-time faculty members will be elected by the Faculty; two members will be appointed by the President of the university, one of which has to be a full-time faculty member and one administrator who does not report to an academic administrator; and the fifth member will be chosen by the first four. The committee members will elect a chairperson. All committee members will normally serve for a term of two calendar years. One member will be appointed by the President and one elected by the Faculty at the beginning of each academic year. Vacancies will be filled by the individual or group who made the original appointment.

4.8.3.1 Duties of the Review Committee and the University

I. Dismissal For Cause

Upon the university giving written notification to the faculty member of dismissal for cause, the faculty member has the right to have a formal hearing according to procedures in Section 4.11.4.3.

Pending the opinion or recommendation of the Ad Hoc Grievance Committee, the faculty member may be suspended or assigned to other duties in lieu of suspension. Please see suspension procedures authorized in Section 3.8.6.

II. Termination for Prolonged Mental or Physical Illness

Prior to the termination of any faculty member for medical reasons, the President of the university or her/his designee will give the faculty member involved or her/his representative a written statement of her/his intent to take this action with reasons, framed with reasonable particularity. Upon receipt of this written notification intent, the faculty member or her/his representative will have twenty-one (21) calendar days to respond before the proposed action is taken.

Also prior to the termination of a faculty member for medical reasons and if the faculty member so requests, the written evidence for the proposed action and the response of the faculty member will be considered by the Review Committee. The request for such a review will be presented to the Review Committee by the faculty member within twenty-one (21) calendar days of her/his receipt of the written notification of intent, and the Review Committee will render an opinion as to whether the intended termination is appropriate and necessary. The opinion will be given in writing to the faculty member and the President of the university, without the opinion being binding upon the President.

III. Grievances

The Review Committee as a whole will consider written grievances with supporting evidence from any Saint Mary's University faculty member or a group of faculty members. The written grievance should set forth in detail the alleged wrong; insofar as possible, the specific individual or group against whom it is directed; the relief and/or remedy sought by the grievant; and may contain any other data which the grievant deems pertinent. Written grievances must be received by a member of the Review Committee within twenty-one (21) calendar days after notice of the occurrence of the event(s) upon which the grievance is based or within twenty-one (21) calendar days after the grievant knew or through the exercise of reasonable diligence should have known of the occurrence of the event(s) upon which the grievance is based.

Grievances which are based on an event(s) which occurs within fourteen (14) calendar days before a Christmas or summer vacation, or during such vacation periods, must be filed within twenty-one (21) days after the first day of class of the next semester. The time period for the receipt of written grievances may be extended by agreement between the Review Committee and the parties to the grievance if a written notice of intent to file a grievance is received by a member of the Review Committee within the twenty-one (21) calendar day period specified above. Such an extension usually does not exceed an additional twenty-one (21) calendar days.

4.8.4 Procedure for Handling Grievances

4.8.4.1 Step I

Upon receipt of a grievance, the Review Committee will send within three (3) working days, a copy of the grievance to all named respondents. The Review Committee will attempt to settle the grievance by informal methods. In the course of doing this, the Review Committee will collect all pertinent documents and will conduct informal discussions with and/or between the concerned parties, at all times preserving the confidentiality of its proceedings.

If a faculty member alleges that a decision regarding non-reappointment, denial of promotion or tenure, or placement of the faculty member within the general salary schedule occurred in violation of established procedures, the Review Committee will determine whether the decision was the result of a violation of established procedures in terms of the relevant standards set forth herein or in the Faculty Handbook. The Review Committee will not substitute its judgment on the merits for that of the deciding person or persons. If the Review Committee believes that procedures were violated, it may request reconsideration by the deciding person or persons, indicating the respects in which it believes procedures were not followed.

When a grievance is resolved by these informal methods, the resolution shall be put in writing by the Review Committee and given to the grievant and the President of the university. Such resolutions shall not constitute a binding precedent in the disposition of similar grievances. No offer of settlement of a grievance by either party nor a suggested resolution by the Review Committee shall be admissible as evidence in formal grievance proceedings or elsewhere.

4.8.4.2 Step II

- A. If the grievant is a group of faculty members and the grievance cannot be resolved by informal methods, the Review Committee will present a recommended resolution of the grievance in writing to the President of the university within fourteen (14) calendar days after receipt of the grievance. This resolution can either be accepted by the university and the grievants or rejected by either the university or the grievants. Rejection or acceptance by each party will be communicated in writing within seven (7) calendar days after receipt of the recommended resolution, to the Review Committee. The written rejection should include reasons and, if desired, suggested alternative solutions.

The Review Committee shall advise each party to the grievance, within seven (7) calendar days after receipt of the acceptance or rejection by the other party, and, when alternative resolutions are suggested, of any change in their recommended resolution. Any change in the recommended resolution by the Review Committee can either be accepted by both parties or rejected by either party, as set forth above. Following advisement by the Review Committee of the acceptance or

rejection by the other party, either the university or the grievant can proceed to Step III of Procedures for Handling Grievances.

- B. If the grievant is an individual faculty member and the grievance cannot be resolved by informal methods, the Review Committee will determine if a formal grievance hearing shall be conducted. Such a hearing will be conducted when the unresolved grievance has been adjudged to involve:
1. suspension or reassignment, for alleged adequate cause, of a tenured faculty member or a nontenured faculty member within the term of the individual contract; or
 2. termination, for alleged financial exigency or prolonged mental or physical illness, or change in the educational program, of a tenured faculty member or a nontenured faculty member within the term of the individual contract; or
 3. non-reappointment of a non-tenured faculty member; or
 4. denial of promotion or tenure.

With regard to 2. above, the validity of a change(s) in the educational program cannot be the ground for a grievance if such change(s) was (were) approved by the Curriculum Committee nor can the existence of financial exigency be the grounds for a grievance if the financial exigency was agreed to by the Executive Committee. The grievant can allege, however, that (i) the decision to terminate was based on considerations in violation of the faculty member's academic freedom; or (ii) the decision to terminate was based on considerations in violation of the governing policies bearing upon nondiscrimination with respect to race, sex, religion, national origin, marital status, handicap, or other factors which cannot lawfully form the basis for an employment decision; or (iii) the grievant's tenure rights were not taken into consideration; or (iv) appropriate university and committee procedures, as established in this Faculty Handbook, were violated.

With regard to 3. and 4. above, it must be alleged that (i) university or committee policies or procedures, as set forth in this Faculty Handbook, were violated; or (ii) the decision in the above matters was based on considerations in violation of the faculty member's academic freedom; or (iii) the decision in the above matters was based on consideration in violation of governing policies bearing upon nondiscrimination with respect to race, sex, religion, national origin, marital status, handicap, or other factors which cannot lawfully form the basis for an employment decision.

If the Review Committee determines that a formal grievance hearing is not warranted, the grievant may proceed to Step III of Procedures for Handling Grievances (Section 4.11.4.4).

4.8.4.3 Formal Hearing

When a formal grievance hearing is to be conducted, the Review Committee will notify the parties involved and will supervise the formation of an ad hoc hearing committee.

4.8.4.3.1 Ad Hoc Hearing Committee

1. Written notice will be given the President of the university and all of the named parties to the grievance that a formal grievance hearing is to take place.
2. The Review Committee will supervise the formation of the ad hoc hearing committee in the following way: the grievant will select a faculty member as the first member of the ad hoc committee; the President of the university or her/his designee will select a faculty member other than the grievant's Department Chair or Dean. The two members thus selected will, within 10 calendar days, select a third member. Failing to accomplish the selection of a third member within the specified time, the Review Committee shall appoint the third member. All three ad hoc committee members must be ranked faculty members.
3. The Review Committee will set a date, time and place for the hearing that is agreeable to all parties concerned. The arrangements should be completed within twenty-one (21) calendar days after receipt of the grievance by the Review Committee.
4. The hearing will begin no more than twenty-one (21) calendar days after completion of the arrangements, thus allowing all parties adequate time to prepare evidence and obtain documentary and other information.

4.8.4.3.2 Formal Hearing Procedures

The ad hoc hearing committee, in consultation with the President and the Faculty, will exercise its judgment as to whether the hearing shall be public or private. Both parties must consent to having a public hearing.

During the proceedings, both the grievant and the responding party will be permitted to have an advisor and counsel of her/his own choice.

All parties to the grievance will have the right to obtain witnesses and present evidence. If the ad hoc hearing committee feels that an independent medical and/or psychological opinion would be helpful in its deliberation of a prolonged mental or physical illness hearing, it may require the faculty member to undergo a medical and/or psychological examination by an appropriate professional of the requesting party's choice and at the requesting party's expense. In all cases the ad hoc hearing committee will provide a choice of no less than two names of appropriate

professionals from which the grievant must select. If the grievant fails to comply with such a requirement by the university or the ad hoc hearing committee, the ad hoc hearing committee will dismiss the grievance. The university will cooperate with the ad hoc committee in securing witnesses and making available documentary and other evidence requested by the grievant to the extent not limited by contract or law. All parties will have the right to cross-examine witnesses. Where a witness has made a statement and cannot or will not appear, but the ad hoc hearing committee determines that the interests of justice require admission of her/his statement, the committee will identify the witness, disclose her/his statement, and if possible, provide for interrogatories. The ad hoc committee will grant appropriate continuances to enable either party to investigate evidence, or for any other appropriate reason.

In any case of dismissal or suspension, the standard of proof shall be by preponderance of the evidence. The ad hoc hearing committee will not be bound by strict rules of legal evidence. Considerable and documented effort will be made to obtain the most reliable evidence. The decision will take the form of findings of fact, conclusions, and recommended disposition of the grievance. The findings of fact, conclusions, and the recommended disposition must be based solely on the record of the hearing, pertinent university procedures as set forth in this Faculty Handbook, and the law of the land.

The hearing proceedings shall be recorded by the ad hoc committee. A transcript shall be made available to the faculty member without cost, at the faculty member's request.

The ad hoc hearing committee will present its advisory decision in writing within seven (7) calendar days of the hearing to both parties. This decision, insofar as it consists of a recommended disposition of the grievance, may be either accepted by both parties or rejected by either party. Rejection or acceptance by each party will be communicated in writing to all persons involved, within five (5) calendar days after receipt of the decision.

4.8.4.4 Step III

The grievant(s) may within ten working days of receipt of the advisory of the ad hoc hearing committee, or the Review Committee, file a written appeal to the President who shall review the record and respond within ten working days as to the final disposition of the grievance within the institution. The President retains the final authority.

4.8.4.5 Step IV

If the President is a direct party to the grievance, the grievant(s) may file an appeal beyond Step III within ten working days of the receipt of the President's decision. Such an appeal is filed with the Chair of the Board of Trustees. The Trustee Executive Committee will then review the record of the case at its next meeting and will render a final decision on the grievance within ten working days of that meeting to all parties. In case of any discussion over presidential

involvement, the Executive Committee of the Board of Trustees shall be the sole judge of such involvement.

4.8.5 General Provisions

The filing or pendency of any grievance under the provisions of Section 4.11 of the Handbook shall not prevent the university from taking the action complained of, subject however, to the final decision on the grievance.

Failure at any step of this procedure to communicate the decision on the grievance within the specified time limits, or such additional period of time as shall be mutually agreed upon in writing, shall permit the grievant to proceed to the next step.

Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits, or such additional period of time as may be mutually agreed upon in writing, shall be deemed to be acceptance of the decision rendered at that step.

Extensions of time will normally be granted for good and sufficient reasons (e.g., illness) by mutual agreement.

4.9 Academic Policies and Services of Interest to the Faculty

4.9.1 Library Policies

Contact the Library.

4.9.2 Classroom Policies

4.9.2.1 Class Meetings

1. Faculty members shall meet their students in the classrooms at the times designated in the official course schedule and for the full time specified. Major variations from the scheduled time, place and duration of class meetings must have the approval of the Associate Vice President for Academic Affairs.
2. Faculty members should report to the Dean any unexpected development or emergency that will prevent their meeting a class or other scheduled appointment. The Dean will publish an official notification of absence to the students.
3. Other absences from class or office hours, such as those made necessary by professional activities or attendance at conferences, should be authorized by the Dean. Such requests for absences should be made in writing, specifying the reason, and submitted well in advance. Absences of this nature should also be reported to the Department Chair.

4. Faculty members shall obtain the approval of the Department Chair and the Dean before arranging for anyone to take their place in the classroom on a continued or regular basis.

4.9.2.2 Student Class Attendance

1. Students are expected to attend classroom and laboratory meetings. However, policies regarding absences from scheduled classes and laboratory hours are generally determined by the instructors of the classes in which they occur. Students may be required to explain to their instructors the causes of absences and to make up all the omitted work to the satisfaction of their instructors.
2. If, in the judgment of the instructor, a student has been absent from so many classes that it is desirable for the student not to continue in the course, the instructor may recommend that the student withdraw from the course. However, no student may be dropped from a course for non-attendance unless the discussion aspects of the course are of such a nature that the student's continuance would be detrimental to the education of the other students.
3. Non-attendance in and of itself should not be a reason for the lowering of student grades; however, students should be made aware that if they do not participate in discussions, demonstrations, quizzes, or other assignments because of their absence there is a strong likelihood that their grade will be affected.
4. A faculty member may not require student participation in an activity which necessitates the absence of the student from regularly scheduled classes (other than the instructor's own) except when the Associate Vice President for Academic Affairs has approved such absences. When the Associate Vice President for Academic Affairs has approved such absences for university-sponsored activities, the instructor, faculty advisor or a student organization, athletic director or any other faculty member responsible for such absences is required to file with the Associate Vice President for Academic Affairs one week in advance of the expected absence, the names of those students who will be absent from classes. The faculty member requesting the absence must also inform the instructors involved. The student who expects to be absent has the responsibility individually to perform to the instructor's satisfaction any substitute assignments which may be given.

4.9.2.3 Examinations

1. At the close of each semester, a period of approximately one week is provided for semester examinations.

2. An official schedule for semester examinations is arranged by the Registrar. Instructors must adhere to the time and place designated, unless a special approval of the Associate Vice President for Academic Affairs allows for deviation.
3. The final examination period is computed by the university accrediting agencies as part of the semester. Instructors are required to meet there for the examination time, either for an examination or for a concluding class session.
4. No approval will be given for night examinations during the period of final examinations.
5. Papers, term papers and other written work should not be assigned during the seven-day period preceding final examinations. Written work which is part of a regular class pattern, e.g., laboratory reports, assignments in a composition class, is exempted from this restriction.
6. Grade reports are given to students at mid-semester. Instructors are expected to give students a letter-grade evaluation of their progress in the course at that time. The letter-grade N, used only on mid-term grade reports, indicates that a course for which the student is currently enrolled has not yet begun at mid-term. This may happen in one or half-credit courses which are less than a semester in length. The N grade should not be given to students enrolled in a course where work is in progress at mid-term.
7. Mid-term examinations are not required, but may be used to obtain an evaluation of a student's work. If such examinations are given, they are scheduled at the discretion of the instructor during the regularly scheduled class period. Instructors are urged to examine students sometime in advance of the official mid-term deadline for grade reports. Undue pressure on students can result from an excessive number of mid-term examinations scheduled in the same half-week.

4.9.2.4 Cheating and Plagiarism

1. Faculty members have a responsibility to foster intellectual honesty as well as intellectual development in their students. They should explain clearly the meaning of cheating and plagiarism as these terms apply to their courses, and they should emphasize the penalties which accompany such dishonest activity.
2. Students at Saint Mary's University are expected to maintain the highest standards of academic honesty. Academic dishonesty, in any form, will not be tolerated and may subject the student to disciplinary sanctions up to and including dismissal. Academic dishonesty consists of lying, cheating or stealing academic information

with the intent to gain academic advantage. Academic dishonesty comes in a variety of forms. The most common forms are plagiarism, fabrication, abuse of internet sources, cheating and academic misconduct.

Plagiarism is the inclusion of someone else's words, ideas, or data as one's own. When a student submits work for credit that includes the words, ideas, or data of others, the source of that information must be acknowledged through complete, accurate, and specific references, as well as quotation marks if verbatim statements are included. By placing his/her name on work submitted for credit, the student certifies the originality of all work not otherwise identified by appropriate acknowledgments. Examples of plagiarism include: copying someone else's previously prepared material such as lab reports, class papers, etc.; copying a paragraph or even sentences from other works, self-plagiarism (turning in for new credit your own work from a previous class without authorization).

Fabrication is the intentional use of invented information or the falsification of research or other findings with the intent to deceive. Examples include: the citation of information not taken from the sources indicated; submission in a lab report of falsified, invented or fictitious data; submitting as the student's own work prepared by another, including purchasing or downloading from the internet.

Abuse of internet sources is the acquisition or presentation of information obtained by purchase or downloaded for free from the internet without explicit written acknowledgment of the source. Examples include: submission of a paper prepared by other persons or agencies, including commercial organizations; the combination of passages from various sources as one's own thoughts or analysis.

Cheating is an act or attempted act of deception by which a student seeks to misrepresent that he/she has mastered information on an academic exercise that he/she has not mastered. Examples include: copying from another student's test; allowing another student to copy from a test paper; taking a test for someone else; collaborating during a test or assignment with another student by giving or receiving information without the instructor's permission; or using notes when disallowed.

Academic misconduct is the intentional violation of university policies by tampering with grades or taking part in obtaining or distributing any part of any unadministered test. Examples include: accessing academic files without appropriate permission, duplicating computer software that has been copyrighted, and forging another person's signature.

All instructors are required to include a statement on their syllabi indicating that anyone found guilty of academic dishonesty may be subject to immediate

dismissal from the university. The Student Handbook outlines procedures for appealing the decision of the instructor.

3. Student possession and circulation of an instructor's examination questions from a previous semester are not considered cheating and may not be punished as such.
4. Avoidance of plagiarism requires honesty with respect to any ideas or materials taken from another source for either written or oral use. A student should always acknowledge borrowed ideas or statements. Offering as one's own the work of someone else, even that of another student, is plagiarism.
5. An instructor who has reason to believe a student has committed an act of academic dishonesty should investigate. As part of the investigation, the instructor should meet with the student to provide a fair opportunity for response to the allegation. The instructor should make a preliminary finding and suggest an appropriate sanction. Sanctions may include the assessment of a failing grade for the assignment or course; in egregious circumstances, dismissal from the university may be recommended. If an instructor determines that there has been an instance of academic dishonesty, he/she must refer the matter to the Associate Vice President for Academic Affairs who will keep a file of all confirmed accusations of academic dishonesty.
6. Upon referral, the Associate Vice President for Academic Affairs will also investigate the charge of academic dishonesty. The student will be provided the opportunity to respond to the allegation. The Associate Vice President for Academic Affairs will then render judgment and impose sanctions. The student may appeal the judgment or sanction to the student judicial council. The basis for the appeal and the procedures that will be followed are as specified for disciplinary matters. No student accused or in violation of the university's policy regarding academic dishonesty may withdraw from a course without the consent of the Associate Vice President for Academic Affairs until the allegation of dishonesty has been resolved. In cases where academic dishonesty has been established, the student may not withdraw from the course.
7. A penalty affecting a student's grade in a course may be imposed only by the instructor in whose course the offense occurred. An F in the course may be given for cheating or plagiarism on any assignment, examination or paper. A grade of Incomplete may be given by the instructor in the event any case cannot be resolved before final grades are due in the Registrar's Office.
8. The record of students caught plagiarizing or cheating is on file with the Vice President of the College. In each offense, the instructor submits the name of the student(s) involved and a brief description of the incident. Access to this file is

restricted. Faculty may not view it, but upon request, they will be informed of the presence or absence of a student's name.

4.9.2.5 Disciplinary Dismissal from a Class or Course

Students are expected to be respectful of the university, faculty, and other students at all times. Students whose behavior disrupts or distracts from the learning activities in a classroom are subject to dismissal from the class or from the course.

The sole acceptable cause for dismissal of a properly registered student from a class or course in which that student is enrolled and regularly attending is that her/his behavior is disruptive to the point where it interferes with the right of the teacher to teach or the right of other students to learn. If an instructor thinks that a student's behavior is disruptive to teaching and learning, the instructor will warn the student explicitly that a continuation of the behavior may result in dismissal from the class or course. The instructor will give an explicit, verbal warning before dismissing a student and the warning will be explicit about the course of action the instructor will take if the misbehavior is continued. If the misbehavior is continued or repeated in the class session in which the student received a warning, or if the disruptive student has been warned in at least two prior class sessions that a particular behavior will result in dismissal, the instructor may order the student to leave the classroom. This order to leave dismisses the student from the remainder of the class session. The instructor is under no obligation to allow the dismissed student to make up work or tests missed as a result of the dismissal.

Any student who is dismissed from a class will be reported in writing to the appropriate Dean/Associate Dean. Further disruptive behavior will result in a meeting with the student, instructor and Dean/Associate Dean; the student will not be allowed to return to class until this meeting is held. If the instructor wishes to dismiss the student from the course, the instructor will notify the student, the Associate Vice President for Academic Affairs and the Dean/Associate Dean of his/her intention to take this action. A dismissal charge is judged by a committee convened by the Associate Vice President for Academic Affairs. The student may attend class sessions subsequent to the class session in which he/she was dismissed. However, if the student repeats the disruptive behavior while the charge is under consideration by the committee, the instructor may dismiss the student from class, in which case the student is barred from class attendance until the committee makes its recommendation and the Associate Vice President for Academic Affairs renders a judgement. The committee will be composed of the following members: the Chair of the Department, one faculty member acceptable to the instructor, selected by the Faculty Chair, and one student acceptable to the student charged, selected by the president of the Student Senate. The Department Chair acts as the chair of the committee.

Committee sessions must be open to other faculty and student observers. No evidence is to be received by the committee in secrecy, confidence or anonymity. Either the instructor or the student may be represented by student, faculty or off-campus counsel. Both the instructor's

charges and the student's rebuttal may be supported by witnesses or other evidence. Both the charge and rebuttal are to be given in the presence of the other party, if the other party desires to be present. If the student has attended class sessions after a first dismissal, evidence related to further disruption may be presented by the instructor and should be considered as germane to the dismissal action.

After hearing evidence, the committee will meet in private to arrive at a recommendation. The committee's recommendation, with reasons for it, will be put into writing and submitted to the Associate Vice President for Academic Affairs, the instructor and the student. The Associate Vice President for Academic Affairs will notify the committee, the instructor and student in writing of the decision, which will be to either dismiss the student from the course or deny the course dismissal request. If either the student or the faculty member is dissatisfied with the action of the Associate Vice President for Academic Affairs, an appeal may be made to the Provost. The Provost's decision to countermand or uphold the decision of the Associate Vice President for Academic Affairs will be final. A dismissal will be entered on the student's permanent record as a W. Students who are dismissed from a course will not receive any refund of tuition.

4.9.2.6 Excessive Absence Policy

A full-time student may be dismissed from the university upon failure to maintain regular attendance in at least twelve credit hours per semester. When university staff become aware of a student not regularly attending at least twelve credit hours of class in a semester, notification will be made to the Associate Vice President for Academic Affairs, who will convene a committee consisting of representatives from the following areas to meet with the student, review the circumstances, and provide a recommendation to the Associate Vice President for Academic Affairs regarding the student's future status at Saint Mary's:

- Academic Advising
- Academic Skills Center
- Faculty
- Dean of Students
- Wellness Center

The committee may recommend dismissal or may recommend that the student be allowed to continue at Saint Mary's. If the committee determines that allowing the student to continue at Saint Mary's is appropriate, the student may be required to conform to more rigid academic requirements than the general student body. Upon receiving the recommendation of the committee, the Associate Vice President for Academic Affairs will make a decision and notify the instructor and student of the decision in writing. The student may appeal the judgement or sanction to the Student Judicial Council. A student who is dismissed for excessive absence may appeal to the Academic Standing Committee for readmission for the following semester.

4.9.3 Registrar's Policies

Contact the Office of the Registrar.

4.9.4 Program Evaluation Policies

Contact the Office of the Associate Vice President for Academic Affairs.

4.9.5 Academic Services

Contact the Office of the Associate Vice President for Academic Affairs.

4.9.6 Media

Contact the Multimedia Manager.

4.9.7 Computer

Contact the Director of the Information Technology.

4.10 Administrative and Financial Policies of Interest to the Faculty

4.10.1 Keys

Contact the Office of the Provost.

4.10.2 Mail

Contact the Mailroom - Toner Center.

4.10.3 Bulletin Board

Contact the Office of Student Development.

4.10.4 Telephones

Contact the Computer Center.

4.10.5 Purchase Orders/Requisitions

Contact Financial Affairs – Business Office.

4.10.6 Travel Policies

Contact the Office of the Associate Vice President for Academic Affairs or respective School Deans or Associate Deans as appropriate to your locus of appointment.

4.11 Student Development Policies of Interest to Faculty

Reference the Student Handbook and/or contact the Student Development Office.

4.11.1 FERPA (Family Education Rights and Privacy Act)

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the university receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The university official will arrange for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the university official to whom the request was submitted, that official will advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the university to amend a record that they believe is inaccurate or misleading. They should write the university official responsible for the record, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading.

If the university decides not to amend the record as requested by student, the university will notify the student of the decision and advise the student of his or her rights to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to the disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the university has contracted (such as

an attorney, auditor, or collection agent); a person serving on the board of trustees; or a student serving on an official committee (such as a disciplinary or grievance committee) or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility to the university. Upon request, the university will disclose education records, without consent, to officials of another school in which a student seeks to enroll.

4. The right to refuse to permit the designation of any or all of the following categories of personally identifiable information as directory information, which is not subject to the above restrictions on disclosure.
 - a. Name, home address, home telephone listing, and campus email address
 - b. State of residence
 - c. Age and date and place of birth
 - d. Sex and marital status
 - e. Name of advisor
 - f. Name and address of parent(s)
 - g. Major field of study
 - h. Classification as freshman, sophomore, junior, senior or graduate student
 - i. Class schedule and class roster
 - j. Participation in officially recognized activities and sports
 - k. Weight and height of members of athletic teams
 - l. Dates of attendance and graduation, and degrees received
 - m. The most recent educational institution attended
 - n. Honors and awards received, including selection to a dean's list or honorary organization, and the grade point average of students selected
 - o. Photographic, video, or electronic images of students taken and maintained by the university

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the university to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C., 20202-4605.

The categories of information in paragraph 4 are designated directory information. Students may prevent release of any or all of the categories of directory information specified in paragraph 4 above by notifying the Vice President for Student Development, in writing, of the categories of information the student does not want disclosed. Notification must occur within ten (10) calendar days of the first scheduled day of class for the fall or spring term. The university will honor all written requests for nondisclosure for one (1) academic year; therefore, students must make requests for nondisclosure annually.

Because Saint Mary's University of Minnesota accepts federal Department of Education monies,

parents or guardians may not have access to their student's educational records unless the student is 17 years of age or younger, or the student has signed a consent to disclosure or the student is a dependent for tax purposes. In order for a parent or guardian to receive information about their student's progress, Saint Mary's University must have on file a Consent to Disclosure signed by the student. These consent forms may be obtained from Student Services, or the Office of Student Development.

4.12 External Relations Policies of Interest to the Faculty

Contact the Marketing and Communication Office.

4.12.1 Communication Procedures

Contact the Marketing and Communication Office.

4.12.2 Publicity for Faculty Events

Contact the Marketing and Communication Office.

4.12.3 Grants Policy

Contact the Development and Alumni Relations Office.

4.12.4 Use of Institutional Letterhead

Contact the Marketing and Communication Office.

4.13 Disclaimer

It is the responsibility of every faculty member to become informed about current university policies and procedures. Faculty are to consult with the appropriate university officer whenever there is a doubt or confusion regarding provisions of this Handbook. In particular, faculty are to consult with appropriate officers when there is a question as to the current applicability of a policy or procedure listed in this Handbook and affecting their work at the university. It is especially necessary for the faculty to be proactive in educating themselves about the current status of policies and procedures which appear in Part IV of this Handbook and in the Information/Guidelines section due to the fact that material in these sections of the Handbook change often and in response to changes in federal and state laws, and the administrative, economic, educational, and social conditions of the university.