

# Saint Mary's University of Minnesota

## College Faculty Handbook

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Part I

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

1.1 History

See History and Heritage at [smumn.edu](http://smumn.edu).

1.2 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.

1.3 Vision

Our vision is to be a nationally prominent and regionally dominant university that transforms individuals and communities through an education that emphasizes excellence, aligns with workforce needs, provides access and flexibility to support student needs, and develops ethically-guided graduates leading in their communities and succeeding in their careers.



#### 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;
- 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, fulltime 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 Provost, the Deans of the Schools, and the Vice Provosts.

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 3.10).
- 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 Provost and specifies a definite salary dependent on the number of hours spent in professional duties. Emeriti faculty as special appointments are considered Associate Academic Faculty.

3. Academic Administrative Personnel

- a. Full-time university employees
- b. Who have direct contact with enrolled students at the College pertaining to academics
- c. Who report indirectly to the Provost through academic administrative officers or other Academic Deans
- d. As well as
  - i. Director, CELT
  - ii. Director, Instructional Technology (College)
  - iii. Director, PACC Program (College)
  - iv. Director, Career Services (College)
  - v. Registrar (College)

Other persons whose responsibility is in the area of academic administration and who report to the Provost, 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. Emeriti 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 for Student Affairs has authority.

b. Requested Advisory

In those matters that 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 effect 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 whom 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 effect 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 that he or she judges to be of interest to the Faculty or that 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 Provost, 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 Provost 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 Provost, the Dean of the College, the Vice Provost for Faculties and 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 Provost, the Dean of the College, the Vice Provost for Faculties and 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 Provost 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.

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.

In consideration of workload or availability challenges, individual schools may waive specific committee representation for an academic year in favor of an at-large position to be filled from among all eligible faculty. With the exception of school representation, all other requirements for the at-large position will remain the same. The school dean, after consultation with department chair(s) and faculty, will communicate their desire to waiver to Faculty Council within one week following the College Faculty Handbook Committee's call for nominations.

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 effect 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 Provost for Faculties and Academic Affairs, the Provost, 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 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 Provost. 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.

#### 2.3.2.3 Facilities Committee

Duties of the Facilities Committee shall include the following:

- a. Serve as an ad hoc committee convened when needed to review plans and proposals for campus improvements.
- b. Make recommendations as to plan and proposal priorities and implementation as called upon.
- c. 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 Dean of the College, *ex officio*, convenes the ad hoc committee.
  2. Two full-time faculty members appointed by the Dean of the College based on the facilities plan and proposal under consideration (e.g. a science lab renovation proposal would suggest selection of science faculty).
  3. One representative from the academic administrative personnel of the College (excluding Student Life) with a minimum of one year experience at the College, appointed by the Dean of the College.
  4. One representative appointed by and representing areas reporting to the Vice President for Student Affairs.
  5. One student, with a minimum of two year's attendance at the College, appointed by the Student Senate.
- b. Term of office:
  1. The term of office of all appointed members of the Facilities Committee shall be subject to the needs of the plan or proposal under consideration.
- 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 Grievance Review Committee and the University shall include the following:

- a. Hear cases regarding Dismissal for Cause
- b. Hear cases regarding Grievances

Membership:

- a. Composition. The Grievance Review Committee shall be composed of the following members, none of which can be a member of the Faculty Advancement and Tenure Review Committee or Faculty Council:
  1. Two ranked, tenured, full-time faculty members elected by the Faculty;
  2. Two members appointed by the President of the university, one full-time faculty member and one administrator who does not report to an academic administrator;
  3. The committee members will elect a chairperson.

4. A fifth member will be chosen by the first four within three (3) working days of the Grievance Review Committee receiving a written grievance. The fifth member must be a ranked, tenured, full-time faculty member.

b. Term of Office:

1. The term of office of the two elected faculty members and the two members appointed by the President shall be two calendar years; the fifth member will serve until the grievance for which they are appointed is resolved.

2. Continuity of members shall be ensured by the appointment of one member each year by the President and by the election of one faculty member each year.

3. Vacancies will be filled by the individual or group who made the original appointment.

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 (3.11.3.3)

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 3.7.
- 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 nonmembers 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 Provost; 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 majors, minors, programs (including Integratus), 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, including changes to Integratus. 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. Academic curricular matters, concerns, and conflicts within and between schools;
  - 4. Courses, majors, and programs (including the Lasallian Honors Program, the curricular components of the First Year Experience and the rest of Integratus, and Study Abroad), credit-bearing Institutes, and
  - 5. Proposals to discontinue, redirect, or add programs and departments.
- b. 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, Vice Provost for Faculties and Academic Affairs, Provost) 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 Dean of the College, *ex officio*, or a designee, provided that that individual is designated by name in writing by the Dean of the College, either for the year or for a specified number of meetings.
2. One full-time faculty member from each school of the College, as constituted at the time of the election.
3. One member representing those departments, programs, and services regularly staffed as academic administrative personnel. See 2.2.1A.3.
4. One voting faculty member elected at-large.
5. If this combination results in an even number of Committee members, one additional at-large member shall be elected.
6. All elected faculty members shall have a minimum of three years' teaching 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.
7. Two students, preferably one male and one female, with a minimum of two year's attendance at the College, to be selected by the Student Senate.
8. The Registrar will serve in a non-voting, advisory capacity.
9. The Director of Curriculum and Assessment will serve in a non-voting, advisory capacity.
10. The Director of University Library Services will serve in a non-voting, advisory capacity.

b. Term of Office:

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

2.3.3.3 Integratus Assessment Committee

In its work to maintain a General Education program that is integrated, rooted in disciplinary expertise and interdisciplinary collaboration, outcomes-based, developmental, and grounded in the university's Lasallian Catholic mission, the Integratus Assessment Committee ensures that the faculty are responsible for and actively involved in the ongoing assessment of the program.

Duties of the Integratus Assessment Committee shall include the following:

- a. Facilitate the identification of assessment priorities and targeting of a subset of outcomes for measurement, in collaboration with the Office of Assessment;
- b. Solicit nominations of faculty members representing each of the structural components of Integratus to serve as campus assessment leaders;
- c. Initiate contact with and collaborate with campus assessment leaders to coordinate all-faculty

Assessment Days;

- d. Initiate and monitor the collection of material and data as necessary for program assessment;
- e. Track and monitor ongoing program assessment and make recommendations for ongoing improvement in Integratus.

Membership:

- a. Composition. The Integratus Assessment Committee shall be composed of the following members:
  - 1. The Associate Dean of General Education, *ex officio*.
  - 2. The Director of the Lasallian Honors Program, *ex officio*.
  - 3. The Director of Curriculum and Assessment, *ex officio*.
  - 4. Four full-time faculty members to be elected at large. All elected faculty members shall have a minimum of three years' teaching experience at the College, with at least two semesters' teaching experience teaching in the Integratus Program. Further, two of the elected members shall be tenured members of the College faculty.
  - 5. One student, 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 Integratus Assessment Committee shall be two academic years.
  - 2. Continuity of faculty membership shall be ensured by the election of no more than two of the elected faculty members each year.
  - 3. The term of office of the student member of the Integratus Assessment 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 Provost; 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. The Provost, *ex officio*, or a designee, provided that individual is designated by name in writing by the Provost, either for the year or for a specified number of meetings.
  - 2. The Registrar, *ex officio*, or a designee, provided that that individual is designated by name in writing by the Registrar, either for the year or for a specified number of meetings.
  - 3. The Director of Admission, *ex officio*, or a designee, provided that that individual is designated by name in writing by the Director of Admission, either for the year or for a specified number of meetings.
  - 4. The Dean of Student Success and First Generation Initiative, *ex officio*, or a designee, provided that that individual is designated by name in writing by the Dean of Student Success and First Generation Initiative, either for the year or for a specified number of meetings.
  - 5. Five full-time faculty members to be elected at large. All elected faculty members shall have a minimum of two years' teaching experience at the College. Further, two of the elected members shall be tenured members of the College faculty.
  - 6. 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 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 the Educational Standards Committee shall be one academic year.

#### 2.3.3.5 Faculty Handbook Subcommittee

The task of the subcommittee is to oversee recommended changes and updates in the handbook as suggested by the faculty and submit faculty-approved changes to the Provost for input before they are submitted to the President, and then the Board of Trustees.

Duties of the Faculty Handbook Subcommittee 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* 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 Subcommittee 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 the following members:
  - 1. Five full-time faculty members to be elected at large. 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 the elected faculty members of the Faculty Salary and Benefits Committee shall be two academic 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.

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 that are supportive of faculty development or necessitated by faculty development.
- d. Review proposals and advise the Provost on funded faculty development programs.
- e. Review proposals for sabbatical leave; the review for sabbatical shall include a recommendation to the Provost as to whether the sabbatical shall be granted.

Membership:

- a. Composition. The Faculty Development Committee shall be composed of the following members:
  - 1. Five full-time faculty members to be elected at large. All elected faculty members shall have a minimum of three years' teaching experience at the College. Further, two of the elected members shall be tenured members of the College faculty.
  - 2. 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 shall be two academic years.
  - 2. Continuity of faculty membership shall be ensured by election of no more than three of the members each year.
  - 3. Members may serve any number of consecutive terms.

2.3.3.8 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 Provost, the Dean 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 Provost, 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 Provost, and Faculty.
  3. With the consent of the submitter, it may either alter or amend a proposal before transmitting it to the President, the Provost, 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 Provost, 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 Provost 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 Provost, 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 Provost 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 Provost, in consultation with the appropriate 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.

#### 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 Provost 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, considered adjunct faculty, is a temporary employee of the College. Part-time faculty may be assigned a temporary academic title of Adjunct Lecturer or Adjunct Senior Lecturer.

Part-time faculty:

- a. usually have no other faculty duties and responsibilities, except those listed here and in Section 3.9;
- b. meet the criteria of the appropriate temporary academic titles;
- c. are selected in the manner set forth in the current employment policies maintained by the Human Resources Office;
- d. always receive a term contract (see Section 3.2.1);
- e. receive no fringe benefits or tuition remission;
- f. 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 approved by the Provost. 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 (see 3.1.2.1). 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 Provost, 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 Human Resources 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 appropriate 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.

#### 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 Human Resources Office, 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.
- e. Emerita/Emeritus faculty members may continue to use their Saint Mary's email address, contingent upon successfully completing periodic cybersecurity training and other requirements as assigned by the university IT department.
- f. meeting facilities for such retired faculty members who may wish to meet as a group.
- g. a campus parking permit,
- h. up to two free tickets to musical and theatrical performances sponsored by the School of the Arts, excluding Page Performance Series events.
- i. a library card that will allow them to use the Fitzgerald Library.
- j. admission to College athletic events at no cost to them.

#### 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

emeriti and persons distinguished in their fields. Salary, office space, housing, etc. for Visiting Appointments will be negotiated with the Provost 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, writers, 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 Provost 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 Provost, after consultation with the appropriate Department Chair and 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 appropriate Department Chair, Dean, and the Provost 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 Provost 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 Provost. 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 Provost 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 typically exceed six full-time academic years of service at Saint Mary's University. (See Section 4.3.2 for 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 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 and cannot be renegotiated at a later time. A decision to credit previous employment is made at the sole discretion of the Provost.

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 Provost 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 Provost 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 President makes a decision on the granting of tenure. 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 appropriate 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 is 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 Provost, 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 Provost 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 Provost 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 Provost are available on a need to know and confidential basis only to the Board of Trustees, legal counsel, the President, the Provost, the Deans, 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 Provost 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 President's 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 Provost 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 Provost, 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 University 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 Provost.
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 Provost.

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 Provost. 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 Provost on or before November 15.
  6. After consultation with the Faculty Development Committee and the appropriate Deans, the Provost 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 Provost, 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 Provost. 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 4.8).

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 Provost 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 Provost 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 Provost with a copy to the candidate.

#### 3.6.2.6 Recommendation of the Provost

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

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 Provost 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 Provost 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 Provost's 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 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 President, who is guided by the recommendations of the Provost, 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 Provost, 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 is typically six full-time academic years of service at Saint Mary's University. If recognized by the Provost 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 typical 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 and cannot be renegotiated at a later time. A decision to credit previous employment is made at the sole discretion of the Provost.

Since the actual conferral of tenure is an affirmative act by the President, 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 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 Provost.

##### 3.7.4.3 Eligibility for Promotion

Although a Department Chair, a Dean, the Provost 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 the President'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 Provost 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 Provost with a copy to the candidate.

#### 3.7.4.6 Recommendation of Provost

Upon receipt of the Committee's recommendation and the Dean's recommendation, the Provost shall consult as she/he deems appropriate. The Provost 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 make the final decision and will notify the candidate 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 Provost. 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 Provost, 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 Provost and provide a copy concurrently to the candidate and the Faculty Advancement and Tenure Review Committee.

#### 3.7.5.5 Recommendation of the Provost

Upon receipt of the Faculty Advancement and Tenure Review Committee's recommendation and the Dean's recommendation, the Provost 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 Provost before the Provost submits a final recommendation to the President of the University.

The Provost 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 electronically in the office of the Provost 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 Provost, and the President, and can be used for no purpose other than review, unless required as a part of a documented grievance (see Section 4.8).

#### 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 Provost's office, where it is available to Department Chair, Dean, and FATRC, Provost, 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 Provost
- December 1: Faculty Advancement and Tenure Review Committee evaluation due to Provost
- December 15: Provost makes recommendation to President
- January 15: Provost notifies faculty member

##### 3.7.7.2. Timetable for Tenure Review

- December 1: Candidate's file (dossier) due to Provost' office, where it is available to Dean,

Department Chair, and FATRC, Provost, 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 Provost  
 April 1: Dean evaluation due to Provost  
 April 11: Provost makes recommendation to President  
 May: Tenure approved or denied by decided by President.  
 May: President notifies faculty member of decision

### 3.7.7.3 Timetable for Promotion Review

October 1: Faculty member notifies Provost, 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 Provost's office where it is available to Dean, Department Chair, and FATRC, Provost, 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 Provost  
 April 1: Faculty Advancement and Tenure Review Committee evaluation due to Provost  
 April 11: Provost makes recommendation to President  
 May 15: Provost 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 Provost, 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 a faculty member's own serious health condition or that of a family member, the Human Resources Office, in consultation with the individual, may consider whether the

option of job-protected leave under FMLA, reasonable accommodation under ADA, or other 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 is honorably ending full-time service to the College. Any ranked faculty member at Saint Mary's University who is recognized as retired 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 benefit, 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.

### 3.8.3 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 Provost, 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 Provost (see Section 3.7.2). 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 Provost, in writing and within 60 calendar days after notice of non-reappointment, to have the reasons provided in writing.

### 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. inability to perform the essential functions of the position with or without reasonable accommodation;
- b. major changes in curricular requirements, academic programs or departments;
- c. enrollment emergency;
- d. financial exigency.

#### 3.8.4.1 Inability to Perform the Essential Functions of the Position With or Without Reasonable Accommodation

Termination of an appointment with tenure or a probationary contract before the end of the period of appointment for inability to perform the essential functions of the position with or without reasonable accommodation, will be based upon the results of a confidential, interactive dialog and exchange of information between the faculty member, his or her medical provider, and the Human Resources Office. Such interaction will determine the extent to which the faculty member is entitled to job-protected leave under the Family and Medical Leave Act (FMLA), reasonable workplace accommodation under the Americans with Disabilities Act (ADA) and its amendments, or other such leave as meets the needs of both parties.

The decision to terminate will be made only after there has been appropriate consultation among the Provost, 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.. Affected faculty members are encouraged to consult the Human Resources Office for advice on the need for leave under FMLA or ADA. . The University will work to ease the burden of any such 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 Provost 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 a 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 3.8.4.2), 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 Provost 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 Provost 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 Provost 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 Provost, 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 with 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 Provost 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 Provost 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 Grievance Procedures set forth in Section 4.8.

#### 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 Provost, after comparing the position description and the vita of the individual.

If more than one individual is qualified for the position, the Provost 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 Provost. The offer must be accepted by written notification to the Provost, which must be received in the Academic Affairs Office no later than the close of business on the twentieth (20<sup>th</sup>) 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, current email 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. an act of fraud or knowing misappropriation of funds of the university;
- g. misconduct that if proven would constitute moral turpitude under Minnesota laws and materially harm the university;
- h. serious failure to follow the professional ethics of one's discipline;
- i. falsification of credentials and experience.

In every instance dismissal procedures will include the following steps:

- a. Written notice to the faculty member from the Provost 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 Provost to present a defense to the dismissal recommendation before the recommendation is made. The Provost 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 Provost; 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 Provost 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 Provost 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 Provost.

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 4.8.

### 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 Provost 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 Provost, 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 3.10.4, 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 3.10.5.1, 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 Dean, Provost, 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 the university community imposes upon faculty and students some obligations. Because the public or other members of the the university 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.

The 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, the following process shall be employed:

- A request by any or all of the College faculty involved in the disagreement for a review of the issues should be made in writing within 3 working days of the disagreement to the Provost, who is responsible for informing the President. The university would construe “involved” to mean that the faculty member has a material interest in the artistic expression involved.
- Within 5 working days of receipt of the written request to the Provost, it will be the responsibility and obligation of the President to convene and preside over a committee whose members will include the Provost, the Dean of the relevant School, the Chair of the Faculty, the Vice Chair of the Faculty, and the President of the Student Senate. If any member of the committee is directly involved in the disagreement, the Provost will appoint an alternate. The President, due to a desire for timely resolution of matters, may appoint a designee in the event he or she is unavailable. The charge of this committee will be to make a recommendation to the President that reflects and respects, as per our college Faculty Handbook, both the integrity of academic freedom as it relates to artistic expression by faculty members and the mission of the university.
- After discussing the issue at hand in a timely manner (e.g., based upon the date of the event), each member of the committee (except for the President) will vote by secret ballot on whether the artistic expression in question should be allowed. Along with the result of the vote, the committee will offer a brief majority and, if applicable, minority report to advise the President on the issue.
- The President will have 3 working days from receipt of the committee’s report to issue a final determination on the matter.

#### 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, Section 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 Provost.
  3. By a joint agreement of the faculty member and the Provost 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 Provost to determine compensation.
  - e. 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.
  - f. 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.
  - g. 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.
  - h. Faculty members are responsible for examining library holdings in their field as requested by the Department Chair and making recommendations for purchase to ensure that library resources within the department are current.
  - i. Faculty members may act as graduation project advisors for a reasonable number of students.
  - j. 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 Provost:

- 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 Provost;
- 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 Provost 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 Provost.

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

Unless otherwise approved in writing by the Provost, 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 Provost 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 Provost. 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 3.10.5.2 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 Provost.

#### 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 Provost, 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 Provost.

### 3.11 Working Conditions

#### 3.11.1 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.

#### 3.11.2 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.

#### 3.11.3 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.



### 3.11.3.1 Interest in Creative Works

It is the policy at Saint Mary's University not to interfere with the longstanding 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.

#### 3.11.3.2 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 Provost shall provide faculty with updated information on changes as they occur.

#### 3.11.3.3 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.

#### 3.11.3.4 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.

#### 3.11.4 Fundraising Policy

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

Therefore, all fundraising 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 Advancement. Grants or gifts may not be accepted on behalf of the University unless approved by the Vice President for Advancement.

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.

#### 3.11.5 Human Subject Research

Faculty conducting or supervising research with 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 Institutional Review Board (IRB), which consists of at least nine members, appointed by the Provost and in consultation with the IRB Administrator.

Part IV

4.1 Institutional Committee Membership and Terms

Faculty Advancement and Tenure Review Committee

Membership:

a. Composition: The Faculty Advancement and Tenure Review Committee shall be composed of the following members:

1. Two tenured, full-time faculty members from the School of Arts and Humanities.
2. One tenured, full-time faculty member from each of the other schools of the College (Business and Communication, Education, Health and Human Services, and The John C. Parmer School of the Sciences).
3. One tenured, full-time faculty member at-large appointed by the current Faculty Council (FC) immediately following the spring election. The FC will consider gender composition of the committee when making this appointment. The FC will take the full pool of candidates from all schools who have accepted nominations at the spring election and select from that pool the candidate with the highest vote total (after those who have been elected are set aside) such that better gender balance is achieved. If the gender composition goal cannot be achieved from within the candidate pool, FC shall appoint the FATRC member from outside the candidate pool to achieve better gender balance.

No dean or other member of the University Academic Council which advises the Provost 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.

b. Term of Office:

1. The term of office of the elected faculty members of the Faculty Advancement and Tenure Review Committee shall be two academic years.
2. Continuity of faculty membership shall be ensured by the election of no more than one half of the elected members each year.
3. The term of office of the appointed faculty member of the Faculty Advancement and Tenure Review Committee shall be one academic year.

4.1.2 Facilities Committee

Membership:

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

1. The Dean of the College, *ex officio*, convenes the ad hoc committee.

2. Two full-time faculty members appointed by the Dean of the College based on facilities plan and proposal under consideration (e.g. a science lab renovation proposal would suggest selection of science faculty).

3. One representative from the academic administrative personnel of the College (excluding Student Life) with a minimum of one year experience at the College, appointed by the Dean of the College.

4. One representative appointed by and representing areas reporting to the Vice President for Student Affairs.

5. One student, with a minimum of two year's attendance at the College, appointed by the Student Senate.

b. Term of office:

1. The term of office of all appointed members of the Facilities Committee shall be subject to the needs of the plan or proposal under consideration.

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.

#### 4.1.3 Academic Assessment and Program Review Committee

The Academic Assessment and Program Review Committee reviews each department, program, and credit-bearing Institute in the College on a regular basis and coordinates a program review schedule with the administrative unit responsible for academic assessment.

Membership:

a. Composition. The Academic Assessment and Program Review Committee shall be composed of the following members:

1. The Dean of the College, *ex officio*.

2. The Director of Curriculum and Assessment, *ex officio*, chair of the committee.

3. Three or more faculty members representing at least two different schools appointed by the Dean of the College after consultation with faculty member(s), department chair(s), and dean(s).

b. Term of Office:

1. The term of office of the appointed faculty members of the Academic Assessment Program Review Committee shall be two academic years.

#### 4.1.4 College Academic Integrity Committee

The College Academic Integrity Committee reviews suspected instances of academic dishonesty that occur at the College in accordance with the review process outlined in the College Catalog. In situations where the committee finds evidence of academic integrity violations, it will determine the

resulting consequences in accordance with University policy (see College Catalog).

Membership:

a. Composition. The College Academic Integrity Committee shall be composed of the following members:

1. The Dean of the College, *ex officio*, or a designee, provided that that individual is designated by name in writing by the Dean of the College, either for the year or for a specified number of meetings, chair of the committee.
2. The Dean of Student Success and First Generation Initiative, *ex officio*, or a designee, provided that that individual is designated by name in writing by the Dean of Student Success and First Generation Initiative, either for the year or for a specified number of meetings.
3. Two elected full-time faculty members representing two different schools of the College.
4. A representative of the College Writing Center.

b. Term of Office:

1. The term of office of the elected faculty members of the College Academic Integrity Committee shall be two academic years.
2. Continuity of faculty membership shall be ensured by the election of one of the elected faculty members each year.

4.1.5 Academic Readmission and Dismissal Appeal Committee

The Academic Readmission and Dismissal Appeal Committee serves as an appeals board reviewing student appeals regarding admission, readmission, and grades. Committee recommendations are forwarded to the Dean of the College for final review and decision.

Membership:

a. Composition. The Academic Readmission and Dismissal Appeal Committee shall be composed of the following members:

1. The Dean of the College, *ex officio*, chair of the committee.
2. The Dean of Student Success and First Generation Initiative, *ex officio*.
3. The Dean of Students, *ex officio*.
4. One or more faculty members appointed by the Dean of the College, after consultation with faculty member(s), department chair(s), and dean(s).

b. Term of Office:

1. The term of office of the appointed faculty members of the Academic Readmission and

Dismissal Appeal Committee shall be two academic years.

#### 4.1.6 Academic Standing Committee

The Academic Standing Committee serves to review the academic standing of full-time or part-time students at the College. The committee reviews end of semester grades in addition to behavior outside of the classroom to determine academic standing including: probation, jeopardy, extended probation, and dismissal according to the College Catalog. Committee recommendations are forwarded to the Dean of the College for final review and decision.

Membership:

a. Composition. The Academic Standing Committee shall be composed of the following members:

1. The Dean of the College, *ex officio*, chair of the committee.
2. The Dean of Student Success and First Generation Initiative, *ex officio*.
3. The Dean of Students, *ex officio*.
4. The Registrar, *ex officio*.
5. A representative from Financial Aid.
6. One faculty member representative from the Academic Readmission and Dismissal Appeal Committee.

#### 4.2 University Administrative Structure

##### 4.2.1

The administrative structure of the university is flexible and may change to suit the needs of the organization. The administrative structure can be found on the website of the university (President's page and Provost's page)

##### 4.2.2 Dean of a School

The Dean of a School is appointed by the President in consultation with the Provost 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 Provost.

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.

##### 4.2.2.1 Term of Office



The Dean's term of office is typically three contract years. The Dean will be formally evaluated by the Provost 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 Provost may require in order to carry out the proper functioning of each school or academic area of the university.

#### 4.2.2.2 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 14 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 Provost;
- g. supervise and execute the school's budget and advise the Provost 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 Provost 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 Enrollment Management, the Vice President for Advancement, and the Vice President for Student Affairs in order to effect ongoing accountability and planning for enrollment, development and student programs of each respective school.

#### 4.2.3 Associate Deans

Associate Deans are appointed to two-year terms to assist the Provost 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 may participate in the University Academic Council, which advises the Provost 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.

#### 4.2.4 Department Chair

##### 4.2.4.1 Definition and Selection

The Chair of every academic department is a tenure-line faculty member who has achieved the rank of associate or full professor. The Department Chair represents his or her faculty members and has administrative responsibilities within his or her respective department. The Chair has the special obligation of building and maintaining departments strong in teaching, advising, scholarship, and service.

The Department Chair is selected by the Dean in consultation with the respective department or program members.

Sometimes, in the best interests of the department or the university, it is necessary to appoint a Chair from outside the university. In this case, the Dean and the department will conduct a cooperative search, and the Provost, with the advice of and in consultation with the department members and Dean, will appoint a Chair subject to confirmation by the President.

##### 4.2.4.2 Term of office and stipend

Typically, the Chair is appointed to serve a term of three years beginning in June. He or she may be reappointed for an additional three-year term by the Dean after consultation with the department. Included in the Chair's letter of appointment is the compensation (stipend and/or course release) that the Chair will receive based upon but not limited to the work the Chair is expected to carry out during the summer. Summer duties include but may not be limited to meeting with prospective students, assisting with NSOR, and serving on administrative committees.

##### 4.2.4.3 Evaluation

The evaluation of the Chair is made by the appropriate Dean in consultation with the members of the department and the Provost. After reviewing relevant information from department members and the Provost, the Dean will discuss with the Chair, without identifying particular department members, his or her evaluation of the Chair.

#### 4.2.4.4 Removal from office and extended absence

A Chair can be relieved of his or her administrative duties at any time during the term of the appointment. The department can recommend removal of the Chair from office if a majority of full-time department members request the Chair's removal through a letter to the appropriate Dean and a copy of this letter to the Chair. The Dean will then meet separately with the Chair and department members to give all parties a chance to speak to and/or answer the complaints set forth in the original letter. Following these meetings, the Dean, with the approval of the Provost, can relieve the Chair of his or her administrative duties if there is a clear indication of the necessity for such action. Being relieved of administrative duties does not affect the individual's status as a faculty member.

When a Chair is to be absent for a period of one month or less, he or she has the authority to appoint a substitute from within the department after consultation with the Dean. When his or her absence is unforeseen or will be for more than a month, the Dean will appoint an Acting Chair after consultation with the department.

#### 4.2.4.5 Duties and Responsibilities

The Chair's duties and responsibilities may include but are not limited to items in the following general areas:

1. Development and supervision of departmental curriculum and overall departmental agenda. The Chair is responsible for preparing, in consultation with departmental faculty, departmental objectives, descriptions, revisions of teaching programs or curricula, and course descriptions for the Catalog and relevant faculty committees. In addition, the Chair, in consultation with individual department members, is responsible for developing the teaching schedule of the department so that the teaching load provisions in Section 3.10 are maintained. The schedule is subject to the approval of the appropriate Dean and Provost.
2. Assessment of curriculum and departmental activities related to student learning. The Chair is responsible for ensuring that the department has clearly stated goals for student learning, conducting assessment, and using that assessment data to improve student learning. In addition, the Chair is responsible for preparing annual departmental reports and quadrennial program reviews and ensuring that documentation is reported out to appropriate entities.
3. Faculty development. Overall, the Chair is responsible for acquainting new faculty members with departmental and university policies and procedures. In addition, the Chair is responsible for mentoring probationary faculty with respect to their teaching; encouraging probationary to engage in faculty service, especially in the form of advising and committee work; and promoting a research agenda for each probationary faculty member.
4. Evaluation of Probationary Faculty and Tenured Faculty. The Chair is responsible for assisting departmental faculty in a yearly evaluation of their performance and making candid and documented recommendations about these faculty to the Faculty Advancement and Tenure

Review Committee that address the criteria established in the Faculty Handbook regarding promotion in rank, advancement to tenure, and renewal of contracts of departmental faculty members. The Chair is also responsible for assisting tenured departmental faculty members with their post-tenure review process and evaluating these members once they have completed this process.

4. Other administrative duties. Among other matters, the Chair is responsible for assisting with job searches when such occasions arise. In addition, the Chair schedules, prepares the agenda for, presides over, and assures that some record is made of department meetings. Further, the Chair should maintain important departmental records and/or documents, such as assessment reports, appointment letters, curriculum proposals, etc. The Chair is also responsible for preparing, in consultation with members of the department, the yearly budget and supervising the implementation of the budget. The Chair also approves the outline or syllabus of all special study, independent study, and experimental courses offered by department faculty. The Chair is expected to evaluate student complaints regarding department members and to handle them in accordance with department and university procedures. Finally, in some cases, a Chair may be responsible for physical spaces, such as laboratories and storage rooms, and for the equipment and supplies that are kept in these rooms.

#### 4.3 Leaves

- 4.3.1 All leaves are governed by the Employee Handbook kept up to date by the Office of Human Resources.

#### 4.3.2 Adjustment of Tenure Clock

If a faculty member utilizes approved FMLA 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 Chair. Any such request must be submitted in writing to the Provost. 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.

#### 4.4 Benefits

Benefits are outlined in the Employee Handbook which can be found on the Human Resources website.

#### 4.5 Use of Copyrighted Materials

Copyright Policy is maintained by the Office of University Library Services. Faculty are expected to comply with the copyright policy.

#### 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 with the Office of Human Resources and are available on the website.

#### 4.7 Saint Mary's University Discrimination Policy and Sexual Harassment / Sexual Assault Policy

The university's Discrimination Policy is available from the Office of Human Resources and/or from the university's website. The university's Sexual Harassment / Sexual Assault Policy can be found on the university's Title IX webpage.

#### 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 4.7).

##### 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 Council, 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 4.8.4.3.2.

Pending the opinion or recommendation of the Grievance Review 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.

### 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 inability to perform the essential functions of the position with or without reasonable accommodation, or change in the educational program, of a tenured faculty member or a non-tenured 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, sexual orientation, religion, national origin, marital status, disability 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 4.8.4.4).

#### 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 4.8 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 Provost.
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 nonattendance 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 Dean of the College has approved such absences. When the Dean of the College 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 Dean of the College 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 Dean of the College 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 midterm grade reports, indicates that a course for which the student is currently enrolled has not yet begun at midterm. 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 midterm.
7. Midterm 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 midterm deadline for grade reports. Undue pressure on students can result from an excessive number of midterm examinations scheduled in the same half week.

#### 4.9.2.4 Cheating and Plagiarism

Academic Integrity Matters are addressed in the catalog.