

FACULTY GUIDE

SETON HALL UNIVERSITY



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ARTICLE 1

DEFINITIONS

All provisions of this Faculty Guide apply to the following major academic divisions of Seton Hall University: the College of Arts and Sciences, the College of Communication and the Arts, the W. Paul Stillman School of Business, the School of Diplomacy and International Relations, the College of Education and Human Services, the University Libraries, and the College of Nursing. Certain sections of University Governance (Article 12) and General Governance (Article 13) apply to the School of Theology and to the School of Graduate Medical Education. Faculty of any newly-established major academic divisions or credit-bearing educational programs shall come under the jurisdiction of this Faculty Guide.

The academic jurisdiction of this Faculty Guide shall extend to all educational programs of the University, except those of the School of Law, whether or not they utilize faculty who are direct employees of the University.

1. The terms "faculty" or "faculty member" denote a person or persons having instructional or professional library duties in one of the above-listed colleges.
2.
 - a. "Full-time" faculty are those individuals, with principally instructional or professional library duties, who have tenure or whose contracts stipulate that they are full-time employees of Seton Hall University.
 - b. Adjunct faculty are those untenured faculty who have instructional duties but who are not on a full-time faculty contract. Adjunct faculty enjoy academic freedom and such other rights and responsibilities as are specifically indicated in this document or are contained in their contracts.
3. The term "college" indicates a college or school within the university academic structure, as well as the library. The chief administrative officer of a college is the dean.
4. The term "department" shall be defined as any academic instructional unit composed of one or more faculty members and headed by a "chairperson," who is the elected functional head of the department.
5. When individual departments have several instructional programs composed of two or more faculty members, the needs of such programs may require a "program director/coordinator"; a program director/coordinator shall serve as the elected functional head of this department program. When a program has outside funding, the program director/coordinator shall be the principal investigator (or his/her appointee) as approved by the funding agency conditional on satisfactory performance.
6. "Administration" includes the president, the provost (that is, the chief academic officer), deans, associate and assistant deans, and other administrative officers of the University, including those designated as "assistant to" any of the above.

7. The "academic year" is defined as the fall and spring semesters and those days preceding and following those semesters needed for the proper academic functioning of those semesters.
8. "Academic calendar days" denotes days of the academic year (Monday through Friday). It does not include academic holidays.
9. "Calendar days" denotes the seven days of the week.
10. The term "conflict of interest" as used in the Faculty Guide shall mean any situation where a faculty member's judgment and impartiality may be impaired by considerations of his/her own interest, and under circumstances where his/her refusal to act or disqualification from acting would be warranted under generally accepted standards of similar institutions of higher learning.
11. "Accredited institution" is an academic institution accorded that status by an accrediting agency approved by the Council on Post-secondary Accreditation.
12. "Notification" is a written communication which shall be effective if delivered personally to the faculty member or if sent by certified mail to the faculty member's residence as reported to Human Resources, postmarked by the date specified.

ARTICLE 2

NONDISCRIMINATION

The university agrees to continue its policy of not discriminating against any employee of the university, or applicant for employment, because of race, religion, color, creed, national origin, gender, sexual orientation, marital status, age, or physical or mental impairment not directly affecting the ability of a job applicant or employee to meet her or his responsibilities and to carry out his or her duties as specified in this Faculty Guide.

ARTICLE 3

APPOINTMENTS

Appointments to the university faculty shall be of four kinds: term, probationary, tenured, professor emeritus, faculty associate, and clinical nursing faculty.

The terms and conditions of every appointment shall be stated in writing, signed by the faculty member and the dean, and approved in writing by the provost. A copy of the appointment document shall be given to the faculty member by the dean. Any subsequent extensions or modifications of an appointment and any special understandings or conditions shall be stated in writing and signed as aforesaid. A copy shall be given to the faculty member by the dean within thirty (30) calendar days after signing by the faculty member. No verbal modification of the terms of any appointment shall be binding on the university.

Ordinarily, appointments are to a single department or, in the absence of a department, a college. A joint appointment is to two departments or colleges. In such a case, the appointment document shall specify the primary department or college. A faculty member on a joint appointment shall not ordinarily teach more than one-half of the normal teaching load outside the primary department or college.

A faculty member's rights as to governance apply only to the primary department and the college in which it is located. In an application for promotion and/or tenure, the second department shall submit an evaluative report through its chairperson to the primary department by October 15, which report shall address specifically the criteria for promotion and/or tenure prescribed herein. The failure of the second department or chairperson to submit timely evaluation reports regarding tenure or promotion shall not prevent the review process from continuing.

All probationary and tenured appointments are unqualified and are at the ranks of instructor, assistant professor, associate professor, and professor, or at the equivalent ranks of librarian IV, III, II, and I. Clinical Nursing Faculty hold ranks of clinical instructor, clinical assistant professor, clinical associate professor and clinical professor.

3.1 Term Appointments

- a. Term appointments may be either part-time or full-time and are renewable at the option of the university in its sole discretion. Part-time appointments are made for no more than one year. Full-time appointments are normally made for one academic year but may, with approval of the appropriate department, be made for a period of up to three years. Full-time term appointments and reappointments shall not exceed a total of five years. Neither the initial term appointment nor any renewals thereof lead to or grant tenure or promotion to an unqualified rank.

- b. The employment of a faculty member with a term appointment shall be terminated automatically at the expiration of the term specified unless the university, through the office of the dean, specifically renews the appointment. No notice or action by the university is required to effectuate such termination.
- c. Appointments to or service in the positions of teaching assistant, graduate assistant, undergraduate assistant, laboratory assistant, laboratory instructor, lecturer, or positions in which the terms "visiting", "distinguished visiting", "adjunct", "emeritus", "clinical", or the like are used are term appointments, and do not lead to the acquisition of tenure. Should a person holding a term appointment receive a probationary appointment (as defined below), time served in the term appointment may be used in computing length of service required for tenure if approved by the dean in writing.

3.2 Probationary Appointments

- a. Probationary appointments are full-time appointments for one year or for other stated periods, and are subject to renewal by the appropriate dean. The total period of probationary service at Seton Hall shall not exceed seven years. At the beginning of a probationary appointment, the university, through the Office of the Dean, shall state in writing the number of years of full-time service at Seton Hall or other accredited institutions that shall be credited toward the university probationary period of service. Time spent on leave of absence shall not count as probationary period service, unless the individual and the provost agree to the contrary in writing at the time leave is granted.

A faculty member who holds a probationary appointment applies for tenure as provided in article 5. The semester in which mandatory tenure review must take place shall be specified in the letter of appointment. A record of that initial designation and of any change in the tenure review date resulting from leaves, service as an administrator, or other causes shall be maintained in the faculty member's official personnel file. Other causes may include delay of mandatory tenure review for one year on the occasion of childbirth, adoption, or new foster placement. Said delay will be granted upon documented application to the appropriate dean, though no affected faculty member is required to request such a delay nor to accept one for which the faculty member has not applied. The initial tenure review date and any changes thereto shall be endorsed by the dated signatures of the faculty member and the provost. A copy of the tenure review data sheet shall be part of each application for tenure or promotion to the rank of associate professor.

- b. Each department (or in Walsh Library, a committee of tenured faculty) shall annually review and prepare a written evaluation of a faculty member's progress during probationary service. In the first year of probationary service, this evaluation shall be made prior to January 15. Copies of this evaluation shall be provided by the chairperson to the faculty member, the dean, and the provost within fifteen (15) academic calendar days of completion. Further, the faculty member shall be advised by the chairperson of the upcoming evaluation in sufficient time (i.e., not less than two

weeks) to submit material which the faculty member believes would be helpful to an adequate consideration of his/her status.

- c. In the event of a decision not to renew a probationary appointment, the department will provide evidence to the dean substantiating its recommendation in concurrence with the review and written evaluation process articulated in 3.2.b. Should the dean decide to overrule a department's recommendation to renew a probationary appointment, the dean will provide evidence substantiating that decision. In the case of a decision not to renew a probationary appointment, the applicant has the right to appeal from the department, and, in the library, from the committee to the dean, and also from the dean to the provost. The faculty member shall be informed by the dean of the decision in writing, and shall be advised of the reasons which contributed to that decision. If the faculty member so requests, the reasons given for nonrenewal of an appointment shall be confirmed in writing. In the cases of denial of an application for tenure, see Article 5.
- d. Regardless of the stated term or other provisions of any appointments, written notice that a probationary appointment is not to be renewed shall be given to the faculty member in advance of the expiration of his/her appointment, as follows:
 - 1. not later than March 1 of the first academic year of service, if the appointment expires at the end of that academic year; or if a one-year appointment terminates during an academic year, at least three months in advance of its termination;
 - 2. not later than December 15 of the second academic year of service, if the appointment expires at the end of that academic year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;
 - 3. not later than September 1 after two or more years of service at the university. The provost shall normally notify faculty members of the terms and conditions of their contracts by March 15, but such information shall not be given later than April 15. In case of a pending application for promotion or tenure, no contract or salary notice shall be issued prior to a final decision.

3.3 Tenured Appointments

- a. No individual may acquire tenure unless there is a specific affirmative action by the University Board of Regents.
- b. An appointment with tenure means that a full-time faculty member has the right to university employment each and every fall and spring semester until retirement without reduction in rank and without termination except as provided for in articles 3.7 and 3.8. Furthermore, a tenured faculty member shall not have his/her salary or benefits reduced unless a general reduction in salaries and benefits for all faculty members is necessary because of financial exigency.

- c. Tenured librarians are appointed by the university for twelve months unless they exercise the option set forth in article 7.2d.
- d. A faculty member who holds a probationary appointment to the rank of instructor or higher and who is not tenured may acquire tenure as provided in article 4.
- e. There is no right of tenure in any administrative position. Faculty members who assume administrative positions continue to enjoy their rights to tenure, if any, as faculty members. Time served in the administrative position is not counted in computing length of service required for tenure. Administrators who hold or apply for appointments to the faculty are subject to the same appointment, tenure, and promotion review procedures required of all faculty.
- f. If a tenured faculty member wishes to change an appointment from one department or college to another, then his/her status before the new department or college is identical to that of any applicant for tenure, except as provided in article 3.8 on termination of tenured appointment.
- g. Tenured faculty receive salary notices. The university shall normally notify faculty members of their base salary for the forthcoming academic year by March 15, but in no case shall such information be given later than April 15. In case of a pending application for promotion, no salary notice shall be issued prior to a final decision.
- h. Tenure review must begin not later than the eleventh semester of full-time service on a probationary track at the university. Faculty members are expected to complete the maximum allowable period before applying for tenure. Departments may recommend for tenure faculty members who have demonstrated exceptional performance before they have completed the maximum allowable period.
- i. A maximum of six semesters of full-time service in other accredited institutions of higher learning shall count toward the required tenure review. The number of semesters counted shall be specified in the letter of appointment.
- j. The basic standards for an appointment with tenure are identical to the standards for the rank of associate professor.
- k. Promotion to the rank of associate professor or professor carries with it tenure.
- l. Initial appointment to the rank of associate professor or professor does not carry with it the automatic right to tenure. If a tenured appointment is recommended by the department, the tenure granting procedures of article 5 are required.
- m. Members of the Reserve Officers Training Corps (ROTC) staff are not eligible for tenure, nor shall time served on the Reserve Officers Training Corps staff be used in computing length of service required for tenure.

3.4 Clinical Track Nursing Faculty Appointments

- a. These appointments are appropriate for nursing faculty members with expertise, scholarship and competence in a particular area of nursing practice, and whose practical and clinical experiences contribute significantly to the university's academic endeavors. Clinical Nursing Faculty appointments are a type of term appointment and neither the initial term nor any renewals thereof lead to the granting of tenure. These appointments shall be made at the ranks defined by the criteria set forth in section 3.xx. The normal course load for clinical faculty members shall be 12 credits per semester. Faculty may complete a portion of their assignment during the summer terms preceding the academic year consistent with the demands of the curriculum.
- b. Individuals whose status is qualified by the modifier "clinical" hold appointments with a primary responsibility for clinical instruction, professional practice, and service to the university and community; clinical scholarship is also a responsibility.
- c. The initial appointment is typically made for a one year. It is renewable for a two-year period by department recommendation to the dean. Multi-year contracts do not preclude the requirement for annual faculty evaluations which are implicit in the regional and professional accreditation criteria. The faculty of the department must recommend whether to reappoint based on this annual evaluation. The Dean shall provide the Office of the Provost with the continued justification of clinical positions at the time of contract renewal. In the fall semester of the third year of appointment, the clinical track faculty shall be reviewed by the tenured faculty of the department and by the Dean following the timetable and procedures set forth for promotion and tenure. If the department and the Dean agree, the faculty member may be reappointed to a three-year contract. If this reappointment is not offered, the faculty member's term will expire at the end of the contract year. In the fall semester of the third year of a three-year contract, the faculty member will be required to undergo a rigorous review and be recommended for another three-year reappointment as in the above section. This review process shall be continued for each subsequent three-year contract. Three-year contracts can be renewed after each three-year contract expires and future three-year contracts can be granted without limit.

3.5 Faculty Associate Appointments

- a. Faculty associate appointments make provision for the appointment to the faculty of qualified practitioners in a given field for longer periods of time than term appointments allow. These appointments shall be given only to those persons whose academic background and professional activity are not of the kind which would lead to the kind of scholarly activity which the university ordinarily requires of its faculty, and whose intended service to the university is primarily as teachers of a field in which their practical experience contributes significantly to the university academic endeavors.
- b. Faculty associate appointments do not and cannot involve the granting of tenure, nor can time spent in such a position be counted toward tenure at Seton Hall University.

- c. Faculty associate appointments shall be made at the ranks of faculty associate and senior faculty associate but may be designated publicly by any title other than a title used in this document for a term, probationary, or tenured appointment.
- d. Faculty members on faculty associate appointments enjoy the full voting rights of faculty members on term appointments. The faculty member enjoys the usual faculty benefits package.
- e. The faculty of the department involved, the dean of the college, and the provost must first agree to the creation of a faculty associate position in the department. Such agreement must include a clear statement of the specific reasons for creating such a position within the department.
- f. The university's normal hiring procedures are used to fill the position. The nature of the appointment must be noted in the appropriate advertising for the position, with the clear indication that a long-term relationship with the university is possible but that tenure is not possible.
- g.
 - 1. The initial appointment is made for a one-year period and is renewable for another one-year period by mutual consent. The faculty of the department must recommend renewal or termination of the appointment by March 15 of that year.
 - 2. If after two consecutive one-year appointments the faculty of the department and the dean have recommended renewal and the provost concurs, a three-year appointment begins. In the fall semester of the third year of this appointment (fifth year of employment), the faculty associate shall be reviewed by the tenured faculty of the department, by the dean, and by the college Rank and Tenure Committee following the timetable and procedures for tenure review. If the department, the college Rank and Tenure Committee, and the dean all approve, the faculty member shall be offered a five-year contract which reiterates that this faculty associate position is not tenured nor does time spent therein count toward the acquisition of tenure.
 - 3. In the fall semester of the fifth year of a five-year contract for a faculty associate position, the faculty member shall be reviewed by the tenured faculty of the department, the dean, and the decision shall be approved by the provost. The applicant must be informed by Dec. 15. of that year. If the department and the dean approve, the faculty member shall be offered an additional five-year contract. If there is a disagreement between the department and the dean, the faculty member may appeal to the provost for further review of the application. This review process shall be continued for each subsequent five-year contract.
- h. In evaluating the performance of a faculty member in a faculty associate position, the following considerations are of primary importance:

1. The academic needs of the department and the college.
 2. The faculty member's teaching excellence.
 3. The faculty member's continuing growth as a practitioner of the appropriate discipline.
 4. The faculty member's service to the university and the community.
- i. Termination of a faculty member in a faculty associate position may occur by written notice prior to April 15 of the initial one-year appointment, or by April 15 at the conclusion of a review process. In the latter instance, a one- year nonrenewable contract shall be offered as a condition of the decision to terminate. The latter requirement shall not apply if article 3.8 of the Faculty Guide is invoked. Should article 3.8 of the guide be invoked, any multi-year contract with a faculty associate may be terminated six (6) months after written notice from the provost.
 - j. A faculty member may be promoted from the rank of faculty associate to the rank of senior faculty associate as part of any review process mandated above; this process includes the college rank and tenure committee's review and approval. This change in rank does not involve any change in rights or privileges relative to the faculty associate appointment, but can involve an increase in salary.
 - k. Because the university does not expect faculty members on faculty associate appointments to participate in traditional scholarly activity, the normal course load for such faculty members shall be fifteen (15) credits per semester. However, release time from a portion of this course load may be granted by the dean on recommendation of the department for ongoing application of the faculty member's professional expertise or for other university purposes.
 - l. In order to safeguard the university's overall scholarly activity, no more than the fewer of three (3) faculty members or one-third (1/3) of the full-time faculty members of any department shall have faculty associate appointments.

3.6 Lecturer Line

Lecturer is a type of full-time, term appointment which is renewable. This is a teaching position with no expectation of scholarship or service beyond the department and college.

The position of lecturer is a non-tenured, non-probationary appointment, and time spent in this position does not count toward tenure. Lecturers may apply for a probationary position if one becomes available.

In order to safeguard the university's overall scholarly activity, in departments with 12 or more full time faculty the total number of faculty associate and lecturer appointments may not exceed one third of the total full time faculty. In departments with fewer than 12 full time

faculty, the number of faculty associates and lecturers shall not exceed the fewer of 3 or 1/3 of the full time faculty members.

Duties and Responsibilities:

Because the university does not expect faculty members on lecturer appointments to participate in traditional scholarly activity, the normal course load for lecturer shall be twelve (12) credits - per semester. However, in special circumstances, release time from a portion of this course load may be granted by the dean on recommendation of the department with the approval of the provost, in order to help meet specific department, college, or university purposes. This release time shall not exceed 3 credits per semester.

Additionally, a Lecturer shall:

- Maintain regularly scheduled office hours on campus or virtual office hours for online courses
- Participate in the assessment of learning outcomes
- Attend department and school/college faculty meetings
- Engage in professional development activities and demonstrate growth as related to teaching and learning
- Perform other duties related to teaching, as assigned
- Provide service to the department and college

As term faculty, lecturers are eligible to vote on all department and college matters as defined by department guidelines or the Faculty Guide.

Qualifications:

A minimum of a Master's Degree Evidence of teaching excellence

Appointment:

The full time faculty of the department may make a recommendation to the dean of the college for the creation of a lecturer position. This recommendation is subject to approval by the dean and then by the provost. Such recommendation must include a clear statement of the specific reasons for creating such a position within the department. Any subsequent reappointments must be justified by the department in terms of academic need and available resources and require approval by the dean and then by the provost.

Reappointment:

The initial appointment will be made for a one-year period and may be renewable for another one-year period with approval of the majority of the tenured and probationary members of the department, the dean and then the provost. If after two consecutive one-year appointments, the tenured and probationary faculty members of the department and the dean have recommended reappointment to the position of lecturer, and the provost concurs, a one-, two, or three-year appointment begins, depending on the needs of the department, the college, and the university. This process can continue indefinitely. If there is a break in service, other than an approved leave under the Faculty Guide or other university policies, any subsequent appointment would follow the process for an initial appointment.

All reappointments, irrespective of their length, shall be by majority vote of the tenured and probationary faculty members of the department and require the approval of the dean and then the provost.

If approved for a two- or three-year appointment, in the final year of that appointment, the lecturer shall be reviewed for reappointment by the tenured and probationary faculty members of the department and the dean. If the department and the dean approve and the provost concurs, the faculty member shall be offered another one-, two, or three-year appointment, depending on the needs of the department, college and university.

Reappointment Deadlines:

During any one year term or reappointment year, the lecturer shall be reviewed by March 1, and written notification of reappointment shall be given by the dean by April 1 for the subsequent year.

If an appointment is not renewed, the current appointment shall automatically expire at the end of the academic year. There is no terminal appointment year.

Evaluation

All lecturers shall be evaluated annually no later than March 1. In an annual evaluation of the performance of a faculty member in a lecturer position, the following considerations are of primary importance:

1. The academic needs of the department and the college.
2. The faculty member's teaching excellence.
3. The faculty member's continuing growth as a practitioner of the appropriate discipline.
4. The faculty member's service to the department and college.

The department will establish criteria for reappointment in the areas of teaching and service and add these to its Tenure and Promotion Guidelines before any lecturer position for that department is approved.

Senior Lecturer:

Lecturers who have served the university for a period of at least six years/12 semesters consecutively may apply for promotion to senior lecturer according to the department criteria in its Tenure and Promotion Guidelines for that position. Promotion requires review by, and a majority vote of, the tenured members of the department and the College Rank and Tenure Committee and review and approval by the dean and the provost. Consistent with the Faculty Guide 6.2.d, a leave of absence shall not count as a part of the pre-promotion period for promotion to Senior Lecturer, unless this provision is waived in writing by the individual and the Provost. Appointments and reappointments as senior lecturer follow the same rules as lecturer appointments.

3.7 Summer/May Intersession Appointments

Appointments to the faculty do not normally include the various summer and May intersession sessions offered at the university. The university is not obligated to offer the faculty member summer/winter session assignments nor is the faculty member obligated to accept summer/winter session assignments. In offering such session assignments, the university shall give preference to full-time faculty members.

3.8 Resignations

A faculty member may terminate his/her appointment effective at the end of an academic year, provided notice is given in writing at the earliest possible opportunity, but no later than thirty (30) days after receiving notification of the terms of his/her appointment for the coming year, whichever date occurs later. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he/she would otherwise be denied substantial professional advancement or other opportunity. Notification of resignation or of a waiver request shall be submitted in writing to the appropriate dean.

3.9 Dismissals

- a. Termination of a term, probationary, or faculty associate appointment before its specified end, or termination of an appointment with tenure shall be effected by the university only for adequate cause.
- b. Adequate cause for a dismissal shall be related directly and substantially to the fitness of the faculty member in his/her professional capacity as a teacher or researcher. The burden of proof that adequate cause exists rests with the university. Such a termination shall not be used to restrain a faculty member in the exercise of academic freedom or other rights of American citizens.

Dismissal proceedings may be instituted only for one or more of the following reasons:

1. teaching incompetence;
2. continued neglect of scheduled academic duties in spite of written warnings;
3. serious violation of the rights and freedoms of fellow faculty members, administrators, or students;
4. conviction of a crime directly related to the faculty member's fitness to practice his/her profession;
5. falsification of credentials or academic experience;
6. loss of required professional licensure;
7. serious act or acts of academic dishonesty as defined in Article 7.1(e).

- c. Dismissal of a faculty member with tenure, or the termination of a term, probationary, or faculty associate appointment before the end of a specified term shall be preceded by:
1. discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement. The faculty member may be suspended with pay, or assigned other duties in lieu of suspension, if immediate harm to the faculty member or others is threatened by continuance;
 2. an informal inquiry by the elected Faculty Grievance Committee, which ceases if and when a statement of charges is provided by the provost;
 3. a statement of charges, framed with reasonable particularity by the provost or his delegate.
- d. The faculty member shall have thirty (30) calendar days after receipt of a certified letter to respond to the statement of charges. In this response, the faculty member may elect to have the university's statement of charges reviewed by an elected faculty committee. This committee shall consist of five full-time tenured faculty members. Members deeming themselves disqualified for bias or conflict of interest shall remove themselves from the case, either at the request of a party or on their own initiative. The charged faculty member and the provost each shall have two preemptory challenges. The committee shall adopt by-laws which are consistent with the 1958 "Statement on Procedural Standards in Faculty Dismissal Proceedings" approved by the AAUP. Should these temporary by-laws adopted by this ad hoc committee conflict with this guide, in this instance the guide shall prevail. In the conduct of its investigation, the committee shall enjoy the full cooperation of the University Administration and of the faculty member under review, with access to all documentation relevant to the issues relating to the dismissal proceedings, consistent with rights of privacy and other legal rights. Because each matter is unique, access to documentation will be evaluated on a case-by-case basis, taking into consideration the individual circumstances of each matter and the parties' rights under those circumstances. This committee shall have thirty (30) calendar days to make its report and recommendations to the provost.
- e. After considering the faculty member's response and, if applicable, the committee report, the provost shall inform the faculty member and the committee in writing of his/her decision. If the provost's decision is counter to the committee's recommendation, the provost shall state in writing his/her reasons for so doing, and shall provide opportunity for response.
- f. A decision by the provost to dismiss a faculty member with a term, probationary, or faculty associate appointment before the end of a specified term, or to impose a less severe sanction (except for suspension with pay or written reprimand) may be appealed to the president. Such an appeal must be filed with the president within thirty (30) calendar days after the faculty member has received notice of said decision.

- g. A decision by the provost to dismiss a faculty member with tenure or to impose a less severe sanction (except for suspension with pay or written reprimand) may be appealed to the Board of Regents.

3.10 Terminations of Tenured Appointments by the University

- a. Termination of tenured appointments by the university, other than dismissal for cause, shall occur only from one or both of the following two circumstances:
 - 1. A decision to reduce or terminate a program or a faculty position through program review procedures initially undertaken by the faculty of the college or unit.
 - 2. A decision to reduce or terminate a program or a faculty position because of unforeseen, severe, drastic, or emergency institutional situations.
- b. It is understood that any reduction in force shall first take place from among nontenured faculty using existing procedures for nonrenewal, including notification dates.
- c. With the consent of the faculty member, early retirement may be arranged as an alternative to any of the steps described in 3.8d below.
- d. If it is determined that no alternative to further reduction in force is possible, the steps below shall be followed in order, as applicable, before termination of the appointment of a tenured member.
 - 1. Shared load between disciplines, department, college. Whenever possible, an affected full-time faculty member shall be given the opportunity to complete a full teaching load by teaching in his/her area of demonstrated competence in another department or college. The procedures for a joint appointment shall be applied in this instance.
 - 2. Reappointment to another department or college. Prior to actual termination of any tenured faculty member, a good-faith effort shall be made to place that faculty member in another department or college of the university, provided that the faculty member can be assigned courses which he/she is demonstrably qualified to teach, and provided that the reappointment of the faculty member is acceptable to the receiving department or college. The procedures for a joint appointment shall be applied in this instance.
 - 3. Supplementation of teaching with nonteaching duties. Whenever possible, an affected full-time faculty member shall be offered suitable, useful, and available nonteaching duties to complete a full load. In no case shall such

nonteaching assignment carry a teaching load equivalent of more than twelve (12) credit hours per academic year.

4. Shared teaching with other institutions. The university shall cooperate with affected faculty members in their seeking either shared or full-time appointments in other accredited institutions of higher learning.
 5. Reduced load with proportionate reduction of compensation. Where available, the affected tenured faculty member shall have the opportunity to accept a reduced load without loss of tenure or fringe benefits, but with a proportionate reduction of salary and university contributions to retirement.
 6. Transfer to a nonteaching position. If it is not possible to retain a tenured faculty member in a teaching position, the university shall attempt to place the faculty member in a university nonteaching position for which he/she is qualified with an appropriate adjustment in salary, provided that such placement does not adversely affect existing administrative or professional staff. While in this position, the faculty member shall retain tenure as a faculty member.
- e. When termination becomes necessary, the procedures below shall be followed:
1. The department shall initiate recommendations based on criteria of seniority (as defined by the date of hire to full-time faculty membership) giving due regard to the academic necessity of providing specialists in the relevant subdisciplines.
 2. Primary consideration shall be given to the responsibility to offer an appropriate range of courses and services despite reduction.
 3. When individuals fulfill the same disciplinary needs in a department, seniority shall prevail. Seniority shall be based on the date of the initial appointment to full-time with the university if subsequent service has been continuous (including authorized leaves of absence but specifically excluding those leaves taken to assume administrative positions). Those who resign from the university and are reappointed later shall count seniority from the time of reappointment.
- f. A terminated tenured faculty member shall continue to be employed by the university for one academic year following the academic year in which written notice is given.

3.11 Rights of Terminated Tenured Faculty Members

- a. Tenured faculty who are terminated, other than dismissal for cause, shall have recall rights for an available departmental position for a period of four (4) years from the date of written notice of termination. No new full-time faculty member shall be hired for a teaching position in the same area of competence in the department as long as the terminated faculty member retains recall rights. If more than one faculty member is

found to have recall rights within the same area of competence, seniority shall prevail. Recalled faculty members shall have tenure and rank reinstated and shall have the time of termination counted in total years of service for purposes of seniority.

- b. If a faculty member is recalled and fails to respond in writing within sixty (60) calendar days after receipt of written recall, the faculty member is deemed to have forfeited recall rights.
- c. In all cases of termination under article 3.8, the facilities of the university may continue to be utilized free of charge by the faculty member in seeking employment elsewhere.

ARTICLE 4

APPOINTMENT, PROMOTION, AND TENURE STANDARDS

In considering an applicant for appointment, promotion, and tenure, all parties involved shall evaluate the application with reference to the criteria for the rank for which application is made. Although the criteria for tenure are identical to the criteria for associate professor, an additional consideration for tenure must be the needs of the department or college, including prospective enrollment in the program in which the applicant teaches.

In general, work performed before coming to the university is the basis for appointment, work performed after the appointment is the basis for the first promotion, and work performed after a previous promotion is the basis for the next promotion.

It is expected that each department that evaluates an application for promotion or tenure shall have a clear statement of research and publication expectations on file in the Dean and Provost's office. The department shall forward with the application a precise and detailed statement on the attributes of the applicant as a teacher, scholar, and contributor to the university, the profession, and the community. The quality of scholarship, concern, and enthusiasm for teaching, relations with students, specific contributions to departmental, college, and university affairs, and leadership in the community should be included in the departmental evaluation and recommendation. The failure of the department or chairperson to submit timely evaluations regarding tenure or promotion shall not prevent the review process from continuing. At any point following the departmental recommendation, evaluators are encouraged to contact professional colleagues outside the university to assist in the consideration of the quality of the scholarship.

Those concerned with making recommendations shall consider a faculty member's qualifications, teaching effectiveness or professional effectiveness, scholarship (including research and applied research) or other creative work, and service to the university, the profession, and the community, as more particularly set forth below.

- 4.1 Teaching Effectiveness (applicable only to teaching faculty). Evidence of teaching effectiveness which may be submitted with the application includes but is not limited to:
- a. Applicant's statement of teaching objectives and significant teaching activities.
 - b. Samples of instructional materials such as syllabi, lab manuals, or other materials developed by the instructor for use by students in courses. Applicants do not need to include all instructional materials, but effective documentation requires a good sampling of materials from lower and upper division courses and, where appropriate, graduate courses.
 - c. Evaluation and grading methods -- a statement on the use of examinations and papers and other instruments as a means of determining student success in handling the materials in the course. The relationship between testing and the objectives of the

course should be emphasized and the applicant should indicate whether he/she comments on examinations and papers when they are returned to students.

- d. Records of supervision of independent study courses, honors theses, graduate theses and dissertations, field trips, internships, clinical supervision, and practica.
 - e. Development of new courses or labs, or new approaches to teaching.
 - f. Formal student evaluations of teaching.
 - g. Classroom observation by the chairperson and/or by senior faculty members delegated to that task by the chairperson. The applicant and the observers shall agree beforehand on the date for the observation and the characteristics to be observed.
 - h. Publication of books or articles on teaching methods.
 - i. Enrollment in courses or programs designed to improve teaching or to broaden one's expertise.
- 4.2 Professional Effectiveness (applicable only to professional librarians). Evidence of professional effectiveness which may be submitted with the application includes but is not limited to:
- a. Evidence of effectiveness in the development and use of library resources for undergraduate, graduate, and research programs.
 - 1. Developing and building the library collection.
 - 2. Skillful interpretation of the users' needs and the retrieval of bibliographic information to meet those needs.
 - 3. Teaching activity, either direct or indirect, of groups or individuals, e.g., teaching formal classes, orientation lectures, aiding students in finding and using information sources, aiding faculty colleagues in using library resources effectively to supplement and enrich the classroom experience.
 - 4. Continuing education: additional degrees, diplomas, certificates, or a substantial number of credit hours at the graduate level beyond the required two master's degrees.
 - 5. Internships, consultancies, mentoring student theses, or evaluating library or academic programs.

- b. Evidence of efficiency in the performance of library or technical operations supporting instructional and research programs.
 - 1. The ability and skill to search for and organize bibliographic data in order to achieve accuracy and consistency in maintaining records, e.g., the card catalogue, serial records, etc.
 - 2. Efficiency of work organization.
 - 3. Bibliographic servicing of the collection by the Reference, Serials, Cataloguing, Curriculum, and Order Departments.
- c. Where applicable, responsibilities for department or programs.
- d. Evaluation of performance by senior faculty members and the Dean of the University Libraries or his designate.

4.3 Scholarship, including Research or other Creative Work

- a. Evidence shall include, but not be limited to: lectures and papers presented to professional organizations, articles in professional journals, books, personal research grants, commissions, awards, applied research, bibliographic research, manuscripts, scripts, manuals, works of art, public performances, audio or video tapes, films, computer software, multimedia presentation and emerging forms of information technology.
- b. The applicant shall document this scholarship by submitting full bibliographic detail. A copy of each publication or other research or creative material shall be submitted along with any evaluations by colleagues, reviews, citations, awards, and other forms of scholarly recognition. Manuscripts accepted for publication must be accompanied by a letter of acceptance from the publisher. Completed research that is not yet accepted may not be listed under publications. The applicant shall clearly distinguish research in progress from publication.
- c. In evaluating the merits of research or other creative work, greater weight shall be given to original authorship than to editorial work, to articles in refereed journals than in nonrefereed journals, to nonrefereed journals than to self-published or unpublished materials. In cases of multiple authorship, the extent of the applicant's role shall be determined.

4.4 Service to the University, the Profession, and the Community

Service, whether the service is compensated or not, includes but is not limited to the following. In all cases, specific documentation of the activities performed and contributions should be provided.

- a. Service to the university
 - 1. Service to students such as serving as faculty moderator of a student activity or engaging in extra-academic activities with students.
 - 2. Service to the faculty such as serving on departmental, college or Faculty Senate committees, task forces or faculty governance bodies.
 - 3. Service to the university such as serving as department chair or program director, or serving on university-wide task forces for committees.
- b. Service to the profession. Membership, offices and positions held in professional organizations; contributing consultative, advisory, or editorial service in a professional capacity.
- c. Service to the community. Lectures, panel discussions, membership on advisory boards or civic committees; involvement in community, political, or charitable organizations; services to religious bodies or to government.

4.5 Criteria for Academic Ranks (applicable only to teaching faculty)

- a. Instructor. A master's degree or its equivalent in an appropriate field from an accredited institution, and evidence of potential for effective teaching either as attested by recommendations or by documented success in teaching.
- b. Assistant Professor. A doctoral degree or the commonly accepted terminal degree for that discipline or field from an accredited institution; evidence of teaching effectiveness or potential to teach effectively; evidence of research or potential to do research.
- c. Associate Professor. In addition to the credentials for assistant professor: four (4) years of full-time college or university teaching experience, evidence of teaching excellence, scholarly publication, research, or other creative work in the appropriate discipline or field; service to the university, the profession, or the community. Unlike the two lower ranks, promotion to this rank rests on proven ability and accomplishments. In exceptional cases, the university may waive teaching experience for an initial appointment at this rank.
- d. Professor. In addition to the credentials for associate professor: four (4) years of full-time college or university teaching experience; demonstrated professional recognition of meritorious publications, research, or other creative work; continued and consistent excellence in teaching; service and leadership in the university, the profession or the community. In exceptional cases, the university may waive teaching experience for an initial appointment at this rank.

- e. The criteria for tenure are identical to the criteria for associate professor except that an additional consideration for tenure must be the needs of the department or college.
- f. Subject to the provost's approval, the faculty of a department or college may adopt additional criteria for rank.

4.6 Criteria for Academic Ranks—Clinical Nursing Faculty*

- a. Clinical Instructor Qualifications for appointment
 1. Licensed (unrestricted) to practice nursing in the State of New Jersey. Master's degree in field of nursing specialty.
 2. Experience of at least 4 years in clinical specialty area.
- b. Clinical Assistant Professor Qualifications for appointment
 1. Licensed (unrestricted) to practice nursing in the State of New Jersey.
 2. Master's degree in nursing specialty, and an earned terminal doctoral degree in Nursing; either PhD or DNP.
 3. Certification in nursing specialty.
 4. Publications in peer-reviewed journals; clinical, professional, and/or research journals are desirable.
 5. A minimum of two years teaching experience.
- c. Clinical Associate Professor Qualifications for Appointment
 1. Licensed (unrestricted) to practice nursing in the State of New Jersey.
 2. A master's degree in nursing specialty and an earned terminal degree in Nursing; either PhD or DNP.
 3. Certification in nursing specialty.
 4. Evidence of professional leadership.
 5. Progressive record of publications in peer-reviewed journals. A minimum of four years teaching experience.

* The application process and guidelines for the granting of promotion are identical to the process for promotion of tenure-track and tenured faculty as described in Article 5.

- d. Clinical Professor Qualification for appointment
1. Licensed (unrestricted) to practice nursing in the State of New Jersey.
 2. A master's degree in nursing specialty, and an earned terminal doctoral degree in Nursing; either PhD or DNP.
 3. Certification in nursing specialty.
 4. National and/or international leadership in clinical specialty area.
 5. Progressive record of publications in peer-reviewed journals.
 6. A minimum of six years of teaching experience.

Voting privileges are specified in the College of Nursing By-Laws.

4.7 Criteria for Academic Ranks -- University Library

- a. Librarian IV (Instructor). An M.L.S. from an accredited institution and evidence of potential for professional effectiveness.
- b. Librarian III (Assistant Professor). In addition to the credentials for librarian IV: a master's degree in a subject or disciplinary field from an accredited institution; evidence of professional effectiveness or the potential for same; evidence of scholarship or the potential for same.
- c. Librarian II (Associate Professor). In addition to the credentials for librarian III: four (4) years of full-time library service at the college or university level; a documented record of professional effectiveness and of scholarly activity; a documented record of service to the university, the profession, and/or the community. Unlike the two lower ranks, promotion or appointment to this rank rests on proven ability and accomplishments.
- d. Librarian I (Professor). In addition to the credentials for librarian II: four (4) years of full-time library service at the college or university level; a continuing and consistent record of excellence in professional effectiveness and of leadership in the university, the profession, or the community; demonstrated professional recognition of meritorious publications, research, or other creative work.
- e. The criteria for tenure are identical to the criteria for librarian II except that an additional consideration for tenure must be the needs of the library.

4.8 Substitutions for Doctoral Degrees

- a. Outstanding scholarship may be substituted for the terminal degree.
- b. For those faculty members in the W. Paul Stillman School of Business who teach business law or legal environment, the JD degree may be substituted for a doctoral degree. For those faculty in the W. Paul Stillman School of Business who teach taxation subjects, (1) the LLM in taxation degree and the CPA or CMA certification or (2) the JD degree and a business or accounting master's degree with a concentration in taxation may be substituted for a doctoral degree. In the field of accounting a CPA, in addition to a master's degree in an appropriate field, may be substituted for a doctoral degree as part of the minimum requirement for the rank of associate or assistant professor for faculty employed prior to September 1977.
- c. For the library faculty, in addition to a master's degree in library science, an additional master's degree from an accredited institution in an appropriate field is a substitute for a doctoral degree.

ARTICLE 5

PROMOTION AND TENURE PROCEDURES

5.1 Application Process

- a. Each candidate for promotion or tenure shall make written application, with documentation, but this shall not preclude deans or departments from initiating their own yearly review procedures of their faculty members and from making recommendations.
- b. All applications for promotion and tenure must be submitted on appropriate forms provided by the university. The application must include a table of contents listing every item submitted by the applicant. Additions to and subtractions from the dossier may be made only with the written consent of the applicant and for good and sufficient reason.
- c. Applications for promotion to the rank of assistant professor may be submitted at any time but such promotion, if approved, shall not become effective until September 1 of the succeeding academic year unless the faculty member's contract provides otherwise. Such applications shall be submitted to the department (or, in colleges without departments, to the dean). The department shall submit its recommendation to the dean whose decision, if favorable, is final. An applicant may appeal an unfavorable decision to the provost.
- d. All applications for promotion to the ranks of associate professor, professor, and for tenure are initially submitted to the department and, after departmental review and recommendation, to the dean. The failure of the department or chairperson to submit timely evaluations regarding tenure or promotion shall not prevent the review process from continuing. In colleges without departments, applications are submitted directly to the dean.
- e. Applications shall be submitted to the department by October 1 and to the dean by November 1. In the case of a recommendation for initial appointment of a faculty member with tenure, the deadlines for submission of an application and for review by committees and administrators may be extended and/or expedited. In such instances, the provost in consultation with the appropriate committee chairs and administrators shall determine the applicable deadlines for their respective determinations and/or actions.
- f. The dean shall convene the Rank and Tenure Committee (see section 5.4) of the college, provide pertinent information, and answer any questions from committee members. Thereafter, the dean shall be excused from the deliberations and the committee shall proceed to its review and recommendations of individual applicants. (See also 5.5e)

- g. Each Rank and Tenure Committee shall submit its recommendations to the provost on or before December 15.
- h. Each dean shall submit a separate recommendation to the provost on or before December 15.
- i. The provost shall convene the University Rank and Tenure Committee not later than December 20 (see section 5.4) and answer any questions from committee members. Thereafter, the provost shall be excused from the deliberations and the committee shall proceed to its review of individual applicants.
- j. The University Rank and Tenure Committee shall make its recommendations to the provost on or before March 1. The candidate may submit a supplementary statement, but not additional documentation, to the provost on or before March 15.
- k. The provost or his designee shall notify each applicant of his action on the application by April 1. Applications positively endorsed by the provost are forwarded to the Board of Regents for final approval. Applications denied by the provost are not so forwarded. (See 5.1n below.)
- l. Each applicant shall be notified of the action of the Board of Regents by April 30.
- m. If the decision of the Board of Regents on promotion or tenure is favorable, the effective date of such promotion or appointment with tenure is September 1 of the following academic year.
- n. Should an application for tenure or promotion be denied by the provost on its merits, the decision of the provost is appealable to the president PROVIDED that the application had been positively recommended by majority vote of the University Rank and Tenure Committee. The appeal must be made by letter addressed to the president within 15 days of receipt of notice of denial.
- o. Should a decision favorable to the candidate be reached on appeal to the president and subsequently approved by the Board of Regents, the effective date of promotion or appointment with tenure is September 1 of the academic year succeeding that in which the application was filed, regardless of the date on which the decision is reached.

5.2 Withdrawal

- a. An applicant has the right to withdraw an application for promotion at any stage of the process.
- b. An applicant may not withdraw from a mandatory tenure review without submitting a written letter of resignation from the university to be effective no later than the end of the current academic year.

- c. An applicant who requests or agrees to a tenure review prior to the year of mandatory tenure review may withdraw the application at any stage of the process.
- d. All requests for withdrawal shall be in writing. The record of the stages of the process which were enjoined, the results of these stages, and the fact of withdrawal shall be placed in the faculty member's official personnel file.

5.3 Notification

- a. At each step of the process the respective body or individual -- department, college Rank and Tenure Committee, dean, University Rank and Tenure Committee -- shall simultaneously inform the applicant and all appropriate parties in writing of the recommendations. The respective body or individual shall inform the applicant in writing of the reason(s) for the recommendation.
- b. Notification shall be effective if personally delivered to the faculty member or if sent by certified mail postmarked by the date specified. The certified letter shall be sent to the faculty member's residence as reported to Human Resources.

5.4 Composition of Rank and Tenure Committees

- a. Composition of a college Rank and Tenure committee is determined by the faculty of the school, but in no case shall any member of a college Rank and Tenure Committee hold a probationary appointment, vote on a promotion to a rank higher than his/her own rank, vote on his/her own promotion, or have a conflict of interest. The faculty of each college shall adopt by-laws governing the conduct of the college Rank and Tenure Committee; a copy of the by-laws shall be on file in the Office of the provost and shall be made available to the University Rank and Tenure Committee.
- b. The University Rank and Tenure Committee shall consist of eleven (11) tenured faculty members holding the rank of professor. Each of the constituent schools of the university in which tenure is granted must be represented on the committee and (3) of its members shall hold tenured rank in the College of Arts and Sciences, two (2) of its members shall hold tenured rank in the W. Paul Stillman School of Business, and two (2) of its members shall hold tenured rank in the College of Education and Human Services. If a college or school has fewer than five (5) faculty holding professorial rank, then a tenured faculty member with the next highest rank shall be eligible to serve on the University Rank and Tenure Committee and have rights equal to those of the other members. Members shall be appointed by the provost of the university for staggered two-year terms. No faculty member shall serve more than once on the committee until all other eligible faculty members from the appropriate college have served on this committee. No faculty member shall serve on this committee while serving on a college Rank and Tenure Committee during a single academic year. This committee shall elect one of its members as chairperson. The provost shall appoint a secretary to this committee, who shall have no vote and who shall not hold faculty rank.

5.5 General Requirements

- a. All promotion and tenure committees shall keep records of their proceedings, which records shall include a tabulation of all formal votes taken. These records shall be kept by the responsible administrator at each level (department chairperson, dean, provost) for a period of six (6) years following the date fixed for regents' notification (April 30), after which they shall be destroyed.
- b. The applicant has the right to make a personal appearance and presentation to the dean, and to the department, college, and university Rank and Tenure Committees. This right may be waived, but such waiver must be in writing.
- c. At each level, voting shall be by secret written ballot. All eligible committee members shall vote either positively or negatively on each application, except for a clear conflict of interest. All eligible committee members shall also include a simple statement of reasons for their votes. A compendium of these statements shall be included in the record.
- d. Department guidelines for promotion/tenure that include a statement of research and publication expectations, must be committed to writing after formal departmental approval, and copies of same must be provided to all probationary and tenured faculty at the time of appointment. Such guideline shall include guidelines for voting procedures for promotion to full professor when there are no faculty of that rank in the department.
- e. Written documents shall be the primary evidence considered at all levels in the promotion/tenure process. College Rank and Tenure Committees and the University Rank and Tenure Committee may, during the course of their deliberations, invite the responsible official(s) at each level (department chairperson/dean/provost) to present evaluative statements and/or respond to questions. The record shall summarize these statements/responses.
- f. The University Rank and Tenure Committee shall adopt by-laws which shall be made available to members of the faculty.

ARTICLE 6

LEAVES

Full-time members of the faculty are eligible, consistent with provisions of this article, to apply for sabbatical leaves, unpaid leaves of absence, medical leaves, leaves for political activity, government service, military service, and jury duty.

6.1 Sabbatical Leaves

The major purpose of a sabbatical leave is to provide the opportunity for continued professional growth and new or renewed intellectual achievement through study, research, scholarly writing, or professionally related travel. The number of sabbatical leaves awarded each year shall depend upon the university's financial ability to meet its continuing obligation to provide a balanced, quality academic program to its student body.

a. Eligibility.

1. All full-time members of the faculty have the right to apply for sabbatical leave for each period of six (6) years of full-time faculty service with the university, exclusive of time on leave.
2. Ordinarily, a faculty member shall take sabbatical leave in the seventh, fourteenth, twenty-first, etc. year with the university.
3. If a sabbatical is taken with more than six years of credited full-time faculty service, those years in excess of six years are credited toward the eligibility requirement for the subsequent sabbatical. There must, however, be a minimum of four (4) years between the taking of sabbatical leaves.
4. Probationary faculty members are not eligible for sabbatical leave.
5. Up to two (2) years of faculty service at another accredited institution of higher learning at an unqualified rank may be credited in the letter of appointment toward a faculty member's application for sabbatical leave.

b. Application and granting procedure

1. Every applicant must apply for sabbatical leave on forms provided by the Office of the Provost.
2. Every applicant must state the purpose, as specifically as possible, in applying for sabbatical leave.

3. Every application must state that the applicant shall continue to serve for at least one (1) year after expiration of the term of the leave unless this provision is waived in writing by the provost.
4. Applications must be submitted by October 1 of the year preceding the academic year in which the leave is to be taken (1) to the department Chairperson in the Colleges of Arts and Sciences, Education and Human Services, Nursing, School of Diplomacy and International Relations, and in the W. Paul Stillman School of Business; (2) to the elected standing committees in the Walsh Library. Recommendations based upon a majority vote of the total full-time faculty members in the department and/or committee holding tenured appointments, and probationary faculty, plus faculty associates and term faculty members with two academic years of service completed, are submitted to the dean of the respective college no later than November 1. Deans shall submit their recommendations to the provost by December 1. The provost shall take action on applications by the tenured faculty before January 15. The provost shall not take action on any application by a faculty member who has also applied for tenure until a final affirmative tenure decision is rendered.
5. At each step of the process the respective body or individual shall inform the applicant and all appropriate parties (department chairpersons, committee chairpersons, dean, provost), in writing, of the recommendations made.
6. The applicant has the right to appeal from the department, and, in the library, from the committee to the dean, and also from the dean to the provost. Should an application for sabbatical leave be denied by the provost on its merits, after approval by the department and dean (or the dean in the absence of departments), the decision of the provost is appealable to the president of the university.
7. The department, college, or library endorsement must state that the work of the department, college, or library in which the applicant serves can be so arranged as to be carried forward effectively during the period of the leave. An endorsement should not be contingent upon replacing the applicant during the leave. If the sabbatical is rejected on grounds that a particular applicant's services are necessary, such an application shall not be rejected in a succeeding year on those grounds, nor shall this rejection prejudice the faculty member's eligibility under 6.1a.

c. Criteria for selection

Every participant involved shall consider the advantages of such leave to the applicant and to the university. Primary consideration shall be given to the academic potential of the faculty member's proposal in terms of its contribution to the discipline, the intellectual development of the individual, or to the strengthening of the department or

the university. A faculty member's choice of a one-semester or one-year sabbatical is not a criterion for selection.

- d. Compensation and Expenses
 - 1. Salary payments during sabbatical leave shall be three-quarters (3/4) pay if the leave is for one (1) year, and full pay if the leave is for one-half (1/2) year. Salary payments are calculated only on the faculty member's base salary.
 - 2. The granting of sabbatical leave shall not affect the applicant's tenure or any salary increment for which the applicant may be otherwise qualified.
 - 3. A faculty member on sabbatical leave shall be entitled to the continuation of pension and other fringe benefits provided by the university.
 - 4. A faculty member on sabbatical leave may accept remunerated employment only with the written approval of the provost.
 - 5. A faculty member whose application has been finally approved may compete for University-funded travel and research money in conjunction with her/his sabbatical project.
- e. At the conclusion of a sabbatical leave, the faculty member shall forward to the departmental chairperson, the dean and the provost copies of a report of his/her activities during the period of the leave.

6.2 Leaves of Absence

All full-time faculty members may apply for the following leaves of absence: (1) professional development of the faculty member, and (2) the protection and/or recovery of health, including family emergencies..

- a. The procedures for application and granting of a leave of absence are identical to the procedures described in the section 6.1b on sabbatical leave except that required deadlines may be waived in unusual circumstances, as when an applicant's leave depends upon approval by a grant external to the university such as a foundation grant or national fellowship.
- b. Leaves for the protection and/or recovery of health are frequently extraordinary requests and shall be expedited.
- c. In special circumstances ordinary leaves of absence may be granted with compensation.
- d. For faculty members without tenure, a leave of absence shall not count as a part of the probationary period (see article 3) unless this provision is waived in writing by the individual and the provost.

- e. Where it enhances the professional development of the faculty member, a leave of absence may be granted for the purpose of taking up temporary employment elsewhere.
- f. The continuation of the university's contribution to fringe benefits during the leave of absence shall depend upon the circumstances of the leave, and the precise status of the faculty member's benefits shall be stated in writing by the provost in the letter approving the leave of absence. If the university does not continue its contribution, faculty members have the option to maintain any or all of their fringe benefits at their expense during the leave of absence.

A faculty member on leave of absence for reasons of health, or to participate in a fellowship or a professional program (except when pursuing an advanced degree) shall have fringe benefits paid by the university during this leave of absence.

- g. The maximum period that may be spent on any single leave of absence is two (2) calendar years. The failure of any faculty member, with tenured or probationary appointment, to return to his/her full-time appointment after the agreed upon leave shall result in termination of the appointment. The dean shall notify the faculty member in writing of the requirement to return, at least one-hundred and twenty (120) days before the scheduled termination of the leave.

6.3 Medical Leaves

A faculty member who is unable to work because of illness or disablement for one (1) to ten (10) academic calendar days must notify the department chairperson (or, where applicable, the dean) of the reason for the absence and its estimated duration. It is expected that, as a matter of professional courtesy, faculty colleagues shall substitute for absent members in teaching and other assignments without receiving additional compensation. Where this is not possible, faculty shall be expected to make up any missed classes as soon as possible upon returning to work.

- a. A faculty member who is unable to work for more than two (2) weeks (ten (10) academic calendar days) because of illness or disablement shall be granted a leave of absence in accordance with the following procedures and conditions:
 - 1. Within these two (2) weeks the member is expected to notify, or cause to be notified as promptly as possible, the department chairperson (or equivalent officer) of the member's illness or disablement and to provide the department chairperson (or equivalent officer) with a physician's certificate indicating the date of the inception, nature, and estimated duration of the illness or disability. When a faculty member knows in advance of an expected absence due to illness or disablement, the member shall notify the department chairperson (or equivalent officer) at once.

2. Upon receiving the physician's certificate, the department chairperson (or equivalent officer) shall transmit the certificate to the provost through the dean for leave approval.
3. The leave shall be approved by the provost and shall take effect two (2) weeks after the date of inception of the illness or disability and shall extend for the duration of the disability as attested by the member's physician or six (6) months, whichever is shorter. Human Resources shall provide the member with a summary of medical benefits.
4. Paragraph 6.3a.3 notwithstanding, a faculty member who is absent from teaching duties for more than four (4) weeks (twenty (20) academic calendar days) shall not resume teaching duties for the remainder of the semester in which the illness or disability occurred, but may be assigned other duties. Full salary shall be resumed upon return to university service.

b. Disability compensation

1. A faculty member in the first year of service at the university shall receive an amount equal to the difference between the temporary disability insurance payments to which the member is entitled and the member's base contract salary for one month. Employment shall terminate after an uninterrupted absence due to illness or disablement of more than three (3) months.
2. A faculty member who has from two (2) to ten (10) years of service at the university shall receive for two (2) months an amount equal to the difference between the temporary disability payments to which the member is entitled and the member's base contract salary. For an additional period of leave of up to four (4) months in each academic year, such faculty members shall receive 60 percent of their base contract salary (disability plus university payments). A faculty member who has from ten (10) to 15 years of service at the university shall receive for four (4) months an amount equal to the difference between the temporary disability payments to which the member is entitled and the member's base contract salary. For an additional period of leave of up to two (2) months in each academic year, such faculty members shall receive 60 percent of their base contract salary (disability plus university payments). A faculty member who has 15 or more years of service at the university shall receive for six (6) months an amount equal to the difference between temporary disability payments to which the member is entitled and the member's base contract salary.
3. In the event a faculty member continues to be disabled after being on medical leave for six (6) months, the member, if declared eligible by the university's insurance carrier, shall be entitled to benefits under the university's total disability plan. In addition, the university shall pay the tenured faculty member's health program premiums for the duration of the disability or until

retirement. For faculty members on term or probationary appointment, the university shall pay health program premiums until the expiration of the contract.

Members of the full-time tenured faculty, ineligible for total disability, shall be placed on an unpaid leave of absence for one (1) year but shall have health program premiums for which they are eligible paid by the university during this period. In the event such a faculty member continues to be disabled after that period the university's obligations to such faculty member shall cease.

- c. Upon return from a medical leave, the faculty member shall submit to the department chairperson (or equivalent officer) a physician's statement certifying that the member has recovered and can resume normal duties without restriction. The university may, at its option, refer the faculty member to a physician mutually agreeable to the university and the faculty member for an examination prior to the member's resumption of duties. The findings of such a physician with regard to the member's ability to return to work shall be conclusive.
- d. Medical leaves in excess of six (6) months shall not be counted toward the probationary period for tenure.
- e. The provisions of medical leave (section 6.3) shall apply in all respects to a faculty member's illness or disablement caused or contributed to by pregnancy, childbirth and/or recovery therefrom.
- f. The provisions of medical leave (section 6.3) shall apply in all respects to a faculty member's illness or disablement caused or contributed to while working at the university. Such illness or injury is covered by the University's Workers Compensation and Employer's Liability Policy. All injuries in the performance of duties must be reported immediately to Human Resources. Human Resources shall prepare the proper worker's compensation form which is required in order to qualify for benefits.

6.4 Leaves for Political Activity and Governmental Service

Faculty members, as citizens, are free to engage in political activities. Leaves may be granted for political activity and governmental service in accord with procedures established in section 6.2. Where appropriate, such requests shall be expedited. The terms of each leave of absence shall be written, and any leave shall not affect unfavorably the tenure status of a faculty member except that such leave shall not count as probationary service toward acquisition of tenure.

6.5 Leaves for Jury Duty

The university reserves the right to seek a delay in jury service to a time that shall not interfere with the faculty member's class or academic schedule. If the delay is not granted, the university shall provide substitutes and continue the faculty member with full salary and fringe benefits

during the term of jury duty. A faculty member notified of jury duty is obligated immediately to inform his/her chairperson or, where appropriate, dean.

6.6 Leaves for Military Service

If a faculty member is called to active duty in the armed forces of the United States, the leave shall not affect the member's faculty status except that such a leave shall not count as service for the acquisition of tenure.

ARTICLE 7

FACULTY RIGHTS AND RESPONSIBILITIES

7.1 Academic Freedom

- a. All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 "Statement of Principles on Academic Freedom and Tenure" formulated by the Association of American Colleges and the American Association of University Professors.
- b. Academic freedom is essential to the purposes of the university and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in teaching is fundamental for the protection of the rights of the teacher and of the student.
- c. Faculty members are entitled to freedom in discussing their subjects. They should be careful not to introduce into the classroom matter which does not contribute to student understanding of the course for which the faculty member has responsibility.
- d. When faculty members speak or write they are free from university censorship, but their special position in the community imposes special obligations. As scholars and members of the university, they should remember that the public may judge their profession and the university by their remarks. Therefore, they should at all times endeavor to be accurate, to exercise appropriate restraint, and to show respect for the opinions of others. While properly identifying themselves to outside audiences, they should not purport to function as institutional spokespersons unless specifically commissioned to serve in such a capacity.
- e. Faculty members' primary responsibility to their subject(s) is to seek and to state the truth as they see it. They are expected to devote their energy to develop and improve their scholarly competence. They are obligated to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice academic honesty. The definition of 1) what constitutes academic dishonesty, 2) its levels of severity, and 3) the procedures for determining its existence and possible consequences in individual cases are to be determined by the Faculty Senate with the approval of the Provost and published to the faculty.
- f. As teachers, faculty members encourage the free pursuit of learning in their students and protect student academic freedom. They foster honest academic conduct and, on their part, provide equitable evaluations of student performance. They respect the confidential nature of the relationship between faculty member and student. They acknowledge significant assistance from students and avoid any exploitation of students for their own private advantage.

- g. When a student has a grievance, a faculty member shall be reasonably available, such as during office hours or by appointment, to consult with the student. If the matter cannot be resolved to their mutual satisfaction, either party may carry the grievance further in accordance with established university grievance procedures. Faculty members are obligated to participate in established grievance procedures.
- h. If faculty members allege that considerations violative of academic freedom significantly contributed to a decision adverse to them, they should employ the grievance procedure in article 14.

7.2 General Faculty Responsibilities

- a. Full-time faculty holding academic year appointments have professional responsibilities to the university for the period of the academic year.
- b. Full-time faculty holding twelve (12)-month appointments for the fiscal year have professional responsibilities to the university for the period commencing July 1 and ending June 30 with the understanding that such faculty member is entitled to one (1) month's vacation during that period, to be taken at time(s) consistent with assigned responsibilities and scheduled classes.
- c. All full-time librarians shall be employed on twelve (12)-month contracts consisting of thirty-five (35) hours per week of assigned duties with thirty (30) working days of vacation per year as per present practice. However, full-time librarians employed on or after August 1, 1979 shall be entitled to only twenty (20) working days of vacation per year.
- d. Librarians who desire to be employed on a ten (10)-month basis shall work thirty-five (35) hours per week for thirty-nine (39) weeks, plus they shall be paid for twenty-five (25) working days of vacation per year. However, full-time librarians employed after August 1, 1979 shall be entitled to only sixteen (16) working days of vacation if employed on a ten (10)-month basis. Application for this ten (10)-month arrangement should be made in writing to the Dean of University Libraries by October 15 of the preceding fiscal year. The dean, in consultation with the applicant's immediate supervisor and/or the Rank and Tenure Committee, shall render a decision by November 1. In the event that the request cannot be granted to all librarians submitting such a request, the dean, in making a determination, shall do so on the basis of the operating needs of the library and the relative seniority of the librarians involved. Where there is a conflict and one or more of the librarians has been refused in a prior request, then preference shall be granted to such librarian(s) notwithstanding relative seniority. Nor shall a librarian who is the sole professional in a given area, and who has had a prior refusal because of operating needs of the library be denied a second consecutive request for this reason.
- e. Faculty members are obligated to follow the university calendar.

- f. The primary professional responsibility of each member of the faculty is to the university and the university community. Since faculty members should display a high degree of professionalism, they shall:
1. Aspire to excellence in teaching, promote the learning process, and stimulate the intellectual development of their students.
 2. Keep informed of contemporary developments in pedagogy and in their fields of specialization.
 3. Accept a reasonable number of assigned or elected committee responsibilities and conscientiously serve on those committees of which they are members.
 4. Serve as a resource to university, college, or department student organizations, where this is consistent with other commitments.
 5. Recognize their obligations to university graduates and their families by attending commencement exercises. The administration shall make every effort to promote a meaningful ceremony with an appropriate recognition of the faculty's role in the university.
 6. Adhere to reasonable deadlines and schedules established for the timely reporting of grades and for other matters related to student registration and record keeping.
 7. Assume a fair share of responsibility in student academic advisement, in the student academic review process, and in curriculum review and development.

7.3 Instructional Duties

- a. Teaching Load. The basic teaching load for full-time faculty members is eighteen (18) credit hours per academic year and shall normally be nine (9) credit hours per academic semester. Courses are assigned to faculty members by the chairperson after consultation with each faculty member, subject to the dean's review
1. Credits hours are described in hours per week of formal class meetings. Normally a maximum of three (3) fifty (50)-minute periods of class meetings per week per semester equal three (3) credit hours.
 2. Faculty members responsible for a laboratory to which a teaching assistant (laboratory instructor) is assigned for the relevant contact hours, shall receive a reduction of one (1) credit hour per laboratory block. A laboratory block consists of one (1) laboratory meeting time of one hundred fifty (150) or more minutes.

3. Faculty supervising laboratory sections to which a teaching assistant (laboratory instructor) is not assigned shall receive two-thirds (2/3) of one (1) credit hour of teaching load for each laboratory contact hour of fifty (50) minutes per week per semester.
4. Faculty supervising senior student teachers shall receive one (1) credit of teaching load for each four (4) students supervised. Faculty in the College of Education and Human Services supervising sophomore or junior student teachers shall receive one (1) credit of teaching load for each nine (9) students supervised. No credits shall be received for fractional loads.
5. In the College of Nursing full-time faculty conducting clinical courses shall receive credit hours of teaching load based on contact hours in the particular clinic according to the following schedule:

Contact Hours	Credit Hours
8	5
6	4
5	3
4	2

6. In courses following the "team instruction" approach, the instructors shall receive credit toward the required teaching load proportional to their responsibility for the classroom or contact hours.
- b. Course preparation and implementation
1. The number of separate course preparations in any given semester shall not ordinarily exceed three (3) except in cases where multiple sections are not available within the department or discipline, where the faculty member voluntarily accepts in writing and/or requests more, or where the faculty member accepts and receives an overload assignment. Independent study courses, internship mentoring assignments not offered on a course basis, honors program mentoring, graduate thesis advisement, or similar courses of individual instruction shall not be counted as separate course preparations. All course preparations for different sections of the same course during a semester are considered a single course preparation.
 2. Each faculty member shall adhere within reason to course descriptions published in the university bulletin and other media, such as department brochures and summer/winter session bulletins.
 3. Faculty shall meet each class as scheduled.

4. At the beginning of each course, the faculty member shall establish clear course objectives and explain the evaluative techniques and standards to be used. Each enrolled student shall be provided with a course outline or syllabus. Copies of the syllabus shall be given to the department chairperson within one week of the start of each course.
 5. Faculty members shall evaluate assignments and examinations in a timely and effective manner, thereby promoting student development.
 6. The number of new course preparations for a tenured faculty member shall not ordinarily exceed two (2) per year.
- c. Student advising
1. Faculty members are expected to advise a reasonably proportionate number of students in their department/college. Assignments are made as equitably as possible by the department chairperson or, with respect to undecided students, the dean.
 2. The policy regarding advisement of undecided majors shall be a matter for faculty determination within each college.
- d. Office hours
1. All full-time faculty shall hold office hours at least three (3) hours per week during the fall and spring semesters.
 2. These office hours are to be posted in advance and made available to the department chairperson.
- e. Limitation on advising and committee work
1. Faculty members (unless otherwise provided herein) shall not normally be required to exceed a maximum of nine (9) working hours per week, exclusive of the office hours indicated in article 7.3d, in the performance of professional duties such as student advisement and departmental committee work.
 2. This limitation does not apply to elected faculty offices or to voluntary committee assignments.

7.4 Research Expectations

- a. Faculty are expected to have an active research program during their tenure at the university.

- b. Departments shall establish guidelines for assessing progress in research for tenure-track and tenured faculty. Faculty will submit an annual report on their research to the department chair.
- c. Chairs may assign equivalent departmental duties for non-research active faculty.

7.5 Overtime

- a. Overtime assignments shall be made by the department chairperson. Assignments of overtime may be made only with the permission of the affected faculty member. The chairperson shall notify the dean of each overtime assignment.
- b. Overtime shall not exceed three (3) contact hours or one (1) course, whichever is greater, per academic year without the prior written approval of the college dean and the provost. In no case shall a faculty member teach more than one overtime course per semester.
- c. No faculty member may combine time released from teaching load for research or administrative duties, or overtime.
- d. Compensation for the preparation and/or teaching of noncredit courses or for extraordinary services shall be by special contractual arrangement between the faculty member and the university.
- e. There is no guarantee of the assignment of overtime.

7.6 Released Time

- a. A department may recommend to the dean load reductions for faculty members engaged in the assignments listed below. Determination of reductions shall be made annually by the dean from the list of department recommendations and with the concurrence of the provost.
 - 1. Supervision of special academic programs.
 - 2. Preparation of new programs of substantial scope.
 - 3. Unusual academic or research assignments.
- b. Load reductions supported by funded research shall be made pursuant to the terms of the contract or grant award. All proposals for grants and contracts shall be approved in accordance with current university practices and policies.

7.7 Academic Program Planning

A quality academic program requires effective program planning and a judicious selection of courses consistent with enrollment patterns and program needs. Moreover, the university commitment to the students mandates that required and elective courses be offered in a consistent sequence, and with sufficient frequency to assure completion of graduation requirements within a four-year cycle. Accordingly, each department shall be required to prepare both a four-year and a one-year course plan.

- a. In accord with established procedures for program review, each department shall undergo an evaluation every four years. The self-evaluation of the department shall include:
 1. a statement of program purpose;
 2. a four-year curriculum plan and schedule of courses to be offered. The statement of purpose, the curriculum plan and schedule shall be considered recommendations until approved by the dean and the provost.
- b. To assist the department in such planning, the Administration shall issue to the department a four-year projection of university enrollments, planned changes in facilities, and other pertinent information.
- c. In developing this plan, each department shall recognize the desirability of pruning excess courses from its curriculum and of reducing the frequency with which low enrollment courses are offered.
- d. The provost shall publish a timetable for the submission of statements of purpose and curriculum plans.
- e. Annually, department chairpersons and faculty shall:
 1. Submit to the dean a schedule of course offerings for the academic year. The schedule shall be based on the four-year plan. Deviations shall be noted and justified.
 2. Recommend maximum and minimum course enrollments for each of these course offerings.
- f. In recommending maximum/minimum enrollments, the department shall consider:
 1. The optimal educational format for each course.
 2. The possibility of altering that format to accommodate student demand (e.g., from a seminar to a lecture course).

3. Maintaining a reasonable relationship between the total student enrollment in the department and the number of courses/sections offered by it.
 4. Standards required by accrediting agencies.
- g. The Office of the Provost shall establish a timetable for the submission of annual schedules.
 - h. During the registration process, a department chairperson may exceed the maximum enrollment in a specific course with the consent of the faculty member assigned to said course. If registration demand exceeds the established maximum significantly, the chairperson may divide the course or section with the approval of the dean.
 - i. Minimum enrollments may be lowered only with the express permission of the college dean.

7.8 Unpaid Professional Activities

The university encourages faculty participation in other unpaid professional activities which add to the faculty member's knowledge, qualifications, and reputation, and to the reputation of the university, so long as these activities do not interfere with his/her primary responsibility to the university. The faculty member shall cooperate with the university in striving to inform both the university community and the outside community of such achievements.

7.9 Outside Employment of Faculty

A faculty member may engage in professional consulting and/or outside employment provided that such activity is not inconsistent with or does not interfere with the faculty member's responsibilities and obligations to the university.

ARTICLE 8

FACULTY PERSONNEL FILES

8.1

The university shall maintain only two categories of personnel files for each faculty member.

- a. There shall be a pre-employment file which shall contain all materials requested or received by the university in connection with the original employment of the member. Initial letters of recommendation shall be kept confidential and destroyed after the search is completed. Copies of nonconfidential materials received prior to the employment of the member shall be transferred to the member's official personnel file.
- b. There shall be an official personnel file which shall be maintained by the Office of the Provost. A copy of this file may be maintained by the dean or the chairperson of the member's department.

8.2

The official personnel file of each faculty member shall include, but not be limited to, the following:

- a. Copies of nonconfidential materials from the member's pre-employment file.
- b. An updated curriculum vitae. It shall be the member's responsibility to update his/her curriculum vitae.
- c. All faculty status recommendations and decisions.
- d. All nonstudent evaluations of teaching.
- e. Information relating to the member's academic and professional accomplishments. Bibliographic summaries may be substituted for bulky material at the discretion of the provost.
- f. Signed memoranda of discussion between the faculty member and university officials and committees.
- g. Mandatory tenure review data form for probationary faculty.

8.3

The official personnel file and copies thereof held by the dean and the department chairperson shall be available by appointment for examination and review by the member. Any faculty personnel documents other than copies of the official file held by the provost, the dean, or the

department chairperson are in breach of article 8.1. Should any such documents exist, they must be made available to the faculty member upon request.

The file shall be available within one working day of a written request. A member shall be permitted to make copies of materials in his/her personnel file at the member's expense.

8.4

The official personnel file of the faculty member shall be made available to the department chairpersons, the dean, the chairpersons of the college Rank and Tenure Committee, and the University Rank and Tenure Committee. All individuals having access to personnel files shall maintain the contents of such files in confidence.

8.5

If a member alleges that some of the contents of his/her file are demonstrably false (excluding judgmental observations such as faculty and student evaluations), the following opportunities shall be available to the member:

- a. The member may include in the file any rebuttal material and evidence he/she may choose.
- b. The member may appeal to the provost to have such material removed from the file and destroyed.

8.6

Nothing in this section shall limit the university in the maintenance and retention of records dealing with routine matters, including but not limited to payroll and benefits. Upon adequate notice, members shall be provided with appropriate information from such records to meet their stated needs.

ARTICLE 9

FACULTY RESEARCH AND SPONSORED ACTIVITIES

9.1 Research

Teaching and research are complementary activities. A faculty member's professional development requires a continuing commitment to scholarly research and publication. The university expects faculty members to engage actively in research and other professional activities for the advancement and dissemination of knowledge. Such expectation includes the promulgation of policies and procedures necessary to foster a climate for research, the provision for internally funded research, and the endorsement and support of acceptable proposals to external sources for sponsorship.

The above shall be consistent with the goals and objectives of the university as adopted by the Board of Regents and the provisions of the Faculty Guide.

9.2 General Principles

The following are general principles established by university policy:

- a. The university imposes no limitation on the freedom of the faculty in the choice of fields of inquiry or the dissemination of the results obtained.
- b. The university shall accept or administer only those research grants and contracts that clearly retain for the faculty investigators unrestricted control with regard to the manner in which research is carried out and conclusions are reached.

9.3 Obligations of Sponsored Activities

The responsibilities of the university in accepting grants and contracts and the responsibilities of departments, faculty, and staff are as follows:

Seton Hall University encourages the development and implementation of projects involving fundamental and applied research, training, and community-service activities by faculty, administrators, and students.

To further these activities, the university, through its Office of Research Services, shall provide all necessary assistance that may be required by individuals and groups seeking to attract extramural funds to support such endeavors. The solicitation, acceptance, execution, and administration of grants and contracts, however, imposes legal, fiscal, and moral obligations by sponsoring groups and agencies upon the university. It is therefore important and necessary that requests for extramural funding for projects be reviewed and approved prior to submission of proposals to potential sponsors. In accepting a grant or contract, Seton Hall University must provide the appropriate share of the time and effort of its personnel to perform work mutually

agreed upon with a sponsor. Charges for the work shall be based on the employee's regular compensation which, in accordance with university practice, constitutes the basis of his/her salary. Grant or contract funds should not be used to increase the total salary or rate of salary of an employee, nor may these funds be used for overload compensation. All personnel costs must be substantiated by payroll distribution records.

9.4 Administration and Procedures

The provost is responsible for the formulation of policies and procedures relating to extramurally sponsored projects. This responsibility is carried out with the advice of the University Research Council.

The director of the Office of Research Services is responsible for certifying that university and sponsor policies and procedures have been met. All official documents pertaining to grants and contracts are maintained by the Office of Research Services.

The review criteria and procedures for submitting proposals are outlined in administrative announcements and the "Seton Hall University Manual for Sponsored Activities" available from the director of the Office of Research Services.

Proposals for research support in the form of grants from or contracts with outside agencies must be approved in accordance with current procedures and practices. Use of campus facilities and equipment for these purposes requires the prior written permission of the department chairperson, the college dean, and the provost. The department chairperson and the dean shall be advised periodically in writing of the progress of such programs.

No faculty member is empowered to enter into any grant or contract in the name of the university.

Faculty interested in applying for a sponsored project should contact the director of the Office of Research Services, who shall assist them in identifying appropriate sources and in preparing proposals.

9.5 University Research Council

The University Research Council was established to foster faculty research and to promote faculty development activities, including the identification of priorities and programs which shall provide opportunities for faculty growth and renewal.

The University Research Council conducts an annual awards competition for research-expense grants and summer stipends in accord with guidelines approved by the university. The provost appoints faculty members to the University Research Council for two-year terms from a list provided by the college and school assemblies. The University Research Council determines its own operating procedures. It is assisted by the director of the Office of Research Services, who serves as an ex-officio member.

The annual competition for research grants and summer stipends is announced to the faculty during the fall semester by the provost. Applications and guidelines are available through the Office of Research Services. Awards are made in the early spring.

Program guidelines and operating procedures shall be reviewed annually by the council and are available from the Office of Research Services.

9.6 Faculty Incentives

In addition to its sabbatical and released-time policies, the university implements a University Research Incentive Award Program. Research incentive awards are a sharing of indirect costs recovered for sponsored research to encourage additional research activities. Additional information is available through the Office of the Provost and the Office of Research Services.

9.7 Travel to Pursue Funding

Faculty in need of travel funds to pursue a funding possibility for a specific project with a sponsor may request same through their department chairperson.

9.8 Patent, Copyright and Intellectual Property Rights Policies

The respective rights of individual faculty members with respect to patents, copyrights and intellectual property rights are outlined in periodic administrative announcements, fashioned in consultation with a standing faculty committee selected by the Faculty Senate for this purpose. In such announcements the university's willingness to share in some of the costs and potential royalties or income is outlined. Since this is a highly specialized area, guidance should be sought through the university offices responsible for implementation.

ARTICLE 10

DEPARTMENT GOVERNANCE

10.1 Selection of Chairpersons

- a. Department chairpersons are elected by majority vote of faculty members (including full-time tenured faculty members, probationary faculty, and faculty associates) who will be continuing employment at the university in the subsequent year. Since eligibility is based on continuance in the following year, eligibility may need to be clarified with the dean. Faculty members on a terminal contract are not eligible to vote. Departmental faculty eligible to vote may vote in person or by mail while on sabbatical leave; departmental faculty eligible to vote may vote in person or by mail during the first year of a non-sabbatical leave, but not thereafter. Departmental faculty with more than a half course load reduction for administrative service (excluding work as departmental chair) may not vote, even if they are engaged in part-time teaching. The selected chairperson must be approved by the dean..
- b. All full-time faculty members holding tenured appointments in the department are eligible to serve as chairperson. The department may petition the provost to waive this requirement.
- c. Elections shall be held in April; voting is by secret ballot.
- d. All elections under this article shall be conducted under the supervision of the standing college committee on Nominations and Elections.
- e. The results of each election shall be certified by said committee to the dean of the college. The dean shall transmit the results to the provost.
- f. When the needs of a department require a program director/coordinator (see article 1), the faculty in this program shall elect such director/coordinator in the same manner prescribed for department chairperson except that the program director/coordinator must be approved by the dean rather than the provost. If there are fewer than three full-time faculty in a program, the chairperson shall select the program director/coordinator. A program director/coordinator may also serve as department chairperson.
- g. Administrative officers who hold faculty rank (see article 1.6) do not have the right to be present during discussion or voting with respect to personnel decisions, e.g., appointments, rank and tenure recommendations, and chairperson elections at the department level. Such individuals may participate in other department decisions by department invitation.

10.2 Term of Office; Absences; Removal

- a. The term of office of department chairpersons is three (3) years. The term shall commence on July 1 following election, and shall end three (3) years later on June 30.
- b. A department chairperson shall hold a 12-month appointment. However, a department chairperson may for adequate cause petition the dean for an academic-year appointment; if the petition is granted, the department shall elect a temporary chairperson for the affected intervening period.
- c. Proceedings to remove a department chairperson may be initiated by the dean of the school or by the departmental faculty. A department chairperson may be removed by the provost after consultation with the full-time faculty of the department. Said department chairperson shall be notified of such removal in writing by the provost. The provost's decision on removal is appealable to the president of the University by the chairperson or by the departmental faculty.
- d. In case of the death, disability, prolonged absence, resignation, or removal of a department chairperson, or of a vacancy in the office occurring for any other reason the dean of the college shall designate an acting chairperson. The acting chairperson shall serve no longer than thirty (30) calendar days following said appointment, during which time an election shall be conducted to choose a chairperson for the remainder of the original term of office or the specified length of the absence or leave, but not to exceed the original term of office .
- e. In case of absences of fewer than thirty (30) calendar days, the chairperson (or, in case of illness, the department) shall so advise the dean, who shall appoint an acting chairperson.

10.3 Responsibilities and Duties

- a. A chairperson is responsible for the direction of all personnel in the department.
- b. In addition to teaching responsibilities, the chairperson shall perform the following duties either personally or by delegation:
 1. Assign faculty schedules, subject to final approval by the dean.
 2. Make recommendations concerning the promotion, tenure, and leaves of the department faculty, in accordance with approved procedures.
 3. Advise probationary faculty of upcoming evaluations in a timely manner, and present at the conclusion of the academic year a written evaluation of each full-time faculty member to that member and then to the dean.

4. Evaluate the quality of examinations and the accuracy of grading within the department.
5. Recruit term faculty except as otherwise specified in article 10.3c.2.
6. Recruit and recommend to the dean the hiring of adjunct faculty.
7. Receive, evaluate, and maintain a department file of course syllabi.
8. Notify the university librarian of the department's library and media needs.
9. Approve or disapprove requests for library purchases originating with department members.
10. Call at least two (2) regular meetings of the department during each semester.
11. Prepare the agenda for and preside at department meetings, and appoint a representative to preside in his/her absence.
12. Arrange for faculty advisers for preregistration, registration, and orientation counseling.
13. Submit an annual report to the dean on the work of the department, and make such other reports as are requested by appropriate authorities.
14. Maintain a current inventory of the capital equipment assigned to the department.
15. Forward minutes of all department meetings, following department approval, to the provost, the dean, and each faculty member of the department.
16. Encourage and facilitate faculty research, effective teaching, and university/community service.
17. Prepare material for catalogues and other official publications.
18. Perform such other duties as are necessary for the efficient operation of the department.

In departments with program directors/coordinators, the program director/coordinator shall accomplish the duties specified in articles 10.3b.1, 10.3b.11, and 10.3b.17 in lieu of the chairperson and shall assist the chairperson with respect to article 7.6.

In carrying out the above duties, it is expected that chairpersons shall be on campus each week during the fall and spring semesters no fewer than two (2) hours for each hour of released time granted to the chairperson for the performance of the duties

specified above. In addition, the chairperson shall be on campus on days of all formal registration periods as listed in the academic calendar and shall work such hours as are necessary on each day of registration. At all other times, chairpersons, individually or jointly, are expected to maintain a campus presence commensurate with their departmental needs.

c. The chairperson shall, together with all full-time faculty members of the department meeting as a committee of the whole, be responsible for the following:

1. Preparing the department budget, except for individual salary lines, which are confidential for departmental purposes. Should the proposed overall college budget be insufficient to meet all the proposed department budgets, allocation of department budgets shall occur after decisions between the dean and each chairperson.

In colleges which have unitary budgets, departments, through the chairpersons, shall have input into the budgets with regard to departmental needs and shall be consulted by the dean regarding budget allocations except for individual salary lines, which are confidential for departmental purposes.

2. Recruiting full-time faculty. No probationary appointment, including a joint appointment, of an individual to a department can be made in any manner without the approval of a majority of the tenured faculty members of the department. No term reappointment of an individual to a department can be made in any manner without the approval of a majority of the tenured faculty members of the department.
3. Preparing a list of qualified adjunct faculty. Such a list must reflect an order of preference based on teaching competence, professional qualifications, and other criteria used in the hiring of full-time faculty.
4. Developing and recommending any modification in course prerequisites, course requirements, and course sequences.
5. Making recommendations to the dean and the college Educational Policy Committee for new courses and for modifications in the department program(s).
6. Making recommendations to the college Educational Policy Committee for new programs and/or majors.
7. Allocating the department's library budget.
8. Implementing registration and counseling procedures.
9. Academic program planning specified in article 7.6 herein.

10. Determining the department's infrastructure.

ARTICLE 11

COLLEGE GOVERNANCE

11.1 By-laws

The entire full-time faculty of a college must, by majority vote, establish by-laws for their own governance groups. Such by-laws are the preserve of the faculty, except that they shall not be in conflict with the statutes or by-laws of Seton Hall University, or with the provisions of the Faculty Guide.

Each of the standing committees below shall function by written by-laws, adopted either by the general faculty of the college or by said committees.

11.2 Required Standing Committees

- a. The following elected standing committees shall be established in the College of Arts and Sciences, the College of Nursing, the W. Paul Stillman School of Business, the College of Education and Human Services, the School of Diplomacy and International Relations, and the Walsh Library:
 1. Nominations and Elections Committee. This committee shall function for purposes of elections of faculty to appropriate university committees, institutions, or agencies, as well as to any offices and committees that the college creates by its own by-laws.
 2. This committee shall be responsible, consistent with established university academic policies, for recommending academic policy to the faculty of its college, and for reviewing proposed changes or additions to academic programs and making corresponding recommendations to the faculty of its respective college. The Educational Policy Committee of each school or college shall consider the impact of its policy decisions on ongoing or proposed programs in other units of the university. The Library Educational Policy Committee shall be responsible for recommending to its faculty policies affecting services to the students, faculty, community, and administration. Where appropriate, a college faculty may create separate graduate and undergraduate Educational Policy Committees. Likewise a faculty, if it deems appropriate, may create a separate standing committee to handle matters dealing with the college/school core curriculum.
 3. Rank and Tenure Committee. This committee shall consider all faculty applications for promotion and tenure within the college, as well as faculty status matters.

11.3 Officers and Faculty Organization

The faculty of each college is free to create such officers and agencies (committees, task forces, etc.) as it deems appropriate to promote the interests of such faculty. The officers and agencies shall be selected and function in accordance with the by-laws stipulated in article 11.1 and must, in all announcements, publicity, etc., be clearly identified as officers/agents of the particular college faculty.

11.4 College Organization

Changes in the internal academic organization of a college, including the number of departments/divisions therein, are determined by majority vote of the full-time college faculty holding tenured or probationary appointments, and approved by the dean.

ARTICLE 12

UNIVERSITY GOVERNANCE (revised 10/92)

12.1

The faculty of the university participates in the general governance of the university through its membership in the Faculty Senate, in college governance organizations, and on committees of the university.

12.2

The entire full-time faculty of the university shall have primary responsibility for recommending academic policy to the Board of Regents, through the provost and the president, for the following:

- a. Academic standards for admission, recruitment, retention, and graduation of students.
- b. The academic calendar as to its educational parameters (accepting the right of all sections of the university relative to its implementation).
- c. Establishment and review of a core curriculum for the university.
- d. Establishment and review of university policies on matters of research assistance, educational programs and purposes and faculty development.
- e. Review and coordination of all college curricula and academic programs, including continuing education.
- f. Review and approval of all university degree programs, existing and proposed.
- g. Consultation in the preparation of the University's budgets and the monitoring of the adequacy of academic facilities and resources.

12.3

The faculty exercises its academic responsibility through the following agencies:

- a. academic departments;
- b. college faculty governance organizations;
- c. the Faculty Senate, whose Charter is article 12.6 below and whose duties include monitoring matters listed in articles 12.2a through 12.2g above. In its operations, the Faculty Senate shall not replace, modify or assume any of the internal governance prerogatives of the South Orange campus units identified in Article 1.

Resolutions pertaining to the items listed in articles 12.2a through 12.2g passed by the Faculty Senate or by plenary faculty meetings shall be forwarded to the provost or where required under Article 12.6h to the president and to the Board of Regents.

Resolutions of all faculty agencies are subject to the approval of the provost and the president or, where required under article 12.2f, of the Board of Regents.

12.4 Deleted

12.5 Faculty Governance

- a. Through their governance units, the faculty of each school or college are free to create such officers and agencies (committees, task forces, etc.) as they deem appropriate to promote the interests of the faculty. These officers and agencies shall be selected in accordance with procedures developed and promulgated by the respective faculty units. Such officers and agencies must, in all announcements, etc., clearly identify themselves as representatives of their respective faculty unit, not of the Faculty Senate or the university administration. The By-laws Committee of each school or college shall review the by-laws of any new committee to ensure that the responsibilities of that new committee are clearly articulated.
- b. Although its members are elected by faculty governance units, the Faculty Senate is faculty-wide in its representation and purposes and is the sole campus-wide vehicle of faculty governance on the South Orange campus.
- c. The Faculty Senate shall send to the president and to the provost a slate of twice as many names of full-time South Orange faculty members as needed to serve on major campus-wide committees and task forces appointed by these administrators, including the University budget committee. The administration will give consideration to those nominees before appointing campus-wide committees and task forces.

12.6 Charter of the Faculty Senate

- a. **Purpose.** Created by the full-time faculty of the South Orange campus of Seton Hall University October 7, 1992, it represents that faculty in matters of academic policies and procedures as well as matters of faculty welfare. It has the right and duty to represent that faculty on all matters which affect the South Orange faculty as a whole and to help inform faculty opinion on matters of campus-wide importance.
- b. **Successor to Other Faculty Organizations.** The Faculty Senate succeeds to and replaces all campus-wide faculty organizations created since February 1985, including the Faculty Governance Coordinating Committee and its constituent committees (Merit, Compensation, Governance, and Guide) and the Faculty Executive Committee.

All matters before these predecessor campus-wide committees on are transferred to the Faculty Senate for its consideration concurrent with the creation of the Faculty Senate.

- c. The Faculty Senate's responsibilities include the monitoring of compliance with decisions reached and agreements entered into by the university administration with it and with each of the prior campus-wide governance organizations and committees which during its existence were officially recognized by the university.
- d. **Plenary Meetings.** A plenary meeting of the South Orange faculty may be convened by the Faculty Senate whenever it believes that such meeting will be advantageous in discussing matters of great importance, helping to inform and ascertain faculty opinion, or communicating with the faculty.
- e. **Eligibility for Election.** Each full-time faculty member at the time of an election is eligible to be elected by his or her faculty governance unit to be a Senator or an Alternate in the Faculty Senate.
- f. **Membership.** The number of Senators from each campus unit shall be apportioned according to the number of its full-time faculty members, with a minimum of two Senators for each unit. Sufficient Alternates shall be elected from each unit to replace temporarily Senators who are unavoidably absent from Faculty Senate meetings.

Until 30 April 1994, the total membership of the Faculty Senate shall be 27 Senators and 19 Alternates, elected by and from the full-time faculty of the South Orange campus as follows: Arts and Sciences, 13 Senators and 7 Alternates; Business, 5 Senators and 3 Alternates; Education and Human Services, 3 Senators and 3 Alternates; Library, 2 Senators and 2 Alternates; Nursing, 2 Senators and 2 Alternates; Theology 2 Senators and 2 Alternates. The first election of Senators and Alternates by the six campus units will be held as soon as feasible after the Charter of the Faculty Senate comes into effect.

In electing Senators and Alternates, each faculty governance unit shall use procedures specified in its Bylaws. Results of these elections, including information on the number of votes received by each candidate, will be reported in writings to the Executive Secretary of the Faculty Senate.

- g. **Actions Taken by the Faculty Senate.** Any resolution passed by the Faculty Senate that requires university action, as well as information on all administration-sponsored resolutions submitted to the Faculty Senate, whether accepted, modified or rejected by the Senate shall be communicated by the Executive Secretary of the Faculty Senate in writing directly to the president and provost and other concerned parties as soon as possible after Senate action occurs. At scheduled meetings of the Executive Committee with the provost held as soon as possible after each Senate meeting, the Committee shall discuss and report on matters of concern to the Faculty Senate, including both resolutions under consideration and resolutions passed and rejected. It shall also report to the provost and the president faculty opinion on matters of general campus concern.

For matters that clearly concern only one campus unit, governance organizations of the eight faculty units may communicate their actions directly to appropriate university administrators as well as to the Faculty Senate.

- h. **Response by Administration.** Recommendations made by the Faculty Senate on behalf of the campus faculty shall be communicated in writing to the provost and the president. Within a reasonable time after receiving these recommendations, the provost shall reply in writing to the Faculty Senate concerning each recommendation, indicating (1) acceptance of the recommendation and giving a timetable for its implementation, (2) a statement of the reasons for its non-acceptability, or (3) a request that it be modified in stated ways.

If the provost fails to approve a recommendation forwarded by the Executive Committee or if the timetable proposed by the provost for its implementation is unacceptable to the Faculty Senate, the Faculty Senate Executive Committee shall meet with the provost. Failing to come to an agreement, the Faculty Senate may appeal the provost's decision or failure to respond in timely fashion directly to the president.

If within a reasonable period of time after receiving from the Faculty Senate an appeal or a request for action on a matter of academic policy (such as rank and tenure, welfare, or administrator failure to follow the Faculty Guide), the president fails to accept its recommendation, the Faculty Senate by two-thirds vote may exercise its right of appeal to an appropriate committee or committees of the university's Board of Regents.

For purposes of this section, a reasonable time for action (approval, request for reconsideration in whole or in part, or disapproval) is defined as 30 calendar days after receipt, except for cases in which the Executive Committee and the administrator concerned both agree in advance and in writing that a longer or shorter specified amount of time is acceptable.

If the provost or the president submits to the Faculty Senate for review and recommendation a proposed academic policy or procedure, the Faculty Senate shall act within a reasonable time. Otherwise such policies and procedures may become effective as proposed after 40 academic calendar days, except for cases in which the Executive Committee and the administrator concerned both agree in advance and in writing that a longer or shorter specified amount of time is acceptable.

- i. **Only the Faculty Senate Acts for It.** Except as specifically provided in given cases, the Faculty Senate does not authorize any member, officer, committee or other agency to reach final agreement for it in negotiations/discussions, including those with university administrators. Final decisions in actions taken on behalf of the campus faculty are reserved to the Faculty Senate itself; only in exceptional cases and for valid cause may these responsibilities be delegated.

The Executive Committee of the Faculty Senate, consisting of its three major officers and two other members, is authorized to act for it between meetings, subject to the requirement that any actions it takes must be submitted to the Faculty Senate at its next regular meeting for confirmation.

- j. Support for Faculty Senate. To enable the Faculty Senate and its major officers to carry out their responsibilities, the provost will each year provide the Senate with an operating budget sufficient for its needs, substantial secretarial assistance for the Executive Committee and for other standing committees as specified by the Executive Committee, and suitable office space with appropriate furnishings and equipment. Twelve credit hours of release time per semester will be available for the Senate officers, apportioned by the Senate Executive Committee. For librarian faculty, the released time shall be equivalent to six or three credits of release time provided to other faculty.

(Faculty Governance Task Force comment: "operating budget" is to be interpreted as including space, secretarial help, supplies and postage. etc.)

- k. Implementation of the Faculty Senate Charter. The Faculty Senate shall begin operations immediately after (a) the approval of its Charter by a majority of the full-time campus faculty in a referendum for that purpose conducted by the Faculty Governance Task Force, (b) approval by the University Board of Regents and (c) the election of a majority of its members by two or more of the six campus faculty units.
- l. Changes in article 12.6 other than numerical redistribution of Senate membership will be treated like any amendment to the Faculty Guide.

ARTICLE 13

GENERAL GOVERNANCE

13.1 Selection of Academic Administrators

a. Authority for appointing administrators resides with the Board of Regents, the president, or their delegates. The university endorses the participation of the faculty in the selection process for administrators with responsibility in the academic area.

b. The chain of academic responsibility proceeds from the president to the chief academic officer (currently the provost) to the academic deans and the Dean of the University Libraries.

Positions such as "associate," "assistant," or "assistant to" obtain their academic authority, if any, from one of the positions indicated above, and do not possess the right of independent action. Persons holding such titles are administrators.

c. There shall be faculty participation, as specified below, in the Board of Regents' search for the chief academic officer.

d. There shall be faculty participation in the selection of the president and executive vice president.

e. There shall be search and screen committees, as specified below, for the positions of academic dean and Dean of the University Libraries.

13.2 Search and Screen Committees -- Composition

a. For the selection of the chief academic officer, five (5) faculty members elected by the full-time faculty of the South Orange campus as defined in Article 1 (three from the ballot list of Arts and Sciences nominees and two from the ballot list of nominees from the remaining academic units) who shall constitute no fewer than fifty (50) percent of the voting members of the search and screen committee. The two members elected from the non-Arts and Sciences list must be from different academic units.

b. Search and screen committees for the position of academic dean or Dean of the University Libraries shall be composed as follows:

1. For academic dean:

4 faculty members elected by the faculty of the particular college;

2 students from that college elected by the Student Senate or its successor body;

1 alumnus/alumna selected by the college Alumni Association;

1 nonvoting administrator appointed by the chief academic officer;

1 faculty member appointed by the chief academic officer to represent the faculty-at-large. This individual cannot come from the college for which the search is being held.

2. For Dean of the University Libraries:

3 members of the library faculty elected by the full-time members of that body;

2 faculty members, from colleges other than the library, appointed by the chief academic officer;

1 nonvoting administrator appointed by the chief academic officer;

2 students elected by the Student Senate or its successor body;

1 alumnus/alumna appointed by the Alumni Board of Governors.

13.3 Search and Screen Committees -- Process

- a. The search and screen process for any of the offices specified in article 13.2 should generally be initiated by the university within sixty (60) calendar days after a vacancy occurs or a resignation is effective.
- b. The charge to search and screen committees under article 13.2a shall be given by the president or his designate after consultation with the Faculty Senate.
- c. The charge to a search and screen committee under article 13.2b shall be given by the chief academic officer after consultation with the chairpersons of the appropriate college faculty.
- d. The charge to any search and screen committee must include, but need not be limited to, the following:
 1. position description, and responsibilities;
 2. experience and educational requirements;
 3. affirmative action and other requirements set by federal or state regulations;
 4. potential sources of candidates;

5. the budget allocation for the selection process;
 6. advertising procedures, and internal posting;
 7. desired date for start of the appointment.
- e. The first meeting of a search and screen committee shall be convened by the person delivering the charge. Said committee shall then proceed to elect its own officers.
- f. The following steps shall be the basic modus operandi for a search and screen committee:
1. place advertisements, initiate searches, and receive resumes;
 2. screen candidates and develop a list of those to be interviewed;
 3. interview those candidates decided on in step 2;
 4. recommend a slate of candidates to the appropriate administrator. The slate should normally include no fewer than three (3) candidates;
 5. the appropriate administrator (or the Board of Regents) shall then interview the candidates on the recommended slate;
 6. the appropriate administrator (or the Board of Regents) shall proceed to make an appointment from the candidates on the recommended slate. If an appointment is not made, the administrator (or the Board of Regents) shall notify the committee via a conference meeting at which the reasons for nonappointment shall be given;
 7. If the particular office is not filled in step 6, the committee may be requested to provide a new slate; otherwise the convening authority shall dissolve the committee.

ARTICLE 14

COMPLAINTS AND GRIEVANCES

14.1 Informal Procedure

- a. A member of the faculty must initially discuss a complaint with the individual (faculty member, committee, chairperson, dean, et al.) responsible for the action to which the faculty member takes exception.
- b. A faculty member who takes exception to a university policy may initiate a complaint with the provost.
- c. The Faculty Grievance Committee may initiate a complaint with the provost.
- d. A complaint must be presented within ten (10) calendar days of the occurrence or discovery of the alleged violation.
- e. No grievance may be filed without the initiation of this informal complaint procedure.
- f. Nonresolution of a complaint does not compromise the faculty member's grievance rights.

14.2 Grievances -- Definition

- a. A grievance is herein an allegation by a faculty member or by the Faculty Grievance Committee that an action taken by a university official or committee was a violation of provision(s) of the Faculty Guide or of written university policy.
- b. Grievances concerning appointments, reappointments, tenure, renewal of contract, promotion, dismissal, sabbaticals, leaves, reductions in rank or force, job evaluations, assignments and reassignments shall be limited to allegations that university policies or procedures have been violated, and shall not include the merits of the particular case except as otherwise provided in the Faculty Guide (e.g., 6.1.b6 and 5.1.n).

14.3 Grievances -- Limitations

- a. Nothing in the resolution of a grievance shall be inconsistent with terms of the Faculty Guide.
- b. Nothing in the resolution of a grievance shall be deemed a grant of power to a chairperson or administrator of any power(s) not otherwise his/hers, nor to provide a remedy that is not within the scope of power of said chairperson or administrator.

14.4 Grievance Procedure -- Step 1

- a. A grievance shall be filed, on forms prescribed by the provost, with the administrator of the unit in which the alleged violation occurred. Grievances against individual faculty members or department committees shall be filed with the appropriate chairperson; against chairpersons or college committees with the appropriate dean; against a dean or university committee with the provost.
- b. A grievance against the provost or the president shall be filed with the Faculty Grievance Committee.
- c. A copy of the grievance shall be provided to the individual whose action is being grieved.
- d. A grievance must be filed within twenty (20) calendar days of the occurrence or discovery of the alleged violation but not fewer than five (5) calendar days after the initiation of an informal complaint.
- e. The appropriate administrator shall communicate his/her decision in writing to the aggrieved party within fifteen (15) calendar days of filing.

14.5 Grievance Procedure -- Step 2

- a. The aggrieved party may appeal a chairperson's or dean's decision up the academic chain of command to the provost. Each appeal must be filed with the appropriate supervisor within fifteen (15) calendar days of receipt of the decision reached below. Each administrator shall communicate his/her decision in writing to the aggrieved party within fifteen (15) calendar days of filing, unless there is an investigation by the Faculty Grievance Committee pursuant to articles 14.5b, 14.5c, 14.5d below.
- b. Whenever a grievance is appealed from the departmental level, the aggrieved faculty member may request an investigation and written report by the Faculty Grievance Committee. This request must be made simultaneously with filing an appeal to the dean. The Faculty Grievance Committee shall, within ten (10) calendar days, communicate to the dean and faculty member whether or not it intends to examine the grievance. If the intention is to examine, the Faculty Grievance Committee shall have an additional fifteen (15) calendar days within which to issue its report to the dean. Copies of the report shall be made available by the chairperson of the Faculty Grievance Committee to the faculty member and the department chairperson. The dean shall not take final action on the appeal until receipt of this report. The dean shall communicate his/her decision in writing to the aggrieved party within fifteen (15) calendar days after receipt of the report of the Faculty Grievance Committee.
- c. When a grievance is appealed from the dean to the provost, the rights of the grievant under article 14.5b, if not exercised heretofore, shall be available to the grievant. The request of the Faculty Grievance Committee shall be filed simultaneously with the appeal to the provost. If the faculty member has already exercised those rights, the

report of the Faculty Grievance Committee shall be appended to the appeal at the time appeal is made to the provost.

- d. If the aggrieved party decides to appeal the decision of the provost, the aggrieved party must notify the chairperson of the Faculty Grievance Committee in writing within fifteen (15) calendar days. A copy of such notice must be sent to the president of the university.
- e. When a decision of the provost is appealed (article 14.5d) or when a grievance is filed against the provost or the president (article 14.4b), the Faculty Grievance Committee shall investigate the grievance and issue a written report within twenty (20) calendar days of receiving the grievance. If the grievance is filed against the provost or the president by the Faculty Grievance Committee, itself, the period of twenty (20) calendar days begins when the grievance is filed.
- f. Formal approval of the Faculty Grievance Committee along with a written report are required to initiate fact-finding procedures of article 14.6.

14.6 Grievance Procedure -- Step 3

- a. The Faculty Grievance Committee shall have the sole responsibility of initiating and processing for its remedy a grievance which shall use this section of the grievance procedure.
- b. The Faculty Grievance Committee and the university shall agree to a list of no fewer than three (3) and no more than five (5) individuals who shall serve as fact-finders to the university. Each panelist shall be designated by number. In the event that the Faculty Grievance Committee decides to appeal a decision of the provost, the appeal shall be sent in the first instance to the person having the designation No. 1 and, in the event that panelist is unable to serve, to the person with the designation No. 2, and so on through the entire list of panelists.

Once having served as a panelist, that individual shall be given the highest number designated and all other panelists shall be given a new number in accordance with the original ranking. All panelists shall serve for a period of three (3) years, at which time the Faculty Grievance Committee and the university shall review the original list of panelists and make any additions to the list that are mutually agreeable to the parties. Either party may decide to delete the names of one or more panelists from the list at the time of the review.

- c. Within ten (10) calendar days of the issuance of the written report and the formal decision to utilize this section of the grievance procedure, the Faculty Grievance Committee shall transmit a letter to the appropriate panelist as provided in article 14.6b above. The president and provost shall be provided with a copy of this letter. This individual, or any other subsequently contacted if he is not available, shall serve as

fact-finder and shall conduct an investigation under the rules of the American Arbitration Association.

- d. The university shall bear the expenses and fees of the fact-finder described in this section of the grievance procedure.
- e. Fact-finding shall be restricted to a determination as to whether university policy was violated or whether the policies and procedures in the Faculty Guide were violated. No matter can be reviewed on its merits by the panelist. The panelist shall have no authority to add to, subtract from, modify, change, alter, or ignore in any way the provisions of the Faculty Guide or any expressly written amendment or supplement thereto unless the parties have expressly agreed in writing to give explicit authority to do so. The panelist shall arrive at a decision solely upon the facts and conditions as presented by the parties. The panelist shall not consider any facts which were not introduced by the parties in the steps of the grievance procedure as set forth herein unless either party could not have at that time reasonably known such facts.
- f. The findings of the panelist shall be transmitted in writing to the chairperson of the Faculty Grievance Committee and to the president of the university within thirty (30) calendar days after the close of hearings. The findings of the panelist are not binding on the university, but the president shall inform the chairperson of the Faculty Grievance Committee in writing of a final decision after receiving the findings of the panelist.
- g. The president's decision shall be communicated to the chairperson of the Faculty Grievance Committee and, where appropriate, to the individual grievant within fifteen (15) calendar days after receipt of the panelist's findings.

ARTICLE 15

INTERPRETATION AND AMENDMENT

15.1. Interpretation

- a. All official requests for interpretation of the Faculty Guide shall be communicated to the chair of the Faculty Senate. If the Executive Committee of the Faculty Senate agrees that the Guide provision(s) require(s) interpretation, the chair of the Faculty Senate shall refer the matter to the chairperson of the Faculty Guide Committee, who shall convene said committee to discuss the question(s).
- b. The chair of the Faculty Guide Committee shall forward the committee's interpretation to the Faculty Senate. When the Faculty Senate approves an interpretation, the Faculty Senate will forward the interpretation to the Provost. If the Provost agrees with the interpretation, such interpretation shall be stated in a letter of understanding, signed by both the chair of the Faculty Senate and the Provost and sent to all full-time members of the faculty.
- c. In the event agreement is not reached under 15.1b, the university or the Faculty Senate may initiate fact-finding procedures using panelists, as in article 14.6b operating under the rules of the American Arbitration Association. The university shall bear the expenses and fees of the fact-finder. The findings of this fact-finder with respect to the interpretation under question shall be recommendatory and shall be transmitted in writing to the provost and to the chair of the Faculty Senate within thirty (30) calendar days after the close of hearings.

15.2. Amendment

- a. Proposed amendments to the Faculty Guide may be initiated either by the university through the Office of the Provost, or by the faculty through the Faculty Senate. Any amendment or modification agreed to in writing by both the Faculty Senate and the provost shall be incorporated into the Faculty Guide.
- b. In the event agreement regarding modification or amendment of the guide is not reached under article 15.2a, the university or the Faculty Guide Committee may initiate fact-finding procedures as contained in articles 14 and 15 operating under the rules of the American Arbitration Association. The university shall bear the expenses and fees of the fact-finder. No amendment or modification may be implemented by the university until the fact-finder has issued a report and recommendation.