

**AMERICAN UNIVERSITY  
WASHINGTON COLLEGE OF LAW LIBRARY**

**FACULTY MANUAL**

Manual of Information and Procedures  
Section II, Part VII



**AMERICAN UNIVERSITY**

**W A S H I N G T O N , D C**

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# FOREWORD

American University's policies governing the relationship entered into by each full-time member of the University Faculty and the University at the time of initial appointment describe the mutual obligations and expectations which are the basis for a continuing association.

These policies have been formulated with the assistance of the Committee on Faculty Relations and approved by the Faculty Senate. They reflect the concerted efforts of the Committee, the Faculty Senate, the provost, the president, and the Board of Trustees to affirm principles of University faculty relationships which are in accord with those generally in effect in the academic world, which adopt the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors, and which take into account its subsequent related recommendations. The University does not discriminate on the basis of race, color, religion, national origin, sex, gender, age, disability, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, source of income, or Vietnam-era veteran status or any other legally protected status under the D.C. Human Rights Act. It conforms with all applicable federal and state non-discrimination laws.

The University gives emphasis in its recruitment and promotion to a diverse faculty. This emphasis applies both to faculty and administrative appointments and is not inconsistent with a consideration of quality and professional preparation governing such appointments. American University is an equal employment opportunity and affirmative action university and employer as required by local and federal laws.

The principles set forth in this *Manual* attest to the firm intention of the University to provide as favorable working conditions for its faculty as its resources permit, and an atmosphere in which each faculty member may pursue his/her scholarly activities and interests freely and without restraint. In return, the University expects that faculty members shall devote themselves creatively, and with energy, to the primary duties of teachers and scholars. Each faculty member should endeavor to challenge students intellectually and stimulate them to acquire knowledge, understanding and vision.

This *Manual* applies to the Law Library faculty of the Washington College of Law. It conforms to the *Faculty Manual* of the University (*Section II, Part I of The Manual of Information & Procedures*) except in instances when long-standing practices, or principles enunciated by the Association of American Law Schools and the American Bar Association have resulted in different policies and procedures. In particular, faculty appointments in the Washington College of Law and its Library are not subject to review by the University Committee on Faculty Relations, while the faculty grievance procedures of the University Committee on Faculty Grievances do apply, and are [ 1 | 2 ] available to faculty of the Washington College of Law and its Library. Lastly when long-

standing practices, or criteria or principles specific to University Library faculty members have resulted in different policies or procedures for that faculty they are usually also applied to faculty of the Law Library. The terms "dean" and "chairperson", used in this *Manual*, refer to the dean of the Washington College of Law and to the director of the Washington College of Law Library respectively, in connection with policies and procedures related to Washington College of Law Library faculty members. The terms "department," "teaching unit" and "College/School" refer to the Washington College of Law and the Washington College of Law Library in contexts pertaining to Washington College of Law Library faculty members.

This *Manual* is not a static document but rather an evolving one. Therefore, following established procedures, the University may amend this *Manual* from time to time to reflect changes in local or federal laws or in the academic or business needs of the University. This *Manual* also incorporates by this reference the policies contained in the *Faculty/Staff Manual* as it applies to faculty.

## **GENERAL INFORMATION**

### **1. A Short History of American University**

American University was established in the District of Columbia by an Act of Congress approved on February 24, 1893, primarily as a result of the efforts of Methodist Bishop John Fletcher Hurst (1834-1903).

Bishop Hurst and his colleagues were concerned with building an institution that would meld the strengths of the German universities with the strengths of the existing university system in America. As their plans developed during the early years, they began to conceive of American University as an institution which would be:

- A privately-supported university financed principally by the membership of the churches, particularly the Methodist Episcopal Church, which had been the founders of many of the colleges and universities in the early years of American history;
- An internationally minded institution where scholars from across the nation and from throughout the world would gather to dedicate their combined efforts to the advancement and dissemination of knowledge;
- A center of higher education and research activities which, while independent of the government, would draw freely on the intellectual and scientific resources of the Nation's Capital to supplement and to extend its own capabilities;
- An institution which would contribute to the general cultural life and development of the Capital in much the same manner that state-supported universities in other world capitals contributed to their communities;

After more than two decades devoted principally to securing financial support, the University was officially dedicated on May 15, 1914. The first instruction began on

October 6 of that year, when twenty-eight students were enrolled (nineteen of them graduate students, nine of them special students not candidates for a degree). The First Annual Commencement, at which no degrees were awarded, was held on June 2, 1915. The Second Annual Commencement was held on June 2, 1916, and at that time the first degrees (one master's degree and two doctor's degrees) were awarded.

During the next ten years, instruction was offered at the graduate level only, in accordance with the original plan of the founders. In the Fall of 1925, the College of Liberal Arts (subsequently named the College of Arts and Sciences) was established. Since that date, both undergraduate and graduate degrees and programs have been offered by the University.

The present structure of the University began to emerge in 1949. The Washington College of Law became part of the University in that year, having begun in 1896 as the first coeducational institution for the professional study of law in the District of Columbia. Shortly thereafter, three departments were reorganized as schools: the School of Business Administration (1955)(subsequently named the Robert P. and Arlene R. Kogod College of Business Administration and in 1999 renamed again the Kogod School of Business); the School of Government and Public Administration (1957); and the School of International Service (1958). From 1965 to 1977, the College of Continuing Education existed as a degree-granting college with responsibility for on- and off-campus adult education programs. The Lucy Webb Hayes School of Nursing provided undergraduate study in Nursing from 1965 until 1988. In 1972, the School of Government and Public Administration, the School of International Service, the Center for Technology and Administration, and the Center for the Administration of Justice (subsequently named the School of Justice) were incorporated into the College of Public and International Affairs. In 1988, the College of Public and International Affairs was reorganized to create two free-standing schools: the School of International Service and the School of Public Affairs, incorporating the School of Government and Public Administration and the School of Justice. The School of Communication became independent from the College of Arts and Sciences in 1993.

## **2. The University and the United Methodist Church**

The development of the University has been supported by many sources, but particularly important has been The United Methodist Church. As the result of an amendment to its Charter by the Congress of the United States on August 1, 1953, the University became closely associated with the Board of Education of the United Methodist Church, which makes an annual contribution to the University. Active management of the corporate affairs of the University is, of course, vested in the Board of Trustees.

American University is non-sectarian in its educational philosophy and academic programs. The United Methodist Church, recognizing the integral place of religion in the human experience, seeks to provide optimum opportunity for religious development on its campus. But it always has taken care to guarantee the values of academic freedom. The faculty and the student body of American University represent a diversity of

religious as well as academic and national backgrounds and experiences. The Board of Trustees has delegated to the faculty basic responsibility for the academic programs of the University.

### 3. Statement of Common Purpose

In November 1994, the Faculty Senate and the president recommended and the Board of Trustees approved the following Statement of Common Purpose for American University.

#### *Statement of Common Purpose*

The place of American University among major universities with first-rate faculties and academic programs grounded in the arts and sciences is secured by its enduring commitment to uncompromising quality in the education of its students. But its distinctive feature, unique in higher education, is its capacity as a national and international university to turn ideas into action and action into service by emphasizing the arts and sciences, then connecting them to the issues of contemporary public affairs writ large, notably in the areas of government, communication, business, law and international service.

Recognized for its emphasis on personalized teaching and experiential education, the University provides for the direct involvement of faculty and students in the institutions and culture of the most important capital city in the world. Since its founding by an Act of Congress in 1893 as a private, independent, coeducational institution, under the auspices of The United Methodist Church, American University has been a national and international university. This is reflected in the scope of its teaching and research programs and the diversity of its faculty, staff, alumni, trustees, and student body, today representing 145 countries.

The University actively encourages a commitment to public service, inclusive participation in University governance, equity and equal access, and an appreciation of diverse cultures and viewpoints. Its commitment to social justice, its ability to respond to the needs of a changing world while retaining its core values, and its capacity to turn to educational advantage the resources of the nation's capital are hallmarks of the institution.

The University distinguishes itself through a broad array of undergraduate and graduate programs that stem from these primary commitments:

- **Interdisciplinary inquiry** transcending traditional boundaries among academic disciplines and between administrative units;
- **International understanding** reflected in curriculum offerings, faculty research, study abroad and internship programs, student and faculty representation, and the regular presence of world leaders on campus;
- **Interactive teaching** providing personalized educational experiences for students, in and out of the classroom;

- **Research and creative endeavors** consistent with its distinctive mission, generating new knowledge beneficial to society;
- **Practical application** of knowledge through experiential learning, taking full advantage of the resources of the Washington, D.C. metropolitan area.

The central commitment of American University is to the development of thoughtful, responsible human beings in the context of a challenging yet supportive academic community.

## 4. The Washington College of Law

In 1949, the Washington College of Law, which prior to that time had functioned as an ABA approved independent law school in the District of Columbia, became an integral part of American University pursuant to the terms of a Merger Agreement entered into on March 28, 1949. The Merger Agreement provides in pertinent part as follows:

American University agrees to operate as an integral part of the University a law school to be known as the Washington College of Law of American University, which name shall be maintained for so long as the University continues to operate a school or college of law.

and:

American University agrees to use its best efforts to operate said law school in such fashion as shall entitle it to retain the present accreditation extended to the Washington College of Law by the Association of American Law Schools and the American Bar Association or the then equivalent accrediting agencies.

and:

American University agrees to promote faithfully the development of the Washington College of Law as a division of American University and to maintain the principles and traditions of the Washington College of Law.

and:

...the merger of the Washington College of Law with American University...shall [be] approved by the Association of American Law Schools.

The Merger Agreement also incorporated the terms of admission of the Washington College of Law into the Association of American Law Schools which had occurred in 1947. The by-laws of the Association impose somewhat more detailed and rigorous standards than those applied by the American Bar Association.

On June 9, 1963, the Board of Trustees of American University accepted the Report of the President of the University which included the plan for the University's Faculty Organization, arising from the self-study in connection with the Middle States Evaluation. That plan, effective in the Fall of 1963, provides in pertinent part:

It shall be understood that the specific procedures within the professional schools shall at all times conform to the professional standards of the school in question.

The Washington College of Law of American University is a professional school and has as its mission the preparation of students for the practice of law. In virtually all states of the Union, a qualifying examination must be passed before a candidate is permitted to engage in the practice of law. In most of these states, receipt of a degree from a law school accredited by the American Bar Association or approved by the Association of American Law Schools is required as a prerequisite to sitting for the qualifying examination. The Washington College of Law must, therefore, be accredited by the American Bar Association and maintain itself in good standing by continuing to meet the applicable standards of that organization as set forth in the American Bar Association Standard for Approval of Law Schools. The Washington College of Law must also meet the requirements for maintaining membership in the Association of American Law Schools.

Standards 203 and 204 of the American Bar Association Standards for Approval of Law Schools state further:

The law school shall be governed by a Board whose members are dedicated to the maintenance of a sound educational institution, possess the capability of participating in the formulation and development of such an institution, and have no financial interest in the operation of the law school.

The Governing Board may establish general policies for the law school, provided they are consistent with a sound educational program and the Standards.

In the case of the Washington College of Law, the Governing Board is the Board of Trustees of American University.

Section 205 of the American Bar Association Standards reads as follows:

Within those general policies, the Dean and faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards for retention, advancement, and graduation of students.

## **5. Academic Freedom at American University**

American University endorses the Statement of Principles on Academic Freedom and Tenure issued jointly in 1940 by the American Association of University Professors and

the Association of American Colleges. The principles with respect to tenure set forth in that document are incorporated in the relevant entry in Section 14. of this *Manual*. With respect to academic freedom, the principles in effect at American University are best described in the words of the 1940 Statement, as follows:

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his/her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his/her subject, but he/she should be careful not to introduce into his/her teaching controversial matter which has no relation to the subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he/she speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but his/her special position in the community imposes special obligations. As a man/woman of learning and an educational officer, he/she should remember that the public may judge his/her profession and his/her institution by his/her utterances. Hence he/she should show respect for the opinions of others, and should make every effort to indicate that he/she is not an institutional spokesperson.

**Note: Gender references in the *1940 Statement* have been altered by the University from the original document.**

# UNIVERSITY ORGANIZATION AND POLICY-MAKING

## 6. Administrative Organization of the University

The legal powers of the University are vested in a Board of Trustees of not less than twenty-five nor more than fifty members. Members can be elected by the Board to three-year terms. The General Board of Higher Education and Ministry of The United Methodist Church must approve the election of trustees. Ordinarily, the Board meets three times a year, in the fall, winter, and spring -- the winter meeting being devoted principally to the enactment of the budget for the ensuing year. An eleven-member Executive Committee of the Board acts for the Board between regular meetings.

The president of the University is the chief executive officer of the University. The president is responsible for presenting information and recommendations to the Board and is charged with responsibility for the execution of the policies of the Board for operation, development, and promotion of the University. The president represents the University to the public.

The provost is appointed by the president with the approval of the Board and continues in office at the pleasure of the president. The provost: a) is the chief academic officer of the university, second in responsibility only to the president; b) reports to the president, and has other powers and duties assigned by the president; c) is a member of the University faculty and of each department, school and college, and an *ex officio* member of each academic committee of the University; d) receives recommendations developed by the faculty and academic administrators for consideration and recommendation to the president; e) exercises the powers and duties of the president during the absence or incapacity of the president, or in case of a vacancy in that office; f) has the option of attending meetings of faculties, schools, colleges, departments, and academic committees; g) at least once during each academic year, calls a meeting of all persons holding faculty rank to discuss matters affecting the academic policies and educational offerings of the University.

There are at present six vice presidents: finance and treasurer; development; campus life; enrollment services; international affairs; and general counsel.

All legal representation on behalf of the University shall be undertaken by the Office of General Counsel. Representation of faculty in accordance with the indemnification provision of the Bylaws of the Board of Trustees of American University shall be undertaken solely by the Office of General Counsel or its designee.

The deans of the colleges and schools report to the provost and are charged with administrative responsibility for their respective units. In certain of the larger colleges and schools, departmental or other subordinate organization exists, with department chairs or other academic administrators reporting to their respective deans.

By joint agreement of the Faculty Senate and the Trustees, the University has adopted a "Tripartite Principle" affecting university organization and governance in academic affairs. In general, this principle, as elaborated in practice, attempts to define appropriate roles for faculty, students, and administrators at various levels of academic policy-making. Its specific manifestations include the representation of students on faculty councils at the departmental and college or school level, and the procedures to be employed in the event of disagreements between teaching unit councils and chairs and deans.

The Faculty Senate has adopted the principle of accountability for principal University administrators by recommending that committees be employed to search for and recommend candidates for these positions and that evaluation committees review the

work of these same administrators at regular intervals. While the specific procedures undergo periodic review and reformulation, the following principles remain in effect:

- the ultimate authority for appointing and removing administrative personnel rests with the appropriate administrative officers, the president, and the Board of Trustees;
- the deans of the College of Arts & Sciences, Kogod School of Business, School of Public Affairs, School of International Service, Washington College of Law, School of Communication, and the University Librarian shall be appointed by the provost with the advice and consent of the faculty of the college or school concerned, and with the approval of the president and the Board of Trustees;
- department chairs, deans, and directors within colleges and schools shall be appointed by the dean after the teaching unit council has made a recommendation, with no appointment ordinarily to be made by the dean who is unacceptable to a majority of the members of the teaching unit council. Should the dean make such an appointment, reasons for his/her actions will be supplied to the teaching unit council. These appointments require approval of the provost.

## **7. Academic Policy-Making Bodies**

A modern university is such a complex institution with so many closely interrelated functions that responsibility for the policy direction of many of them is in reality a series of shared responsibilities, some of which can be rather easily identified and lodged with a specific group, while others cannot. It is clear that the conduct of the ongoing academic program has to be vested in the faculty and students. But it is equally clear that the deliberations of a forward-looking faculty will often result in plans which not only affect the existing educational enterprise but may also have serious implications for the future nature, purpose, and fiscal capabilities of the University as a whole. It is likely, therefore, that the success with which individual responsibilities are fulfilled and the success with which an institution's goals and potentialities are achieved will be measured in the long run by the success with which those who share the responsibilities are able to understand their respective roles and agree on courses of action which they can all support.<sup>1</sup>

The principal bodies and groups charged with significant responsibility in academic policy-making include the Board of Trustees, the Faculty Senate, the educational policy committees and teaching unit councils of the colleges, schools, and departments, and the committees associated with these bodies.

The University faculty as a body does not have independent policy-making powers. It meets at least once each academic year, and at other times as appropriate, at the call of the provost to hear reports on the state of the University, and to provide opportunity for general discussion of matters of interest to the faculty.

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<sup>1</sup> Based on the conclusion reached in the Statement on Governance of Colleges and Universities (1973 edition), a publication issued jointly by the American Association of University Professors, the American Council on Education and the Association of Governing Boards of Universities and Colleges

In general terms, the roles of the policy-making bodies may be described as follows:

### **a. The Board of Trustees**

The Board of Trustees determines the nature and directions of development of the University, formulates the policies by which the institution is governed, selects the president, and assures itself at all times that the University is functioning in accordance with these policies as an academically and fiscally sound institution dedicated to the highest possible standards. Legally and traditionally, the Board of Trustees delineates the broad outlines of the activities, including educational activities, in which the University is to engage, and endeavors to provide the resources to support them properly.

The Board has long recognized the important role of the faculty at American University. Reflecting that recognition, the Bylaws of the University state that:

Subject to the powers vested in the Board, the Executive Committee, the president and the provost, the faculty, functioning through its duly constituted entities, shall have primary responsibility for:

- instruction and academic standards;
- determination of curricula and approval of courses;
- recommendation of faculty appointments, promotions, and other faculty personnel concerns;
- recommendation for the instructional budget;
- recommendation of policies affecting student affairs.

The Board of Trustees of American University has approved designees for execution of contracts on behalf of the University. Only Board-approved designees are authorized to sign contracts that obligate the University; all other contracts may be ratified or adopted by the Board and the University at its sole discretion.

### **b. The Faculty Senate**

The Faculty Senate formulates the academic policies and regulations and sets the general and minimum standards in accordance with which instruction is conducted throughout the University. Standing Committees are Curriculum and Academic Programs; Information Services; Instructional Budget and Benefits; Faculty Development; Faculty Relations; and Student Learning and Academic Engagement. Special and Advisory Committees are Faculty Equity and Grievances; Faculty Hearing; General Education; and Honors Advisory Committee.

The full body of the Faculty Senate serves to organize its work, assigns matters to committees, and prepares and presents its agenda. From time to time, the Faculty Senate, as well as its standing committees, can create other committees for issues of special consideration. Faculty Senate enactments are subject to review and approval or disapproval by the provost, the president, and the Board of Trustees.

### **c. Educational Policy Committees and Teaching Unit Councils**

The educational policy committees and teaching unit councils of the various colleges, schools, and departments develop the courses and curricula which in their judgment will enable them best to perform their missions, limited only by the fact that they must act in conformity with policies and regulations established by the Faculty Senate. Whether a teaching unit functions through a full council, a representative educational policy committee or both is a function of its size and style. In either case, the body will consist of both students and faculty. The chair of a council will be the appropriate chair or dean; an educational policy committee may be chaired by a faculty member. The work of either will be subject to review by the appropriate chair or dean. By Senate regulation, teaching unit councils must keep minutes of their meetings.

## **8. Washington College of Law Governance**

### **a. Dean of the Washington College of Law**

The dean of the Washington College of Law is responsible to the provost for the administration of the Washington College of Law, consistent with the provisions of this *Manual* and of the *Faculty Manual of the Washington College of Law*.

### **b. The Faculty of the Washington College of Law**

The faculty shall exercise substantial control over decanal and faculty appointments or changes in faculty status, such as reappointment, promotion, leaves of absence, and granting of tenure. The capacity to make the pertinent decisions is maintained by procedures under which:

- the faculty (acting in general meeting or by a representative portion determined by reasonable criteria), assembled in a meeting of which suitable notice has been given, makes initial recommendations with respect to faculty appointments or changes in faculty status, for submission through intermediate approving authorities to the provost;
- the Law Library faculty performs this same function for the Washington College of Law Library;
- the faculty, individually or collectively, is consulted with respect to appointment of the dean or acting dean. Persons recommended for appointment as dean must have received the support of the majority of the faculty;
- the Law Library faculty does not participate in any formal sense in the selection of a dean or acting dean;
- only in exceptional circumstances will decanal or faculty appointments or changes in faculty status, as defined above, be made over the expressed opposition of a majority of the faculty (acting as a whole, or by a representative portion determined by reasonable criteria); and

- the faculty's judgment concerning the law school's opportunities and needs shall be given appropriate consideration as defined by ABA and AALS Standards.

### **c. Washington College of Law Committee on Rank and Tenure**

The faculty of the Washington College of Law has delegated to the Washington College of Law Committee on Rank and Tenure responsibility for making recommendations directly to the dean of the Washington College of Law regarding all full-time faculty appointments and promotions above the rank of Assistant Professor, and part-time faculty appointments and promotions above the rank of Lecturer. The faculty also has delegated to the Committee on Rank and Tenure responsibility for recommending to the dean all faculty reappointments and appointments with tenure, and approval or disapproval of sabbatical leaves and leaves without pay.

The Committee on Rank and Tenure is composed of all tenured professors, including those on leave. A quorum of the Committee for the conduct of business consists of a majority of professors on tenure in residence. When assembled in a meeting, only professors present in person shall have the right to vote. The Chair, however, may poll the Committee in connection with an initial appointment where a determination is a matter of urgency.

### **d. Washington College of Law Library Committee on Rank and Tenure**

The Law Library faculty Committee on Rank and Tenure consists of all Tenured Law Library faculty. The Law Library Committee on Rank and Tenure performs the same role for the Law Library faculty that the Washington College of Law Committee on Rank and Tenure performs for the Washington College of Law Faculty.

### **e. Washington College of Law Library Committee on Appointments**

All tenured and tenure track Law Library faculty members serve as the Washington College of Law Library Committee on Appointments. This committee is responsible for the recruiting and screening of prospective Law Library faculty candidates and the recommendation of appointment actions to the dean. The appointment of the Law Library director is handled as a matter before the Washington College of Law Faculty and not by the Washington College of Law Library Committee on Appointments.

### **f. Washington College of Law Committee on Standards and Evaluations and Library**

The Committee on Standards and Evaluations and Library is composed of five faculty members and two student representatives. This Committee is responsible for reviewing and proposing the establishment or revision of the standards by which the law school, its faculty, students, and support staff operate and evaluate performance.

### **g. The University Committee on Faculty Equity and Grievances**

The University Committee on Faculty Equity and Grievances is composed of seven tenured faculty members who are elected by the faculty at-large. Persons identified as resource persons by Article V, Section A under section 50.00.00 of the Academic Regulations, deans, teaching unit chairs or division directors, and Committee on Faculty Relations members are not eligible to serve on this committee.

The Committee represents the Faculty Senate in matters referred to it by any faculty member, faculty committee, teaching unit council, or equivalent body of the Washington College of Law and its Library, or administrative officer. The Committee is the primary instrument in University governance for faculty review of the grievances of any faculty member. It accepts the submission of a grievance on any subject relating to the faculty member's professional functioning at American University. It reviews grievances presented to it and makes recommendations for settling them, in accordance with procedures specified in Section 19 of this *Manual*. The Committee's recommendations provide means for resolving differences affecting the interests and welfare of faculty members and the University.

#### **h. Faculty Hearing Committee**

The University Faculty Hearing Committee shall be composed of fifteen tenured members of the teaching faculty elected by the University faculty-at-large. Members of the Hearing Committee shall be elected for terms of three years. Individual panels are drawn from the elected members of the Committee to hear cases. The Faculty Hearing Committee is charged with hearing cases referred to it by the Provost involving termination of continuous tenure appointments, or probationary or special term appointments before the end of the specified term due to incompetence, misconduct, or other cases involving major disciplinary sanctions against a faculty member. It is also used to hear cases of a formal complaint of sexual harassment or violation of research integrity. It reviews cases presented to it and makes recommendations in accordance with the procedures specified in Section 21 of this *Manual*.

## **9. Provisions for Handling Faculty Appointments, Reappointments, Promotion, Tenure, and Grievances**

### **a. Washington College of Law Faculty Personnel Procedures**

It is the responsibility of the dean of the Washington College of Law to prepare the Personnel Action Forms for each faculty member, and to forward them to the office of the dean of academic affairs, together with his or her recommendation and those of the appropriate Committee on Rank and Tenure. He or she is also responsible for providing to the chair of the appropriate Committee on Rank and Tenure at the beginning of each academic year, and, in any event, not later than October 1, a list of all faculty concerning whom personnel actions are to be considered for the following academic year. Such actions may involve but are not limited to reappointment, promotion, leaves of absence, and granting of tenure.

The Chair of the Law Library Faculty Committee on Rank and Tenure will in turn promptly compile a list of all faculty personnel actions under consideration and forward copies of this list to the Faculty of the Washington College of Law inviting comments. Faculty members for whom personnel actions are under consideration must then be notified to submit appropriate documentation regarding their work, activities and honors for review. The Committee may act through subcommittees of not less than three tenured faculty members in gathering additional information from faculty, students, alumni and peers by means of letters, telephone calls, interviews and class visitations.

During the month of November of each academic year, the Committee on Rank and Tenure holds a series of assembled meetings during which each faculty personnel action is deliberated.

Faculty members whose cases are considered may appear in person before the Committee, either at their own, or at the Committee's, request. At the conclusion of each case, a vote is taken and the position of a majority of the quorum present becomes the formal action of the Committee. The procedures of the Committee do not permit voting by proxy. The vote and other actions of the Committee are reported and recorded for the record in the written minutes of the Chair and approved by the Committee.

The dean receives from the Chair of the Committee on Rank and Tenure a memorandum explaining its recommendation for each individual considered.

If the dean disagrees with any recommendation of the Committee on Rank and Tenure, he or she shall make that fact known in writing to the Chair of the Committee on Rank and Tenure, together with his or her reasons, prior to forwarding the individual Personnel Action Form to the dean of academic affairs.

## **b. Review of Washington College of Law Faculty Personnel Decisions**

Formal authority for making faculty appointments rests with the provost or his/her designee, on advice and consent of the appropriate faculty after consultation with the dean concerned, and is subject to the approval of the president and the Board of Trustees.

The processes of appointment, granting of tenure, promotion, termination, and grievance handling, involve an array of offices and committees.

Conflicts of interest involving the evaluation of individual faculty members for appointment, tenure, or promotion should always be avoided. The provost, deans, members of the Committee on Rank and Tenure, and all others who participate are expected to acknowledge such conflicts openly, and to abstain from participation whenever such conflicts arise. In the interest of fairness, the effective principle is that no person shall have more than a single voice or vote in the evaluation of a faculty member.

The dean of academic affairs, under the direction of the provost, is authorized to act in all faculty personnel matters. The dean of academic affairs must approve all full-time

employment commitments in advance of the offer to the perspective faculty member. The dean of academic affairs will give due respect to, but is not bound by, the recommendations of faculty committees, department chairs, and deans involved in the faculty action process.

Faculty personnel actions originating in the Washington College of Law are not subject to review by the University Committee on Faculty Relations, except those recommended for appointment as University Professors. The University Committee on Faculty Relations is described in Section 7. d. of the *Faculty Manual (Section II, Part I of the Manual of Information and Procedures)*.

## **FACULTY REGULATIONS**

The sections under this heading constitute the basic regulations concerning conditions of faculty employment, as enacted by the Faculty Senate and approved by the provost, the president and the Board of Trustees. Faculty must comply with the applicable policies contained in the Academic Regulations.

### **10. Faculty Rank: General Conditions of Appointment**

#### **a. Regular Full-Time Faculty**

Except as provided below, all appointments to faculty ranks are on the recommendation of a college, school, department or other appropriate administrative unit (with the concurrence of the appropriate dean), and constitute appointments to the faculty of the recommending school or college. Appointments at any rank may be made jointly to two or more faculties of the University, with the same rank in each. Appointment to the faculty of the College of Arts and Sciences and the School of Public Affairs, and the Kogod School of Business requires appointment to a department.

Except as provided below, all appointments to the full-time faculty are tenure-track appointments, with the appointment to a seventh year of service conveying tenure or being designated as a terminal contract.

#### **b. Washington College of Law Library Faculty Members**

Regular full-time Washington College of Law Library faculty ranks are: Assistant Law Librarian, Associate Law Librarian and Law Librarian.

The Washington College of Law Library is a central element in the educational structure of the University, and its activities support and promote the work of the Washington College of Law as well as that of all the other teaching units of the University. Therefore,

their full-time faculties members are evaluated with concern for excellence, are offered the protection of academic freedom, and enjoy privileges, such as tenure and the opportunity for leaves that are established for other full-time faculty members.

### **c. Visiting Faculty**

A person who is on leave from the full-time teaching faculty of an accredited college or university or from a comparable educational, research, or policy institution may be appointed on an annual basis as Visiting Professor, Visiting Associate Professor, or Visiting Assistant Professor. If full-time faculty appointment on the University faculty is desired, the same qualifications and procedures shall apply as for initial appointments to full-time faculty ranks. Recommendations for reappointment of visiting faculty shall be made annually to the Committee on Faculty Relations. A visiting appointment may not be renewed for more than two consecutive years.

The Washington College of Law like the University Library may offer Visiting appointments on the same basis to qualified library and information professionals.

Visiting Faculty is entitled to specific resources and access to specific facilities of the university as determined by the dean of the college or school to which they have been appointed. While the conditions and perquisites of employment are not the same as tenure or tenure track faculty, all other rules, policies, and procedures that relate to the teaching faculty of the university apply.

### **d. In-Residence Faculty**

An "In-Residence" faculty appointment allows for flexibility where there is a desire to provide for the visit of a distinguished and prominent individual to American University. The positions that are given "In-Residence" designation may be full or part-time and include, but are not limited to, Writer, Artist, Diplomat, Poet, Scholar, Executive, Journalist, and Emeritus In-Residence. Such an appointment is initiated at the teaching unit level with the prior consultation with the dean and the dean of academic affairs on behalf of the provost. The procedures for making the appointment will be those regularly followed for personnel appointment to full- and part-time positions. The specific duties, privileges, and remuneration of In-Residence appointees will be negotiated on an individual basis. In all cases of multiple year In-Residence appointments, the holder of an In-Residence appointment will be evaluated annually on the specifications stipulated in the negotiated contract by the teaching unit, teaching unit administrator, dean, Committee on Faculty Relations, and the dean of academic affairs. No holder of an In-Residence appointment may be reappointed without a positive evaluation on the specifications stipulated in the negotiated contract by the teaching unit, teaching unit administrator, dean, Committee on Faculty Relations, and dean of academic affairs.

Moreover, with the exception of emeriti/emerae, no person who has served in any other position at American University may be appointed as In-Residence faculty. Normally, the

In-Residence appointments would be no more than five years in duration, but in exceptional circumstances, may be renewed beyond that time.

### **e. Emeriti/ae Faculty**

A Distinguished Professor, University Professor, Professor, Law Librarian, Associate Professor, Associate Law Librarian, Assistant Professor, or Assistant Law Librarian who has been a member of the full-time faculty of the University for eight years or more immediately prior to retirement will be given emeritus status as of the date retirement becomes effective. Emeriti/ae are entitled to reasonable use of the facilities of the University. Emeriti/ae of the Washington College of Law and the Washington College of Law Library retain their right to speak at faculty meetings, but do not have voting rights unless they are serving as Emerita/Emeritus-in-Residence. The names of emeriti/ae shall be included in published faculty listings. They may serve on committees and perform such other occasional services as are in keeping with their desires and capabilities and with the needs of the University. Emeriti/ae who teach for the University after retirement shall be accorded the title of Emerita/Emeritus-in-Residence.

### **f. Status of Research Faculty**

A person engaged primarily in research or professional activities relevant to the work of the University may be given an appointment to the research staff. See additional information and policies concerning research and research appointments in *Research Policies Manual* [Section IV of *The Manual of Information and Procedures*], the *Principal Investigator's Handbook*, and in Section 11c of this *Manual*). Upon the recommendation of a teaching unit making such an appointment, and subject to the same review procedures as regular faculty appointments, a phrase such as "with the rank of Research Assistant Professor, Research Associate Professor, or Research Professor" may be appended to the title provided that research faculty member possesses the educational and research qualifications appropriate to the particular rank. Persons appointed with such titles will have the nature and extent of their duties clearly expressed in a letter of appointment. Such an appointment does not confer membership on the faculty. Research faculty appointments and reappointments are recommended by the department and school or college, subject to approval by the provost, and are made according to procedures established by the provost. A research faculty appointment expires at the end of the appointment period unless it is renewed according to the procedures set out by the provost. Employment beyond the contract period cannot be expected by a member of the research faculty. These appointments carry no implications of or credit towards academic tenure. Appointments may be made on a part-time or full-time basis. A person having such an appointment will normally have his/her salary entirely funded by sources outside the University. Exceptions will require the written approval of the provost upon recommendation of the Committee on Faculty Relations and the Committee on Research. Research Faculty are entitled to specific resources and access to specific facilities of the University as determined by the dean of the college to which they have been appointed. While the conditions and perquisites of employment are not the same as tenure or tenure

track faculty, all other rules, policies, and procedures that relate to the teaching faculty of the university apply.

### **g. Temporary Faculty**

Under limited circumstances, such as to replace faculty on leave, to fill vacancies that occur too late for any appropriate search to be conducted for a tenure-track faculty appointment, to fill a vacancy resulting from an unsuccessful search to fill a tenure-track appointment, or to staff an experimental program, persons may be appointed as a temporary faculty at the rank of Assistant Law Librarian, Associate Law Librarian or Law Librarian, subject to the qualifications set out in Section 12 below.

Initial appointments are for one year, except in exceptional circumstances they may be for two years. In rare instances, reappointments may be made for a total service in temporary ranks not to exceed five years. If temporary faculty is subsequently appointed to tenure-track positions, they may waive all or part of their prior American University service credit.

### **h. Faculty Fellows**

Occasionally, a faculty member or scholar from another institution may wish to have a short-term affiliation with the University for the purpose of doing research or participating in other scholarly, creative or professional activities. These individuals receive no compensation from American University but may participate in campus activities that are of mutual benefit to the individual and the University. The title of Faculty Fellow may be granted to such individuals with the understanding that they may receive the privileges determined by the dean of the school or college consistent with all university policies. The appointment process follows that of adjunct appointments for the unit.

### **i. Administrative Officers and Staff Members with Faculty Rank**

The assignment to a University administrative or professional staff position and the conferring of faculty rank represent separate and distinct actions. A member of the faculty appointed to an administrative or staff position must understand clearly the dual nature of the relationship with the University. An individual holding both an administrative/staff position and faculty rank is subject to the rules and regulations for both appointments. Administrative/staff actions will be governed by staff policies and faculty actions will be governed by faculty policies.

When a full-time member of the faculty is appointed to an administrative or staff position, it is expected that s/he will retain faculty status, and be entitled to consideration for promotion in rank or an appointment with tenure on the same basis as other full-time faculty members, provided s/he continues to participate in the affairs of the teaching unit, and s/he consents to teach without compensation one regularly scheduled course per

twelve-month period. If these conditions are not met, an administrator may forfeit his/her faculty status and tenure in the teaching unit.

Faculty appointments may be made conterminously with an administrative appointment and therefore have no implication of tenure. The same procedures for appointment are those outlined in section 7 of the *Faculty Manual*.

A recommendation involving the faculty rank of an administrative officer or a member of the staff (for example, appointment, reappointment, promotion in rank, and appointment with tenure), shall be processed in the same way as any recommendation relating to full-time faculty members.

### **j. Affiliate Faculty**

An affiliate faculty appointment recognizes a formal arrangement between a faculty member and a department or teaching unit outside that of the faculty member's primary appointment. Ordinarily, only tenured faculty members are eligible for such an appointment. Individual faculty members are encouraged to initiate informal discussions regarding a possible cross-unit affiliation with the heads of both the primary and proposed affiliation units.

An affiliate faculty appointment must be supported by a written affiliation agreement which describes the responsibilities and benefits of the affiliate agreement as well as its resource implications, if any. The extent to which the faculty member will participate in the governance of the affiliate academic unit must be specified in the affiliation agreement. An affiliate faculty appointment and the related affiliation agreement must be approved by the head of the faculty member's primary teaching unit and the dean as well as by the teaching unit head, rank and tenure committee and dean of the proposed affiliate unit. Final approval of an affiliate faculty appointment will be made by the dean of academic affairs. Review criteria for affiliate faculty appointments will be the potential affiliate's past and/or envisaged contributions to research, teaching, and/or service in the unit where affiliation is sought. It is not necessary that the proposed faculty affiliate have strong credentials or a track record relevant to the proposed affiliate unit so long as there is mutual agreement about the potential for future contributions to the unit's mission. The term of an affiliate appointment may vary from one to three years and may be renewed. An affiliate faculty member will retain academic rank held in the faculty member's primary discipline and may use a title such as "Associate Professor of History and Affiliate Associate Professor of Government".

## **11. General Criteria Used in Evaluation of Faculty Members**

The evaluation of a member of the faculty at the time of initial appointment, at each renewal, and on the occasion of promotion in rank or appointment with tenure, is based

upon his/her actual and potential contribution to the general community of scholars, to students, to the faculty of which the member is a part, and to the University.

The criteria set forth in this section are intended to guide the Committee on Faculty Relations and all others concerned with the evaluation of faculty members. The purpose of these criteria is to call attention to the overall contribution and performance of the faculty member without necessarily implying that equal weight need be assigned to the separate criteria. Individual teaching units may establish and publish criteria more demanding, if consistent with criteria set forth herein.

Occasionally a teaching unit may wish to propose a faculty action that does not fulfill all the criteria for the rank or status involved. The recommendation must be justified on the basis of the exceptional merits of the case and its relation to the mission of the teaching unit. On the other hand, because programmatic needs may change over time, it should be understood that non-renewal of probationary appointments may occasionally occur even when an individual has fulfilled all other criteria for reappointment.

In order that the application of the criteria within a particular teaching unit is clearly understood by all of its faculty members, each teaching unit should engage in a full discussion of the criteria used by its rank and tenure committee for the appointment, retention, and promotion of members of its faculty. Such discussions should involve both the general criteria in this *Manual* and whatever other specific criteria are used by a teaching unit. Moreover, such a discussion should occur at least once a year after the Committee on Faculty Relations has held its annual information meeting for rank and tenure committees, and before the rank and tenure committee begins its review of faculty personnel actions.

### **a. Educational and Professional Background**

It is assumed that a person recommended for appointment to the faculty will have the educational background and the professional experience appropriate to the position proposed. The record should show the completion of requisite academic work and possession of recognized earned degrees attesting to educational background, and an employment and professional history relevant to the teaching field and of sufficient duration to satisfy the requirements of the rank to which appointment is sought.

The University prefers that the members of its faculty be diversified in their educational background and teaching experience, and discourages the appointment of faculty members whose earned degrees have all been obtained at American University.

A person appointed as a Washington College of Law Library faculty member must have earned a law degree or a master's degree in library science (which is the recognized terminal degree in librarianship) from an institution accredited by the American Bar Association or the American Library Association respectively and have the qualities and competencies which indicate the ability to contribute significantly toward the realization

of the Washington College of Law Library's role in the educational programs of the University.

Initial evaluation of a Washington College of Law Library faculty member for renewal of appointment, for promotion in rank, and for appointment with tenure shall be conducted by the Washington College of Law Library Rank and Tenure Committee. Such evaluations shall be based upon the following criteria:

### **b. Effectiveness in Fulfilling Primary Responsibilities**

The quality of the performance of a Washington College of Law Library faculty member in carrying out his/her primary responsibilities will be the chief criterion for an evaluation.

Washington College of Law Library faculty support the educational mission of the University in many ways, and their primary responsibilities vary depending on their particular position within the Washington College of Law Library. They may respond to user information needs by assisting patrons at public service desks, participating directly in classroom instruction, selecting, and acquiring and organizing library materials to make them accessible to the University community, and ensuring that the Library continues to use all appropriate information technology. Some positions include an administrative component. All Washington College of Law Library faculty members must maintain a current awareness of research and technological advances relevant to their library positions and to a broad understanding of academic law librarianship and related disciplines.

### **c. Creative, Scholarly, and Professional Development**

Creative work and production of significant scholarship are essential to effective teaching and academic law librarianship. The University is committed to support and assist in the development of scholarly research. The University and the Washington College of Law also recognizes that professional activities may often constitute a contribution of importance similar to scholarly publications.

Evidence of development, scholarship, and creativity includes the publication of significant scholarly contributions, publication of teaching methodology and materials, public lectures, reviews of books and other materials; participation as a member of an editorial board, on an accreditation committee, or on a similar body of experts; or participation in responsible positions in regional or national professional organizations, creative production and performance, and other professional activity that demonstrates concern with the advancement of the faculty member's discipline.

Scholarship is defined as consisting of original contributions to the author's field of knowledge such as would warrant recognition among scholars and educators in the same field. In applying this governing standard to law library research, it must be noted that law library scholars can find many outlets to pursue their areas of scholarship and research. Interests may range from the highly abstract to eminently practical contributions.

Law library scholars may seek to accomplish a wide range of purposes in their scholarship. Scholarship, in sum, is informed, reflective, analytical, and in some substantial part a personal statement. An excellent annotated bibliography of properly selected titles might be sufficient evidence of law library scholarship. In addition, law library scholarship is typically reflected in articles published in the Law Library Journal, the Legal Reference Services Quarterly and other recognized professional library journals.

Quality of scholarship is not measurable in terms of pages or even numbers of pieces, but instead should be sufficient, in relation to the time spent at the Washington College of Law and Law Library to demonstrate a devotion to intellectual inquiry and scholarly productivity through the person's professional life. Scholarly publications prior to coming to the Washington College of Law may be relevant insofar as they indicate that these qualities are not recently acquired.

#### **d. Contribution to the University**

A member of the faculty should actively contribute to the general development of the University. Participation in faculty meetings and committees, and in student organizations and activities, constitutes such contribution. Use of the faculty member's professional skills and training in public service to local communities, professional and scholarly communities, and society at large is also evidence of contribution to the University.

In the evaluation of library faculty members and the application of the criteria enumerated above, proper recognition shall be given to the varied nature of the responsibilities which a library faculty member may assume within the Washington College of Law Library.

Minimal satisfaction of the above criteria does not confer a right to positive personnel action. An outstanding record of creative, scholarly and professional development and of contribution to the University will not compensate for inadequate or average performance of primary responsibilities.

## **12. Qualifications for Specific Ranks**

In addition to fulfilling the general criteria for the evaluation of faculty members described in the preceding section, faculty must meet specific requirements for each rank in order to be appointed to or promoted to that rank. A statement of these qualifications follows.

#### **a. Assistant Law Librarian**

Initial appointment to the rank of Assistant Law Librarian does not require prior professional experience, but does assume a record which indicates the likelihood of success in an academic law library environment. Reappointment to this rank is dependent upon the librarian's ability to apply the fundamentals of law librarianship to academic law

library programs and problems. An Assistant Law Librarian is expected to participate in appropriate continuing education and to contribute actively to the general development of the law school and university. After an Assistant Law Librarian has obtained one year of credit toward tenure he/she will be expected to demonstrate increasingly successful library service, and to engage in sufficient creative, scholarly, and/or professional activity to indicate the likelihood of continued professional growth.

### **b. Associate Law Librarian**

Promotion to the rank of Associate Law Librarian assumes at least four years of increasingly responsible professional library experience either in assuming more responsible positions or in exercising individual initiative in enhancing and redefining one's initial position.

One promoted to this rank will have mastered the skills and techniques of law librarianship. In addition, an Associate Law Librarian must make significant contributions to the University, the Law School, the Law Library, and professional communities. Some evidence of a growing professional reputation in the extra-University community should be provided, such as being asked to deliver a paper, actively participating in a law library or related professional association, editing or compiling a catalog or list for use beyond the Law Library, Law School or University, or publishing articles or books.

### **c. Law Librarian**

Promotion to the rank of Law Librarian assumes at least eight years of increasingly responsible professional library experience, including at least four of those years in a rank higher than Assistant Law Librarian, an appointment with tenure, and a record which has enhanced the reputation of The Washington College of Law Library within the professional community. This rank is reserved for those who have made distinctive contributions over a significant period of time to the University, to The Washington College of Law, to its Library, and to the profession of law librarianship. The professional effectiveness of a law librarian at this rank will have been consistently superior over a long period of time.

Promotion to this rank should also entail a superior record of service to the University community, a reputation within the profession, creative and scholarly work, and an in-depth knowledge of research and developments within the profession.

Occasionally it might be appropriate to propose a promotion or appointment action in which some of the requirements set forth above are not present. Such a proposal must be justified on the basis of the exceptional merits of the case.

## **13. Special Provisions and Procedures with Respect to Appointment, Reappointment, and Other Faculty Actions**

### **a. Terms of Service**

Appointments prior to the granting of tenure are usually made annually. However, an initial appointment of two years may be made when recommended by the teaching unit and approved through the usual appointment process. Faculty on an initial two-year contract must be notified by the teaching unit no later than December 15 of the second academic year whether it will recommend renewal for another year. Contracts prior to the granting of tenure, and subsequent to the initial two-year contract, shall be subject to the notice requirements specified in item "f" of this section.

The Washington College of Law Library faculty member's contract year coincides with the twelve-month academic year. The schedule for evaluating files and notifying law library faculty members of personnel actions is the same as the schedule for the teaching faculty. An initial contract of up to twenty-four months may be offered at the recommendation of the Washington College of Law Library Rank and Tenure Committee and/or the dean of the Washington College of Law. A law library faculty member who is appointed within six months of the end of a contract year will not receive credit toward tenure for the partial year. A law library faculty member may resign from the Washington College of Law Library by giving written notice to the director of the Washington College of Law Library preferably 60 days but not fewer than 30 days before the last day of employment.

Payment for service for Washington College of Law Library faculty is in twelve monthly installments, from September through August.

### **b. Reappointment**

Reappointments are contingent upon the satisfaction of the general criteria for the evaluation of faculty members, contained in Section 11, any specific criteria set by an individual teaching unit, and the criteria for particular ranks outlined in Section 12 of this *Manual*.

All tenure track faculty members being recommended for reappointment will be evaluated with respect to the above criteria for appointment. The findings and recommendations resulting will be communicated to the faculty member concerned and forwarded as part of the reappointment process. An evaluation as set out in this paragraph may be carried out, in the first year of a second or third two-year contract at the request of the faculty member or the teaching unit head, if desirable for any reason relating to the faculty member's progress toward tenure. Normally, the File for Action for reappointment will be processed according to the procedures outlined in section 9.

All non-tenured, tenure track faculty members on a multiple year contract who are not due for reappointment or termination of service or who are due for reappointment to a second, fourth (except as noted in the preceding paragraph) or sixth year, of service will be evaluated by the duly constituted rank and tenure committee and teaching unit head, with the evaluations communicated to the faculty members concerned through the established teaching unit channels. The File for Action will not be acted upon by the dean or the Committee on Faculty Relations and will instead be forwarded directly to the dean of academic affairs, except in a case of recommended termination or where full review has been requested as set out in the paragraph above.

Tenured faculty will be evaluated at least triennially by the teaching unit rank and tenure committee and apprised of the results.

### **c. Promotion in Rank**

A person who is recommended for promotion in rank must meet the criteria in effect for initial appointment to that rank. Promotion in rank cannot be considered an automatic procedure or simply the result of loyal service to the University for a number of years. Promotion to the rank of Associate Professor, and particularly to the rank of Professor, will involve much more than the mechanical application of specified criteria and will be reserved for those persons who have demonstrated that they have made an outstanding contribution to the University.

Members of the full-time faculty must serve the requisite number of years in rank, as specified in Section 12 of this *Manual*, including at least two years at American University, before being eligible for promotion to the next succeeding rank.

### **d. Documentary Support for Faculty Personnel Actions: Rights and Responsibilities of Faculty**

An individual faculty member is responsible for updating his/her own File for Action, and all the appropriate documents he/she has supplied will accompany the File for Action as it is sent through the personnel process.

### **e. Right of a Current or Prospective Faculty Member to be Informed of Personnel Action Recommendations**

Every faculty member will be informed promptly and in writing exactly what recommendation has been made by the rank and tenure committee of the teaching unit, the head of the teaching unit, and the dean, as well as by the Committee on Faculty Relations, the dean of academic affairs, and/or the provost.

Department chairs and deans may report to a candidate the progress of the recommendation through the various stages and may indicate when final action may be expected. An offer of employment is not final until a contract is forwarded from the dean

of academic affairs. In cases of the offer of tenure, final action by the Board of Trustees is required.

## **f. Schedule of Notice for Appointment or Termination**

The precise terms and conditions of all appointments shall be stated in writing to the appointee. This *WCL Library Faculty Manual* shall be made available to all WCL Library faculty personnel and must be incorporated by reference in the letter of appointment.

It is the intention of the University that each full-time member of the teaching and library faculty including Law Library faculty (except those in a visiting status and those with temporary or emergency appointments) shall be advised by letter as early as possible in each academic year whether he/she will be reappointed, and in cases of reappointment, the terms and conditions thereof.

Initial notification by a teaching unit of a recommended termination will follow this schedule:

- Not later than January 31 of the first academic year of service, if the appointment expires at the end of that academic year.
- Not later than December 15 of the academic year in which the appointment expires after one year of full-time teaching at the University.
- At least twelve months before the expiration of an appointment after two or more years of full-time teaching at the University.

In cases of terminations for cause (eg., incompetence, misconduct, or when based on a conviction of a felony), the preceding dates do not apply.

A faculty member who has entered the final year of pre-tenure service without being earlier notified of a decision on the granting of tenure will be entitled to at least a terminal year's contract for the ensuing year, in the event that tenure is not awarded.

Final notification of termination will be given in writing to the faculty member reasonably soon after the decision to terminate is made.

Reappointment of members of the full-time faculty to a succeeding academic year, and reappointment of members of the full-time faculty who are serving other term appointments may be accomplished only by notice from the dean of academic affairs. Notwithstanding the notification schedule above, no person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time or by the manner described above. If notice is not received in accordance with the schedule above, it is the faculty member's responsibility to inquire of the dean of academic affairs, through the teaching unit chair, who will respond with a status report.

## **g. Candidates who are not US citizens or permanent residents**

Faculty appointees who are not U.S. citizens or permanent residents are responsible for obtaining appropriate visa authorizations before the commencement of work. The head of the teaching unit should work closely with the appropriate University office in completing any required immigration paperwork. The Office of International Student Services handles paperwork for J-1 and F-1 visas for foreign nationals. Inquiries about H-1B work authorizations and immigration laws and regulations should be directed to the Office of General Counsel.

## **h. Resignations**

A faculty member who resigns from the University while under contract must do so in writing to teaching unit heads or to the dean of the college or school. Formal acceptance of a letter of resignation on behalf of the University must come from the dean of academic affairs. This ensures that all contractual obligations to the University have been, or will be, met. The dean of the college or school or the teaching unit head, must acknowledge receipt of the resignation to the faculty member, with an indication that the letter is being forwarded to the dean of academic affairs for action. The dean of academic affairs will notify the faculty member by letter as to the status of his/her resignation.

In all cases, a letter of resignation should be forwarded to the college or school dean's office. The college or school dean's office should then forward the resignation letter to the dean of academic affairs and to the Office of Human Resources.

# **14. Appointment with Tenure**

## **a. In General**

A faculty member granted tenure may continue in the rank to which he/she has been appointed with tenure, or at a higher rank, until retirement, unless the University finds it necessary after due process, to invoke its right to terminate the association at an earlier date. Termination must be based upon proof of adequate cause for dismissal which will be related, directly and substantially, to the fitness or performance of the faculty member in his/her professional capacity as a librarian, researcher or creative member of his/her professional field.

If, for reasons of financial exigency or discontinuation of a program in which a tenured faculty member is teaching or serving, the termination of a tenured appointment is proposed, such termination shall be considered only as a last resort, after every effort has been made to meet the need in some other way, and to find for the faculty member a suitable assignment in the University.

## **b. Eligibility for Tenure**

Tenure is not acquired merely by successive reappointment over a specified period of time. The granting of tenure is a positive judgment based on the process set forth in

Section 8 of this *Manual*. For a positive tenure decision, a faculty member must have demonstrated high quality in both teaching and scholarship or creative activities. There must also be evidence of the ability to continue significant growth in these areas and continue to make positive contributions to the University community.

### **i. Minimum Rank**

To be eligible for an appointment with tenure, a faculty member must have attained the rank of assistant law librarian or higher.

### **ii. Years of Service: Full-Time Faculty**

To be eligible for tenure, a full-time faculty member must have six years of full-time service at the rank of assistant law librarian, assistant librarian, or above, at least four of which must be completed at American University consistent with the waiver of prior service provisions described in iii.

A faculty member with a new appointment who has been previously tenured or who was eligible to be considered for tenure at another institution may, in exceptional cases, be appointed with tenure after following appropriate University procedures as described in section 8.

### **iii. Waiver of Prior Service**

At the time of an initial tenure track appointment, a faculty member may be granted credit by the University for prior service. All years of prior service at American University may be waived. If the service was at another institution, up to two years of prior service may be credited towards tenure accrual.

Until the faculty member submits his/her first "File for Action" for reappointment to the University, a faculty member may waive such credit towards tenure, subject to notification through the established faculty action process. The waiver must be in writing and filed with the dean of academic affairs. Thereafter, time credited toward tenure may not be waived, even at the request of the faculty member, except in the most unusual of circumstances.

## **c. Leaves and Accrued Time for Tenure**

Certain types of leave do not count as accrued time for tenure. Eligibility for these leaves is described in section 17.

*Leave Without Pay.* A leave without pay is not included either in accrual of service for sabbatical eligibility or as part of pre-tenure service, unless there is advance written agreement to the contrary by the dean of academic affairs, in consultation with the individuals and committees ordinarily involved in recommending faculty personnel decisions. Normally, if a leave without pay is granted in the sixth year of pretenure

service, the tenure review will go forward and the time accrues towards tenure. Periods of partial leave without salary stop the tenure clock on a proportional basis. These arrangements and related conditions must have the prior written approval of the dean of academic affairs.

*Research Leave.* A Research Leave normally carries with it accrual of eligibility for tenure and promotions in rank, but not for sabbaticals. Faculty members have the right to waive this accrual, if they specify this waiver as part of their application for Research Leave. Normally, if the Research Leave is granted in the sixth year of pretenure service, the tenure review will go forward and the time accrues towards tenure.

*Parental Delay.* A faculty member who is the primary care-giver for a newly born or newly adopted child may postpone tenure consideration for up to one year even if no leave from the University has been taken.

The maximum number of years of delay will be two years and this will include all other types of leaves.

#### **d. Prohibition Against a Concurrent Tenured or Full-Time Appointment at Another Higher Education Institution**

Regular Washington College of Law Library faculty members who are employed full time at the university may not, during the term of their appointment, hold a tenured or full-time position on the faculty of another higher education institution.

## **15. Professional Obligations**

The University expects that during the terms of their contracts faculty members will devote themselves to library service, professional activities, scholarship, and University service in a fashion that is demonstrably full-time by any reasonable standard.

Library service at another college or university at any time requires advance written approval of the college dean and the provost. This does not apply to consulting activities referred to in Section 23 b of this *Manual*.

Washington College of Law Library faculty members may accept paid positions as adjunct teaching faculty outside the normal work week with the prior approval of the director of the Law Library, the dean of the Washington College of Law and the provost.

#### **a. Teaching or Primary Responsibilities**

In the course of providing library service to the Law School and University community, Law Library faculty members are encouraged to assume new projects and additional responsibilities which will broaden the scope of their positions. Such new opportunities

should be undertaken with due regard for the research and service obligations incumbent upon law library faculty.

The University recognizes the diverse roles assumed by individual faculty members and encourages teaching units to develop procedures for determining faculty obligations. Such procedures are to be used to assure that parity of faculty assignments is achieved within each teaching unit. Deans and department chairpersons, within the framework of these general policies, will make such adjustments upward or downward as are necessary in individual assignments, based on the faculty member's actual contributions to, and involvement in, research or other University programs, and based on the total mission of the teaching unit.

### **b. Overload Teaching or Library Service at American University**

The University discourages overload teaching or library service assignments, with or without compensation, at American University on the grounds that such tasks might seriously impair the faculty member's ability to meet the criteria outlined in Sections 10 through 14 of this *Manual*. The approval of overload assignments at American University must be justified on an emergency basis, or in terms of the teaching unit's mission, and requires the express written approval of the faculty member's teaching unit head, and the dean of academic affairs. It is recommended that the above-mentioned concern be conveyed to the faculty member at the time of approval.

## **16. Voting Faculty**

In University-wide affairs, voting members of the University faculty include all regular full-time faculty members and emeriti/ae with the rank of Instructor or above. A faculty member on leave of absence from the University retains voting rights.

In college, school, and departmental affairs, the voting members include all full-time faculty and emeriti/ae with the rank of Instructor and above whose principal appointment is with the teaching unit concerned. Full-time visiting faculty may vote in college, school, and departmental affairs at the discretion of the teaching unit, but may not vote in university-wide elections. A faculty member having a joint appointment will have voting privileges in the affairs of one unit which shall be considered the unit of that faculty member's principal appointment. He/she may participate in the internal affairs of the other unit or units in which appointment is held only at their discretion.

## **17. Leaves of Absence**

### **a. Justification for Leave**

The University endeavors, to the extent which is possible and practicable, to allow full-time members of the faculty to be released temporarily from their assigned duties for activities such as:

- Study in institutions of higher learning for the purpose of completing requirements for a higher degree or for post-doctoral study.
- Research and writing, scholarly, and creative activities.
- Teaching or library service as a visiting member of the faculty of another college or university.
- Service in government and other public or private agencies if such service is clearly related to the assignment or research interests of the faculty member.
- Military service and essential national defense activities.
- Recuperation of health.
- Temporary residence in another area when a spouse's employment and consequent family considerations require that a faculty member accompany his/her family.
- Annual leave.
- Family and medical leave.

Generally, leave requests must be supported with appropriate documentation demonstrating why the request should be granted. A leave of absence is granted on a case by case basis and must depend on the ability of the college or school and teaching unit concerned to organize the unit's work to permit the leave without significant additional expense to the University and without detriment to the unit's programs. Faculty members with administrative assignments at all levels must understand that their absence on any type of leave may affect the on-going operations of the University so adversely that otherwise laudable requests for leave may have to be denied on administrative grounds. All leaves and the related terms must have the prior written approval of the dean of academic affairs.

## **b. Limitations and Conditions**

The University cannot permit any member of the full-time faculty to be away from his/her duties on any type of leave (or combination of types of leave) for more than two successive years at a time except in the cases of serious illness or required active military service. Ordinarily, a faculty member who chooses to extend a leave beyond two years will forfeit his/her position at the University, even if he/she has not submitted a formal letter of resignation.

When a leave of absence is granted, a Full-Time Faculty Contract shall set forth the precise terms of the leave. The faculty member's name and position will continue to appear in faculty listings printed in catalogs and other official publications during the period of his/her leave of absence.

## **c. Types of Leave**

A leave of absence may be designated in one of the following ways: leave without pay (occasionally, leave with partial pay, which is so designated); research leave; sabbatical leave; annual leave; sick leave; family and medical leave; or terminal leave.

## **i. Leave Without Pay**

A full-time member of the faculty who has completed at least one contractual year of service may apply for complete or partial leave of absence without pay by addressing to the department chairperson and/or dean a written request describing in detail the purposes and duration of the leave and the activities in which he/she will be engaged. Leave Without Pay applications, and extensions, should be submitted by the established deadline and will be processed in the same manner as all faculty personnel actions. If a grant application is unresolved by the deadline for requesting Leave Without Pay, the dean of academic affairs will accept a statement from a faculty member of intent to apply for leave if the grant is forthcoming. The statement of intent must be filed by the announced deadline.

The University does not make contributions to employee benefit programs of a faculty member on leave of absence without pay. However, the faculty member may continue group insurance benefits by paying the full cost. Retirement plan contributions cannot be made on a tax-deferred basis for a faculty member for whom no salary is being paid by the University. The Office of Human Resources contacts each faculty member who is commencing a leave without pay to notify the individual of the options available. Tuition privileges, however, will be continued, but only in those cases where faculty members certify their intention to return to the University after the leave has terminated. Any exceptions to this general policy must be clearly expressed in writing and approved by the dean of academic affairs.

A leave without pay is not included either in accrual of service for sabbatical eligibility or promotion in rank, or as part of pre-tenure service, unless written approval is obtained from the provost prior to the leave. The provost will grant or deny approval, or grant approval of specific conditions, based on his/her determination of the best interests of the University.

## **ii. Research Leaves**

Faculty members are sometimes presented with a significant scholarly, creative or professional development opportunity funded from a prestigious award or other notable source outside the University. In such cases, they may be eligible to apply for a Research Leave. A faculty member on Research Leave shall be paid by the University a Research Leave Stipend equal to ten percent of the faculty member's pre-research leave base annual salary. The faculty member must sign the statement of intent to return to the University after the leave has terminated on the leave application form.

An application for a Research Leave requires a substantial demonstration of scholarly merit, prestigious recognition, and timeliness. In addition to the review and approval by the teaching unit and dean, applications for Research Leaves also require review and approval from the Committee on Faculty Relations, before submission to the provost for final action.

A Research Leave carries with it accrual of eligibility for promotions in rank but not for sabbaticals. A research leave normally accrues as part of pre-tenure service. Any exceptions must be approved in advance by the dean of academic affairs. During the period of a Research Leave, the University will continue its contribution to the faculty member's retirement program and other employee benefits, subject to contributions from the faculty member on Research Leave. FICA, federal and state taxes are applicable to certain of the University payments and privileges provided for in this section.

### **iii. Sabbatical Leave**

A full-time tenured member of the faculty who has served the University for a period during which six years of full-time faculty service has accrued, excluding periods during which he/she is on any other approved types of leave of absence for which there is no accrual of eligibility for sabbatical leave, is eligible for sabbatical leave. A faculty member may apply for Sabbatical Leave of absence by addressing a written request to the teaching unit head and dean and by completing the Application for Leave of Absence, available from the dean of academic affairs. The application must outline in detail an educational program which the applicant agrees to follow. This program must be approved by the suitable departmental, school, or college committee, and the responsible academic officers as feasible and consistent with the applicant's professional responsibilities.

Sabbatical Leave is not granted for the purpose of taking remunerative employment of any sort, without specific justification of such employment as an education program, and approval by the relevant teaching unit council, dean, and Committee on Faculty Relations.

A Sabbatical Leave is granted for library faculty either for five or ten months. A faculty member will be paid his/her budget salary during a Sabbatical Leave of five months or one-half of the budgeted salary during a Sabbatical Leave of ten months. While on Sabbatical Leave, the faculty member accrues time towards promotion.

In unusual cases, a Sabbatical Leave may be authorized for two summers for members of the faculty appointed for service on a twelve-month basis.

The faculty member on such a Sabbatical Leave receives his/her usual budgeted salary during two summers and the leave is recorded as a Sabbatical Leave for one session. Such leave is in addition to earned annual leave. The two-summer Sabbatical Leave is authorized primarily for the benefit of persons with administrative duties which make it difficult to release them for purposes of their own research and study during the Fall and Spring sessions.

The fact that a faculty member has fulfilled the stated requirements for a Sabbatical Leave, or that the applicant is strongly supported, does not guarantee that the leave can be scheduled at the time preferred by the applicant. The needs of the University and both budgetary and administrative considerations are important factors in the final determination.

A Sabbatical Leave cannot be extended beyond the period for which it was originally granted. A faculty member on Sabbatical Leave who wishes to extend his/her leave may, however, apply for Leave Without Pay and if that can be granted, he/she will be subject to all conditions governing such leaves.

Faculty members who accept a grant of sabbatical leave are obligated not only to pursue the educational program for which the leave was granted but also to continue in the service of the University for at least one academic year following the leave period, unless other arrangements are agreed to by the University.

After completing a Sabbatical Leave, a faculty member will not be eligible for another Sabbatical Leave until he/she has completed another period of six successive years of full-time service, excluding the periods of leave for which there is no accrual of eligibility for sabbatical leave, and after the faculty member has made application in the usual way. An exception may be made in the case of a faculty member who has been requested to defer a Sabbatical Leave for the convenience of the University. Such a faculty member may be considered for another such leave after the expiration of a period of years following the deferred leave calculated by subtracting from six years the number of years by which the Sabbatical Leave was deferred (excluding other types of leave for which there is no accrual of eligibility for sabbatical leave).

In order to define clearly the University's position and to protect the interests of faculty members who are asked, because of exceptional circumstances, to defer Sabbaticals, the provost must approve and confirm agreements for deferral of Sabbaticals for the convenience of the University. Requests should be directed to the provost with documentation, including a statement of the Sabbatical Leave project of the faculty member and a statement by the appropriate dean of the reason for deferral.

Faculty members, regardless of the total number of years of their service, who elect not to take Sabbatical Leaves of Absence, are at no time entitled to other types of leaves or payments in lieu thereof.

#### **iv. Annual Leave**

A library faculty member earns twenty-one days (day is equivalent to 7 hours) of leave with pay during each year of service. Leaves must be approved in advance and they must be taken when they will not interfere with the ongoing work of the department.

After five years of continuous service as a library faculty member at the American University Library or the Washington College of Law Library, annual leave is earned at the rate of twenty-four days of leave with pay during each year of service.

Annual leave is not accrued while a library faculty member is on Leave Without Pay or on Short-Term Disability.

#### **v. Sick Leave**

A library faculty member accrues sick leave at the rate of twelve days per year. (Library and Washington College of Law Library faculty members appointed prior to July 1, 1976 do not accrue sick leave).

#### **vi. Family and Medical Leaves**

Please refer to the Faculty/Staff Benefits manual for details on this type of leave.

#### **vii. Terminal Leave**

Terminal leave may be provided for through agreement between the faculty member and the University or granted as recognition of service in exceptional circumstances. Whether pay is continued during terminal leave will depend upon the circumstances in which the leave is granted. Exceptionally meritorious faculty who has served the University for a relatively long period of time may be granted terminal leave with pay during the regular academic semester immediately preceding retirement in anticipation of that retirement as an expression of the University's gratitude for past service.

## **18. Retirement**

Eligibility for participation in the retirement plan is limited to members of the full-time faculty and staff who (1) are at least 24 years old, and (2) have completed one year of full-time service at the University or at another 501(c) institution. Participation in the retirement program is optional.<sup>2</sup>

The University will assist individual faculty members who wish to retire. Guidelines for the University's retirement incentive policy are reviewed annually by the Committee on Faculty Benefits and forwarded to the provost for consideration and action. Once approved, the guidelines are distributed to all members of the full-time faculty. The Committee on Faculty Benefits is empowered to recommend minor adjustments in the policy; substantive changes, however, must have the approval of the full Faculty Senate, the provost and the president. Retirees who meet years-in-service requirements will also be eligible for the Benefit Extension Plan set forth in the *Faculty/Staff Benefits Manual*.

Tenured full-time faculty are also eligible to apply for phased retirement which is an appointment with a reduced load, with proportionally adjusted sabbatical leave and other benefits for a fixed period prior to retirement. The dean of academic affairs is the administrator of the Retirement Incentive Program and the Phased Retirement Programs.

## **19. Faculty Grievances**

### **a. Scope**

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<sup>2</sup> The various plans available are described in detail in the Faculty/Staff Benefits Manual. (Section II, Part IV of The Manual of Information and Procedures). Further information is available in the Office of Human Resources.

In the event that a faculty member may have a grievance against the University or another member of the faculty, it is hoped that such differences can be resolved informally. However, it may become necessary for a faculty member to take formal steps to attempt to resolve the grievance. This section addresses the procedures that a faculty member should use for cases other than non-renewal, non-promotion, or denial of tenure for tenure track appointments.

While baseless complaints are not to be encouraged, neither should a faculty member be prevented from pursuing a grievance if s/he so chooses. No individual will be penalized, disciplined, or prejudiced for exercising the right to make a complaint or for aiding another individual in the presentation of that complaint. Persons obstructing this grievance process may be disciplined up to and including dismissal.

## **b. Timeline**

Each step outlined below should be taken in a timely fashion, generally not to exceed three weeks, except when the University is not in fall and spring sessions.

## **c. Informal Resolution**

Ordinarily, faculty members should try to resolve grievances through discussions with the responsible administrative officer or colleague. For example, if a faculty member has a grievance with respect to a teaching unit's action, the faculty member should attempt to resolve the matter through discussions with the department chair. If it is a college/school level's action, the faculty member should discuss the matter with the dean. The administrative officer may then consult with the other individuals and/or groups involved in the matter. If the grievance cannot be resolved with the responsible administrative officer, the faculty member should then proceed upward through the chain of authority. If the grievance remains unresolved, then the faculty member may seek assistance from the Committee on Faculty Relations. If these informal means do not result in an agreement, then the faculty member may file a grievance with the Committee on Faculty Equity and Grievances.

## **d. Handling of Grievances by the Committee on Faculty Equity and Grievances**

### **i. Filing of Grievance**

When a faculty member has exhausted the informal resolution process as set forth above, the grievant may file a Formal Written Grievance. The Formal Written Grievance should consist of the grievant's written statement and relief sought, all documents and decisions made during the informal resolution process, the name and telephone number of the grievant, and a preliminary list of individuals who may be relevant to the formal hearing process. The date of receipt of the Formal Written Grievance by the chair of the Committee on Faculty Equity and Grievances establishes the "Grievance Date." The Committee chair should note the Grievance Date for all parties. When presented with a

grievance, the Committee on Faculty Equity and Grievances may seek an informal resolution before proceeding to formal hearings. When the Committee decides that a formal hearing is to be held, the procedure set forth below will be implemented:

## **ii. Hearing Process**

1. A date for the formal hearing will be established by the chair and all persons directly concerned. The Committee will make available to persons directly concerned all materials in the Committee chair's file on the grievance. All persons directly concerned will be advised of the time and place at which the hearing is to be held.
2. Extensions of time, or rescheduling may be granted by the chair for good cause provided that the extension shall be added to the Grievance Date in calculating any subsequent due dates established for this process.
3. If the grievant fails to appear at the hearing without good cause, the case will be dismissed with prejudice. For this purpose, only circumstances beyond the grievant's control which prevented his/her attendance at the hearing will constitute good cause.
4. If the responding party fails to appear at the hearing, the case will proceed in his/her absence.
5. Any party to the grievance under consideration will be given an opportunity to be heard by the full Committee on Faculty Grievances. The faculty member may have with them at all times a counsel of his/her own choosing. The Committee may invite other persons from within or without the University to give testimony relevant to the case, and either party to the grievance may request that the Committee invite such persons.
6. A complete and verbatim record of the hearing will be kept. At the conclusion of the hearing, the full record, together with any documents or other materials which have been introduced during the hearing, will be made available to the parties principally concerned. These parties may file written closing statements, based on a study of the record, with the chair of the Committee on Faculty Equity and Grievances. Copies of any closing statements received will be transmitted by the chair to the Committee and to the other principals, and the chair will accept rebuttals to the closing statements during a specified period of time. Any Party to the grievance may file a closing statement with the chair.
7. After an opportunity has been given to the parties concerned to review the record of the hearing, to submit closing statements, and to make rebuttals to the closing statements of others, the Committee on Faculty Equity and Grievances will deliberate in executive session and prepare its report.
8. The Committee will deliver a copy of its Final Grievance Report to the provost and to the parties, and to no other persons.
9. Before, during, and after any hearings by the Committee on Faculty Grievances, all persons directly or indirectly involved in the case are requested not to discuss the matter at issue or to express any opinions about it. If it appears desirable that any public statement be made about the case prior to the release of the Committee's Final Grievance Report, such a statement should be made only by

the Chair and should be limited to what the Committee has authorized him/her to say

10. Upon receipt of the report, the provost will issue a statement to the Committee on Faculty Equity and Grievances and to the parties indicating the action which will be taken by the University, and, if the action is at variance with the Committee's recommendation, the reasons for such action.
11. In any grievance or charge of violation of due process against the provost, s/he will recuse himself/herself, and the Committee on Faculty Equity and Grievances will deliver its Final Grievance Report, after formal hearings, to the president and the parties, and to no other persons. Similarly, when the provost has been substantially involved in negotiations to resolve a grievance, s/he will recuse himself/herself if the case still requires a formal hearing, and the Committee on Faculty Grievances will deliver its report to the president and to the parties. The president shall issue a statement to the Committee on Faculty Equity and Grievances, to the parties, and to the provost indicating the action which will be taken by the University, and, if the action is at variance with the Committee's recommendations, the reasons for such action.
12. The final record of the Grievance, including the Formal Grievance, the transcript or recording, and documentary evidence, final or rebuttal statements of the parties, the Final Grievance Report and the provost's or president's statement will be retained by the Office of the Provost for four (4) calendar years from the Grievance Date.

## **20. Appeal Procedures for Recommendations or Final Action involving Non-Renewal, Non-Promotion or Denial of Tenure for Tenure Track Appointments**

If a faculty member has a grievance with respect to a recommendation or final action regarding non-renewal, non-promotion, or denial of tenure for a tenure track appointment, the following procedures apply:

1. If a faculty member disagrees with the recommendation of a teaching unit rank and tenure committee, department chair or division director, the faculty member should place a written statement in his/her file for action responding to the recommendation. The faculty member should be given one week to provide this written response before the file is forwarded to the dean.
2. If a faculty member disagrees with the recommendation of a school/college dean, the faculty member should place a written statement in his/her file-for-action responding to the recommendation. The faculty member should be given one week to provide this written response before the file is forwarded to the Committee on Faculty Relations.
3. If a faculty member disagrees with the recommendation of the Committee on Faculty Relations, the faculty member should place a written statement in his/her file-for-action responding to the recommendation. The faculty member should be

given one week to provide this written response before the file is forwarded to the dean of academic affairs.

4. If a faculty member disagrees with the final action of the provost or dean of academic affairs, the faculty member may appeal to the Committee on Faculty Grievances, which will present its findings to the president. The request for an appeal must take place within three weeks of the decision by the provost or dean of academic affairs. A faculty member may file an appeal for the following reasons: 1) improper procedure in handling of the grievance which adversely affected the faculty member, and 2) new, relevant, and material evidence unavailable to the faculty member at the time of the original submission which may tend to change the final outcome. The review will be based on the original file for action and the faculty member's written appeal. After receiving the report of the Committee on Faculty Grievances, the president may meet with the faculty member or other persons if the president considers it necessary. The president will approve, reject, or amend the provost's decision. The president must state the grounds for his action in writing to the grievant, the Committee on Faculty Equity and Grievances, and the provost. The president's decision is final.

## **21. Disciplinary Procedures**

### **a. Scope**

Unfortunately, from time to time, a faculty member may be disciplined for incompetence, misconduct, or conviction of a felony. Disciplinary sanctions may include, but are not limited to reprimand, suspension, or dismissal. The University may terminate an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, for adequate cause shown. Adequate cause for dismissal will be related, directly and substantially, to the fitness or performance of the faculty member in his/her professional capacity as a teacher or researcher or creative member of his/her professional field.

### **b. Concurrent Grievance Proceedings**

Where there is a concurrent or pending related grievance action, the disciplinary action will be consolidated with the grievance action and both the disciplinary and grievance actions will be heard together by the Hearing Panel (section 21eii). The disciplinary procedures will govern the handling of both the grievance and the disciplinary matter in these situations.

### **c. Timeline**

Each step in the informal and formal resolution process should be taken in a timely fashion, generally not to exceed three weeks, except when the University is not in Fall and Spring sessions.

#### **d. Informal Procedures**

Where the University proposes to discipline a faculty member, the faculty member must be notified of the charges by the appropriate dean of the college/school and be given an opportunity to respond. Should informal discussion between the faculty member and appropriate dean fail to produce a mutual settlement, that dean shall request the Committee on Faculty Relations to seek informal resolution of the matter. The dean shall provide the faculty member with a copy of the request. Should informal discussion with the Committee on Faculty Relations fail to reach a resolution, the dean may request a formal hearing before the Faculty Hearing Committee.

#### **e. Procedures for Hearings Before the Faculty Hearing Committee for Termination with Cause and Other Major Sanctions**

##### **i. Filing of Statement of Charges**

The dean of the college/school will inform the provost, who will then submit a formal statement of charges, framed with reasonable particularity, to the Faculty Hearing Committee.

##### **ii. Hearing Panel**

A matter forwarded to the Faculty Hearing Committee for formal hearing shall be heard by a panel consisting of five members of the Hearing Committee selected at random by lot. The panel will select one of its members to serve as chair. Members deeming themselves disqualified for bias or conflict of interest will remove themselves from the case, either at the request of a party or on their own initiative. Each party will have a maximum of two challenges without stated cause. The Faculty Hearing Committee will replace any member so disqualified in the same manner as the original selection process.

When a hearing panel considers a disciplinary matter or receives a grievance, it has the prerogative to attempt informal resolution before proceeding to formal hearings. If the hearing panel cannot resolve the matter informally, then it will schedule a formal hearing. The following general hearing provisions will apply:

1. The hearing panel may modify these procedures if necessary for the fair and expeditious administration of these proceedings.
2. The hearing panel shall conduct a pre-hearing session with the parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.
3. The chair of the hearing panel shall notify all concerned parties of the time and place of the hearing. Notice of the hearing must be in writing and made at least three weeks prior to the hearing.
4. Extensions of time or rescheduling requests by parties may be granted by the chair for good cause.

5. At the minimum, there must be a quorum of the hearing panel for a hearing to proceed. A quorum of the hearing panel ordinarily means a majority of the members. In a disciplinary matter, a full hearing panel must hear the case.
6. All hearings are closed to the public. The grievant or accused faculty member may request that the hearing be public. Ordinarily, the hearing panel will honor such requests unless there are overriding interests to have the hearing closed. (e.g., to protect the identity of a sexual harassment victim) Even in a public hearing, the hearing panel may limit the number of observers based on the physical limitations of the hearing room. The hearing panel, at its sole discretion, may also remove observers or participants in the hearing who are disruptive to the process.
7. The panel may invite persons from within or without the University to give testimony relevant to the matter, and either party to the matter may request that the panel invite such [47 | 48] persons. University personnel will make every effort to cooperate with the panel in securing witnesses and making available documentary and other evidence. The parties shall have the right to cross-examine all witnesses
8. The accused faculty member may receive assistance of counsel of her/his choosing and at his/her cost.
9. The hearing panel should be provided with independent counsel. The Office of General Counsel shall be responsible for providing such counsel.
10. The hearing panel is not bound by strict rules of legal evidence, and may admit any evidence which is relevant and material.
11. A complete and verbatim record of the hearing will be kept. At the conclusion of the hearing, the full record, together with any documents or other materials which have been introduced during the hearing will be made available to either party for copying at the requesting party's cost. These parties may file written closing statements, based on the record, with the chair of the hearing panel. Copies of any closing statements received will be transmitted by the chair to the other principals, and the chair will accept rebuttals to the closing statements during a specified period of time determined by the hearing panel.
12. After an opportunity has been given to the parties concerned to review the record of the hearing, to submit closing statements, and to make rebuttals to the closing statements of others, the hearing panel will deliberate in closed session and prepare its report.
13. The decision of the hearing panel will be by majority vote and will be forwarded as recommendations to the president. The chair of the hearing panel will also deliver copies of its report to the faculty member and the provost.
14. The president may approve, reject, or amend such findings and recommendations. The president may also remand the report to the hearing panel with specific instructions for reconsideration. The hearing panel shall then review the matter in light of such instructions, holding additional hearings [48 | 49] and receiving new evidence and testimony, as necessary, and rendering a decision in the same manner as before. Only after study of the reconsidered decision of the hearing panel may the president make a final decision. The president must state the grounds for his/her action in writing to the hearing panel and the faculty member. The president's decision is final in all cases, except as provided for below.

15. Before, during, and after any hearings, all persons directly or indirectly involved in the case are requested not to discuss the matter at issue or to express any opinions about it. If it appears desirable that any public statement be made about the case prior to the completion of its work, such a statement should be made only by the chair and should be limited to what the Committee has authorized him/her to say.
16. The final record of the case will be retained by the Office of the Provost for four calendar years.
17. The faculty member may be suspended by the provost or assigned to other duties during the pendency of the case. Suspension will be used in cases where the University deems that there is potential immediate harm to others if the faculty member continues in his/her current duties.
18. The accused faculty member may waive the hearing or respond to the specific charges in writing at any time before the hearing. In the event the faculty member waives the hearing, but denies the charges or asserts that the charges do not support a finding for the disciplinary action, the panel will decide its case based on the evidence in the record.
19. If the accused faculty member fails to appear at the hearing, the hearing will proceed in her/his absence.
20. If the provost or designee fails to appear at the hearing without good cause, the case will be dismissed with prejudice. For this purpose, only circumstances beyond the provost's or designee's control which prevented his/her attendance at the hearing will constitute good cause. The hearing panel will decide its case based on the evidence in the record.
21. The burden of proof that adequate cause for dismissal exists rests with the University and shall be satisfied only by clear and convincing evidence in the record as a whole.

#### **f. Appeal Procedures for Dismissal Actions**

A faculty member may appeal a disciplinary dismissal action to the Executive Committee of the Board of Trustees (Executive Committee) only for the following reasons: 1) improper procedure in the handling of the disciplinary process which adversely affected the faculty member; 2) new, relevant, and material evidence unavailable to the faculty member at the time of the original hearing which may tend to change the outcome of the hearing; or 3) the disciplinary action is not commensurate with the findings of the hearing panel or president. The appeal will be reviewed by the Executive Committee and the review will be based on the record and the faculty member's written appeal. The Executive Committee may meet with the faculty member or other persons if it considers it necessary. The Executive Committee may approve, reject, or amend such findings and recommendations. The Executive Committee must state the grounds for its action in writing to the panel, president, and faculty member. The Executive Committee's decision is final.

#### **g. Procedures for Imposition of Sanctions other than Dismissal**

If the provost believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a major sanction, such as suspension from service for a stated period, the provost may institute a proceeding to impose such a major sanction pursuant to the procedures outlined in Section 21e of this *Manual*.

If the provost believes that the conduct of a faculty member justifies the imposition of a minor sanction, such as a reprimand, the provost shall notify the faculty member of the basis of the proposed sanction and provide him/her with an opportunity to persuade the provost that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been incorrectly imposed under this paragraph may petition the Committee on Faculty Equity and Grievances for such action as may be appropriate.

#### **h. Terminal Salary or Notice**

If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by January 31 (or three months prior to the expiration) of the first year of probationary service; at least six months, if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct justifying dismissal involved conviction of a felony.

## **22. Termination for Reasons of Financial Exigency**

The University reserves the right to terminate an appointment with continuous tenure when the Board of Trustees determines that there is financial exigency.

#### **a. Procedures for Determination of Financial Exigency**

Since it directly affects the educational policy of the institution and the status of members of the faculty, the decision that a state of financial exigency exists is of such consequence, since it directly affects the educational policy of the institution and the status of members of the faculty, that the broadest possible consideration of the matter within the University community is essential. Thus, the determination of bona fide financial exigency should be analyzed and discussed by the administration, faculty, and students of the University.

After consultation by the provost and president with the Board of Trustees, a determination is made that a condition of financial exigency may exist, or is imminent, the provost shall submit to the Faculty Senate and the Committee on Instructional Budget and Benefits of the Faculty Senate the financial and programmatic information on which the determination was based. The Faculty Senate and the Committee on Instructional Budget and Benefits shall consider whether the condition of financial exigency is

supported by the material submitted by the provost and shall report to the provost, not later than forty-five calendar days from the date of the determination, their findings and recommendations. In making a final recommendation to the president and Board of Trustees, the provost shall take into consideration the findings and recommendations of the Faculty Senate and the Committee on Instructional Budget and Benefits, and if the provost recommendation is at variance with the recommendation of the Faculty Senate and the Committee on Instructional Budget and Benefits of the Senate the reasons therefor.

Once a final determination has been made by the Board of Trustees that a condition of financial exigency exists, the provost, within forty-five calendar days, shall seek and obtain the advice of the appropriate deans and the Faculty Senate and the Committee on Instructional Budget and Benefits to determine what course of action the University should pursue in response to the state of financial exigency. Consideration shall be given to what services, programs, or units will be affected, the need for faculty reduction or redistribution, and the future development of institutional policy. In particular, consideration will be given to what other measures short of terminating tenured faculty can be taken. Should termination of tenured faculty be required, the provost shall so notify the Committee on Faculty Relations, which shall have the responsibility for reviewing the identification of individual faculty members whose appointments are to be terminated in accordance with the provisions of Section 13 of this *Manual*, and which shall make its recommendation to the provost within thirty days. With respect to matters affecting faculty reduction or redistribution, consideration shall be given to academic criteria, affirmative action compliance requirements, and the length of service of the faculty member so affected.

The University, with faculty participation, will make every effort to place a faculty member who has been recommended for termination in another suitable position within the University. In the event of termination of a tenured member of the faculty, the University will not, at the same time, make a new appointment in such faculty member's department or unit except under extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure except under extraordinary circumstances where a serious distortion of the academic program would otherwise result.

Final determination of these matters shall rest with the Board of Trustees.

## **b. Financial Exigency Termination Review Procedures**

In the event that it becomes necessary for the University to terminate a tenured member of the faculty, the affected tenured faculty member shall have the right to a formal hearing, provided he/she submits a request in writing to the provost within thirty days of receipt of notice of proposed termination. Within ten days of receipt of such request, the provost shall submit to the University Faculty Hearing Committee as provided in Section

21 of this *Manual* a notice of proposed termination with supportive documentation for formal hearing.

A matter forwarded to the Faculty Hearing Committee for the formal hearing shall be heard within thirty days by a panel consisting of five members of the hearing committee selected at random by lot. The panel shall select one of its members to serve as chair. Members deeming themselves disqualified for bias or interest shall remove themselves from consideration of the matter, either at the request of the faculty member in question or on their own initiative. The Faculty Hearing Committee shall replace any member so disqualified in the same manner as the original selection process.

The panel chair shall notify the provost and the faculty member of the time and place at which the hearing is to be held. Service of notice of the hearing shall be made at least ten days prior to the date of the hearing. The faculty member may waive the hearing or submit a statement in writing at any time before the hearing.

The issues in his/her hearing may include:

13. The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.
14. The validity or the educational judgment and the criteria for identification for termination, but the recommendation of a faculty body on these matters will be considered presumptively valid.
15. Whether the criteria are being properly applied in the individual case.

The panel may invite persons to give testimony relevant to the matter, and either the provost or the faculty member may request that the panel invite such persons. University personnel will make every effort to cooperate with the panel in securing witnesses and making available documentary and other evidence.

A tape recording will be made of the hearing and will be available, together with any documents introduced at the hearing, for copying at the requesting party's cost. The faculty member shall have an opportunity at the conclusion of the hearing to file a written closing statement based on the record.

After an opportunity has been given to the faculty member to review the record of the hearing and to submit a closing statement, the committee, no more than ten days following the conclusion of the hearing, will prepare findings and recommendation which shall be reported to the provost with a copy furnished to the faculty member. The provost, within ten days of receipt and review of the report, shall issue a statement to the committee and the faculty member indicating the action which will be taken, and if such action is at variance with the recommendation of the committee, the reasons therefore.

### **c. Appeal**

A faculty member with tenure whose appointment is terminated for reasons of financial exigency may, within ten days of issuance of the statement of the provost, appeal that action to a panel of the Executive Committee of the Board of Trustees, to be appointed by the chair of the board, such panel to consist of from three to five members. The panel's review will be based on the record considered as a whole, and it will provide opportunity for oral and written argument by the parties or their representatives. The decision of the faculty hearing panel will either be sustained or the proceeding remanded to the hearing panel with specific instructions. Within twenty days of such remand, the faculty hearing panel will then reconsider, taking into account the stated objection and receiving new evidence if necessary. The Executive Committee panel will make a final decision only after study of the hearing panel's reconsideration.

#### **d. Terminal Salary or Notice**

If the appointment is terminated, the faculty member with tenure will receive salary or notice of at least one year.

#### **e. Reinstatement Rights**

In all cases of termination of an appointment with tenure because of financial exigency, the position of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

## **23. Professional Standards**

### **a. Employment of Relatives**

The policy of the University is that all personnel decisions should be made on their merits, uninfluenced by personal relationships. As a general principle, individuals who are relatives<sup>3</sup> or who have a personal living relationship should not participate in the decision of any matter which may affect directly the appointment, tenure, promotion, salary, or other employment status or interest of a close relative or of someone with whom the faculty member has a personal living relationship.

### **b. Outside Professional Activities**

Occasionally, questions arise about the extent of a faculty member's involvement in or the appropriateness of certain activities. Conflict of interest should be avoided in all instances of outside professional activities. A conflict of interest means outside activity

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<sup>3</sup> A relative means a person who is related, such as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother, half sister, grandparents, grandchildren or any person an individual has responsibility to support as a dependent.

which intrudes upon the academic functions of teaching, scholarly activities, and service to the institution. This section, although not inclusive, is meant to serve as a guideline for determining when such activities conflict with a full-time faculty member's responsibilities at the University.

Teaching at another college or university at any time requires advance written approval of the college dean and the provost.

Increasingly, the private and public sectors are relying on faculties of universities for advice and guidance. This recognition of the contribution that institutions of higher education can make to the non-academic world has provided many faculty members with the opportunity to use their knowledge and talents constructively and profitably and to strengthen their competence through a greater variety of professional experience.

Paid outside consulting may be performed outside a Law Library faculty member's work week. Special arrangements may, however, be made if an unusual consulting opportunity becomes available to a Law Library faculty member, provided that normal law library operations can be maintained.

This privilege is not extended to research faculty members who are paid wholly from research grants or contracts.

Payments for such consulting are negotiated by the faculty member directly and do not involve the University. The University assumes no responsibility or liability for private professional services rendered by members of its faculty, and it must be made clear to any client that the work has no official connection with the University.

The responsibility for adhering to the limit on outside consulting lies first with the individual faculty member. Faculty members are expected to resolve all questions and/or ambiguities with their department chair or dean before the fact, so that the University community is not injured by their actions. Faculty members have an obligation to report fully the level of their consulting activities when asked to do so by the University so that it may be determined whether the principles set forth herein are being adhered to. The University will protect its interest from losses due to excessive consulting and will require the faculty member to stop any consulting activity if it is inconsistent with this policy.

Faculty members must ensure that outside activities do not conflict with responsibilities assigned them within the University and do not lead to fundamental conflicts of interest. Such conflicts include situations where a research or service activity that could and ordinarily would be carried on with the University is conducted elsewhere to the disadvantage of the University and its legitimate interests; situations where consulting or other services are provided to an organization that would put the University at a competitive disadvantage; involvement in a relationship that might enable (or appear to enable) the faculty member to influence the University's dealings with an outside organization in ways leading to personal gain or to other conflicts of interest.

In cases where questions arise regarding potential or apparent conflict between consulting activities and the faculty member's University duties, the faculty member shall disclose, upon the specific request from the appropriate dean, the provost, or the president, the names of clients for whom the faculty member consults, the general nature of each consulting agreement (as opposed to detailed technical aspects), and the number of days committed per consulting agreement.

In order to avoid conflicts between the obligations of a faculty member to the University and the terms of consulting or other agreements with a third party, the following (or similar) clause should be included in such agreements:

The parties to this agreement acknowledge that the primary duty of the Consultant, who is an American University faculty member, is to American University; the Consultant is subject to American University's policy on outside consulting activities of its faculty; and, the Consultant may have obligations to American University by reason of agreements between American University and external organizations for research or other activities performed in part by the Consultant in fulfilling his/her duties to the University. The parties agree that such American University policy and obligations of the Consultant to the University shall prevail in the event of conflict with this agreement.

Several kinds of faculty activity, other than regular University duties, are not considered as outside consulting. These are:

#### 1. Publication

Scholarly communications in the form of books, movies, television productions, art works, and other genres, though frequently earning financial profit for a faculty member and for another party (e.g., a publisher), are not considered outside consulting.

#### 2. Professional Service

Professional service includes participation on national commissions and professional associations, governmental agencies and boards, granting agency peer group review panels, visiting committees or advisory groups to other universities, and analogous bodies. The fundamental distinction between these activities and consulting is that they are public or University service. Although an honorarium or equivalent sometimes is forthcoming, these professional service activities are not undertaken for personal financial gain. Therefore, such service does not fall within the definition of outside consulting.

### **c. Use of University Facilities**

The use of University facilities for outside remunerative employment is prohibited, unless authorized by the school or college dean and the provost. University facilities include, but are not limited to, the physical facilities, electronic mail, photocopying, telephone use, and letterhead. This prohibition also extends to the use of the University's address as the faculty member's business address.

#### **d. Sexual Harassment Policy**

American University community values the individual's right to live, work, and study without fear of intimidation, coercion, or exploitation. Sexual harassment creates an environment which is intolerable and incompatible with the mission and goals of the university. Sexual harassment is a form of discrimination and is illegal.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such harassment is personal. What may be perceived as sexual harassment by one person may not be so perceived by another. Sexual harassment can range from sexual humor and innuendo to physical threats and sexual assaults. It includes: direct or subtle pressure for sexual activity; physical aggression, such as pinching or patting; sexist jokes or remarks; obscene gestures or comments; unwelcome brushes or touches; inappropriate sexual innuendo; sexual assault.

This definition of sexual harassment is not meant to restrict academic freedom as described in Section 5 of this *Manual* and it applies to language, activities, and actions inappropriate to the content of a course or other academic activity.

The Sexual Harassment Advisory Committee (SHAC) was established to assist in preventing and addressing problems of sexual harassment campus-wide; to provide information and education on sexual harassment and related University policies to members of the campus community; to serve as primary contacts for members of the community who believe they have experienced sexual harassment and wish to report it or wish further information; to refer reports of sexual harassment to the proper channels for investigation; and to develop and review materials regarding sexual harassment as required.

The University provides three options for reporting/assistance, any of which may be accessed. (1) information and referral, in which a person may meet confidentially with any member of the SHAC. (2) informal complaint, in which a person may want some form of action other than a formal grievance. Such a complaint is made to a member of the SHAC, which is forwarded to the dean of academic affairs, the Sexual Harassment Officer for the Faculty. (3) formal complaint, in which a formal charge of sexual harassment is initiated. All SHAC members must forward all complaints (informal or formal) to the dean of academic affairs. An aggrieved individual may also file a complaint directly with the dean of academic affairs.

#### **i. Informal Complaint of Sexual Harassment made against a faculty member or an individual carrying out teaching responsibilities**

In such cases, usually, the dean of academic affairs will meet individually with the complainant and respondent and any other parties that the dean deems appropriate in an attempt to come to an informal resolution.

**ii. Formal Complaint of Sexual Harassment made against a faculty member or an individual carrying out teaching responsibilities.**

First, the dean of academic affairs or his/her designee will conduct an inquiry to determine whether the charge appears to have merit. The dean will discuss the matter with the complainant and respondent and any other parties that the dean deems appropriate. This stage will be completed within three weeks of the receipt of the complaint by the dean of academic affairs, except when the university is not in Fall and Spring session.

Second, if the dean of academic affairs or his/her designee concludes that there are sufficient grounds for the complaint, the dean will initiate a hearing in accordance with the Disciplinary Procedures of section 21e.

If the dean of academic affairs or his/her designee concludes that the complaint is not supported by sufficient evidence, the dean of academic affairs will send his/her findings and recommendations in a report to the provost who may affirm, modify, or refer the case in accordance with the Disciplinary Procedures in section 21.

In either case, the provost's decision is final.

**e. Violations of Scholarly and Research Integrity<sup>4</sup>**

Scholarly/research misconduct is defined as fabrication, falsification, plagiarism or other practices that seriously deviate from those which are commonly accepted within the scholarly community for proposing, conducting or reporting research or scholarly work. It does not include honest error or honest differences in the interpretations or judgments of data.

The University follows the generally recommended procedures developed by the Office of Research Integrity of the U.S. Department of Health and Human Services for investigating charges of violation of scholarly or research integrity. As applied to the governance structure of the university, the following procedures will apply if a possible violation is brought to the attention of the university:

First, the dean of academic affairs or his/her designee will conduct an inquiry to determine whether the charge appears to have merit. The dean will discuss the matter with the complainant and respondent and any other parties that the dean deems appropriate. This stage will be completed within three weeks of the receipt of the complaint by the dean of academic affairs, except when the university is not in Fall and Spring sessions.

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<sup>4</sup> Further details on this issue can be found in the Principal Investigator's Handbook, Attachment II-D.

Second, if the dean of academic affairs concludes that there are sufficient grounds for the complaint, the dean will initiate a hearing before the Faculty Hearing Panel as outlined in the Disciplinary Proceedings in section 21 e.

If the dean of academic affairs or his/her designee concludes that the complaint is not supported by sufficient evidence, s/he will send his/her findings and recommendations in a report to the provost who may affirm, modify, or refer the case in accordance with the Disciplinary Procedures in section 21.

In either case, the provost's decision is final.

## **24. Miscellaneous Provisions**

### **a. Graduate Study by Faculty**

Washington College of Law Library faculty are not prohibited from taking courses in or seeking a degree from the Washington College of Law.

### **b. Summer Session Teaching Opportunities**

The colleges, schools, and departments of the University give preference to full-time members of their faculties who have requested a summer teaching assignment when selecting the instructional staff for the summer sessions.

Whether an individual faculty member can be assigned to courses in any specific summer is determined by the department chairperson and/or dean concerned, and by the appropriate university officer designated by the provost. The decision must be made on the basis of the program planned, the probable student clientele, and the available faculty. The offering of summer courses is dependent on satisfactory enrollments, and it is sometimes necessary to cancel such courses or to change teaching assignments because of insufficient enrollments.

Any faculty member teaching in the summer sessions must be regularly available for consultations with students, for the full period during which his/her courses are scheduled.

### **c. Death while on Active Service**

When a full-time member of the faculty with ten years or more of continuous full-time service to the University dies while on the active rolls of the University, the University will pay a lump sum equal to twenty percent of the calculated base annual salary rate to the representatives of the decedent's estate.