

FACULTY HANDBOOK

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ST. MARY'S
COLLEGE

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Mount St. Mary's College



FACULTY HANDBOOK

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Introduction¹

This Handbook codifies the rights and obligations of the faculty of Mount St. Mary's College. It is intended to provide information and guidance for all faculty members and to reflect the College's policy of shared responsibility and authority in the decision-making process. The principle source and responsibility for this document derive from the faculty through the Faculty Policy Committee. Any revisions or additions to this Handbook must be passed by the Faculty Assembly and approved by the Board of Trustees upon the recommendation of the Provost and the President.

Members of the faculty should find this book useful as a formalized statement of the policies and procedures of the institution; however, it does not convey the *spirit* of the Mount that is rooted in the Mission of the College and deeply imbued in the College community. That spiritual element, which many feel constitutes the true governing force of the College, cannot be conveyed in this text but must be experienced.

¹ Approved by the Faculty Assembly, January 25, 2002.

1. The Faculty

1.1. Composition of the Faculty

This group shall consist of all those holding academic rank (see §1.3 *Rank of Faculty*) who devote a major part of their working time to some combination of the following activities (see §1.5 *Faculty Responsibilities*):

- Teaching
- Academic Advisement
- Research and Creative Work
- Professional Activity
- College and Public Service

1.2. Appointments to Faculty

The Committee on Faculty Status shall regulate the procedures for the appointment, promotion, leave, and tenure of the faculty.

1.2.1. Full-time Appointments

1.2.1.1. Contracts

An offer of full-time employment shall be made in the form of a contract from the President of the College and shall include the rank and salary of the appointee. The offer becomes void if the appointee fails to sign and return the appropriate copies of the contract to the President within 14 working days of receipt. The College shall not be held to any oral assurances that might have been given to the appointee.

The Provost designates the full-time positions as either a tenure-track contract or a full-time contract in consultation with the President of the College and the Department Chair.

All full-time faculty positions, unless otherwise designated in the contract, carry the expectation of fulfilling faculty responsibilities as stated in §1.5 *Faculty Responsibilities*, and of receiving faculty privileges and benefits as identified under §1.8 *Benefits and Privileges* of the Faculty Handbook (for workload, see §1.5.2 *Workload Determination*).

1.2.1.2. Tenure and Tenure-Track Appointments

Contracts to be renewed for the ensuing academic year shall be issued by the Office of the President in the Spring semester of the academic year. Such contract renewal shall not violate either the explicit or implicit standards of §1.11.2 *Non-Reappointment*.

1.2.1.3. Full-time Term (non-tenure track) Appointments

Full-time term contracts may be offered for one year duration. No full-time term contract will be issued to an individual who has completed three consecutive years on such contracts.²

The annual evaluation of faculty members with full-time term contracts shall be based on §1.5.1 *Areas of Responsibility*.

1.2.1.4. Non-Tenurable Renewable Appointments³

Definition: The non-tenurable (NTR) faculty track position may be renewed on a yearly basis subject to an annual review of the position, including faculty performance and departmental needs.

A faculty member holding an NTR position is subject to an annual review with major reviews every fourth year. The annual evaluation of faculty members with non-tenurable renewable contracts shall be based on §1.5.1 *Areas of Responsibility*.

The department chair and the Provost will jointly decide whether a current term contract position will be designated non-tenurable renewable.

Tenure-track faculty is not eligible for non-tenurable renewable positions. At the discretion of the College President, anyone who has held a non-tenurable renewable position at the Mount and later obtains a tenure-track position may be granted a maximum of two years credit toward tenure.

The non-tenurable renewable position will be evaluated in five years and the Faculty Assembly will vote whether or not to recommend continuance of the non-tenurable renewable faculty track. No new positions would be designated non-tenurable renewable track if the policy is not approved. However, the faculty already on the track would continue to be eligible for renewable contracts.

1.2.1.5. Limitations

No more than 20% of the full-time faculty at the Mount can be non-tenurable faculty (i.e., term contract faculty, non-tenurable renewable faculty, and special contract faculty).

² Approved by the Board of Trustees, May, 1992.

³ Approved by Faculty Assembly, February 27, 1998; 5-year pilot program beginning with the 1998-1999 academic year. Renewed by Faculty Assembly, April 25, 2003, and approved for continuance no longer as a pilot program but with an evaluation in five years. Reviewed and approved by the Education Affairs Committee of the MSMC Board of Trustees, May 22, 2003.

1.2.2. Part-time Appointments

1.2.2.1. Contracts

Part-time faculty are bound by the rules and regulations of the College wherever such rules logically apply. They succeed to the privileges and prerequisites of faculty employment except insofar as said privileges and prerequisites are limited to full-time faculty either by specification or by implication.

Part-time faculty succeeding to a full-time position will be employed in accordance with the procedures of the Committee on Faculty Status.

All part-time faculty will be employed in accordance with the procedures of the Committee on Faculty Status.

Faculty holding fractional full-time or part-time contracts will be evaluated regularly on their teaching performance.

1.2.2.2. Fractional-Full-Time ("FTE") Appointments

Fractional-full-time faculty are employed for teaching duties and other college services. Their salaries will be determined according to rank and percentage of full-time faculty load. Payment is made as a fraction of the yearly or term salary for rank held.

Fractional-full-time faculty may request of the Committee on Faculty Status privileges not normally accorded to part-time faculty. Privileges and duties will be specified in each individual contract.

Fractional-full-time faculty will be employed in accordance with the procedures developed by the Committee on Faculty Status and may hold a rank other than that of Lecturer, dependent upon criteria for such rank (see §1.3 *Rank of Faculty*).

1.2.2.3. Per-Unit Appointments

Per-unit faculty have the rank of Lecturer and are employed for teaching duties only. Their salary is on a per unit basis. The per unit rate is based on the level of the degree held. The duties and privileges of per-unit faculty will be specified in each individual contract.

Per-unit faculty will be employed by direct agreement with Provost and the Chair in accordance with the procedures of the Committee on Faculty Status (see §2.2.3.4 *Committee on Faculty Status*).

1.3. Rank of Faculty

Faculty members possess one of the following ranks in one of two levels; lower and upper. Rank is determined by degrees earned and excellence in §1.5.1 *Areas of Responsibility*.

1.3.1. Lower Level

1.3.1.1. Instructor

The Instructor should possess a Master's Degree in his/her field of teaching and show promise in the areas of responsibility (see §1.5.1 *Areas of Responsibility*).

Faculty at the Instructor level are not eligible to receive tenure.

1.3.1.2. Assistant Professor

The Assistant Professor should hold the Doctoral degree or should have accumulated four years of contributions in the areas of responsibility (see §1.5.1 *Areas of Responsibility*) or its equivalent.

1.3.2. Upper Level

1.3.2.1. Associate Professor

The Associate Professor should hold a Doctoral degree or its equivalent, should have served as Assistant Professor for a four-year period during which he/she has demonstrated outstanding and significant contributions in the areas of responsibility (see §1.5.1 *Areas of Responsibility*).

Ordinarily, the "Doctoral degree or its equivalent" shall mean the terminal degree in an appropriate discipline, except in the areas listed here. In the following departments and/or programs, the specified procedural requirements for eligibility for the Associate Professor rank shall exist:

- In the Department of Business, the Master's degree in Business Administration, or the Master's degree in Business, plus 15 academic units of post-Master's graduate work in the same or a single cognate field;
- In the Physical Therapy Department, the Master's degree in Physical Therapy, plus 15 academic units of post-Master's graduate work in the same or a single cognate field;
- In the Nursing Department, the Master's degree in Nursing, plus 15 academic units of post-Master's graduate work in the same or a single cognate field.

In order to facilitate consideration of above listings, each department or program affected hereby shall submit to the Faculty Policy Committee for approval, a list of examples in the respective field relevant to the criteria

enunciated in §1.9 *Promotion* and §1.10 *Tenure*, and other suggestions relevant to evaluation.

Nothing in §1.3.2.1 *Associate Professor* shall apply to promotion to Professor.

1.3.2.2. Professor

⁴The rank of the Professor shall be made available to those who possess a doctoral degree or its equivalent, have held the rank of Associate Professor at the College for a minimum of four years, and maintained and strengthened their areas of responsibility (see §1.5.1 *Areas of Responsibility*) through some form of active research. Publication is recommended.

⁵The phrase "a doctoral degree or its equivalent" shall mean the terminal degree in the appropriate discipline.

1.3.3. Professor Emerita/us

The rank of Professor Emerita/us shall be made available to faculty who meet the following qualifications: tenure, retirement from full-time teaching at Mount St. Mary's College, achievement of distinction in maintaining quality performance in the areas of responsibility (see §1.5.1 *Areas of Responsibility*).

Recommendations for the rank of Professor Emeritus are made to the President by the Faculty Status committee.

Privileges: Attendance and speaking privileges at Faculty Assembly meetings; participation in the academic procession at graduation and other such functions; life-time library privileges; usage of library carrel, faculty office, laboratory and studio space (subject to need and availability); recipient of College Catalog, Faculty and Administrative Bulletin, and other notifications of College events (if requested).

1.3.4. Adjunct-Professor

The rank of Adjunct-Professor shall be made available to qualified staff. Adjunct Professional status does not apply to tenure and promotional privileges.

⁴ Approved by the Board of Trustees, 12/8/94.

⁵ Approved by the Board of Trustees, 12/8/94.

1.4. Academic Resource Personnel⁶

1.4.1. Status

Academic Resource Personnel enjoy faculty status in relation to the following:

- Eligibility for appointment to faculty committees.
- Upon the attainment of tenure, full voting privileges in the Faculty Assembly and eligibility for election to faculty committees.
- Eligibility for appointments, promotions, leaves, tenure, sabbaticals, and retirement benefits as determined by the Committee on Faculty Status. The chair of the department in which Academic Resource Personnel are employed shall have a consultative voice in the determination of the Committee on Faculty Status.

1.4.2. Title and Rank

1.4.2.1. Academic Resource Personnel I

The rank is equivalent to the level of Instructor. It is a training grade of four years for persons holding graduate degrees.

1.4.2.2. Academic Resource Personnel II

The rank is equivalent to the level of an Assistant Professor. It includes experienced academic employees with some professional responsibilities. The privileges of leaves, tenure, retirement, etc., become effective with this rank.

1.4.2.3. Academic Resource Personnel III

The rank is equivalent to the level of an Associate Professor. It includes academic employees with substantial professional responsibilities and/or unusual professional abilities.

1.4.3. Benefits

Academic Resource Personnel shall receive any faculty (*see §1.8 Benefits and Privileges*) benefits to which they can succeed with the following exceptions:

- Salary scales will be commensurate with the appropriate rank and professional experience as suggested by the Committee on Faculty Status.
- Academic Resource Personnel shall receive three (3) weeks of vacation in the first year of employment and four (4) weeks thereafter.

⁶ The rank of Academic Resource Personnel is no longer awarded.

1.4.4. Miscellaneous

Administrative posts are not considered as a separate rank.

1.5. Faculty Responsibilities

1.5.1. Areas of Responsibility

1.5.1.1. Teaching

Teaching performance includes:

- command of subject
- continuous scholarly growth
- effective organization and preparation of material
- capacity to encourage a spirit of inquiry
- ability to establish rapport with students in the classroom
- adequate academic advisement of students

1.5.1.2. Academic Advisement

The success of students in the accomplishment of their academic goals depends in part on each faculty member's ability to advise, and with students' familiarity with the academic programs at Mount St. Mary's College. Academic advising of students is one of the major responsibilities of full-time faculty. The central element in advising excellence is a genuine and sustained concern for students as persons and for their academic growth and student rapport (in general). Effective performance of the advising duties includes but is not limited to:

- a willingness to be available to students for consultation outside the classroom.
- helpfulness in guiding students in such matters as research projects, career counseling, academic concerns.
- familiarity with the current requirements of College programs and the students' progress in relation to these requirements.
- helpfulness in developing with the students an academic program which will assist them in gaining as much as possible from their years at Mount St. Mary's College.

1.5.1.3. Research and Creative Work

Faculty members are strongly encouraged to engage in research necessary to sustain the promotion of teaching excellence and continuous professional preparation. This is viewed as a vehicle for faculty development, for student/faculty collaboration, and for professional contribution. Research and creative work include:

- evidence of research for teaching excellence
- scholarship and creativity in published research
- recognized artistic production or participation in creative activity

1.5.1.4. Professional Competence and Activity

Professional competence and activity include:

- a distinction in special competencies
- active participation in professional societies
- recognized artistic production or participation in creative activity

1.5.1.5. College and Public Service

Service on committees, departmental and/or other college contributions, and faculty rapport are an essential part of the task of being a full-time faculty member. College and public service includes:

- effective participation in faculty government and in formulation of departmental and College policies
- service to the community, state or nation

1.5.2. Work Load Determination

Each faculty member accorded full-time status will be responsible for 32 unit-hours per academic year.

1.5.2.1. Teaching Load

Each course presently designated as 3 units under the term system would count 3 unit hours. (That is, 1 lecture-hour equals 1 unit-hour.)

Since a faculty member spends time on activities not readily quantifiable, but which nonetheless are expected, full-time faculty will be credited with 5 unit-hours upon a satisfactory completion of such duties (for example, academic advisement, observation of office hours, submission of course syllabi, completion of grade lists, attendance at general and departmental faculty meetings, etc.)

The normal direct teaching load expectation for a full-time faculty member is 24 lecture hours per academic year (1 lecture-hour equals 1 unit-hour). Ordinarily no one but a departmental Chair would be considered a full-time faculty member who teaches fewer than 18 lecture-hours (presently six courses).

1.5.2.2. Teaching Equivalencies

These equivalencies do not apply to the Departments of Education, Nursing, Art and Music, for whom equivalencies will be established by Faculty Status in consultation with the departments.

- Lab: 1.5 hours = 1 hour lecture
- Psychological Counseling: 2 hours = 1 hour lecture
- Writing Counseling: 2.5 hours = 1 hour lecture
- Supervision of Peer Counseling: 2.5 hours = 1 hour lecture
- Supervision of directed study courses — not presently, in most instances, counted as part of the normal load: For each 30 student unit-hours of credit, three unit-hours credit is given. When courses are completed and credit recorded, faculty members shall apply for equivalence.
- Supervision of independent study courses — not presently, in most instances, counted as part of the normal load — is expected to approximate 2-3 faculty/student meetings per term. A faculty member shall apply to Faculty Status Committee for some course equivalency should the number of independent studies be especially heavy.
- Courses taught by more than one instructor; each instructor (assuming there are two) gets 1.5 unit hours for each 3 unit course. Additional unit-

hour credit must be petitioned for by the instructor to the Committee on Faculty Status.

- Recommendation for unit-hour equivalencies shall be made to the Committee on Faculty Status for service on ad hoc committees by the person initiating such committees and receiving their report.

1.5.2.3. Academic Advisement

Advising, no preparation: 3 hours = 1 hour lecture

1.5.2.4. Research and Creative Work

In consultation with the Department Chair, the Committee on Faculty Status shall establish course reductions for faculty members engaging in research when such reduction is requested, justified, and is within the resources of the institution.

1.5.2.5. College and Public Service

Each faculty member is expected to serve on at least one committee per academic year.

- The number of unit hours to be allowed for chairing a department will be determined annually by the Committee on Faculty Status in consultation with department therein.
- Membership on a major committee would count 3 unit-hours.
- Chairing a major committee would count 5 unit-hours.
- Membership on a minor committee would count 1 unit-hour.
- Chairing a minor committee would count 2 unit-hours.

1.5.2.6. Exceptions

Faculty members shall submit petitions to the Committee on Faculty Status to obtain unit-hour credit for exceptions to the above (§1.5.2 *Work Load Determination*).

1.6. Faculty Rights

1.7. Compensation

1.7.1. Salary

The salaries of all faculty members engaged for an academic year are considered as beginning in September of that year, and, all increases in the annual salary begin on that date. Salaries are paid in twelve (12) monthly installments. Faculty members requesting an exception to twelve (12) monthly installments shall make a written request to the Provost's office indicating their preference.

1.7.2. Salary Scale

The salary scale (exclusive of fringe benefits) for Mount St. Mary's College for a given year for full-time faculty members is published annually in the Faculty and Administrative Bulletin.

1.7.3. Summer Session

Appointments to the summer session staff are made by separate agreement.

1.7.4. Outside Employment⁷

Outside employment includes any compensated services that a full-time faculty member engages outside the College. It is the responsibility of the faculty to avoid any conflict with contractual obligations to the College as identified in the primary duties of the full-time faculty members, as outlined in the Faculty Handbook (section 1.5). Written approval of the department Chair and the Provost is required if the aggregate time entailed will amount to more than the equivalent of one normal working day per week or more than one course per semester. Since department and College needs may change, such approval must be renewed each academic year.

1.7.5. Availability

Full-time faculty shall be available to the institution for a period of time beginning five days prior to the announced registration date and extending five days after the announced close of Spring term final examinations.

⁷ Approved by Faculty Assembly March 18, 2005. Reviewed and approved by the Educational Affairs Committee of the MSMC Board of Trustees May 19, 2005.

1.8. Benefits and Privileges

1.8.1. Academic Privileges

1.8.1.1. Expenses for Attendance at Meetings

If the faculty member attends a meeting in an official capacity at the request of the College, the College shall pay full travel expenses.

The College shall pay one-half (1/2) the transportation cost if attendance at educational or professional meetings benefits the member directly and the College incidentally.

Budgeting for attendance at educational or professional meetings shall be arranged in advance.

1.8.1.2. Lectures and Recitals

Admission to lectures and recitals sponsored by the College is ordinarily free to faculty members.

1.8.1.3. Tuition Policies

Tuition for one course per term shall be waived for full-time faculty members.

Half tuition shall be waived for the spouse and children of full-time faculty members.

For faculty members who have worked full time at the College two or more years, a full remission of tuition not covered by other scholarship or grant is available to their dependents.

1.8.2. Medical and Insurance Benefits

1.8.2.1. Campus Health Service and Medical Consultation

These services are available to faculty members in the on-campus health offices during the times regulated by the health Services.

1.8.2.2. Health Insurance

Full-time faculty and staff are eligible to participate in the College's hospitalization and major group health insurance plans.

1.8.2.3. Dental Plan

Full-time faculty and staff are eligible for coverage under the college plan.

1.8.2.4. State Disability Insurance

Employees of the College are covered by State Disability Insurance. This insurance is payable when an employee cannot work because of sickness or injury not caused by his/her job. As of 1991, and by law, each employee

contributes .9% of his/her first \$25,150 in wages, through payroll deduction, to cover the cost of State Disability Insurance. The maximum level may be changed periodically to coincide with State law.

1.8.2.5. Worker's Compensation

The College carries Workmen's Compensation Insurance on all employees. Under this plan, compensation is received for time lost as well as for payment of medical expenses for accidents arising out of or in the course of work.

1.8.2.6. Disability Insurance

The College participates in a long-term disability insurance policy offered by the Teacher's Insurance and Annuity Association. All newly-appointed full-time faculty are required to participate in this coverage.

1.8.2.7. State Unemployment Insurance

Insurance for unemployment is regulated by State law. Eligibility for benefits is determined by the State based on circumstances surrounding the termination.

1.8.3. Leave of Absence

1.8.3.1. Sabbatical leave

Sabbatical leave is a privilege accorded tenured members of the faculty for intellectual growth through study, research, and creative activities. The sabbatical will be granted with the understanding that the recipient shall return to resume his/her services to the College.

Written application for sabbatical leave, stating the purpose, plan and duration of the leave, shall be submitted to the Committee on Faculty Status, whose recommendation shall be channeled to the President of the College.

A tenured faculty member is eligible to take a sabbatical leave in the seventh year of service after six consecutive years without a sabbatical leave. Thus, application for a sabbatical leave for a tenured faculty member would normally occur in the sixth year prior to eligibility for a sabbatical.

Only a tenured faculty member may apply for a sabbatical leave. Thus, a probationary faculty member would not ordinarily become eligible to apply for a sabbatical leave until the seventh year of consecutive service (the first year of tenure) and the sabbatical leave would not be taken until the eighth year of service.

The records regarding eligibility shall be kept in the office of the Provost.

Any accords telescoping these requirements will be the subject of a written agreement at the time of the initial appointment of a faculty member.

Sabbatical leave shall be granted to not more than five percent (5%) of the total full-time faculty in any given year, with the order of selection normally determined by seniority and need. (Unless dictated by §1.11.4.5 *Retraining*)

Depending on the duration of the sabbatical, the faculty member shall receive monetary compensation on a scale of from full pay for one semester to one-half (1/2) annual pay for two semesters.

Rank and title are not affected by sabbatical leaves and the contributions of the College of fringe benefits will ordinarily be sustained during sabbatical leaves.

Faculty members are expected to submit to their department Chairs and to the President of the College, a report of their activities and accomplishments within one month of their return from sabbatical leave.

1.8.3.2. Sick leave

Faculty who cannot meet their assignments because of illness must notify the office of the Provost.

Sick leave with pay shall be granted to full-time faculty at the rate of two weeks per year, accumulating to a maximum of twelve (12) weeks of five (5) days or sixty (60) days over a period of six (6) years. Reduction in salary may result from sick leave in excess of this time.

1.8.3.3. Leave Without Pay

Leave without pay for personal reasons or for professional or community service may be granted for a period of one year with the recommendation of the Committee on Faculty Status and the approval of the President. The maximum number of renewals of the leave may not exceed three.

Written applications for leave without pay must be received by the Committee on Faculty Status before the end of the Fall semester in order to be effective in the following academic year.

One of the items to be considered by the Committee on Faculty Status in its assessment of the application shall be demonstrated value to the College of the leave.

During a leave without pay, the continuation of fringe benefits by the College must be negotiated on an individual basis. Leave without pay does not normally apply to time requirements for purposes of tenure, promotion, sabbatical or other preferments.⁸

CSJ tenured faculty who are called into CSJ Community service may, with the recommendation of the President of the College, return to their tenured position when their term of service is completed. If the service is to last longer

⁸ Spring, 1993

than three years, the Sisters will make application to the President of the College for extension. Ordinarily, the full period of service will be no more than six (6) years in length. The President of the College and the Provost working with the appropriate department chair(s), will take special measures to maintain the high academic quality of the department during that period of leave⁹.

1.8.4. Compensation at Retirement

All faculty members participate in the Social Security program.

A group retirement and annuity plan is available to faculty members through TIAA/CREFF:

- Faculty members may enroll in the plan after at least two (2) years of full-time or 50% full-time equivalent service. However, any faculty member, (contingent upon annual minimum earnings) is eligible to use salary reduction to contribute to supplemental retirement annuity through the College and TIAA/CREFF.
- Employee and employer contributions to the retirement plan are based on twelve (12) premium payments per year.

⁹ Approved by the Board of Trustees, March 1986.

1.9. Promotion

1.9.1. Standards

The standards used for promotion are described under §1.5.1 *Areas of Responsibility*.

1.9.2. Procedures

The deadline and required steps to initiate promotions will be published at the beginning of each year by the Chair of the Committee on Faculty Status (see *Appendix F*).

The Chair of the Committee on Faculty Status will notify the Department Chair of his/her obligation to have faculty members make application for promotion.

The Department Chair will return the application to the Committee on Faculty Status. The application for promotion will be countersigned with or without reservations or challenges by the faculty member.

The Committee on Faculty Status will review the application and will make a recommendation to the President.

The President of the College reserves the right of final decision.

The faculty member under review for promotion has the right to be apprised of evidence on which a decision is based.

On promotion reviews, a faculty member has the option of a hearing before the Committee prior to a decision being reached on the application.

The determination of principles for the evaluation of teaching competence and other standards for promotion will be a matter of agreement between the Faculty Policy Committee.

1.10. Tenure

1.10.1. Preamble

Mount St. Mary's College has a tradition of academic excellence and a commitment to its Catholic roots, as articulated in the mission statement (*see Appendix A*). This tradition was initiated by the Sisters of St. Joseph of Carondelet and lay faculty. Each faculty member of the Mount has the responsibility of carrying this tradition forward. Tenure contributes to the maintaining of a faculty dedicated to the past, present and future of Mount St. Mary's College.

We, the faculty, believe tenure is a way of fostering the tradition of academic excellence and commitment to the mission of the College. Tenure ensures that excellent faculty, at Mount St. Mary's College, will have a reasonable expectation of continuing their employment.

We believe tenure supports the College's commitment to academic freedom. With academic freedom, faculty can be assured of an environment which encourages the exploration of new ideas and critiques of assumed truths or principles without fear of recrimination.

We believe tenure implies faculty responsibility and accountability. Tenured faculty also take the leadership by supporting academic standards, promoting an environment of mutual respect within the faculty community, and participating in faculty governance and decision-making.

We believe tenure is awarded to faculty in all academic disciplines for excellent teaching, research and creative work, academic advisement, professional competence and activity, and college and public service. Because of tenure, it is possible for Mount St. Mary's College to project a stable future relative to its academic goals.

This preamble affirms the standards addressed below for the awarding of tenure.¹⁰

1.10.2. Standards

The standards used for promotion are described under §1.5.1 *Areas of Responsibility*.

1.10.3. Eligibility and Conditions

Faculty members, after a probationary period, may acquire tenure, which is the reasonable expectation of employment until retirement. Their service may be terminated before retirement only for extraordinary cause or circumstances arising from program termination or redirection or financial exigency.

The probationary period for a person initially hired into a tenure-track position shall be for a maximum of six (6) years. A person who initially was employed

¹⁰ Approved 11/13/98

under a full-time term contract at Mount St. Mary's College and then hired for a tenure-track position shall not exceed seven (7) years in total probationary and contract term service. The probationary period may be shortened by agreement with the President of the College and the agreement will be placed in writing at the time that the tenure-track contract is initially issued.

- Time spent on leave does not ordinarily count as probationary service.
- During the probationary period, a faculty member shall have the same academic freedom as that accorded to tenured members of the faculty.

While tenure is inherent in the position, as demonstrated in extremis in relation to termination because of program termination or redirection, or financial exigency (see §1.11.5 *Financial Exigency*), the attainment of tenure is based upon the personal performance of the faculty member in relation to the standards outlined in §1.10.2 *Standards*. In addition, attention will be paid to the existence of effective working relationships between the faculty member and students, colleagues, and administrators.

Termination of a continuous program because of program termination or redirection or financial exigency shall be demonstrably bona fide (see §1.11.4 *Program Termination or Redirection* and §1.11.5 *Financial Exigency*).

1.10.4. Procedures

1.10.4.1. Faculty Approval Process

Tenure review is automatic in the sense that the Committee on Faculty Status initiates review of the faculty member's file during the final probationary year of his/her service within the College.

The Department Chair will notify the faculty member of eligibility for tenure.

The Committee on Faculty Status will review the complete file of the faculty member and make a recommendation to the President.

The faculty member under review for tenure has the right to be apprised of evidence on which a decision was based.

On tenure reviews, a faculty member has the option of a hearing before the Committee prior to a decision being reached.

The determination of principles for the evaluation of teaching competence and other standards for tenure will be a matter of agreement between the Faculty Policy Committee and the faculty.

A certificate of health, issued by a College approved physician, is a prerequisite to tenure.

1.10.4.2. Trustee Approval Process¹¹

The President of the College, having received the recommendations of the Committee on Faculty Status will bring recommendations concerning tenure decisions to the Educational Affairs Committee which, in turn, will make recommendations to the full Board.

The Chair of the Committee on Faculty Status shall be present at the Educational Affairs Committee as a resource person who will thus be available to further explicate the basis of the recommendation or, in the case of the President's not approving that Committee's recommendation, he/she will be available to give a rationale for another recommendation.

As the Committee on Educational Affairs reviews a tenure recommendation, appropriate materials will be available to them. The resume(s) of the faculty under review, together with the statement of recommendation of the Committee on Faculty Status, will be sent to members prior to the meeting.

The Criteria for the Committee's recommendation to the full Board shall be the published (Faculty Handbook) criteria for tenure. The Trustees will make their decision on these same criteria (thus when the materials are prepared for submission to the Committee/Board, it will be helpful to prepare them in relation to these criteria.)

In her recommendation, the President will indicate the Provost's support/non-support of her recommendation.

After discussion of the recommendation(s), resource persons shall withdraw and the Educational Affairs Committee will formulate and vote on the recommendation it shall make to the Board.

The decision of the Board of Trustees shall be final.

¹¹ Approved by the Board of Trustees, September 21, 1981.

1.11. Separation

1.11.1. Retirement

1.11.2. Non-reappointment

A notice of non-reappointment of full-time positions shall be given in writing in accordance with the following standards:

- Not later than March 1 of the first academic year of service, if appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least three (3) months in advance of its termination.
- Not later than December 15 of the second academic year of service, if the appointment expires at the end of the year; or, if an initial two-year appointment terminates during an academic year, at least six (6) months in advance of its termination.
- For non-tenurable renewable positions, not later than December 15 of any year after the second academic year of service, if the appointment expires at the end of the year; or, if an initial two-year appointment terminates during an academic year, at least six (6) months in advance of its termination. For other full-time positions, at least twelve (12) months before the expiration of an appointment after two or more years in the institution.
- Non-renewal of a probationary appointment with less advance notice than that specified above shall be preceded by a statement of reasons as well as the opportunity to be heard by the Committee on Academic Privilege and Tenure specified in §2.2.3.6 *Committee on Academic Privilege and Tenure* of these regulations, but without the necessity on the part of the probationary faculty member of sustaining the burden of proof.

1.11.3. Dismissal for Cause¹²

Dismissal is a process by which the College ends its contractual agreements with a faculty member for adequate cause. Dismissal for cause must be distinguished from non-reappointment of a probationary faculty member (§1.11.2. *Non-Reappointment*). Adequate cause for dismissal *must* relate directly and substantially to the fitness of the faculty member to fulfill his/her professional duties. In the performance of professional responsibilities, faculty must act with clear mindfulness of the Mission of the College in accordance with the directives of §3.1. *Academic Freedom*.

1.11.3.1. Cause

Dismissal proceedings may be commenced only for the following reasons:

- professional incompetence;
- neglect of duties, amounting to material breach of contract;
- grave personal misconduct relating directly to a faculty member's fitness to practice his/her profession;
- serious failure to follow the canons and ethics of either the faculty member's discipline or those of the teaching profession in general;
- gross violation of the Mission of the College (*see Appendix A*). For the purpose of this section, the Mission of the College Statement shall be narrowly construed. Proceedings under §1.11.3 *Dismissal for Cause* shall not be commenced except upon the commission of an Overt act in contravention of the Mission of the College.

1.11.3.2. Faculty Peer Review Group (FPRG)

For purposes of determining the relevance of particular charges to the standards in §1.11.3.1 *Cause*, of investigating and evaluating the record as a whole, and of mailing a recommendation to the President of the College, a Faculty Peer Review Group (FPRG) shall be convened. The membership shall be:

- The Chair of the Committee on Faculty Status
- The Chair of the Faculty Policy Committee
- The member of the Curriculum Committee from the same representative grouping as the defendant faculty member
- A tenured faculty member from the same or a cognate discipline as that of the defendant faculty member. The FPRG shall select this member to the

¹² Approved by the Board of Trustees.

Committee. The defendant faculty member may veto any selection for reasonable cause.

The Chair of the FPRG shall be selected by the membership of the FPRG.

Any FPRG vacancies due to conflict of interest, illness, or other like reasons shall be filled by a vote of the Committee membership.

1.11.3.3. Rules of Procedure

The FPRG shall be governed by the rules of procedure enunciated in this Handbook. The FPRG shall have the power to determine its own rules of procedure:

- if the Handbook is silent;
- insofar as such rules do not conflict with faculty rights or privileges otherwise indicated by the Handbook; and
- so long as such rules comport with the objectives of ensuring that committee actions are fair, reasonable, and expeditious.

1.11.3.4. Settlement

In all cases arising under professional incompetence, neglect of duties, or grave personal misconduct, discussions between the faculty member and the President of the College, the Provost, or a Departmental Chair may effect a mutual settlement.

In cases relating to professional incompetence or neglect of duties, any continuation of appointment must include:

- a written plan of improvement,
- a reasonable amount of time to fulfill the plan,
- a stated deadline,
- written notification of failure to comply with the plan within two weeks of such failure.

1.11.3.5. Dismissal Proceedings

In the event that a settlement cannot be reached, or is breached, or upon written notification of failure to comply with a plan under §1.11.3.4 *Settlement*, dismissal proceedings may be commenced.

A written statement of charges shall be presented to the faculty member and to the FPRG by the Provost or Departmental Chair.

The FPRG shall hold hearings to evaluate the appropriateness of the statement of charges and the sanction of dismissal, or some lesser sanction.

A faculty member may waive the right to a hearing, and respond in writing. The FPRG should admit all relevant evidence. All recommendations of the FPRG shall be based solely on the hearing record. The burden of proof that adequate cause exists shall be on the College, which burden of proof shall be by clear and convincing evidence in the record considered as a whole. The FPRG shall recommend to the President of the College its findings and conclusions.

The President of the College shall make the final decision regarding dismissal for cause. The President shall communicate in writing her decision and reasons to the faculty member. If a unanimous recommendation of the FPRG is rejected by the President, she shall communicate to the Committee her rationale for the rejection.

1.11.3.6. Appeal

A faculty member may appeal the decision of the President to the Board of Trustees on the grounds that the decision is manifestly contrary to the weight of the evidence or that a flagrant violation of academic due process has occurred.

If a sanction or sanctions other than dismissal are contemplated, the Provost will notify the faculty member of the basis of the proposed sanction. An opportunity to contest such a decision shall be provided to the faculty member. Academic due process in this case shall be commensurate with the interests at stake.

1.11.4. Program Termination or Redirection¹³

Program termination is a formal discontinuance of an academic program, department, or other academic entity which educates or trains students. Program redirection is a formal revision of the educational functions being performed by an academic department, program or other academic entity. A tenured faculty appointment may be terminated as a result of program termination or redirection.

The Curriculum Committee will make recommendations regarding program termination or redirection to the Provost, the President, the Faculty Assembly, and the Board of Trustees. The chairs of departments affected by program termination or redirection shall be actively consulted and involved in the initiation of such recommendations by the Curriculum Committee, in all stages.

1.11.4.1. Standards

The Curriculum Committee shall specifically and separately address the following three standards.

- the academic viability of the program,
- the mission and commitment of the College as stated under the "Characterization of Mount St. Mary's College" in the current College catalog, and
- the import of long-range economic considerations.

Equal attention shall be paid to articulating and evaluating the components of each standard.

1.11.4.2. Curriculum Committee Recommendations

In their recommendations for program termination or redirection, the Curriculum Committee shall state, relative to each of the above standards, whether or not the program looks unpromising.

In cases of program termination, at least two of the three conclusions regarding academic viability of the program, the effect on the Mission of the College, and the long-range economic considerations shall be consistently unpromising.

In cases of program redirection, at least two of the three conclusions regarding the standards shall be consistently unpromising; at least one non-economic standard shall be determined to represent a threat to the continued welfare of the College.

The recommendations of the Curriculum Committee concerning program termination or redirection shall include separate statements by department or

¹³ Approved by the Board of Trustees, April 15, 1985.

program faculty members expressing their opinions regarding the Committee's recommendations, conclusions, and statements of fact.

1.11.4.3. Personnel Impact Statement

Recommendations for program termination or redirection shall be accompanied by a personnel impact statement in regard to tenured faculty. Recommendations to the Provost on matters in §1.11.4 *Program Termination or Redirection* shall be solely the province of the Committee on Faculty Status.

This impact statement shall be prepared by the committee on Faculty Status.

The personnel impact statement shall include an evaluation of the potentialities of

- relocation of the faculty affected by program termination or redirection within the institution,
- retraining of faculty so affected,
- early or phased retirement for such faculty, and
- termination of the appointment(s) of such faculty. Upon request of a faculty member, the personnel impact report shall be restricted to those academic entities normally concerned with personnel matters.

1.11.4.4. Relocation

Relocation is the shifting of a tenured faculty member's primary responsibilities from a department or program affected by program termination or redirection to another or other areas of competence, either academic or administrative, or some combination thereof. A tenured faculty member affected by program termination or redirection may teach up to a total of four classes per academic year in an alternative field in which he/she is competent.

No faculty member may teach more than four courses per academic year in a field outside the original appointment area without the express consent of the department or program of entry.

Questions of competence outside the original appointment area will be decided by the Provost in consultation with the Committee on Faculty Status, and the Chair of a department or program concerned.

Data on certifications, courses taken, and other indicia of competence in cognate or other fields shall be collected and maintained in the office of the Provost.

1.11.4.5. Retraining

Retraining is the acquisition of alternative skills by a faculty member in anticipation of or as a consequence of program termination or redirection.

The College will assist, wherever feasible, in the retraining of tenured faculty likely to be, or already affected by program termination or redirection.

Sabbatical proposals in furtherance of retraining activities shall take priority over all other sabbatical proposals after approval by the Committee on Faculty Status.

1.11.4.6. Phased or Early Retirement

1.11.4.7. Priorities

Priorities as to termination of appointment(s): If choices must be made between termination or retention of tenured faculty in a department or program, the decision shall be made in the light of all the facts and circumstances, including (but not limited to) degrees attained, rank, years in service, affirmative action considerations, professional accomplishments, teaching proficiency, and the academic integrity of the remaining department or program.

1.11.4.8. Procedure

Recommendations to the Provost on matters in §1.11.4.3 *Personnel Impact Statement* shall be solely the province of the Committee on Faculty Status.

A final and formal recommendation to terminate a tenured appointment because of program termination and/or redirection shall be made to the President and the Board of Trustees by the Provost after all reasonable efforts to relocate or retrain have failed.

Notice of termination of appointment because of program termination or redirection shall be issued at least one year prior to its effective date.

1.11.4.9. Appeal

A faculty member who wishes to appeal a decision of Provost to recommend termination under this section may apply to the Faculty Peer Group (see §1.11.3.2 *Faculty Peer Review Group*), but only on the grounds that procedures and standards of this section (§1.11.4 *Program Termination or Redirection*) have been substantially violated.

1.11.4.10. Severance Pay

A tenured faculty member terminated under this section shall receive the equivalent of at least one year's salary.

1.11.5. Financial Exigency¹⁴

1.11.5.1. Declaration

Under extraordinary circumstances, i.e., an imminent financial crisis which seriously jeopardizes the quality of the College's academic programs and imperils the capacity of the College to fulfill its Mission, the Board of Trustees may declare a state of financial exigency. If such extraordinary circumstances occur, then the College administration must take action through the following procedures:

1.11.5.2. Financial Exigency Committee

The President of the College shall call into session a Financial Exigency Committee which shall include, in addition to the President (as Chair):

- the Faculty Assembly Executive Council, and
- the Administrative Council

The Financial Exigency Committee shall, within 14 calendar days, prepare a report to be presented by the President to the Board of Trustees:

- If there is unanimous agreement that circumstances call for a declaration of financial exigency, the report shall be sent to the Board of Trustees by the President.
- If there is disagreement that there is a state of financial exigency, the issue shall be resolved by the Board of Trustees, after receiving majority and minority reports and after hearing representatives from both sides.
- The Board makes its decision after discussion and voting in closed session.

1.11.5.3. Termination Because of Financial Exigency

Financial exigency to justify the termination of tenured faculty must be demonstrably bona fide and shall be declared by under extraordinary circumstances, i.e., an imminent financial crisis, which seriously jeopardizes the quality of the College's academic programs and imperils the capacity of the College to fulfill its Mission. Projections of income must indicate that the College faces a shortage of funds that will be chronic, severe, and not capable of being alleviated by managerial or budgetary techniques other than termination of tenured faculty.

1.11.5.4. Declaration

A declaration by the Trustees that a state of financial exigency exists shall include the following:

¹⁴ Approved by the Board of Trustees, Spring 1986.

- A demonstration that the projections of an extraordinary financial crisis are realistic.
- A demonstration that managerial or budgetary devices other than termination of tenured faculty cannot alleviate the anticipated conditions, e.g., salary reductions or reallocations.

1.11.5.5. Academic Committee

After a declaration of a state of financial exigency by the Trustees, the President shall call into session an Academic Committee which shall be chaired by the Chair of the Curriculum Committee and which will include the members of the Curriculum Committee, and the Chair of the Faculty Policy Committee. This committee shall be convened to recommend:

- endorsement of the declaration of financial exigency by the Faculty Assembly, or
- reconsideration by the Trustees of specific managerial or budgetary devices that could alleviate the anticipated conditions.
- The Academic Committee must recommend either a) or b) within one (1) calendar month after the declaration of financial exigency by the Trustees.

1.11.5.6. Faculty Assembly

Upon either a recommendation, by the Academic Committee, of endorsement of the declaration of financial exigency, or a rejection of reconsideration by the Trustees, a special Faculty Assembly shall be convened within 7 calendar days.

The only agenda item should be the consideration of the declaration of the financial exigency already made by the Trustees.

A response from the Faculty Assembly must be sent to the President within 14 calendar days of the faculty meeting.

1.11.5.7. Trustee Resolution

The President shall forward this response to the Board of Trustees.

If the response from the Faculty Assembly does not support, by at least two-thirds majority, either the declaration of financial exigency already made by the Trustees, or the means taken to meet the exigency, then the matter will be resolved by the Board of Trustees, after receiving majority and minority reports and after hearing representatives of both sides.

The resolution of the Trustees shall thereupon be final and unappealable.

1.11.5.8. Program Termination, Redirection, and Curtailment

Upon completion of the stages in §1.11.5.1 *Declaration* through §1.11.5.7 *Trustee Resolution*, the Provost in consultation with the Curriculum Committee, shall recommend to the President, who shall then forward to the Board of Trustees, the recommendations on program termination, redirection and curtailment.

In exercising this authority, the Provost shall be bound by §1.11.4 *Program Termination or Redirection* except that the sole standard for program termination, redirection or curtailment shall be a financial crisis which seriously jeopardizes the quality of the College's academic programs and imperils the capacity of the College to fulfill its Mission.

Upon completion of the provisions in §1.11.5.8 *Program Termination, Redirection, and Curtailment*, the Provost, with the concurrence of the Committee on Faculty Status, shall recommend to the President and the Board of Trustees whatever faculty terminations for program termination, redirection, or curtailment are reasonably calculated to ensure the capacity of the College to fulfill its Mission.

1.11.5.9. Appeal

Appeals of recommendations or decisions under §1.11.5.8 *Program Termination, Redirection, and Curtailment* shall be made according to the procedures of §2.2.5.1 *Faculty Grievance Committee*.

1.11.5.10. Annual Review

A state of financial exigency and the authority assumed thereunder shall be reviewed annually by the Board of Trustees: only the continued existence of such financial exigency shall justify a renewal for an additional year.

2. College Governance

Mount St. Mary's College adheres to the spirit and the principles of the 1966 Joint Statement on the Government of Colleges and Universities (see *Appendix B*) issued by the American Association of College and University Professors, the American Council on Education, and the Association of Governing boards of Universities and Colleges. The College adheres to a policy of appropriately shared responsibility, and authority, in the decision-making processes within the institution. Faculty members have a duty to participate in the Faculty Assembly, and to serve on College committees, especially those faculty committees responsible to the Faculty Assembly.

2.1. Faculty Assembly¹⁵

2.1.1. Composition

2.1.1.1. Members of the Faculty Assembly¹⁶

- Full-time and part-time faculty
- Professors Emeriti/ae
- Full-time librarians
- Academic resource personnel
- Administrative officers
- Faculty Assembly meetings shall be open to attendance by other members of the College community

2.1.1.2. Those with Voting Privileges¹⁷

- Full-time faculty
- Faculty employed at 75% or more FTE
- Faculty members on reduced services are considered for voting privileges on an individual basis
- Academic resource personnel
- Full time librarians at Mount St. Mary's College, if they desire voting privileges in the Faculty Assembly, shall make their requests for such privileges to the Faculty Status Committee. The committee, upon granting a request, shall notify the President of the Faculty Assembly who shall update the voting list.

¹⁵ Approved by the Faculty Assembly, February 9, 2001.

¹⁶ Approved 5/99

¹⁷ Approved 5/99

2.1.2. Accountability

The Faculty Assembly is accountable to the President of the College.

The proceedings of the Faculty Assembly are recorded in the minutes that are taken by the Faculty Assembly recorder. The office of the recorder shall be nominated and elected by the same procedure stated in §2.2.2.2 *Election*.

- The recorder shall serve a term of two years
- The recorder shall determine the quorum by a roll-call
- The minutes are made available to all voting members of the Faculty Assembly and approved at the subsequent meeting.
- The approved minutes shall be deposited in the office of the Provost and the Library Archives with an electronic copy accessible to the faculty and other relevant committees.

2.1.3. Jurisdiction

The specified jurisdiction of the Faculty Assembly shall be to determine and approve by vote the academic and faculty policies of the College in the areas delineated in the description of committees accountable to the Faculty Assembly (§2.1.4 *Functions*).

Decisions of the Faculty Assembly with respect to matters within its specified jurisdiction shall constitute the binding action of the College faculty.

2.1.4. Functions

The Faculty Assembly may consider any subject pertaining to the interest of the College and may make recommendations to the appropriate committees or boards in regard thereof.

The committees directly accountable to the Faculty Assembly shall include, but are not limited to:

- Committee on Faculty Status--except for functions under §2.2.3.4.4 *Functions*.
- Faculty Policy Committee
- Curriculum Committee
- Academic Policy Committee

2.1.5. Those eligible for Faculty Assembly Committee Service¹⁸

- Full-time faculty
- Faculty employed at 75% or more FTE
- Faculty members on reduced services

All of the above committees are directly accountable to the Faculty Assembly. They may determine their own procedures to the extent that these do not conflict with the rights and privileges of faculty members as listed in this Handbook.

All of the above committees may issue rules clarifying ambiguities in policies previously adopted by the Faculty Assembly.

All of the above committees may issue rules within specified jurisdictions so long as these do not contain substantive changes in policy adopted by the Faculty Assembly, or listed in the Faculty Handbook.

Any rule or rules under §2.1.4. *Functions* issued by any of the above committees shall be published in a timely manner in the Faculty and Administrative Bulletin.

- Such rules shall not take effect until after the Faculty Assembly shall have had an opportunity to consider them.
- The procedure for challenging a rule issued under §2.1.4 *Functions* shall be the same as that listed in §2.1.8 *Agenda* with the decision of the Faculty Assembly being final.

2.1.6. President of the Faculty Assembly

2.1.6.1. Election of the Faculty Assembly President

The President of the Faculty Assembly shall be a tenured faculty member, nominated and elected by the same procedure as stated in §2.2.2.2 *Election* for a term of two years.

2.1.6.2. Functions

The President of the Faculty Assembly shall preside over the meetings of the Faculty Assembly.

The President shall arrange the scheduling of the Meetings of the Faculty Assembly

The President shall publish the agendas of the meetings of the Faculty Assembly.

¹⁸ Approved 5/99

The President shall ensure that faculty committees report at least once a year to the faculty, either in the Assembly or through the Faculty and Administrative Bulletin.

In the exercise of its functions, the President of the Faculty Assembly remains under the authority of the Faculty Assembly.

2.1.7. Quorum

One-third (1/3) of the voting membership of the Faculty Assembly shall constitute a quorum.

2.1.8. Agenda

The agenda for the Faculty Assembly shall be prepared by the President of the Faculty Assembly in consultation with the Chairs of the standing faculty committees.

The above named group shall arrange for faculty meetings to consist of matters of substantive importance for faculty consideration, recommendation, or decision.

Announcements of purely informational material shall not generally exceed five minutes in length. Exceptions shall normally be limited to the President of the College, the Provost, and other chief administrative officers of the College.

The agenda shall be distributed to the faculty at least seven academic days prior to the meeting.

The following may submit agenda items for the Faculty Assembly:

- The President of the College, the Provost, and the Vice President for Student Affairs;
- Curriculum Committee;
- Committee on Faculty Status;
- Faculty Policy Committee;
- Academic Policy Committee;
- Other standing committees;
- Petitions from faculty members.

Ordinarily, the reports of Faculty Committees directly accountable to the Faculty as described in §2.1.4 *Functions* shall be considered before all other agenda items. Other agenda items shall be considered in the order otherwise established by §2.1.8 *Agenda*. However, in all cases the Faculty Assembly retains the authority to alter the order of the agenda.¹⁹

¹⁹ Fall, 1992

On written requests, countersigned by at least ten voting members of the faculty, any topic for discussion may be placed on the agenda.

2.1.9. Methods of Voting

Voting on resolutions and substantive matters will normally take place by secret ballot within two weeks of the Faculty Assembly at which proposals were discussed. The voting will be conducted by the Faculty Policy Committee.

If indicated by advance notice of at least a week, a binding roll-call or secret ballot may be taken on any matter during the meeting of the Faculty Assembly. However, no vote so taken is valid unless the total number of those present and voting equals more than one-half of the voting membership of the Faculty Assembly.

Voting on procedural matters will ordinarily be by voice vote. However, the President may direct that the vote be taken by a show of hands. Upon the request of a faculty member, the President of the Faculty Assembly may permit a procedural vote to be conducted by roll-call.

2.1.10. Rules

Except as otherwise indicated, the ordinary rules of parliamentary procedure shall be operative.

Upon the request of a faculty member, the President of the Faculty Assembly may permit a procedural vote to be conducted by roll-call.

2.1.11. Meetings

Each academic year, there shall be at least four scheduled meetings. The dates and times are to be published in September; the President of the Faculty Assembly may cancel a scheduled meeting for lack of a substantive agenda.

Special meetings may be called under the following circumstances:

- At the discretion of the President of the College.
- Upon the urgent request of any Chair of one of the Committees specified in §2.1.4 *Functions*.
- At the request of at least one-fourth of the voting members of the Faculty Assembly. Upon receipt of such a request and proposed agenda thereof, the President of the Faculty Assembly shall call a meeting within 10 academic days.

2.1.12. The Faculty Assembly Executive Council

The Faculty Assembly Executive Council shall consist of the following persons:

- The President of the Faculty Assembly;
- The Chair of the Committee on Faculty Status;
- The Chair of the Curriculum Committee;
- The Chair of the Faculty Policy Committee;
- The senior faculty member of the Academic Policy Committee. This person shall be the faculty member on the Academic Policy Committee who has served on the faculty the greatest number of years.

All members of the Faculty Assembly Executive Council shall designate substitutes whenever necessary in order that the Council be available for consultation at all times.

The Chair of the Committee on Faculty Policy shall serve as the Director of the Council.

The functions of the Committee shall be:

- to conduct faculty business on behalf of the faculty during those times when the Faculty Assembly is not in session;
- to act on behalf of the faculty with the affirmative vote of the five members;
- to issue advisory opinions on behalf of the faculty regarding actions contemplated under sections §1.11.4 *Program Termination or Redirection* and §1.11.5 *Financial Exigency*;
- to publish all of its actions or opinions in the Faculty and Administrative Bulletin;
- to seek Faculty Assembly approval of its actions or opinions at the subsequent Faculty Assembly meetings while remaining subject to review under the procedures of section §2.1.8 *Agenda*.

2.2. Committees

2.2.1. Responsibility

Service on at least one College committee is among the responsibilities for a full-time faculty member (see §1.5.1.5 *College and Public Service*). The fact that such participation and service is used as a standard for promotion and tenure (see §1.9.1 *Standards* and §1.10.2 *Standards*) emphasizes the importance placed upon this duty.

2.2.2. Membership

At the beginning of the academic year information on the composition of each standing committee on which faculty members serve shall be published by an administrative officer designated by the President (see *Appendix C*).

Membership on standing committees may be gained through election or appointment.

2.2.2.1. Eligibility

Unless otherwise stated, only full-time faculty members may serve as faculty representatives on standing committees.

For purposes of service on committees, full-time faculty shall be defined as a faculty member fulfilling the requirements of 1.5.2.1.

Also for purposes of this section only, those who have been granted status as Academic Resource Personnel or otherwise hold or maintain voting privileges in the Faculty Assembly as of January 1993 are incorporated within the definition of full-time faculty.²⁰

2.2.2.2. Election

A number of faculty representatives shall be elected to the following standing committees: Faculty Status, Curriculum, Faculty Policy, Academic Policy, Academic Freedom, Academic Grievance Board, Academic Integrity Board, and Student Life Policy Board.

The Faculty Policy Committee shall oversee and conduct faculty elections.

Before the end of March of the Spring semester, a list of the vacancies on all elective committees (with personnel completing terms in offices indicated) will be distributed to the voting faculty together with the eligibility requirements for committee positions, and the faculty roster listed according to rank and tenured status.

All nominations must be countersigned by the nominee in order to be valid.

²⁰ Spring, 1993

Balloting shall be by preferential ballot.

Nominations and elections shall each last for at least two calendar weeks.

Elections shall be concluded before the first of May.

The Faculty Policy Committee shall publish the results of the election in the Faculty and Administrative Bulletin.

The Faculty Policy Committee shall either conduct special elections or appoint faculty to fill vacancies that occur through resignations, expulsion, academic leave or ineligibility.²¹

2.2.2.3. Appointment

The President of the College appoints the faculty representative to certain standing committees as well as to most ad hoc committees (see §2.2.4 *Appointed Committees* & 2.2.5 *Ad Hoc Committees*).

Other appointments are reserved to the Faculty Policy Committee (e.g., see §2.2.3.9 *Academic Grievance Board*).

In both instances appointees shall be informed of and agree to the appointment prior to its public announcement.

2.2.2.4. Terms of Office

Elected members of committees shall begin to serve on the first day of contractual service following election.

For serious reasons (e.g., §2.2.2.2 *Election*) a member of a committee may resign office before the completion of term of office.

²¹ Spring, 1993

2.2.3. Elected Committees (for a summary, see Appendix E)

2.2.3.1. Academic Policy Committee²²

2.2.3.1.1 Composition

The Chair shall be a full-time, tenured faculty member elected by the faculty for a term of three years.

Dean, Associate in Arts Program (non-voting).

Baccalaureate Dean (non-voting).

Six full-time faculty members with at least one year's experience at the College shall be elected by faculty for a term of three years. The maximum length of consecutive service is two terms. The elections will be staged in groups of three.²³

The Registrar and the Dean of Admissions may serve as non-voting consultants to the Committee.²⁴

The Committee shall select two students to serve on the Committee for one year terms. At least one of the students should be in the Associate of Arts degree program.

The Provost or the representative thereof shall consult with the respective Associated Student Boards for suggestions and ratification of the choices in the spring semester preceding the academic year in which the students would serve on the committee.

2.2.3.1.2 Accountability

The Committee is accountable to the Faculty Assembly (see 2.1.4 *Accountability*).

The Committee annual reports are to be given at the last Faculty Assembly.

Official minutes of the Committee are to be maintained in the office of the Provost.

2.2.3.1.3 Jurisdiction

The committee recommends to the Faculty Assembly policies relating to the academic standards in the undergraduate programs, including:

- Academic achievement

²² Approved by the Board of Trustees, Spring 1991. Approved by Faculty Assembly April 22, 2005. Approved by Educational Affairs Committee of the MSMC Board of Trustees, May 19, 2005.

²³ Approved 4/18/99

²⁴ Spring, 1993

- Student academic honors
- Admissions and graduation standards
- Academic probation, disqualification, and re-admission.

It recommends to the Faculty Assembly policies regarding the standards and practices of evaluation, grading and crediting student achievements.

It acts as a consultative body for the Provost.

2.2.3.1.4 Functions

The Committee may initiate proposals under its jurisdiction.

The Committee may also receive proposals relating to matters under its jurisdiction from faculty, other committees, and the administration of the College.

2.2.3.2. Faculty Policy Committee²⁵

2.2.3.2.1 Composition

The Chair shall be a full-time, tenured faculty member elected by the faculty for a term of three years.

The faculty shall elect four other full-time faculty members with at least two years prior experience at the College for three-year terms. The elections shall be staged in groups of two.²⁶

2.2.3.2.2 Accountability

The Faculty Policy Committee is accountable to the Faculty Assembly.

The minutes of the Committee shall be maintained in the office of the Provost.

2.2.3.2.3 Jurisdiction

The specified jurisdiction of the Committee is to review and recommend to the Faculty Assembly, for consideration by the President or the Board of Trustees, any matter pertaining to the welfare of the faculty, including both basic policies and the procedures for their implementation.

The scope of the Committee proposals and recommendations to the faculty, the President, and the Board of Trustees includes, but is not limited to, the following:

- full-time faculty workload responsibilities (§1.5 *Faculty Responsibilities*) and appointments (§1.2 *Appointment to Faculty*) including: teaching course load, research and committee service;
- faculty rank (§1.3 *Rank of Faculty*), promotion (§1.9 *Promotion*), tenure (§1.10 *Tenure*) and leaves of absence (§1.8.3 *Leave of Absence*);
- the responsibilities and duties of part-time faculty (§1.2.2 *Part-time Appointments*);
- faculty privileges, compensation and benefits (§1.7 *Compensation* and §1.8 *Benefits & Privileges*);
- policies regarding academic freedom (§3.1 *Academic Freedom*);
- procedures regarding faculty evaluation (§1.9.2 *Procedures* and §1.10.4 *Procedures*);
- faculty participation in the structure of faculty and academic governance (§2.0 *College Governance*).

²⁵ Approved by the Faculty Assembly, February 9, 2001.

²⁶ Spring, 1993

2.2.3.2.4 Functions

The Committee may initiate proposals under its jurisdiction.

The Committee may also receive proposals relating the matters under its jurisdiction from the following:

- Faculty individually or as a group (*see §2.1.8 Agenda*);
- Other committees;
- The administration of the College.

The Committee incorporates into the Faculty Handbook those revisions and amendments of the Handbook affirmed by the Faculty Assembly and approved by the Board of Trustees upon recommendation of the Provost and the President.

The Committee conducts the annual elections of members to standing committees.

The Committee appoints members to standing committees wherever such is indicated in this Handbook (e.g., §2.2.2.2 *Election*).

The Committee participates with the Provost in the planning of the orientation program for new faculty members (full and part-time) at Mount St. Mary's College.

2.2.3.3. Curriculum Committee

2.2.3.3.1 Composition²⁷

The Chair of the Committee (votes only in the event of a tie) shall be a tenured faculty member elected by the full-time faculty for a three-year term.

Eight full-time faculty members with at least two years experience at the College, one from each of the six areas listed below, shall be elected to serve three-year terms. The eight full-time faculty are voting members. No faculty member shall serve more than two consecutive terms.²⁸

Liberal Arts

- Art, Music, Philosophy, Religious Studies
- English, Modern Languages

²⁷Approved by the Board of Trustees, Spring 1991. Revisions approved by the Faculty Assembly, March 23, 2001.

²⁸Spring, 1993

Social Sciences

- Sociology/Gerontology, Psychology, Education
- History/Political Science, Business Administration

Sciences

- Biology, Math/Physical Sciences

Applied Sciences/Professional Programs

- Nursing
- PTA, OTA, ADN (HOPE)

At large Member

- May be from any academic department. The Curriculum Committee selects this member from a list of three qualified names submitted by the Faculty Policy Committee. The member should come from a department not already represented through the election process.

Student Members (voting)

The Committee shall select two prospective students of junior standing to serve on the Curriculum Committee for a two year term, with the requirement that one student be a Doheny transfer. The Chair of the Committee shall consult with the Associated Students Board for suggestions and ratification of the choices in the spring semester that precedes the academic year in which the students would first serve.

Non-voting administrative representatives

- The Assistant Vice President for the two-year non-traditional programs
- The Dean of the Associate in Arts Program
- The Director of the Library
- The Director of the Weekend College
- The Provost

2.2.3.3.2 Accountability

The Curriculum Committee is accountable to the Faculty Assembly, The Provost, the President and the Board of Trustees as indicated for the various functions specified below (see 2.1.4 *Accountability*).

Decisions and recommendations are to be published in the Faculty and Administrative Bulletin.

Minutes and records are to be maintained in the office of the Provost.

2.2.3.3.3 Jurisdiction

2.2.3.3.4 Functions

The Committee exercises general responsibility for the undergraduate degree programs in consultation with the academic departments and administrators.

It reviews, evaluates, and recommends changes in the program of General Studies, in consultation with the academic departments and administrators.

It forwards these recommendations regarding the General Studies Program to the Faculty Assembly for vote.

It periodically reviews the scope of the academic programs offered by the College.

It periodically initiates the review and evaluation of existing academic programs, and makes recommendations to the President regarding significant changes in such programs as needed.

It establishes and publishes criteria for the evaluation of proposals regarding academic programs (see §3.1 *Academic Freedom*, §1.11.4 *Program Termination or Redirection*, §1.11.5 *Financial Exigency*).

It reviews and evaluates proposals for new programs or significant revisions in existing programs, and makes recommendations to the President regarding these proposals.

It reviews and approves all proposals for new extra-departmental courses.

It serves as consultant to the Provost in the preparation of the annual Instructional budget.

It applies in the performance of its duties the standards of academic integrity and viability, the Mission of the College, long term economic considerations, and academic freedom.

2.2.3.4. Committee on Faculty Status

2.2.3.4.1 Composition

The chair shall be a full-time upper level, tenured faculty member elected by the full-time faculty for a term of two years.

One full-time, upper level, tenured faculty member elected by the faculty for a term of two years.

Two full-time, tenured faculty members elected by the faculty for a term of two years.

One full-time tenured faculty member, selected by the Committee on Faculty Status from a list of three nominees presented by the Faculty Policy committee, for a term of one year. The committees shall seek to attain a balance of the interests of the College in this appointment.

The Provost shall serve as a non-voting member of the Committee.

No member of the Committee shall be considered for tenure, promotion, or any other preferment during a term of office.

The two-year terms shall be staggered to insure continuity of membership. Members shall be eligible to be re-elected for no more than one additional consecutive term.

2.2.3.4.2 Accountability

The Committee on Faculty Status is accountable to the faculty, the Provost, the President and the Board of Trustees in accord with the Faculty Handbook policies.

The proceedings of the Committee on Faculty Status are confidential. Official minutes of Committee meetings are maintained in the office of the President.

2.2.3.4.3 Jurisdiction

2.2.3.4.4 Functions

The Committee makes final recommendations concerning tenure to the Board of Trustees through the President of the College.

The Committee shall make final recommendations concerning faculty promotions, sabbatical and other leaves of absence, and terminations to the Provost and to the President.

The Committee shall aid in the hiring of new faculty in consultation with the Provost and the appropriate Chair.

- The Committee shall develop procedures in this regard appropriate for both full and part-time faculty.
- Final recommendations on salary and rank shall be made by the Committee to the Provost and the President.
- Recommendations on faculty load reductions shall be made to the Provost.

The Committee in its deliberations shall be governed by the standards agreed upon by the faculty and published in the Faculty Handbook (see §1.9 *Promotion*, §1.10 *Tenure*).

The Committee may determine its own procedures to the extent that these do not conflict with the rights and privileges of faculty members defined in the Faculty Handbook.

The Committee shall both publish and explain its procedures to the faculty as early as possible in the fall semester of each academic year (see *Appendix F*).

2.2.3.5. Committee on Academic Freedom

2.2.3.5.1 Composition

The Committee is composed of three (3) members;

- the Chair, elected for two years from among upper level, tenured faculty,
- One full-time faculty member with at least two years experience at the College shall be elected by the faculty for a two year term staggered with that of the Chair, and,
- One other full-time faculty member, to be elected for a one year term.

2.2.3.5.2 Accountability

2.2.3.5.3 Jurisdiction

2.2.3.5.4 Functions

To receive and investigate complaints regarding academic freedom, including questions of controversial matters used in the classroom.

To receive and investigate complaints from faculty members on infringement of academic freedom.

To issue advisory opinions regarding academic freedom upon the request of other institutional agencies, including the Faculty Assembly and the Academic Grievance Board.

To participate in hearings in cases involving termination for cause of tenured faculty members by ex-officio representation on the Committee on Academic Privilege and Tenure.

In performing these functions, the Committee on Academic Freedom shall be governed by the requirements of reasonable due process, as well as the responsibility to issue a written report to the President of the College.

2.2.3.6. Committee on Academic Privilege and Tenure

2.2.3.6.1 Composition

This committee shall consist of nine members, three of whom shall be the representative on the (Permanent) Committee on Academic Freedom. The six remaining members shall be:

- two appointed by the President of the College,
- one member selected by the defendant, and
- three members selected by lot from the current list of full-time faculty members with at least two years experience in the College:
- two of the three members selected by lot shall be from the academic area/field of the defendant (i.e., Social Sciences, Physical Sciences, etc.)

2.2.3.6.2 Accountability

2.2.3.6.3 Jurisdiction

2.2.3.6.4 Functions

Upon placement of formal charges of termination for cause of a tenured faculty member by the President of the College, the functions of the Committee shall be to conduct hearings, consider evidence and consult with whomsoever it deems appropriate, and submit an opinion to the President.

2.2.3.6.5 Procedures Governing the Termination of Tenured Faculty Members

2.2.3.6.5.1 Preliminary Proceedings Concerning the Termination for Cause of a Tenured Faculty Member:

When reason arises to question the fitness of a tenured faculty member, the President shall ordinarily discuss the matter with the faculty member in a personal conference. The matter may be terminated by mutual consent at this point.

2.2.3.6.5.2 Commencement of Formal Proceedings

Formal proceedings shall be commenced by a communication addressed to the faculty member by the President of the College. This communication shall include a statement formulated concerning grounds for dismissal of the faculty member and shall indicate that hearings will be conducted by the Committee on Academic Privilege and Tenure, unless the faculty member formally refuses the right of

hearing, in which case he/she de facto accepts the termination decision.

The faculty member shall state in writing to the Chair of the Committee on Academic Freedom whether he/she wishes a hearing by the Committee on Academic Privilege and Tenure, and he/she shall respond to the President in writing to the statements in the President's communication within two weeks of the receipt of that communication.

2.2.3.6.5.3 Convening the Committee on Academic Privilege and Tenure

The Committee shall be convened by the President of the College within two weeks after the receipt of the faculty member's response.

The Chair of the Academic Freedom Committee shall be responsible for the drawing of lots and any other duties related to the convening of the Committee on Academic Privilege and Tenure.

The Committee on Academic Privilege and Tenure shall select its Chair at its first meeting.

2.2.3.6.5.4 Hearing by the Committee on Academic Privilege and Tenure

The President of the College or her representative, after convening of the Committee on Academic Privilege and Tenure and its selection of a Chair, shall present to the Committee a formal statement of charges for its consideration. Included in this statement shall be a summary of the evidence and incidents on which the charges are based, a list of witnesses and the relevant legislation, by-laws, rulings, and/or policies that have been violated. A copy of this statement shall be simultaneously presented to the faculty member in question. The Committee shall also receive the letter of the faculty member giving an initial response to the statement formulated for grounds of dismissal.

The Committee shall establish a date for a formal hearing. It shall allow adequate time for the preparation of refutation of the charges by the faculty member.

The President may designate a representative to assist in presenting the charges.

The faculty member shall be advised as to the right to select an advisor who may act as counsel.

The hearings shall be open to members of the College community at the discretion of the Committee but only with the concurrence of the faculty member.

The faculty member in question shall be present during the presentation of the evidence. He/she shall withdraw during the deliberation of the evidence by the Committee.

The faculty member shall have the right to call witnesses in his/her behalf.

All witnesses shall testify in the presence of the defendant and may be cross-examined. (Exceptions to this rule will be granted by the Committee in extraordinary circumstances.)

In cases involving charges of professional incompetence, a formal written report of departmental associates and colleagues from cognate fields shall be requested. If necessary and/or desirable, evidence from extra-institutional specialists may be considered.

Speed, while eminently desirable, shall not be pursued to the detriment of justice.

The President may suspend the faculty member with pay during the proceedings.

Subject to the procedural rules indicated in this section, the Committee on Academic Privilege and Tenure shall conduct its hearings in the interest of achieving a reasonable balance between the demands of institutional integrity and the human rights of the faculty member.

Total performance of the faculty member at the institution shall be taken into consideration.

2.2.3.6.5.5 Consideration by the Committee on Academic Privilege and Tenure

The Committee on Academic Privilege and Tenure shall reach its opinion in conference with or without any transcript of the record as it may desire.

In any case, it will reach explicit findings with respect to each of the grounds for dismissal presented.

The Chair of the Committee on Academic Privilege and Tenure shall present a written report representing the views of the majority of the Committee regarding the validity of the charges as grounds for dismissal. The written report shall recommend appropriate sanctions, if indicated.

A minority of two or more members of the Committee on Academic Privilege and Tenure may present a written report indicating specific disagreements with the majority report.

Both reports shall be communicated in writing to the President of the College and to the faculty member.

A complete record of proceedings and reports shall be made available in identical form and at the same time to the Committee on Academic Privilege and Tenure, (to the appropriate College agencies), and to the faculty member.

The final report should include one of the following:

- Statement that the faculty member did not request academic freedom review;
- Report of the Academic Freedom Committee

2.2.3.6.6 Procedures governing termination of probationary faculty members

If a probationary faculty member with two years completed, charges that his/her contract was not renewed because of academic freedom, this machinery shall be available with the following provisions:

- The faculty member must state in writing to the Chair of the Committee on Academic Freedom, the grounds on which he/she bases the allegation.
- The faculty member must sustain the burden of proof.

2.2.3.7 Academic Integrity Board

A College Academic Integrity Board shall hear cases within its jurisdiction which are not resolved on a lower level.

2.2.3.7.1 Composition

The Board shall be composed of four members:

- two full-time faculty members, at least one of whom is tenured.
- Two full-time students: The undergraduate student members must be of full-time status and of at least sophomore standing. The graduate student members must be currently enrolled and have completed at least fifteen units at the college. Both students and two alternatives shall be appointed by the Associated Student Body Board(s) in consultation with the Vice President of Student Affairs, in the Spring preceding their two year terms of service. The Graduate Council will appoint two graduate students and two alternates in the Spring preceding their one year of service, who will serve on the board in lieu of the undergraduate students in any cases involving graduate grievances. Should the ASB recommendations for student members and alternates fail to materialize in adequate student representation, the Chair of the Committee will appoint the student representative(s) to the Committee.²⁹
- The Chair shall be nominated by the faculty, recommended by the Faculty Policy Committee, and appointed by the President for a two year term. In alternate years, the second faculty member shall be appointed by the Faculty Policy Committee to a two year term.³⁰

2.2.3.7.2 Accountability

2.2.3.7.3 Jurisdiction

2.2.3.7.4 Functions

Publish and interpret the Academic Dishonesty Policy and Procedures.

Designate for each chair a cognate chair in case of conflict of interest.

Receive and investigate unresolved conflicts relative to the disposition of individual academic dishonesty cases. It shall determine if the complaint has enough merit to be sent to the Academic Integrity Panel.

Certify that the complainant has used all the ordinary means available to resolve the conflict.

²⁹ Approved 4/17/98

³⁰ Spring, 1993

Issue advisory opinions regarding academic dishonesty upon request of other institutional agencies, including the Faculty Assembly.

Participate in hearings involving academic dishonesty cases as ex officio representatives on the Academic Integrity Panel.

Issue a written report of findings to all parties in a complaint, and see that a report be filed and maintained in the office of the Provost.

2.2.3.8 Academic Integrity Panel

2.2.3.8.1 Composition

The panel shall consist of seven members:

- the two faculty and two student members of the Academic Integrity Board;
- one member selected by the complainant from among the full-time faculty, or full-time students of sophomore, junior, or senior standing;
- one member selected by the defendant from among the full-time faculty, or full-time students of sophomore, junior, or senior standing;
- one member appointed by the President.
- In the event that no faculty member on the panel is from the area/field of the defendant, the Board shall appoint one faculty member from that area/field who shall be an ex officio non-voting member.
- The Chair of the Academic Integrity Board chairs the Panel and holds a non-voting position, except in the case of a tie.
- If one of the four members from the Academic Integrity Board withdraws from a particular case because of personal involvement, then the Chair, shall appoint a fourth member from either full-time faculty or full-time students as prescribed above.
- If the Chair withdraws from a particular case because of particular involvement, the one remaining faculty member from the Board assumes the chair and appoints a fourth member from the full-time tenured faculty after consulting with the remaining two members.

2.2.3.8.2 Accountability

2.2.3.8.3 Jurisdiction

2.2.3.8.4 Functions

- Conduct hearings.
- Consider evidence (consulting with whomsoever it deems appropriate).
- Submit an opinion, in writing, to the parties involved.
- Ensure that a copy of the findings be placed in the files of the office of the Provost.

2.2.3.8.5 Convening the Academic Integrity Panel

The Chair of the Academic Integrity Board shall convene the Academic Integrity Panel within 10 days after a determination by the Board that a complaint should go to the Panel and receipt of certification by the Faculty Academic Freedom Committee that no faculty academic freedom question is involved in a substantive grievance.

2.2.3.8.6 Hearing by the Academic Integrity Panel

The Panel shall establish a date for a formal hearing. It shall allow adequate time to all parties for the preparation of the refutation of charges.

The hearing shall be closed, unless all parties agree in writing that it be open. The Chair's determination of the hearing location and the number of individuals that can be conveniently accommodated shall be final.

The complainant and defendant are both entitled to be represented at the hearing by advocates of their choice. Since the hearings are administrative, and not judicial, in nature, the advocates may not be lawyers. A taped transcript of the hearing shall be made and retained for five years.

Both parties (or their representative) have the right to present evidence and witnesses in their behalf and to confront and question opposing witnesses.

Under normal circumstances, if the duly notified complainant does not appear for the hearing, the complaint shall be dismissed, the case closed and these actions not subject to further hearing or appeal.

If a duly notified defendant does not appear, the hearing will continue on the presumption that there is no desire to challenge evidence or witnesses presented by the complainant.

2.2.3.8.7 Procedure

When an instructor has decided that an act of dishonesty has occurred, then the following procedure should be followed:

- The instructor may give a lower grade or an "F" in the examination or assignment. If the matter demands more severity, the instructor may assign a lower grade of an "F" for the course.
- If the instructor views the situation as sufficiently serious to carry the matter further, in addition to the grade assignment he/she may bring the matter to the Department Chair for consultation or further action, or file a complaint against the student in a disciplinary action with the office of the Provost.

- The instructor must inform the student, in writing, that this action has been taken and that the student has the right to appeal. This part of the process must be completed within 10 calendar days of the discovery of the alleged violation. The instructor will keep careful documentation of all communications with the student regarding the incident. A brief written report of the action taken must be filed in the office of the Provost. The Provost will establish a file on the student in case of further acts of academic dishonesty. If a resolution is not reached at this time, then the matter will be taken up with the Provost.
- If the case is not satisfactorily resolved at this level (Provost), then the following steps take place within 10 calendar days. Either the student, the instructor, or an administrator may take the case to the Academic Integrity Board. The complaint must be in writing, specifying all of the pertinent data: when the events took place, the date written, name of the student, name of the instructor, etc. The faculty member and student shall make all pertinent documents available to the Academic Integrity Board. If the complaint is brought by the student, then it must include the reason for the complaint, which must be based on one or more of the following criteria: the alleged violation did not, in fact, take place; the penalty invoked was excessive; the instructor's (or administrator's) decision was contrary to the evidence.
- If no formal action is filed by the student or the instructor within 10 calendar days of notification by the instructor, the original decision becomes final.

Ordinarily, the decision of the Academic Integrity Panel is final, subject to the approval of the President.

If a grade reversal is recommended, then this recommendation will be submitted to a Faculty Peer Review group for their consideration (§1.11.3.2 *Faculty Peer Review Group*).

Both the decision of the Academic Integrity Board and the decision of the Faculty Peer Review group will be submitted to the President who will then make the final decision.

If the President approves a decision, then that decision will be implemented by the Provost within 7 days.

In the implementation of decisions, the Provost will consult with the Vice President for Student Affairs.

Dean of Student Development where appropriate.

2.2.3.8.8 Sanctions

(*Note:* In addition to sanctions, restitution may be demanded where appropriate.)

Assignment of a special project that would benefit the student. This may be added to any sanction.)

Written reprimand with notice that any repetition could develop into a situation requiring more severe disciplinary action.

Disciplinary Probation resulting in possible loss of designated privileges for a stated period of time. Proven failure to live up to the terms of the probation may result in further disciplinary action, including suspension or expulsion. Samples of probation conditions:

- exclusion from campus residence;
- ban on participation in social or student governance activities;
- a special assignment related to the nature of the offense.

Suspension from classes, campus activities, or from the College itself. The letter of suspension will specify the period of the suspension and the conditions for reinstatement.

If the student fails to fulfill the conditions of suspension, then she could be subject to expulsion.

A student may be put on an interim suspension from classes or disbarred from other privileges or activities pending a final decision on the alleged violation. The authority to do this lies with the Provost. The basis for interim suspension by the Provost is harm to the College Community.

Pending a hearing by the Board, a student may be suspended from a professional program by the department for not meeting the ethical standards of that profession. Action to suspend the student from the College may be taken only by the Provost acting in concert with the Academic Integrity Board.

Expulsion from the College.

2.2.3.8.9 Group Sanctions

Where circumstances warrant it and where there is reasonable proof that a group of students have engaged in violations of academic dishonesty, the group may be subjected to:

- group probation;
- denial of the use of College facilities;
- suspension;
- expulsion.

2.2.3.9 Academic Grievance Committee³¹

A College Academic Grievance Committee shall be established with the authority to resolve grievances within its jurisdiction.

2.2.3.9.1 Composition

The Committee shall be composed of five members.

The chair shall be a tenured faculty member, nominated by the faculty, recommended by the Faculty Policy Committee, and appointed by the President for a three-year term.

Two full-time faculty members shall be elected for a two-year term in alternate years so as to provide for continuity of membership on the Committee.

Two undergraduate student members and two alternate student members will serve one-year terms on the Committee. The student members must be of full-time status and at least sophomore standing. The students and two alternatives shall be appointed by the Associated Student Body Board(s) in consultation with the Vice President of Student Affairs, in the spring preceding their year term of service. Should the ASB recommendations for student members and alternates fail to materialize in adequate student representation, the Chair of the Committee will appoint the student representatives to the Committee.³² The Graduate Council will appoint two graduate students and two alternates in the spring preceding their one-year of service, who will serve on the Committee in lieu of the undergraduate students in any cases involving graduate grievances. The graduate student members must be currently enrolled and have completed at least fifteen units at the college.

2.2.3.9.2 Accountability

The Academic Grievance Committee is accountable to the President of the College.

2.2.3.9.3 Jurisdiction

The Academic Grievance Committee shall receive and investigate complaints, excluding those pertaining to a learning disability (see College Disability Grievance Procedure) that have not been resolved on a lower level (Instructor, Department Chair) on:

- Admission into a major
- Disqualification from a major, a program, or from the College

³¹ Approved by the Faculty Assembly, January 25, 2002.

³² Approved 4/17/98

- Student academic performance evaluations
- Instructional matters

2.2.3.9.4 Functions

The Academic Grievance Committee shall proceed to carry out the functions in a timely manner, taking all due steps to help the case proceed in as expeditious a way as possible.

- Distribute current policies and procedures to all faculty in the beginning of each academic year (see Appendix D).
- Interpret the Student Bill of Rights in such cases where there has been an alleged violation of those rights and the academic grievance procedure requires such an interpretation in order to reasonably assess the student's complaint. (These rights are set out in the Student Handbook and in the Faculty Handbook, §3.1.2.1).
- Issue advisory opinions regarding academic grievances upon request of other institutional agencies, including the Faculty Assembly.
- Receive and investigate complaints not resolved at lower levels (Instructor, Department Chair).
- Attempt to resolve the complaint through the Informal Resolution process. (see §2.2.3.9.5 *Informal Resolution*).
- Initiate and investigate the complaint through the Formal Resolution process when indicated. (see §2.2.3.9.6 *Formal Resolution*).

2.2.3.9.5 Informal Resolution

When a student or group of students has been unsuccessful in resolving the complaint with the Instructor and/or the Department Chair, the Academic Grievance Committee shall attempt to resolve the complaint through the Informal Resolution process described below:

- A student or group of students who wish to file a grievance must submit a written request within a maximum of thirty (30) calendar days after the alleged complaint occurred. In the case of grades, within a maximum of thirty (30) calendar days following the distribution of grades by the registrar, in which the alleged grievance occurred. In the case of a course that is completed before the end of the traditional semester, the student has thirty (30) calendar days after the completion of the course in which the alleged grievance occurred.
- The student(s) must submit the request to the Chair of the Academic Grievance Committee to initiate the Informal Resolution process. The

request must include a detailed description of the allegations, facts, and circumstances.

Within thirty (30) calendar days of submission of the request the following shall occur:

- The Chair of the Academic Grievance Committee will inform the faculty member involved and the Department Chairperson by providing a copy of the written request for initiation of the Informal Resolution process, within five (5) calendar days of receipt.
- The faculty member shall make all pertinent records available to the Academic Grievance Committee Chair within seven (7) calendar days of the request.
- The Academic Grievance Committee will validate that the student fulfilled all course expectations and requirements indicated in the syllabus and made explicitly by the instructor.
- The Academic Grievance Committee will request that the Academic Freedom Committee verify in writing within seven (7) calendar days that no question of faculty academic freedom is involved in the case in question, prior to proceeding with the Informal Resolution.
- The student(s) will attempt to resolve the situation, working with the Instructor, Department Chair, and the Academic Grievance Committee.
- In the case where grades are the grievance, the following shall apply:

In the academic community, grades are a measure of student achievement toward fulfillment of course objectives. The responsibility for assessing student achievement and assigning grades rests with the faculty.

The only College authority empowered to change a grade is the instructor or the faculty member in charge of the course in question.

The burden of proof is on the student(s).

- At the completion of the thirty (30) day period the Chair of the Academic Grievance Committee will notify those involved in writing of the decisions reached in the Informal Resolution.
- If a mutually acceptable decision is not reached within the thirty (30) day period, the student or group of students may proceed to the Formal Resolution process.

2.2.3.9.6 Formal Resolution

If the Informal Resolution process described above does not yield a successful resolution, the student or group of students may file a request to progress to the Formal Resolution process as described below:

2.2.3.9.6.1 When and Where to File

The student or group of students must submit a request to progress to a Formal Resolution to the Chair of the Academic Grievance Committee in writing within seven (7) calendar days of the end of the Informal Resolution process described above.

2.2.3.9.6.2 What to File

The request must include the following:

- A copy of the request submitted for the Informal Resolution;
- A full description of the Informal Resolution process; and
- A statement of the remedy requested by the grievant.

2.2.3.9.6.3 Notice of Receipt

Upon receipt of the request to proceed to the Formal Resolution, the Chair of the Academic Grievance Committee will review the complaint to determine appropriateness, and will provide the student with written notice acknowledging its receipt and an explanation of the disposition.

2.2.3.9.6.4 Investigation/Hearing

When a hearing is deemed appropriate, the Chair of the Academic Grievance Committee will convene the members who will conduct the formal hearing and determine the final disposition of the grievance.

2.2.3.9.6.5 Representation

The members included in the formal hearing are as follows:

- The five members of the Academic Grievance Committee. The Chair of the Academic Grievance Committee chairs the hearing and holds a non-voting position, except in case of a tie.
- One member selected by the student(s) from among the tenured, full-time faculty, or full-time students of sophomore, junior or senior standing.

- One member selected by the faculty member involved, among the tenured full-time faculty, or full-time students of sophomore, junior, or senior standing.
- One member appointed by the President.
- In the event that no faculty member on the Committee is from the area/field of the student(s), the President shall appoint one faculty member from that field who shall be ex officio and non-voting.

If one of the members of the Academic Grievance Committee withdraws from a particular case because of personal involvement, then the chair appoints a substitute. The substitute must be either a faculty or full-time student of sophomore, junior or senior standing (to maintain the regular balance between students and faculty), after consulting with the remaining members of the Committee.

If the chair withdraws from a particular case because of personal involvement, the senior remaining faculty member on the committee assumes the position of chair and appoints an additional member to the committee for the particular case, after consulting with the remaining members of the committee.

2.2.3.9.6.6 Procedures

- The Committee shall establish a date for a formal hearing. It shall give adequate time to the faculty member in order to prepare to respond to the charges. The hearing shall be conducted within fourteen (14) calendar days of receipt of the written request.
- The hearings shall be closed unless both parties agree in writing that it be open. The Chair's determination of the hearing location and the number of individuals that can be conveniently accommodated shall be final.
- The student and instructor are both entitled to be represented at the hearing by advocates of their choice. Since the hearings are administrative, not judicial in nature, the advocates may not be lawyers. A taped manuscript of the hearing shall be made and retained for five years.
- Both parties (and their representatives) have the right to present evidence and witnesses in their behalf and to confront and question opposing witnesses.
- Under normal circumstances, if the fully notified student or student group does not appear for the hearing, the complaint shall be dismissed, the case closed, and these actions not subject to further hearing or appeal.

- If a duly notified faculty member does not appear, the hearing will continue on the presumption that there is no desire to challenge evidence or witnesses presented by the student.

2.2.3.9.6.7 Findings and Notification

- Upon completion of the investigation and formal hearing, a decision will be reached in closed session.
- The Chair of the Academic Grievance Committee will prepare a final written report containing a summary of the investigation, the views of the majority regarding the validity of the grievances, and the recommended appropriate actions.
- A minority of two or more members may present a written report indicating specific disagreements.
- Both reports shall be communicated in writing to the student(s) and to the faculty member. The chair of the Academic Grievance Committee will place the report(s) in the faculty member's and the students' permanent file.
- The written report(s) should be provided to the student(s) and the faculty within fifteen (15) calendar days from the date of the hearing, unless prohibited by unusual circumstances.

2.2.3.9.7 Student Appeals

If the decision is in favor of the faculty member, no further appeal is possible and the case is closed.

2.2.3.9.8 Faculty Appeals

If the decision is in favor of the student, the faculty member may appeal to the Faculty Review Board. (See §2.2.3.10 *Faculty Review Board*)

2.2.3.10 Faculty Review Board ³³

The Faculty Review Board shall be established with the authority to reverse a decision made in favor of the student, by the Academic Grievance Committee, upon request of the faculty member involved.

2.2.3.10.1 Composition

The President of the Faculty Assembly shall be a voting member.

Two tenured faculty drawn by lot from outside the discipline area in which the grievance arose shall be voting members. No faculty member involved on the Academic Grievance Committee is eligible for this Review Board.

Two tenured faculty members from the general discipline area (or related discipline in the case when no tenured faculty is available) in which the grievance arose shall be ex officio and non-voting members.

2.2.3.10.2 Accountability

The Faculty Review Board is accountable to the President of the College.

2.2.3.10.3 Jurisdiction

The Faculty Review Board shall affirm or reverse the findings of the Academic Grievance Committee upon faculty request, when made within thirty (30) calendar days after notification of the decision reached during the formal resolution.

2.2.3.10.4 Functions

Review and evaluate all evidence, reports, and records including the tape recording of the hearing.

Affirm or reverse the decision made during the formal resolution.

Provide a written report of their decision to the Academic Grievance Committee and to the student(s).

Place a copy of the written report in the permanent file of the faculty member.

³³ Approved by the Faculty Assembly, January 25, 2002.

2.2.3.11 Student Life Policy Board ³⁴

This committee is under the auspices of the Vice President of Student Affairs. (See Mount Saint Mary's College Student Handbook for composition and functions of the Student Life Policy Board).

2.2.3.11.1 Composition

Three full-time faculty members shall be elected in an open faculty election to Student Life Policy Board:

- one elected annually for a one-year term;
- two elected for two-year terms, only one of whom shall be elected each year in order to provide continuity.

³⁴ Approved by the Faculty Assembly, February 9, 2001.

2.2.4 Appointive Committees

Faculty Members shall be appointed annually by the President or her designee to committees which serve specific functions in the academic or student life areas.

The committees include but are not restricted to:

- 2.2.4.9 Graduate Council**
- 2.2.4.10 Library Committee**
- 2.2.4.11 Academic Technology Roundtable**
- 2.2.4.12 Animal Welfare Committee**
- 2.2.4.13 Budget Committee**
- 2.2.4.14 Hazardous Material Committee**
- 2.2.4.15 Honors Committee**
- 2.2.4.16 Human Subject Committee**
- 2.2.4.17 Multicultural Advisory Council**
- 2.2.4.18 Professional Development Grant Review Committee**
- 2.2.4.19 Space Committee**
- 2.2.4.20 Women's Studies Advisory Committee**
- 2.2.4.21 Scholarship Committee**

2.2.5 Ad Hoc Committees

Ad Hoc committees may be appointed by an administrative officer or by a major standing committee.

2.2.5.1 Faculty Grievance Committee

2.2.5.1.1 Grievance Procedure

The following procedure shall be available in a dispute between a faculty member and the College except:

- where jurisdiction is specifically conferred upon another committee or process (e.g., §1.11.3 *Dismissal for Cause*)
- where other exclusions or reservations are specifically adopted by the College.

The committee described herein is empowered to hear and/or resolve formal grievances and complaints.

- A formal grievance is a petition which directly affects a contractual right or obligation of a faculty member.
- A complaint is a petition which relates indirectly to a faculty member's rights and obligations, but is directly relevant to the performance of ministerial faculty duties, or to the maintenance of a working environment free from hostile or intimidating influences.

The committee described herein shall also have referral jurisdiction if another committee specified in the Handbook shall decline to consider a dispute.

It is the policy of the College to encourage informal resolution of grievances and complaints; therefore disputants are encouraged to engage in oral and written discussion as a necessary prelude to the initiation of formal procedures.

2.2.5.1.2 Formal Procedure

2.2.5.1.2.1 Ordinary Internal Petition and Resolution:

A formal written request for discussion with the appropriate supervision shall be initiated. The discussion shall focus on the following three issues:

- the nature of the dispute;
- the gravity of the dispute;
- proposed remedial actions, if warranted.

Each participant shall record in writing their understanding of the discussion.

If this discussion does not resolve the dispute, the dispute and the understandings shall be sent to the Provost or other officer of the College for review and recommendations for resolution.

If the recommendation for the Provost or other officer is not acceptable to the parties, any party may invoke extraordinary means of resolution described below.

2.2.5.1.2.2 Extraordinary Means of Resolution

For purposes of this section the Faculty Assembly Executive Council shall constitute a Faculty Grievance Committee.

- For purposes of hearings conducted under Financial Exigency §1.11.5, Appeals, the chair of Faculty Status shall be replaced by the chair of the Academic Freedom Committee.
- Any vacancy shall be filled by a senior faculty member appointed by the Faculty Policy Committee.

If the procedures described in §2.2.5.1.2 *Formal Procedure* do not resolve the dispute, the Committee shall conduct formal hearings and recommend a resolution of the dispute.

Normally, any dispute brought to the Faculty Grievance Committee shall be on the basis of an allegation that:

- incorrect or improper procedures were used;
- a decision was contrary to the weight of the evidence;
- the discovery of new evidence is of sufficient import to change the outcome of a decision;
- bias or improper discrimination was present in the decision-making process.

In conducting a hearing under this section, the following rules shall apply:

- The Faculty Grievance Committee shall take the initiative to conduct hearings after reviewing the materials available under §2.2.5.1.2 *Formal Procedure*.
- All relevant data should be considered.
- The burden of proof shall be upon the party making an allegation.

- Hearings shall be closed and confidential. The parties shall make no public statements in the course of the hearings.
- All parties have the right to present and to cross-examine witnesses.
- Strict rules of legal evidence shall not apply. The standard for admissibility of any evidence shall be its probative weight.
- The recommendations of the Faculty Grievance Committee shall be based solely on the evidence presented at the hearings.
- If, in the judgment of the Grievance Committee, the President, in the direct exercise of presidential responsibilities, is the primary party in the dispute, then the disposition of an appeal shall lodge with the Board of Trustees.
- Responses and time limits envisioned within §2.2.5.1.2.1 *Ordinary Internal Petition and Resolution* shall not exceed 10 working days. The Faculty Grievance Committee may extend the time limit if such appears reasonable.

3 College Policies

3.1 Academic Freedom

3.1.1 Faculty: Academic Freedom in Teaching and Research

Mount St. Mary's College, adhering to the spirit of the 1940 Statement of Principles of the American Association of University Professors, believes that:

- The faculty member is entitled to full freedom in research and in the publication of the results, subject to 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.
- The faculty member is entitled to freedom in the classroom in discussing his/her subject, but he/she should not introduce into his/her teaching controversial matter which has no relation to his/her subject. Since Mount St. Mary's is a Catholic College, it recognizes a somewhat larger number of absolutes than may be recognized by an institution not under Catholic auspices. It adheres to the teaching of the Catholic Church in matters of faith and morals. When such matters of faith and morals arise, the instructor is expected to present all facts and theories pertinent to the accepted views of the Church and also to recognize the student's right to explore all sides of a question.
- The college faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When he/she speaks or writes as an individual or a private citizen, he/she should be free from institutional censorship or discipline, but his/her position in the community imposes special obligations. Hence in all cases of extramural activities, faculty members and college associated groups are responsible for accuracy, restraint, intellectual tolerance, and institutional disassociation.

3.1.2 Student Academic Freedom

3.1.2.1 Bill of Student Rights

3.1.2.1.1 Preamble

At an institution of higher learning, the pursuit of knowledge and the attainment of mature attitudes will be greatly facilitated by freedom of expression and decision making as enumerated in the following Bill of Rights. In exercising these rights, however, students must bear the responsibility to act in accordance with local, state, and national laws, and College rules. No right specified by this Bill is meant to be construed as enabling students to infringe upon the individual rights of another member of the academic community. It is thereby expected that the students will follow these documents with maturity and a level of responsibility which enables the College to retain its academic excellence.

3.1.2.1.2 Articles

The student has the right to accurate and plainly stated information which enables clear understanding of:

- The general qualifications for establishing and maintaining acceptable academic standing.
- The graduation requirements for a particular curriculum major.
- The course objectives, requirements, and evaluation criteria and procedures set by the individual instructors for their courses.

The student has the freedom to express ideas that differ from any interpretation or any viewpoint presented by an instructor. In exercising this freedom, there should be no disruption of the academic process of the class.

The student has the right to be evaluated accurately and fairly on academic performance as outlined by the instructor at the beginning of the course.

The student has the right to discuss and review any academic performance with instructors. A student who believes that an evaluation was made on a basis other than academic performance has the right to an appeal procedure. (see §2.2.3.10.5 *Grade Appeals*).

Every student has the right to substantive and procedural fair play in the administration of discipline and imposition of academic sanctions.

The imposition of any penalty -- namely, academic probation or disqualification -- shall be subject to appeal through an established appeals procedure.

Whenever a student or group of students claim that these rights have been violated and they have been adversely affected thereby, and such complaint is not resolved formally by the interested parties, it may be presented to the Academic Grievance Board, or to Academic Integrity Board, whichever is appropriate.

3.1.3 Grievance Procedures (see Appendix D)

3.2 Academic Integrity

As an institution of higher learning, Mount St. Mary's College seeks to maintain an environment where the pursuit of knowledge and the attainment of mature attitudes will be fostered. It safeguards this environment by setting up standards for academic performance and conduct. It is obliged to see that its standards of performance and conduct are maintained. Students will be held accountable for their behavior.

Students have the right to substantive and procedural due process in the administration of discipline and the imposition of formal sanctions. Sanctions shall not be imposed simply for the purpose of punishment but shall be designed to promote good order in the educational environment. Sanctions against a student who is guilty of a violation will be considered in the context of the student's entire record.

Mount St. Mary's College has a published Academic Dishonesty Policy. It is stated in the College Catalog and the Student Handbook. Whenever a student or a group of students claim that their rights have been violated in the application of this Policy and that they have been adversely affected thereby, and such a complaint has not been resolved in a non-formal process, the it may be presented to the Academic Integrity Board.

If an administrator or faculty member views a particular act of academic dishonesty as sufficiently serious to demand formal action on the part of the College, then he/she may present the case to the Academic Integrity Board.

3.3 Standing Policies

3.3.1 Attendance

Class attendance policy will be established by the instructor.

Other procedures regulating the conduct of the students will be found in the Student Handbook.

3.3.2 Location

Normally, classes will be held on campus. Any exceptions to this rule must be made in advance of scheduling with the written approval of the Provost.

Administrative arrangements for field trips and guest lecturers for classes must be made with the prior knowledge of the Department Chair.

3.3.3 Examinations and Grading

Members of the faculty are encouraged to make frequent evaluations of the student's work in a manner most suitable to the nature of the course.

Instructors must maintain accurate records of evaluations of student performance.

3.4 Ad Hoc Policies

Appropriate administrative offices will issue at the beginning of each academic year the rules and regulations functional to the performance of their tasks.

In no case are such rules and regulations to be issued or interpreted to conflict with any of the faculty rights and privileges listed within this Handbook.

3.5 Policy Prohibiting Discrimination and Harassment³⁵

3.5.1 Introduction

Mount St. Mary's College ("the College") is committed to maintaining a professional and collegial working environment that respects the dignity of each individual. The College prohibits any form of discrimination or harassment because of race, color, religious creed (except as permitted by law), national origin, ancestry, sex (with or without sexual conduct), sexual orientation, marital status, pregnancy, childbirth, age, physical or mental disability, medical condition, protected activity (i.e., opposition to prohibited discrimination or participation in the statutory complaint process) or other characteristic protected under federal, state or local law. Violation of this policy may result in discipline, up to and including discharge (in the case of faculty or staff) or expulsion (in the case of a student).

3.5.2 Rights Regarding Harassment and Discrimination

Students, faculty and staff have the right to work and learn free from unwanted sexual advances or other forms of improper sexual conduct or other forms of harassment. In both obvious and subtle ways, the very possibility of sexual assault or harassment can be deeply destructive to individual members of our community. Members of our College community have the right to work and learn in an environment that is free from verbal or physical sexual conduct which might either interfere with an individual's performance, or create a work or educational climate that is hostile, intimidating, or offensive, whether that conduct originates with an instructor, student, colleague, supervisor, co-worker, or a peer. Hazing as part of a club or group activity may be subject to charges of harassment as well.

Primary responsibility for maintaining high standards of conduct resides with faculty and supervisors, since they exercise significant authority and power over others. If the highest standards of conduct are to be maintained, however, all members of the campus community should understand that sexual advances, sexual comments, or other forms of harassment or intimidation by any member of the college community (faculty, staff or student) toward another may constitute improper conduct.

Because of the imbalance of power and the special need for trust inherent in the teacher/student relationship, a romantic or sexual advance by an instructor to a student in her/his class or academic program may seriously compromise that relationship and may therefore be presumed to be professional misconduct. Similarly, an advance made by a supervisor to an employee may be seen as unprofessional conduct when the potential for coercion or exploitation is present.

3.5.3 Unlawful Harassment and Discrimination

Unlawful harassment includes slurs, insults, jokes, and ridicule and other verbal or physical conduct relating to an individual's race, ethnicity, color, religious creed, national origin, ancestry, sex, sexual orientation, marital status, pregnancy,

³⁵ Adopted by the Faculty on April 18, 1997. Revised November 3, 2004 and adopted by the Faculty.

childbirth, age, physical or mental disability, medical condition, protected activity (i.e., action seeking to invoke the procedures of this policy) or other characteristic protected under federal, state or local law, which has the purpose or effect of unreasonably interfering with an individual's work/academic performance, creating an intimidating, hostile or offensive working/learning environment or otherwise adversely affecting an individual's employment/educational opportunities.

The College strives to provide a work and learning environment free from verbal, physical and visual (signs, posters, pictures or documents) harassment or behavior that may be offensive and not protected by the right of academic freedom. Everyone at the College must be sensitive to the individual rights of faculty, students, and staff. This policy applies to conduct in the classroom or office as well as conduct outside of the classroom or office while engaged in activities that are within the course and scope of employment (e.g. on business trips, at social events, etc.) or educational programs or activities.

3.5.4 Sexual Harassment (Scope)

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. No member of the college community shall indicate, either explicitly or implicitly, that the refusal to submit to sexual advances on the part of a member of the faculty, staff, or students will adversely affect that person's position, employment, or educational standing. Similarly, no member of the college community shall extend preferential treatment in exchange for sexual favors or conduct.

Sexual harassment may also include unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, unnecessary touching of an individual, graphic or verbal comments about an individual's body, sexually degrading descriptions, a display in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault. Classroom materials of an explicit or potentially offensive nature that are directly relevant to the subject matter and goals of the course may be exempt from this guideline because of academic freedom rights. As necessary, the Academic Freedom Committee may be consulted when such questions arise. This policy applies to unwelcome conduct directed to persons of the opposite sex and to persons of the same sex.

3.5.5 Academic Freedom

Academic freedom in research, teaching, and publication is fundamental to the advancement of truth and learning for faculty and students. Freedom of thought and expression is essential to any institution of higher learning. Universities and colleges exist not only to transmit existing knowledge; they also interpret, explore, and expand that knowledge by testing the old and investigating the new. Free speech is not simply an aspect of the educational enterprise – it is a precondition of the academic enterprise itself.

MSMC affirms the values of free and open exchange of ideas and the creation and dissemination of knowledge. We recognize and uphold the principles of academic

freedom. To sustain such freedom and openness requires objectivity, trust, and confidence free of coercion, intimidation, or exploitation. Members of the College community are entitled to freedom in carrying out research and in publishing/performances/artistic expression. They are also entitled to freedom of teaching, learning, and discussion; as well as freedom from institutional censorship. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research and presentation on an honest search for knowledge.

3.5.6 Complaint Procedure for Allegations of Harassment or Discrimination

Any person who believes that he or she is a victim of discrimination or harassment by any member of the college community or other person connected with or contracted by the College should immediately contact the Director of Human Resources or one of the MSMC Grievance Officers. A list of the trained MSMC Grievance Officers can be obtained from the Director of Human Resources.

3.5.7 Confidentiality

Confidentiality regarding these proceedings will be respected within the boundaries of state and federal law. Complaints will be treated in a confidential manner to the extent feasible.

3.5.8 Prohibition Against Retaliation

A person who initiates a complaint or participates in an investigation of a complaint under this policy will not be subject to any retaliatory action. The College takes seriously any violation of the prohibitions against discrimination, harassment and retaliation. Disciplinary action for any such violation may be taken up to and including discharge (in the case of faculty or staff) or expulsion (in the case of a student).

3.5.9 About This Policy

This policy applies with equal force to all faculty, staff and students of the College. Strict adherence to it will help preserve the atmosphere of professionalism and mutual respect that permits each of us to better serve the College and its students.

It is a statement of our intent to maintain a harassment-free workplace and a professional environment at all times. It does not provide greater or lesser rights than applicable law provides.

3.6 Technology³⁶

Encompassing the use of the Computer Network and Non-Networked Campus Computers, E-mail, Voice-mail, Phone Systems, Internet, Intranet and World Wide Web.

3.6.1 Preface

In support of its mission of preparing students for leadership in society and encouraging them to develop the intellectual competence and receptivity to new ideas necessary for concerned citizenship, the college maintains technology systems that allow students, faculty, administrators, and staff to pursue academic excellence and innovation through technology. The intent of this policy is to set down guidelines for all users of technology at Mount St. Mary's College. This policy will be included in the Student Handbook, the Faculty Handbook, and the Employee Policies and Procedures Handbook. Violations by students will be evaluated by Student affairs; violations by staff will be evaluated by department heads or Human Resources; and violations by faculty will be evaluated by the Provost. Cases potentially involving constitutionally protected free speech will be reviewed by the Academic Freedom Committee.

In keeping with the Catholic tradition of the College, all technology users are expected to uphold high ethical standards and adhere to the policy guidelines set out below. Those violating this policy may face penalties that include restrictions on their use of technology or more severe sanctions, if circumstances warrant.

All users of Mount St. Mary's College computer technology must sign a User Agreement which states that they understand and agree to abide by the policy.

3.6.2 Policy Guidelines

3.6.2.1 Ownership of Resources

All individuals using College technology or facilities must do so in the knowledge that they are using College resources in support of their work. The College owns everything stored in its facilities unless it has agreed otherwise. The College has the right to access electronic communications at any time for any purpose. The College will make reasonable efforts to maintain the confidentiality of computing information storage contents and to safeguard the contents from loss, but it is not liable for the inadvertent or unavoidable loss or disclosure of the contents.

3.6.2.2 Authorized Use/Security

Users have passwords to access College resources which they have the authority to use. These passwords should not be shared with others. Similarly, users should only utilize a password, access a file, or retrieve data with proper authorization. All passwords being used on any technological

³⁶ February 27, 1998

equipment must be registered with appropriate College authorities. Personal and financial records will be accessible only to those with proper authorization. Users should only access files pertaining to others at the college (students, faculty, or staff) when appropriately warranted and authorized. Any faculty, staff, or student who accesses files, email, voice mail without authorization will face disciplinary measures including, but not limited to, restriction on use of College technology. Users utilizing computer files, e-mail and voice mail should be aware that privacy is a priority, but is not guaranteed. As an example, e-mail and voice mail can be compared to an addressed, unsealed envelope. Most people would respect the envelope if it were not addressed to them, but it is not impenetrable to someone with the desire and ability to open it. Those seeking confidential methods of communication should consider other options.

3.6.2.3 Software Purchases/Installations

College employees are encouraged to purchase software through the Office of Information Technologies in order to utilize educational/volume discounts, ensure compatibility with their system/the network, ensure proper licensing (the lack of a license could lead to significant fines for the College) and ensure support if a software/hardware problem occurs. If software is purchased independently and installed on a Mount St. Mary's College computer by someone other than an Office of Information Technologies staff member, it is done so at the installer's own risk. The College is not responsible for software it cannot support or hardware problems caused by unauthorized installations.

3.6.2.4 Harassment

No student, faculty, or staff member should use computers, e-mail, voice mail or other technology to harass or threaten others, disrupt classes or offices, or transmit data that does not qualify as academically protected freedom of speech. Student violations will be referred to Human Resources, and faculty violations will be referred to the Academic Freedom Committee to first ascertain if this is protected free speech. If not, violations will be referred to either the Provost or to Sexual Harassment Grievance Officers, depending upon the nature of the harassment.

3.6.2.5 Copyright

To avoid copyright infringement, users must obtain permission from authors, artists, or other sources before using materials created on or obtained via computer technology (e.g., making and distributing multiple copies). For more information about copyright check with the U.S. Copyright Office in the Library of Congress: <http://lcweb.loc.gov/copyright/>.

3.6.2.6 Commercial Use

Use of College technology or equipment is intended for academic purposes and College-related business only. Ordinarily faculty, staff, and students should not use College resources to initiate or maintain personal businesses (e.g., creating web pages and storing them on the College's server) due to the College's limited resources.

3.6.2.7 Academic Freedom

Faculty members using College technology do so with protection of their freedom of speech and right to access educationally worthwhile materials. Individuals are, thus, expected to exhibit good sense and integrity in making decisions about the use of computers and other technology at the College.

3.6.2.8 Personal Web Pages

Faculty, students and staff may create personal web pages during non-work hours. The views expressed on these pages are those of the individual. Those creating a personal web page should be sensitive to the fact that their web page reflects upon the College. Unacceptable content on these pages includes maintenance of a personal business, obscenity, harassment of another individual, creation of a hostile environment, speech that targets a particular individual or group in a way that is not academically protected as free speech, or endorsement of activities prohibited by College policies. Contact the Office of Information Technologies for help or information.

3.6.2.9 Departmental and Club Web Pages

College departments and recognized student organizations are encouraged to create department and organization web pages. These pages must use the College's web page template for the first page in order to maintain a consistent look and feel to the main College pages. Subsequent pages must contain the College's web page footer, and may continue to use the template, but are not required to. All templates are available from the Office of Information Technologies. All documents published by student clubs and organizations must be approved by the Student Activities Office.

3.6.2.10 Procedures Regarding Violations

In general, violations by students will be evaluated by Student Affairs; violations by staff will be evaluated by department heads or Human Resources. Users who violate the policy may face restriction of technology access or more severe sanctions, if circumstances warrant.

Faculty violating the Technology Policy will be reported to the Provost. If necessary, the Provost may direct the case to the Academic Freedom Committee or a Sexual Harassment Grievance Officer for further review. The Academic Freedom Committee will review claims regarding constitutionally protected freedom of speech. The case will be closed if it is protected by

freedom of speech. Any violations involving sexual harassment will be referred to one of the Grievance Officers (*see §3.5 Sexual Harassment*). In both cases, any decisions or further action on the case will be reported back to the Provost. The Provost will then determine if further action is required.

3.6.2.11 Summary of Policy Violations

Violations include by are not limited to the following:

- Unauthorized use of passwords, documents, or technology
- Damaging or altering computer files
- Harassment via technology
- Intentionally introducing viruses
- Illegal duplication of software or its related documentation
- Plagiarism and copyright infringement
- Creating or sustaining files to run a personal business at the College without authorization

Appendix A

MSMC Mission Statement

Mount St. Mary's College offers a dynamic learning experience in liberal arts and science to a diverse student body. As a Catholic college primarily for women, we are dedicated to providing a superior education enhanced by an emphasis on building leadership skills and fostering a desire to serve others. Our measure of success is graduates who are committed to using their knowledge and skills to better themselves, their environments and the world.

Appendix B

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
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Statement on Government of Colleges and Universities

Editorial Note: The statement which follows is directed to governing board members, administrators, faculty members, students, and other persons in the belief that the colleges and universities of the United States have reached a stage calling for appropriately shared responsibility and cooperative action among the components of the academic institution. The statement is intended to foster constructive joint thought and action, both within the institutional structure and in protection of its integrity against improper intrusions.

It is not intended that the statement serve as a blueprint for governance on a specific campus or as a manual for the regulation of controversy among the components of an academic institution, although it is to be hoped that the principles asserted will lead to the correction of existing weaknesses and assist in the establishment of sound structure and procedures. The statement does not attempt to cover relations with those outside agencies which increasingly are controlling the resources and influencing the patterns of education in our institutions of higher learning; e.g., the United States government, the state legislatures, state commissions, interstate associations or compacts, and other interinstitutional arrangements. However, it is hoped that the statement will be helpful to these agencies in their consideration of educational matters.

Students are referred to in this statement as an institutional component coordinate in importance with trustees, administrators, and faculty. There is, however, no main section on students. The omission has two causes: (1) the changes now occurring in the status of American students have plainly outdistanced the analysis by the educational community, and an attempt to define the situation without thorough study might prove unfair to student interests, and (2) students do not in fact at present have a significant voice in the government of colleges and universities; it would be unseemly to obscure, by superficial equality of length of statement, what may be a serious lag entitled to separate and full confrontation. The concern for student status felt by the organizations issuing this statement is embodied in a note, "On Student Status," intended to stimulate the educational community to turn its attention to an important need.

This statement was jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. In October 1966, the Board of Directors of the ACE took action by which the Council "recognizes the statement as a significant step forward in the clarification of the respective roles of governing boards, faculties, and

administrations," and "commends it to the institutions which are members of the Council." The Council of the AAUP adopted the statement in October 1966, and it was endorsed by the Fifty-third Annual Meeting in April 1967. In November 1966, the Executive Committee of the AGB took action by which that organization also "recognizes the statement as a significant step forward in the clarification of the respective roles of governing boards, faculties, and administrations," and "commends it to the governing boards which are members of the Association." (In April 1990, the Council of the AAUP adopted several changes in language in order to remove gender-specific references from the original text.)

I. INTRODUCTION

This statement is a call to mutual understanding regarding the government of colleges and universities. Understanding, based on community of interest, and producing joint effort, is essential for at least three reasons. First, the academic institution, public or private, often has become less autonomous; buildings, research, and student tuition are supported by funds over which the college or university exercises a diminishing control. Legislative and executive governmental authorities, at all levels, play a part in the making of important decisions in academic policy. If these voices and forces are to be successfully heard and integrated, the academic institution must be in a position to meet them with its own generally unified view. Second, regard for the welfare of the institution remains important despite the mobility and interchange of scholars. Third, a college or university in which all the components are aware of their interdependence, of the usefulness of communication among themselves, and of the force of joint action will enjoy increased capacity to solve educational problems.

II. THE ACADEMIC INSTITUTION: JOINT EFFORT

A. Preliminary Considerations

The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others. The relationship calls for adequate communication among these components, and full opportunity for appropriate joint planning and effort.

Joint effort in an academic institution will take a variety of forms appropriate to the kinds of situations encountered. In some instances, an initial exploration or recommendation will be made by the president with consideration by the faculty at a later stage; in other instances, a first and essentially definitive recommendation will be made by the faculty, subject to the endorsement of the president and the governing board. In still others, a substantive contribution can be made when student leaders are responsibly involved in the process. Although the variety of such approaches may be wide, at least two general conclusions regarding joint effort seem clearly warranted: (1) important areas of action involve at one time or another the initiating capacity and decision-making participation of all the institutional components, and (2) differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand, as developed hereinafter.

B. Determination of General Educational Policy

The general educational policy, i.e., the objectives of an institution and the nature, range, and pace of its efforts, is shaped by the institutional charter or by law, by tradition and historical development, by the present needs of the community of the institution, and by the professional aspirations and standards of those directly involved in its work. Every board will wish to go beyond its formal trustee obligation to conserve the accomplishment of the past and to engage seriously with the future; every faculty will seek to conduct an operation worthy of scholarly standards of learning; every administrative officer will strive to meet his or her charge and to attain the goals of the institution. The interests of all are coordinate and related, and unilateral effort can lead to confusion or conflict. Essential to a solution is a reasonably explicit statement on general educational policy. Operating responsibility and authority, and procedures for continuing review, should be clearly defined in official regulations.

When an educational goal has been established, it becomes the responsibility primarily of the faculty to determine appropriate curriculum and procedures of student instruction.

Special considerations may require particular accommodations: (1) a publicly supported institution may be regulated by statutory provisions, and (2) a church-controlled institution may be limited by its charter or bylaws. When such external requirements influence course content and manner of instruction or research, they impair the educational effectiveness of the institution.

Such matters as major changes in the size or composition of the student body and the relative emphasis to be given to the various elements of the educational and research program should involve participation of governing board, administration, and faculty prior to final decision.

C. Internal Operations of the Institution

The framing and execution of long-range plans, one of the most important aspects of institutional responsibility, should be a central and continuing concern in the academic community.

Effective planning demands that the broadest possible exchange of information and opinion should be the rule for communication among the components of a college or university. The channels of communication should be established and maintained by joint endeavor. Distinction should be observed between the institutional system of communication and the system of responsibility for the making of decisions.

A second area calling for joint effort in internal operation is that of decisions regarding existing or prospective physical resources. The board, president, and faculty should all seek agreement on basic decisions regarding buildings and other facilities to be used in the educational work of the institution.

A third area is budgeting. The allocation of resources among competing demands is central in the formal responsibility of the governing board, in the administrative authority of the president, and in the educational function of the faculty. Each component should

therefore have a voice in the determination of short- and long-range priorities, and each should receive appropriate analyses of past budgetary experience, reports on current budgets and expenditures, and short- and long- range budgetary projections. The function of each component in budgetary matters should be understood by all; the allocation of authority will determine the flow of information and the scope of participation in decisions.

Joint effort of a most critical kind must be taken when an institution chooses a new president. The selection of a chief administrative officer should follow upon cooperative search by the governing board and the faculty, taking into consideration the opinions of others who are appropriately interested. The president should be equally qualified to serve both as the executive officer of the governing board and as the chief academic officer of the institution and the faculty. The president's dual role requires an ability to interpret to board and faculty the educational views and concepts of institutional government of the other. The president should have the confidence of the board and the faculty.

The selection of academic deans and other chief academic officers should be the responsibility of the president with the advice of, and in consultation with, the appropriate faculty. Determinations of faculty status, normally based on the recommendations of the faculty groups involved, are discussed in Part V of this statement; but it should here be noted that the building of a strong faculty requires careful joint effort in such actions as staff selection and promotion and the granting of tenure. Joint action should also govern dismissals; the applicable principles and procedures in these matters are well established. (See the 1940 Statement of Principles on Academic Freedom and Tenure, and the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, *Academe* 76 [May-June 1990]: 44. These statements have been jointly adopted by the Association of American Colleges and the American Association of University Professors; the 1940 Statement has been endorsed by numerous learned and scientific societies and educational associations.)

D. External Relations of the Institution

Anyone -- a member of the governing board, the president or other member of the administration, a member of the faculty, or a member of the student body or the alumni - affects the institution when speaking of it in public. An individual who speaks unofficially should so indicate. An individual who speaks officially for the institution, the board, the administration, the faculty, or the student body should be guided by established policy.

It should be noted that only the board speaks legally for the whole institution, although it may delegate responsibility to an agent.

The right of a board member, an administrative officer, a faculty member, or a student to speak on general educational questions or about the administration and operations of the individual's own institution is a part of that person's right as a citizen and should not be abridged by the institution. (With respect to faculty members, the 1940 Statement of Principles on Academic Freedom and Tenure reads: "College and university teachers are citizens, members of a learned profession, and officers of an educational institution.

When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.") There exist, of course, legal bounds relating to defamation of character, and there are questions of propriety.

III. THE ACADEMIC INSTITUTION: THE GOVERNING BOARD

The governing board has a special obligation to ensure that the history of the college or university shall serve as a prelude and inspiration to the future. The board helps relate the institution to its chief community: e.g., the community college to serve the educational needs of a defined population area or group, the church-controlled college to be cognizant of the announced position of its denomination, and the comprehensive university to discharge the many duties and to accept the appropriate new challenges which are its concern at the several levels of higher education.

The governing board of an institution of higher education in the United States operates, with few exceptions, as the final institutional authority. Private institutions are established by charters; public institutions are established by constitutional or statutory provisions. In private institutions the board is frequently self-perpetuating; in public colleges and universities the present membership of a board may be asked to suggest candidates for appointment. As a whole and individually, when the governing board confronts the problem of succession, serious attention should be given to obtaining properly qualified persons. Where public law calls for election of governing board members, means should be found to ensure the nomination of fully suited persons, and the electorate should be informed of the relevant criteria for board membership.

Since the membership of the board may embrace both individual and collective competence of recognized weight, its advice or help may be sought through established channels by other components of the academic community. The governing board of an institution of higher education, while maintaining a general overview, entrusts the conduct of administration to the administrative officers, the president and the deans, and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation.

One of the governing board's important tasks is to ensure the publication of codified statements that define the overall policies and procedures of the institution under its jurisdiction.

The board plays a central role in relating the likely needs of the future to predictable resources; it has the responsibility for husbanding the endowment; it is responsible for obtaining needed capital and operating funds; and in the broadest sense of the term it should pay attention to personnel policy. In order to fulfill these duties, the board should be aided by, and may insist upon, the development of long-range planning by the administration and faculty.

When ignorance or ill-will threatens the institution or any part of it, the governing board must be available for support. In grave crises it will be expected to serve as a champion. Although the action to be taken by it will usually be on behalf of the president, the faculty, or the student body, the board should make clear that the protection it offers to an individual or a group is, in fact, a fundamental defense of the vested interests of society in the educational institution. (Traditionally, governing boards developed within the context of single-campus institutions. In more recent times, governing and coordinating boards have increasingly tended to develop at the multi-campus regional, systemwide, or statewide levels. As influential components of the academic community, these supra-campus bodies bear particular responsibility for protecting the autonomy of individual campuses or institutions under their jurisdiction and for implementing policies of shared responsibility. The American Association of University Professors regards the objectives and practices recommended in the Statement on Government as constituting equally appropriate guidelines for such supra-campus bodies, and looks toward continued development of practices that will facilitate application of such guidelines in this new context. [Preceding note adopted by AAUP's Council in June 1978.]

IV. THE ACADEMIC INSTITUTION: THE PRESIDENT

The president, as the chief executive officer of an institution of higher education, is measured largely by his or her capacity for institutional leadership. The president shares responsibility for the definition and attainment of goals, for administrative action, and for operating the communications system which links the components of the academic community. The president represents the institution to its many publics. The president's leadership role is supported by delegated authority from the board and faculty.

As the chief planning officer of an institution, the president has a special obligation to innovate and initiate. The degree to which a president can envision new horizons for the institution, and can persuade others to see them and to work toward them, will often constitute the chief measure of the president's administration.

The president must at times, with or without support, infuse new life into a department; relatedly, the president may at times be required, working within the concept of tenure, to solve problems of obsolescence. The president will necessarily utilize the judgments of the faculty but may also, in the interest of academic standards, seek outside evaluations by scholars of acknowledged competence.

It is the duty of the president to see to it that the standards and procedures in operational use within the college or university conform to the policy established by the governing board and to the standards of sound academic practice. It is also incumbent on the president to ensure that faculty views, including dissenting views, are presented to the board in those areas and on those issues where responsibilities are shared. Similarly the faculty should be informed of the views of the board and the administration on like issues.

The president is largely responsible for the maintenance of existing institutional resources and the creation of new resources; has ultimate managerial responsibility for a large area of nonacademic activities; is responsible for public understanding; and by the nature of the office is the chief person who speaks for the institution. In these and

other areas the president's work is to plan, to organize, to direct, and to represent. The presidential function should receive the general support of board and faculty.

V. THE ACADEMIC INSTITUTION: THE FACULTY

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board. Budgets, personnel limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set limits to realization of faculty advice.

The faculty sets the requirements for the degrees offered in course, determines when the requirements have been met, and authorizes the president and board to grant the degrees thus achieved.

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

The faculty should actively participate in the determination of policies and procedures governing salary increases.

The chair or head of a department, who serves as the chief representative of the department within an institution, should be selected either by departmental election or by appointment following consultation with members of the department and of related departments; appointments should normally be in conformity with department members' judgment. The chair or department head should not have tenure in office; tenure as a faculty member is a matter of separate right. The chair or head should serve for a stated term but without prejudice to reelection or to reappointment by procedures which involve appropriate faculty consultation. Board, administration, and faculty should all bear in mind that the department chair or head has a special obligation to build a department strong in scholarship and teaching capacity.

Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty. (The American Association of University Professors regards collective bargaining, properly used, as another means of achieving sound academic government. Where there is faculty collective bargaining, the parties should seek to ensure appropriate institutional governance structures which will protect the right of all faculty to participate in institutional governance in accordance with the Statement on Government. [Preceding note adopted by the Council in June 1978.]

The agencies may consist of meetings of all faculty members of a department, school, college, division, or university system, or may take the form of faculty-elected executive committees in departments and schools and a faculty-elected senate or council for larger divisions or the institution as a whole.

Among the means of communication among the faculty, administration, and governing board now in use are: (1) circulation of memoranda and reports by board committees, the administration, and faculty committees, (2) joint ad hoc committees, (3) standing liaison committees, (4) membership of faculty members on administrative bodies, and (5) membership of faculty members on governing boards. Whatever the channels of communication, they should be clearly understood and observed.

ON STUDENT STATUS

When students in American colleges and universities desire to participate responsibly in the government of the institution they attend, their wish should be recognized as a claim to opportunity both for educational experience and for involvement in the affairs of their college or university. Ways should be found to permit significant student participation within the limits of attainable effectiveness. The obstacles to such participation are large and should not be minimized: inexperience, untested capacity, a transitory status which means that present action does not carry with it subsequent responsibility, and the inescapable fact that the other components of the institution are in a position of judgment over the students. It is important to recognize that student needs are strongly related to educational experience, both formal and informal. Students expect, and have a right to expect, that the educational process will be structured, that they will be stimulated by it to become independent adults, and that they will have effectively transmitted to them the cultural heritage of the larger society. If institutional support is to have its fullest possible meaning, it should incorporate the strength, freshness of view, and idealism of the student body.

The respect of students for their college or university can be enhanced if they are given at least these opportunities: (1) to be listened to in the classroom without fear of institutional reprisal for the substance of their views, (2) freedom to discuss questions of institutional policy and operation, (3) the right to academic due process when charged with serious violations of institutional regulations, and (4) the same right to hear speakers of their own choice as is enjoyed by other components of the institution.

Appendix C
Current Academic Year Committee Membership

DISABILITY GRIEVANCE PROCEDURES

Mount St. Mary's College, in compliance with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability in administration of its education-related programs and activities and has an institutional commitment to provide equal educational opportunities for disabled students who are otherwise qualified.

I. APPLICABILITY

The grievance procedure set forth below applies to undergraduate and graduate students of the College. It is designed to address disputes concerning:

- A. Disagreements regarding a requested service, an accommodation, or a modification of a College practice or requirement;
- B. Inaccessibility of a program or activity due to disability;
- C. Harassment or discrimination on the basis of disability;
- D. Violation of privacy in the context of disability.

II. INFORMAL RESOLUTION

In the event a student believes (i) that he or she has been denied an accommodation or the modification of a College practice or requirement to which he or she is entitled under applicable disability law or (ii) a program or activity has been inaccessible to him/her due to disability or (iii) he/she has been harassed or discriminated against because of a disability or perception of a disability by a college faculty or staff member or (iv) his/her privacy has been violated in the context of his/her disability, the student shall attempt to resolve the matter informally. If the student is unable to resolve the matter through the informal process, a formal complaint may be filed at the option of the student.

Prior to initiating the formal complaint procedure, and as a prerequisite to it, the student shall first meet with the Director of Learning Assistance Programs at the Chalon Campus or the Director of the Learning Resource Center at the Doheny Campus for assistance in resolving the matter informally within fourteen (14) calendar days of the alleged denial of accommodations or act of discrimination. If resolution satisfactory to the student can not be achieved in seven (7) calendar days from the date the student notified the Director of Learning Assistance Programs at the Chalon Campus or the Director of the Learning Resource Center at the Doheny Campus requesting assistance with resolution, the student may file a formal complaint.

III. FORMAL COMPLAINT

If the informal procedure described above does not yield a successful resolution, the student may file a formal complaint in the following manner:

- A. **When To File A Complaint** - Complaints shall be filed within seven (7) calendar days of the end of the informal resolution process described above.
- B. **What To File** - A complaint must be in writing and include the following:
- The student's name, address, e-mail address and phone number;
 - A full description of the problem, including names of individuals, departments and/or programs involved;
 - A statement of the remedy requested; and
 - A statement of confirmation that an Informal Resolution has been pursued.
- C. **Where To File A Formal Complaint** - The complaint shall be filed with the Vice President of Student Affairs.
- D. **Notice Of Receipt** - Upon receipt of the complaint, the Vice President of Student Affairs will review the complaint for timeliness and appropriateness for this grievance procedure, and will provide the student with written notice acknowledging its receipt.
- E. **Membership of the Disability Grievance Committee** - The Vice President of Student Affairs or his or her designee shall convene the committee within fourteen (14) calendar days of receiving the complaint unless unusual circumstances prohibit it. Once the committee is convened, they will select a member to serve as a chair for the formal complaint proceedings. The Vice President of Student Affairs, with the concurrence of the Provost, may take appropriate action on an interim basis, when there is reasonable cause to believe that such action is needed for the health, safety, or welfare of the student or other member of the College community, or to avoid disruption to the academic process. The Committee shall consist of:
- A faculty member appointed by the Faculty Policy Committee*
 - One administrative staff member appointed by the Vice President of Student Affairs who is knowledgeable of the ADA and section 504
 - One student representative appointed by the Vice President of Student Affairs

**The faculty member must not have had the student enrolled in any of his/her classes.*

- C. **Investigation/Hearing** - The Committee shall promptly initiate an investigation. In undertaking the investigation, the Committee may interview, consult with and/or request a written response to the issues raised in the complaint from any individual the Committee believes to have relevant information, including faculty, staff and students. The student and any person towards whom the complaint might have been directed shall have the right to submit written materials to the Committee and suggest names of any faculty, staff, students or others from whom he/she believes the Committee should hear. The Committee may assign any member who has been adequately trained to conduct any part of the investigation as the Committee determines to be appropriate.

- D. **Representation** - The student and the person towards whom the complaint has been directed shall have the right to be represented at the hearing by the advocates of their choice. Since the hearing is administrative, not judicial in nature, the advocates may not be lawyers.
- E. **Findings and Notification** - Upon completion of the investigation, the Disability Grievance Committee, in consultation with the Vice President of Student Affairs or his or her designee, will prepare a final report containing a summary of the investigation, written findings and a proposed disposition. He/she will then transmit the report to the student and the party against whom the grievance is directed. The report should be submitted within fifteen (15) calendar days of the date the Committee is first convened unless prohibited by unusual circumstances.
- F. **Disposition** - The Vice President of Student Affairs shall take whatever actions are deemed appropriate (see Remedies section below). He/she shall report his/her decision in writing to the student, the Committee and all other relevant parties.

IV. REMEDIES

Possible remedies under this grievance procedure include corrective steps, actions to reverse the effects of discrimination or end harassment, and measures to provide a reasonable accommodation or proper ongoing treatment. The guidelines set forth in the Faculty and Employee Handbooks will be adhered to in the event that corrective steps or actions are necessary.

V. APPEAL

Within ten (10) calendar days of the issuance of the final report, the student or the party against whom the grievance is directed may file an appeal to the Provost.

The written request must specify the particular substantive and or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the disposition. Furthermore, the appeal must be directed only to issues raised in the formal complaint as filed or to procedural errors in the conduct of the grievance procedure itself, and not to new issues.

The review by the Provost or designee normally shall be limited to the following considerations:

- Were the proper facts and criteria used to make the decision?
- Were any extraneous facts or criteria used to make the decision?
- Were there any procedural irregularities that substantially affected the outcome?
- Given proper facts, criteria, and procedure, was the decision one that might be reasonably made?

A copy of the Provost's written decision will be expected within thirty (30) calendar days of the filing of the appeal and shall be sent to the appropriate parties. The Provost for good cause may extend the deadline. The decision of the Provost on the appeal is final.

Addendum

No later than two years after the Disability Grievance Procedures have been in effect; the Faculty Policy Committee and the Student Life Policy Board will evaluate them and make recommendations to the Faculty Assembly for any improvements.

5/30/00

Appendix D
Current Academic Year Grievance Procedures

PROCEDURES TO ADDRESS DISCRIMINATION OR HARASSMENT

Spring 2005

(Companion Document to Policy Prohibiting Discrimination and Harassment)

I. Scope and Definitions

This procedure applies to all members of the administration, faculty, staff, and student body. This procedure takes precedence over all other grievance proceedings when allegations of unlawful discrimination or harassment are involved.

College customers, vendors, or third parties are not governed by this procedure. Managers, supervisors, or human resources should be notified of such cases in order to assist the College in pursuing and investigating allegations of unlawful discrimination or harassment as defined by policy.

In this procedure, the *complainant* is the individual making complaint or allegation. The *accused or alleged perpetrator* is the person accused of unlawful discrimination or harassment.

II. Information and Counseling Services

A person believing he or she is subject to unlawful discrimination or harassment should contact one of MSMC's Grievance Officers to receive information and advice. This process is intended to initiate a constructive approach to the problem and help individuals resolve situations when there may have been a misunderstanding. One does not give up any other rights by going through this process.

Employees who are responsible for the conduct of others must notify a Grievance Officer when they receive a complaint of alleged unlawful discrimination or harassment. The College is obligated to investigate all complaints of discrimination and harassment.

College Grievance Officers include:

- Director, Human Resources—ext. 4037/2535
- Vice President, Student Affairs—ext. 4132/2571
- AVP, Student Affairs—ext. 4133/2571
- Provost and Academic Vice President—ext. 4015
- Dean, Baccalaureate Program—ext. 4017
- Dean, Associate in Arts Program—ext. 2545
- Dean, Graduate Division—ext. 4101
- Chair, Faculty Assembly—ext. 4281
- College Chaplain—ext. 4281
- Director, Campus Ministry—ext. 4125/2672

Complainants are encouraged to report violations early before inappropriate or unlawful behaviors become severe or pervasive. The College is obligated to investigate all complaints and to seek appropriate remedies.

III. Complaint Procedure

The College will immediately investigate allegations of unlawful discrimination or harassment. The College has informal and formal processes available to a complainant. A person alleging unlawful discrimination or harassment also has access to formal external processes that are described in Section VI below.

The onus of conducting a fair and impartial investigation in the matters of unlawful discrimination is on the Director of Human Resources (HR). However, occasions may arise when circumstances require that an outside investigative consultant be retained to perform the elements of an investigation. This option will be exercised at the discretion of the Provost in consultation with the Director of HR.

Although the Director of HR or designee exercise must discretion during any investigation, a guarantee of confidentiality or anonymity cannot be made since the investigation necessarily involves discussion with other parties. Information about the complaint and each allegation within the complaint is revealed only as investigation and disciplinary processes require and consistent with protecting the welfare of administrators, faculty, staff, students, third parties, and the interests of the College.

MSMC Grievance Officers (cited in the section above) may receive complaints of discrimination and/or harassment. These complaints will be forwarded to the Director of Human Resources for investigation. Upon receiving a complaint, the Director of HR will compose a small team to conduct an inquiry to determine whether facts support the allegation. The inquiry may include interviews with third parties and review of applicable documentation. If the Director of HR finds facts that support the allegations of unlawful discrimination or harassment, he/she will consult with the complainant to determine whether the informal or formal complaint process will be initiated. The College wants to encourage members of the community to resolve complaints informally; however, both parties to a dispute have access to the formal process.

As an alternative to a formal or an informal complaint process, the complainant may choose to have the inquiry team complete the investigation and create a letter of findings and recommendations. Should this option be selected, distribution of the letter of findings will adhere to the informal process stipulations.

The duty to provide a safe and healthy working and learning environment is a paramount responsibility of the College. The fact-finding process contributes to the College's ability to discover and respond to unlawful behavior. Therefore, failure or refusal on the part of the complainant, the accused, any witnesses and other individuals to cooperate in, or interference with a College investigation from any party may be

subject to disciplinary action.

If the Director of HR finds that facts do not support the allegation of unlawful discrimination or harassment as defined by policy, he/she will assist the complainant in exploring other available options.

Informal Process

The Director of HR or designee will discuss options and facilitate the informal process with the complainant. Options include:

A) Written Mediation/Conciliation

Complainant and alleged perpetrator facilitate resolution through written correspondence.

B) Personal Mediation/Conciliation

Complainant and accused agree to meet and discuss possible resolutions.

C) Department Mediation/Conciliation

Supervisor/department head hears complaint, proposes remedy, and implements resolution in collaboration with the complainant and accused.

D) Resource Person Mediation/Conciliation

The Director of HR suggests possible resource persons to both complainant and accused. The Director of HR appoints a resource person. Complainant and accused agree to meet with an impartial resource person to discuss and mediate situation.

At the conclusion of an informal process to resolve the complaint, the Director of HR or designee will prepare written documentation regarding the process and outcome. This documentation is for record-keeping purposes and a copy of the document will be maintained by the Director of HR. This document does not become part of either party's employee or student file; however, the record of the complaint may become part of a record of a subsequent related action regarding either of the parties. A copy of the prepared document will be provided to both parties.

If the Director of HR is the accused, the Vice President of Administration will conduct this process. If the President or a member of the Board of Trustees is the alleged perpetrator, the Provost will oversee the details of this process.

Formal Process (Internal)

Either party of an alleged incident of unlawful discrimination or harassment may file a formal complaint. The formal fact-finding process begins with the Director of Human Resource or designee investigating each allegation. The Director of HR may convene a fact-finding committee to assist in the investigation. The fact-finding committee is an ad-hoc committee of three persons selected by the Director of HR. The Director of HR may

be a member of the committee. If a member of the committee becomes incapacitated or otherwise unable to participate and the deadlines set forth for completion are imminent, the member may be replaced at the discretion of the Director of HR. Before proceeding, the Director of HR will notify the complainant and accused of the substitution in the membership of the ad-hoc committee. In this event, all members must be present during the deliberation phase of the process if the capacity or availability of the absent member is restored.

Committee members are drawn from the administration, faculty, or staff. Anyone asked to serve is required to disclose to the Director of HR any real or potential conflict of interest or bias related to the parties. Members shall be chosen from outside the departments where the complainant and accused are employed or enrolled.

This fact-finding process entails taking statements of the complainant including a chronological description of each incident, naming witnesses (if any), and listing remedies sought to date. The Director of HR then informs the accused that a complaint has been filed and outlines the nature of each allegation. The Director of HR or designee conducts interviews with the complainant, the accused, any witnesses and other individuals who have been designated by the complainant or the accused to have knowledge of an allegation. This process will be conducted in a timely manner.

If the Director of HR is the subject of the fact-finding process, the Vice President of Administration or her or his designee will assume the duties and responsibilities assigned to the Director of HR in this policy. If allegations are made against the President or a member of the board of Trustees, the Provost will manage the course and direction of the investigation.

The Director of HR or designee issues a written report containing a summary of findings and may include a disciplinary recommendation (if the complaint is substantiated). The report is given to the applicable Vice President over department of the complainant and accused. The parties are informed promptly by the Director of HR, the applicable supervisor, department head, or Vice President regarding the closure of the investigation and are then copied with the report. The report is made part of the investigation file, which is created by the College for the investigation of the complaint. The report is kept in HR with all reports of investigations regarding complaints of discrimination and harassment conducted for and by the College.

IV. Sanctions and Disciplinary Actions

Any person violating the College's Policy Prohibiting Discrimination or Harassment is subject to a range of sanctions, in accordance with College policies including, but not limited to, dismissal or expulsion. Violators may also be subject to civil or criminal action independent of the College's internal procedures and sanctions.

Sanctions include, but are not limited to:

A) Verbal Warning

The facts are reviewed in private with the accused, and the accused will be told what action will be taken if another violation occurs.

B) Written Warning/Written Reprimand

The facts of the violation are reviewed with the accused in the presence of the next higher level of administration, and a written record of the meeting is prepared and placed in the employee's personnel file and his or her Faculty Status file, or the student's file, as appropriate.

C) Suspension, Dismissal, or Expulsion

1. Administrators and Staff

The sanctions described in the employee policies then in effect will generally apply. Further, in certain circumstances, when an unlawful action threatens the safety of employees or students, a violator may be dismissed immediately, without notice, and without following the steps prescribed under verbal and written warnings. This action is taken by the appropriate Vice President or Director.

2. Faculty

The written report generated by the Director of HR or designee will be forwarded to the Provost. The Provost will review the report and implement an appropriate sanction in keeping with the Faculty Handbook then in effect.

The formal and informal processes referenced above and the right to appeal described below (Section V) will apply instead of all other procedures for grievances and investigations described in the Faculty Handbook.

3. Students

The sanctions described in the Student Handbook then in effect will apply.

V. Right to Appeal

If the report and subsequent sanctions are viewed as adverse and unacceptable to either the complainant or accused, a written appeal may be brought to the applicable Vice President within fourteen (14) calendar days of the date the party receives the report. Reasons for rejecting or modifying a determination under appeal are prejudicial error in the form of procedural error, violation of College policy, inadequate consideration, or improper sanction. An error is prejudicial if it is reasonably probable that a result more favorable to the appellant would have been reached in the absence of the error. Inadequate consideration occurs if the Director of HR used irrelevant evidence

or failed to use the relevant evidence as a basis for judgment in determining his or her findings and recommendations. Alternatively, inadequate consideration occurs when a decision is not supported by substantial evidence in the record. Within fourteen (14) calendar days following the submission of an appeal, the Vice President shall accept, reject, or modify the determination. This is the final internal level of appeal unless the Vice President is named in the complaint.

Should an appeal be lodged while the administrative appeal designee is unavailable, the appeal will be considered filed within the guidelines of this policy, and the calendar days for response will begin on the first day of arrival back to the College.

In all cases, the right to appeal is forfeited in the event that employment with the College is terminated. Individuals seeking redress beyond the internal College process may consult the *Formal Complaint Process (External)*, Section VI or seek private legal counsel at their own expense.

VI. Formal Complaint Process (External)

The complainant may choose to lodge a complaint directly with the California Department of Fair Employment and Housing (DFEH, a state agency), the United States Equal Employment Opportunity Commission, (EEOC, a federal agency), Office of Civil Rights (OCR, a federal agency), or the Office of Federal Contract Compliance Programs (OFCCP, a federal agency) or any other agency vested with authority to receive. These contacts will, hereafter, be referenced as "agency."

If a complaint is filed, it is likely the agency would ask the complainant if the College has an internal process to address complaints and, if so, whether he or she utilized the process. Usually, the agency requests that a complainant use the internal process as the first course of action. Nevertheless, the agency retains the option of accepting the complaint even if the internal process has not been utilized.

Should the agency accept the complaint, it becomes the agent for the complainant, and the complaint is accessed under the guidelines of the governing agency. In these cases, the College's contact with the complainant is through the agency, and vice versa. Finally, agency resolutions are reported in writing, and the College and agency make the terms of the resolution a part of the complainant's file, created for the investigation of the allegation(s).

VII. Limits and Exclusions

Time limits imposed in the procedure may be altered for good cause upon the concurrence of the Director of HR and appropriate Vice President and time limits shall not affect the College's ability to take appropriate and mandated actions to remain in compliance with applicable laws or policies and procedures. This procedure supersedes every other standing College policy or agreement that pertains to process in addressing allegations of unlawful discrimination or harassment.

Appendix E

Summary of Elected Faculty Committees

Academic Policy Committee

- Membership:* six full-time members, Provost, Assistant Academic V.P., Assistant V.P. to HOPE and Graduate programs, Dean of the Associate in Arts Program, two students
- Responsibilities:* academic standards and practices, i.e., admissions, graduation, honors, probation, grading, etc.

Faculty Policy Committee

- Membership:* five full-time faculty members
- Responsibilities:* faculty policies and procedures, i.e., workload, promotion, tenure, benefits and privileges, academic grievance

Curriculum Committee

- Membership:* seven full-time faculty members
Provost, Assistant V.P. to HOPE and Graduate programs, Dean of the Associate in Arts Program, Director of the Weekend College, Director of Library, two students
- Responsibilities:* undergraduate degree programs, i.e., general studies, program evaluations, new programs

Committee on Faculty Status

- Membership:* five tenured faculty members, Provost
- Responsibilities:* faculty promotion and tenure, i.e. faculty reviews, promotion, tenure, sabbaticals, etc.

Committee of Academic Freedom

- Membership:* three full-time faculty members
- Responsibilities:* investigate complaints regarding academic freedom

Academic Integrity Board

- Membership:* two full-time faculty members, two students
- Responsibilities:* academic dishonesty policy, procedures, and complaints

Academic Grievance Board

- Membership:* three full-time faculty members, two students
- Responsibilities:* academic grievances, appeals, student bill of rights

Student Life Board

- Membership:* three full-time faculty, V.P. Student Affairs and three staff representatives, four students
- Responsibilities:* issues related to student life, i.e., residence halls, commuters, ASB, clubs

Appendix F
Status Committee Procedures & Policy Manual

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