

# **FACULTY CODE**

**(revised January 2012)**

**FACULTY CODE  
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FACULTY CODE  
HOOD COLLEGE

## 1 Introduction

This document is the Faculty Code of policies and procedures, which govern the Faculty of Hood College. The preceding faculty codes, the practices and traditions of the College, and the policies of the American Association of University Professors (1995) have been significant guides in the formation of the present version.

The Faculty Code supersedes all other College Policies to the extent to which they are inconsistent with the Faculty Code.

### 1.1 *Abbreviations and Definitions*

The following abbreviations and usages occur in the Faculty Code:

FBR	Faculty Board of Review
FPC	Faculty Personnel Committee
FSEC	Faculty Senate Executive Committee
AC	Faculty on an annual contract (formerly called FTE)
VPAA	Vice President for Academic Affairs
Board	Board of Trustees or a committee of the Board, as determined in the Board of Trustees' discretion. When the term "Board of Trustees" is used, it refers to the full Board.
Faculty Code	When "Faculty Code" is used it refers to this document.
Her or His	Throughout this document, the feminine shall be deemed to include the masculine and the masculine to include the feminine singular and throughout this document, the singular plural shall be deemed to include the plural and the plural to include the singular.

### 1.2 *Establishing the text of the Faculty Code*

Whenever the Faculty Code is amended, the FSEC, in consultation with the Provost and VPAA, will establish an updated version of the Faculty Code at the end of each academic year. The Secretary of the Faculty Senate will arrange for the photocopying of the revised Faculty Code. If the amendments are editorial, this revised version will be represented by a "Corrigenda" sheet distributed to faculty, administration, and trustees. Any significant change requires a complete re-copying of the Faculty Code for distribution.

### 1.3 *Amendments to the Faculty Code initiated by the Faculty*

Any member of the Faculty may initiate procedures to amend the Faculty Code by placing the proposed amendment in written form on the agenda of the Faculty Meeting. A

vote will not be taken on the proposed amendment until the Faculty Meeting of the following month. If a three-fifths majority of the faculty, present and entitled to vote, approves the proposed amendment, it will be forwarded to the President and the Secretary of the Faculty Senate who will arrange for a written amendment of the Faculty Code.

#### 1.4 *Amendments to the Faculty Code initiated by the President or by the Board of Trustees*

##### 1.4.1 *Amendments to the Faculty Code initiated by the President or by the Board of Trustees under normal conditions*

In approving this Faculty Code, the President and the Board of Trustees adopt the principle that, as a matter of course, amendments to the Faculty Code initiated by the Board of Trustees or the President must be submitted to the Faculty for review and approval (as described above).

##### 1.4.2 *Amendments to the Faculty Code initiated by the Board of Trustees under extraordinary conditions*

Under extraordinary circumstances, when the Board of Trustees concludes that amendment to the Faculty Code is necessary to the wellbeing of the College, the Board of Trustees may amend the Faculty Code without faculty approval. Even in such circumstances, the views of the Faculty with respect to the proposed amendment shall be sought and considered by the Board of Trustees.

## **2 Definitions of Faculty Appointment, Ranks, and Status**

### 2.1 *Faculty appointments*

#### 2.1.1 *Terms and conditions of employment for AC faculty*

Terms and conditions of employment are contained in the Faculty Code and in letters of appointment from the President or the President's appointed delegate, which are issued during the Spring Term of each year to returning faculty for the following academic year. In the case of new faculty authorized by the President, contracts will be issued as soon as is practicable after the time of hiring. A signed written contract stating the terms and conditions of the appointment, including salary, rank, tenure status, and length of appointment, must be in the possession of both the President and the appointee before the contract becomes legally binding. Contracts for returning faculty should be issued on or before March 15 and returned to the College within one month. If the signed contract is not returned by April 15, the College reserves the right to withdraw its offer.

In accepting the appointment, each full-time AC faculty member agrees to the following applicable condition:

- that she will devote full time and effort during the period of the agreement to the performance of her specified duties, and further, that she will not accept or engage in any other employment except by mutual agreement with the Provost and VPAA. In accepting the appointment, each AC faculty member (full-time and part-time) agrees to the following applicable conditions:
- that she will teach such subjects in which she is qualified as are assigned by the College, and perform other appropriate duties and services as mutually agreed upon by the faculty member and the Provost and VPAA;
- that active duties begin the week prior to the opening of the College as indicated in the College calendar and continue until the completion of routine duties following Commencement;
- that she will not accept or engage in any other employment which might interfere with the performance of her obligations to the College, or which creates an actual or apparent conflict with those obligations, except by prior written agreement with the Provost and VPAA;
- that she agrees to the provisions of this Faculty Code applicable to her position.

#### 2.1.2 *Full-time tenure-track appointment*

Tenable appointments may be for one year, or for other stated periods, subject to renewal. The total period of full-time service prior to permanent tenure will not exceed seven years at the College.

#### 2.1.3 *Full-time tenured appointment*

Tenured appointments may be terminated only under conditions noted in Sections 4.3 through 4.6 with the burden of proof resting upon the College.

Tenured faculty may temporarily or permanently reduce their full-time tenured appointment to a reduced services (fractional) tenured appointment through written agreement with the College (Section 2.3 "Voluntary reduction in services or change in AC status").

#### 2.1.4 *Part-time faculty on annual contract*

Part-time AC faculty are appointed on a *pro rata* basis. Their teaching load and all other additional duties are commensurate with that pro-rated fraction. For example, an



individual with a .25 appointment will be assigned a teaching load and other duties at the equivalent of one quarter of a full-time basis.

Such faculty members may be considered for promotion according to the schedule outlined in Section 3.2.1.4, "Initiation of review for promotion." Part-time AC faculty members must follow the performance review schedule outlined in Section 3.2.1.1, "Initiation of the review for part-time and full-time reappointment."

A part-time AC faculty member at Hood College may receive retroactive credit toward the probationary period if she is subsequently appointed to tenure-track status as explained in Section 3.1.1, "Receiving credit toward completion of the probationary period."

#### 2.1.5 *Part-time faculty on per-course contract*

All part-time per-course faculty ordinarily hold the academic rank of Lecturer. Part-time per-course faculty ordinarily carry a course load of one or two courses during a regular academic semester, have no additional duties, and are paid according to the current course-contract rates for undergraduate or graduate courses, as stated in the contract of each individual lecturer.

#### 2.1.6 *Visiting faculty (temporary full-time AC)*

Temporary full-time appointments are made for a specific purpose and, except as otherwise specifically required by the terms of a grant, are limited to a brief association with the College: for example, to replace someone on sabbatical, to offer special courses under a grant, to meet temporary needs of a department, etc. A visiting faculty member in a full-time appointment may receive retroactive credit toward the probationary period if she is subsequently appointed to tenure-track status as explained in Section 3.2, "Eligibility for tenure."

Visiting faculty may attend, participate in, and vote at faculty meetings and Faculty Senate meetings.

#### 2.2 *Selection and appointment procedures*

The President of the College makes all faculty appointments. The President defines the terms of each new position, such as salary, rank, degree requirements and length of association with the College. The department, in consultation with the Provost and VPAA and the President, determines the academic expertise within the specific discipline that will be required for the position.

All AC faculty (with the exception of those completing a terminal degree) are expected to hold an earned doctorate, an approved terminal degree, or equivalent professional experience in an appropriate area of specialization. In those instances when the

terminal degree is not an earned doctorate, the academic department (as part of its request for a new position) must provide documentation that the terminal degree is in accordance with nationally recognized standards for hiring, tenure, and promotion in the discipline. The Provost and VPAA, in consultation with the department, must approve all exceptions to the earned doctorate.

Hood College supports employment practices of equal opportunity in all personnel policies.

### *2.2.1 Preliminary selection and appointment procedures for AC faculty*

The chair of the department, in collaboration with both the departmental faculty and the Provost and VPAA, has initial responsibility for securing candidates to fill positions authorized by the President.

#### *2.2.1.1 The process for initial AC appointments*

Interviewing is essential to the selection process and is undertaken by the department initially. The Provost and VPAA interviews the final candidates as presented by the department. Initial appointments to the rank of Associate Professor or Professor must also be reviewed by the FPC. The recommendation of the FPC is then submitted to the Provost and VPAA who will forward it along with her recommendation to the President. In the President's discretion, the President or her appointed representative may interview candidates for appointment.

The chair submits the recommended candidates in order of departmental preference to the Provost and VPAA in writing, and, when appropriate, to the Dean of the Graduate School, who will discuss the candidates with the chair. Ordinarily, the chair forwards the departmental recommendation only after approval by a majority of the AC faculty members in the department.

Faculty appointments are made by the President, upon the recommendation of the department chair and the Provost and VPAA and, when appropriate, the Dean of the Graduate School. The President reports the appointments to the Board as a matter of information.

### *2.2.2 Selection and appointment procedures for part-time per-course faculty*

The chair, in consultation with the AC members of the department, screens applicants and arranges for interviews of candidates.

In consultation with the AC members of the department, the chair recommends the candidate for appointment to the Provost and VPAA and, when appropriate, to the Dean of the Graduate School. In the President's discretion, the President or her appointed representative may interview candidates for appointment.

Part-time, per-course faculty provide services in accordance with their individual contracts. Appointments are normally made for an academic term.

### 2.3 *Voluntary reduction in services or change in AC status*

A faculty member may request a change in AC status from full-time to part-time or from part-time to full-time; but this request must be by mutual agreement of the faculty member, the academic department(s) involved, the Provost and VPAA, the Dean of the Graduate School when appropriate, and the President. No one other than the faculty member may initiate a change in status. A change in AC status will not affect tenure, rank, or eligibility for benefit plan participation, except in conformity with applicable law and the provisions of the College's employee benefit plans.

After obtaining the consent of the department chair, the faculty member seeking a change in status will propose the change in salary and services to the Provost and VPAA. Following a positive outcome of this negotiation, the Provost and VPAA will present the proposal to the President for approval. The Provost and VPAA or the President may veto the change in status.

### 2.4 *Academic ranks and titles*

Lecturer:

The rank of lecturer is conferred upon course-contract faculty members whose experience and education would qualify them for one of the other academic ranks if they were to hold an AC appointment.

Instructor:

An appointee to this rank shall have the master's degree or its clear equivalent in scholarly or creative achievement or appropriate professional experience, in addition to the baccalaureate degree.

Assistant Professor:

Appointment to this rank is limited to those who possess an earned doctorate or the normal terminal degree expected in the discipline or its clear equivalent in scholarly, professional or creative achievement (see Section 2.2). An appointee in a discipline in which the normal terminal degree is not the doctorate must, whenever possible, have four years of experience either in teaching or working in the discipline.

Associate Professor:

In addition to the requirements for Assistant Professor, the appointee must give evidence of continued excellence in teaching (or the potential for excellence in teaching in the case of a distinguished professional who has not taught), of scholarly achievement, and of substantial service to the College. (See Section 3.1, "Criteria for promotion, tenure, and reappointment").

Professor:

In addition to the requirements for Associate Professor, the appointee must give evidence of outstanding achievement in teaching, scholarship, and service to the College. Professors assume major responsibility in academic matters and leadership at both the departmental and College level.

Professor Emeritus:

The President, in consultation with the department and the FPC, may award the honorary title, Professor Emeritus, to a retiring faculty member. Normally, twelve years of service at the College are required for consideration. The President will notify the retiring faculty member of this distinction.

The criteria for awarding this title should be the same as those established for tenure and promotion: excellence in teaching, scholarship, and service. The title is confirmation of the individual's extended commitment to the College. Emeritus faculty are entitled to participate in social and ceremonial functions of the College, to use the facilities of the College, and to serve on committees as advisers without vote, when requested by the College.

The College may invite an emeritus faculty to return to teaching on a full-time or part-time basis; that faculty member will then be accorded all the rights of active faculty.

#### *2.5 Clinical Instructor in the Onica Prall Child Development Laboratory School*

The Onica Prall Child Development Laboratory School provides a clinical teaching setting for teacher preparation. These part-time, non-tenure-track positions in the Education Department fulfill specific roles that differ from other AC faculty responsibilities. An appointee to this rank shall have the master's degree or its equivalent in appropriate professional experience, in addition to the baccalaureate degree. Appointees work in collaboration with Education Department faculty on professional development and program assessment.

This status allows for participation in faculty meetings (without a vote). Appointments are made for a period of one academic year.

## 2.6 *Departmental Instructors*

Departmental Instructors primarily teach foundation courses of the core curriculum.

Instruction and the assessment of instruction are the primary responsibilities of these part-time, non-tenure track positions. An appointee to this rank shall have, at a minimum, the master's degree or the equivalent in appropriate professional experience, in addition to the baccalaureate degree.

Departmental Instructors will be reviewed for reappointment by the department chair and the Provost annually, on the basis of their annual reports only. They will not be reviewed by the Faculty Personnel Committee.

## 2.7 *Non-teaching Faculty status and participation in Faculty Meetings*

The President, in conjunction with the FPC, the Provost and VPAA, and, when appropriate, the relevant academic department, may award faculty status to non-teaching members of the Hood College professional staff. Such status allows for participation (without vote) in Faculty Meetings; however, as an honorary distinction, it excludes the possibility of tenure or promotion. In all other cases, faculty status and rank is determined by the procedures established below in this Faculty Code.

## 2.8 *Membership in the Faculty Senate*

The Faculty Senate consists of all teaching faculty who are employed to teach at least half time.

# **3 *Promotion, tenure, reappointment***

## 3.1 *Criteria for promotion, tenure and reappointment*

The successful pursuit of promotion and tenure requires clear evidence of excellence in teaching, together with notable accomplishment in a wide range of activities. Faculty members should make long-range plans to ensure that they meet the appropriate criteria.

The candidate must submit a dossier to represent the best possible case for promotion, tenure, or reappointment. What follows is not a checklist of accomplishments required for promotion and tenure, but specific examples of activities that would support a case for promotion and/or tenure:

### 3.1.1 *Receiving credit toward completion of the probationary period*

The faculty member seeking tenure has the right to receive credit toward completion of the probationary period for a maximum of three years of full-time service

completed at another institution of higher learning, at the rank of Assistant Professor or higher. The faculty member must inform the department chair and the Provost of the amount of such service to be credited towards the probationary period before the end of her first year of full-time appointment to receive credit for three years, before the end of her third year of full-time appointment to receive credit for two years, and before the end of her fourth year of full-time appointment to receive credit for one year.

- If the faculty member chooses to receive credit for three years of service elsewhere, she must undergo a major review for reappointment in her second year of full-time service at Hood; and she will be reviewed for tenure and promotion in her third year.
- If the faculty member chooses to receive credit for two years of service elsewhere, she will be reviewed (as scheduled in 3.2.1.1) in her third year; and she will be reviewed for tenure and promotion in her fourth year.
- If the faculty member chooses to receive credit for one year of service elsewhere, she will be reviewed (as scheduled in 3.2.1.1) in her third year; and she will be reviewed for tenure and promotion in her fifth year.

The schedule outlined above also applies to visiting full-time faculty in the rank of Assistant Professor or above.

Full-time Instructors at Hood College who have been promoted to Assistant Professor may count up to three years of their Instructor service toward the probationary period. The faculty member must inform the department chair and the Provost as to how much time will be credited toward the probationary period, before the end of her second year of full-time appointment as Instructor to receive credit for three years, before the end of her third year of full-time appointment to receive credit for two years, and before the end of her fourth year of full-time appointment to receive credit for one year. See Section 2.1.6, "Visiting faculty (temporary full-time AC faculty)."

Part-time AC faculty at Hood College who have been appointed as a tenure-track, full-time Assistant Professor or higher may count their part-time service at the Instructor level or higher by crediting part-time service on a *pro rata* basis for up to three years toward the probationary period. The faculty member must inform the department chair and the Provost as to how much time will be credited toward the probationary period, before the end of her second year of full-time appointment to receive credit for three years, before the end of her third year of full-time appointment to receive credit for two years, and before the end of her fourth year of full-time appointment to receive credit for one year.

Ordinarily, leaves of absence will not count as part of the probationary period, unless the faculty member and the Provost agree in writing to an exception to this provision at the time the leave is granted (see 5.3.1).

Full-time employees of the College who hold joint faculty/administrative appointments are not eligible for tenure. If a full-time non-tenured faculty member accepts a joint faculty-administrative appointment, the years in such an appointment will not count in the probationary period for tenure (see 5.1.4 [to be added]).

Time spent as a part-time AC faculty member at another institution of higher learning does not count toward the tenure probationary period.

### 3.1.2 *Teaching effectiveness*

It is the responsibility of faculty members to present clear and persuasive evidence of their teaching effectiveness. Effective teaching involves:

- \* The development of courses appropriate to a faculty member's field of expertise, or to the general education program of the College;
- \* Conscientious preparation for classes, including course syllabi and assignments that contain clearly defined academic objectives, expectations, and standards;
- \* Intellectual stimulation and challenging learning experiences;
- \* Clearly defined and appropriate means of assessing student learning;
- \* Strategies for improvement of teaching.

There are several ways that faculty can demonstrate teaching effectiveness. The general forms of this evidence may include, but are not limited to:

- \* Providing student evaluations that demonstrate effective teaching;
- \* Providing peer review assessment from Hood faculty within the major field;
- \* Providing alumni evaluations that demonstrate the effects of excellent teaching;
- \* Providing course materials such as syllabi, study guides, examinations, etc.

### 3.1.3 *Scholarly achievement*

Consistent with the mission of the College, scholarly activity is broadly defined; so that it may be evaluated fairly and effectively, it should be specifically demonstrated.

Some purposes for pursuing scholarship, in the context of Hood's mission, are:

- \* Contributing to new knowledge and understanding in a discipline or field, including its pedagogy;
- \* Developing greater expertise in one's discipline or in a related field of study;
- \* Providing new insights into the connections between the disciplines and into the historical and/or philosophical underpinnings of one's area of expertise.

It is the responsibility of the faculty member to present clear evidence of scholarly performance and achievement. Each department or discipline will periodically advise both the FPC and the Provost in writing of the types of activities that constitute evidence of scholarship within their particular field. The general forms of this evidence may include, but are not limited to:

- \* Publication of scholarship in the form of books, articles, reviews, and reports;
- \* The presentation of academic papers and/or lectures;
- \* Creative achievement in the arts, e.g., public performance, gallery exhibits, published works of literature;
- \* Letters from colleagues outside the College that address scholarly achievement;
- \* Awards for scholarly achievement;
- \* Grant funding for scholarship;
- \* Acceptance to competitive, structured programs of post-graduate study beyond that required for the terminal degree in one's field;
- \* Activities related to professional practice where the faculty member's expertise or contribution can be evaluated. (These activities should represent the acquisition of significant knowledge or originality in the application of knowledge. Professional papers and/or reports, published or unpublished, which result from or describe consultancies would be one way of providing evidence of this.);
- \* Participation in professional meetings, panels, collaborative projects, study groups, or workshops;



- \* Editorial work;
- \* Curatorial and museum work;
- \* Typescripts of scholarly work-in-progress.

#### 3.1.4 *Service to the College*

It is the responsibility of faculty to present clear evidence of their service to the College through their general participation in the work of the institution, cooperation with their colleagues, and contribution to the full development of their students.

Evidence of service includes, but is not limited to:

- \* Participation in the governance of the College and in the individual departments and programs;
- \* Conscientious and effective advising of students;
- \* Participation on both standing and *ad hoc* committees of the faculty;
- \* Participation in activities (inside or outside the College) which foster intellectual community, institutional identity, or interdisciplinary collaboration;
- \* Advising and mentoring of new faculty;
- \* Fostering of formal and informal student activities;
- \* Non-scholarly service to the larger intellectual and professional community.

### 3.2 *Major Reviews of Faculty*

#### 3.2.1 *Initiation of the Major Review*

The Provost is responsible for reviewing the status of every faculty member annually.

The Provost will provide to department chairs a list of faculty members who must undergo a major review. Depending on the circumstances outlined below, a review may be initiated by the Provost, the FPC, or the candidate herself.

##### 3.2.1.1 *Initiation of the review for part-time and full-time reappointment*

The Provost initiates the review for reappointment of full-time faculty at the beginning of the third year of employment.

If the faculty member chooses to receive credit for three years of service elsewhere, she must undergo a major review for reappointment in her second year of full-time service at Hood.

The Provost initiates the review for part-time faculty at the beginning of the third, sixth, and ninth years of employment. If the ninth year review results in a recommendation for reappointment the candidate shall undergo a local review for reappointment every six years thereafter.

Major reviews of part-time AC faculty members teaching primarily in the graduate school shall be conducted according to the schedule above for other part-time AC faculty; however, it is recognized that service may be weighted toward off-campus activities which have a positive effect on the College. Since AC faculty members teaching primarily in the graduate school advise graduate students, supervise theses, and compose and evaluate comprehensive examinations, these activities should receive particular mention by the chair in review recommendations, and candidates should obtain and present evidence of their effectiveness in carrying out these responsibilities.

#### *3.2.1.2 Initiation of an unscheduled review for reappointment*

The candidate, the department chair (in consultation with the department), the FPC, or the Provost may initiate an unscheduled major review. In the case of a candidate who is the department chair, the Provost, after consultation with each AC member of the department, will initiate an unscheduled major review. If a major review is requested in a year in which such a review is not mandated, the party making the request will notify the candidate, the candidate's chair, the FPC and the Provost by June 15 of the same year.

In the extraordinary case of a candidate in the first year who is to undergo a major review, that candidate must be notified no later November 1; this review will follow all procedures for a major review.

The initiation of unscheduled major reviews must always be supported by pertinent evidence presented to the FPC.

If the outcome of this review leads to non-reappointment, terminal salary or notice according to the standards in 4.9, "Terminal Notice," will apply.

#### *3.2.1.3 Initiation of the review for tenure and promotion*

Ordinarily, the Provost initiates the review for the decision on tenure and promotion at the beginning of the sixth year of full-time employment. If the faculty member holds the rank of Assistant Professor, then the tenure review will also serve as a

promotion review. If tenure is granted, the promotion to Associate Professor will take effect at the beginning of the next academic semester. Tenure will take effect at the end of the probationary period.

The faculty member may decline to be reviewed for tenure; this decision must be in written form and submitted to the Provost and to the department chair by December 15. This statement of intent will constitute resignation effective at the end of the following academic year. See Section 4.9, "Terminal Notice."

#### 3.2.1.3.1 *The tenure probationary period*

The probationary period prior to tenure is seven years. If the decision is favorable, the faculty member is granted tenure at the completion of this probationary period. The probationary period begins with appointment to full-time service at the rank of Assistant Professor or above, but does not include any subsequent years in which the faculty member holds a part-time appointment.

No full-time faculty member may remain on the faculty of the College after the seventh year without receiving an affirmative tenure decision. Instructors who have not been promoted by the end of the third full-time year will receive a terminal contract for the next year.

#### 3.2.1.4 *Initiation of review for promotion*

The candidate initiates the review for promotion. The candidate must inform the Provost, in writing, of her decision to be reviewed for promotion by September 10.

The candidate for promotion must meet the qualifications for the academic rank to which she is aspiring (see 2.4). In addition, the candidate must meet the following guidelines concerning length of service:

- \* Promotion to Assistant Professor occurs when evidence is presented to the Provost of the completion of the terminal degree; a letter from the candidate's graduate school dean stating that the candidate has met all degree requirements will suffice;
- \* Promotion to Associate Professor for full time faculty normally requires a minimum of six years full-time teaching at the rank of Assistant Professor, at least three of which must be at Hood;
- \* Promotion to Professor for full time faculty normally requires a minimum of five years full-time teaching at the rank of Associate Professor, at least two of which must be at Hood.

- \* Promotion to any rank for part time faculty requires that the candidate has undergone two major reviews before the review for promotion.

The President, in consultation with the FPC, reserves the right to reduce or waive the above requirement in certain cases, where the best interests of the College are served.

### 3.2.2 *Procedures for Major Reviews*

#### 3.2.2.1 *Candidate's dossier*

The candidate will submit a dossier to the chair at least two weeks before the deadline for the review in question. If the faculty member is a chair, then the candidate will submit the dossier to a senior member of the department chosen by the Provost in consultation with the department. In the case of a faculty member who is the only member of a department, the candidate will submit the dossier to the Provost. Candidates should ask that letters of reference be sent to the department chair; the candidate has the right to exclude letters.

#### 3.2.2.2 *Departmental review*

Ordinarily, the chair of the department heads the departmental review. In the case of a chair under review, the Provost will designate a senior member of the department to head the review. In the case of a candidate who is the only member of a department, the Provost will designate a senior member of the faculty to head the review. The person heading the review will be referred to as "the chair" in what follows.

After reviewing and circulating the faculty member's dossier, the chair consults with each AC member of the department prior to writing her recommendation. The chair will summarize the results of these consultations in her recommendation. The chair's letter will include a vote tally and an explanation of how the vote was determined.

The chair will deliver her recommendation with the dossier to the Provost's office on or before the deadline for the review in question. At least one day in advance of submitting the dossier, the chair will give a copy of the chair's recommendation to the faculty member under review and to every voting member of the department.

If the candidate believes there is a procedural error in the preparation of the chair's letter, the candidate must inform the chair of FBR that the candidate wishes to file an appeal. This request for an appeal must be made before the dossier is submitted to the Provost's office.

#### 3.2.2.3 *FPC review*

The FPC consists of five tenured members of the faculty, none of whom currently serves on the FBR or is under consideration for promotion during her term on the committee. At least one alternate shall be selected and shall participate in deliberations if a member of the FPC is unable to participate. The committee members select a chair. All votes on matters of reappointment, promotion, and/or tenure must take place with five voting members present.

A member of the FPC must abstain from the deliberations of the committee when a member of her department or a person to whom she is related by blood, marriage, or housing arrangement is being considered for reappointment, promotion and/or tenure. Regardless of the reason, a member of the FPC should abstain from the deliberations if she cannot be objective about the candidate under consideration.

By September 15 of each year, the Provost will present a list of cases for the current academic year to the FPC. At the following faculty meeting, an alternate will be elected. The alternate will participate in FPC deliberations as needed.

If for any reason a member of the FPC is unable to participate in the deliberations on a particular case, the previously selected alternate shall participate. In the event that no alternate is available or able to participate, the chair of the FPC will request that the FSEC hold a special election at the next faculty meeting. The faculty will elect an alternate or alternates from previous membership (preferably the most recent chair) to participate in the deliberations for that one case.

The deliberations of the FPC are confidential. It is the responsibility of all members of the committee to ensure that confidentiality is maintained.

Summary minutes of the FPC recommendations, including a vote tally, will be kept by the chair of the FPC.

In considering a candidate's application for promotion or tenure, the FPC will review information as presented by the candidate and the department chair.

No unsolicited material will be included in the dossier without the knowledge and consent of the candidate. The FPC may seek additional information with the permission of the candidate. The candidate is entitled to respond to any additional information included in the dossier.

The FPC, after reviewing the dossier and the departmental recommendation, will arrive at its own recommendation by majority vote. The FPC will meet with the President to communicate their decision.

The written recommendation of FPC will be sent to the candidate, the candidate's department chair, the Provost, and the President (see 3.2.2.4). Reasons will be

given for a recommendation for denial of reappointment, promotion, and/or tenure (in writing, if specified) only upon written request from the candidate.

#### *3.2.2.4 President's review*

The President will review the candidate's dossier, will meet with the FPC, and will consult with the Provost and the Dean of the Graduate School (when appropriate) in deciding whether to recommend promotion and/or tenure to the Board.

If the President, after consulting the Provost, does not agree with the recommendation of the FPC, she will meet with the FPC to discuss their differences. The President will decide whether she will recommend promotion and/or tenure to the Board. The President will inform the faculty member, the Provost, the department chair, and the FPC of her decision.

If the President grants reappointment she will report this decision to the Board as a point of information.

If the President recommends non-reappointment, tenure, a denial of tenure, or promotion, the President will present the recommendations along with the recommendations of the department and the FPC to the Board.

If the President decides not to recommend promotion, it is the right of the faculty member to request that this decision be reviewed by the Board. If such a request is made, the timeline in section 6.1.1.1 will be followed, and the recommendations of the chair of the department, the FPC, and the President will be presented to the Board (see 3.2.2.7).

If a promotion decision is not presented to the Board, the case will be closed for the academic year in which the request was considered. A conclusion not to recommend promotion does not exclude the possibility of initiating promotion procedures in future years.

#### *3.2.2.5 The decision of the Board of Trustees*

The decision to promote, and/or grant tenure to, a faculty member is made by the Board upon the recommendation of the President. The President will provide the Board with a report that will include the President's recommendation, arrived at in consultation with the Provost, as well as the recommendations of the FPC and the department chair. In cases involving faculty with graduate teaching responsibilities, the Provost will consult with the Dean of the Graduate School. In situations where the faculty member is the department chair, the President's report will include the recommendation of a senior member of the department designated by the Provost in consultation with the department.

Two members of the FPC will be present when the recommendation is presented to the Board. A report of appropriate FPC meetings will be made available to the Board.

If promotion and/or tenure is denied by the Board, and if the candidate requests in writing reasons for the denial, the Board will give the candidate a summary of reasons for the decision in terms of the criteria set forth above in the Faculty Code.

#### *3.2.2.6 Communication of review decision*

Letters of notification from FPC and President to the candidate must be sent at the same time from the Provost's office. These letters must be sent at least 25 days prior to the next Board meeting.

Whenever the President intends to recommend against granting tenure and/or promotion to a candidate, the President must give notice to the candidate at least twelve months prior to the completion of the probationary period. Inability on the part of the College to meet the suggested time schedule shall not be construed as evidence of intent on the part of the College to grant tenure and/or promotion and shall not constitute conferral of tenure and/or promotion.

After the process of review is completed, the candidate may request an informational meeting with the Provost, the department chair, and two representatives of the FPC.

#### *3.2.2.7 Request for FBR review*

The faculty member shall have the right to request review by the Faculty Board of Review (under Section 6) of a recommendation against tenure, promotion or reappointment. It is the responsibility of the petitioner to notify the President and the Provost that a petition has been filed (see Section 6.1.1.1). The candidate must submit the petition to FBR and must notify the President within 21 days of the date of the President's letter.

Decisions of the Board of Trustees are not subject to appeal or to review by the FBR. However, a faculty member may petition the Board of Trustees for reconsideration. The Board reserves the right to decide if there are grounds for such reconsideration.

### *3.3 Local Reviews for Reappointment*

In a year in which a major reappointment review does not occur, a recommendation for reappointment of a non-tenured full-time or AC part-time faculty member will be based on a local departmental review initiated by the chair, or by the Provost in the case of reappointment of a non-tenured chair. The candidate will not be required to prepare a dossier, but should submit evidence such as Annual Reports

and teaching evaluations to the chair. The chair will base her recommendation on these documents as well as on the judgment of all AC faculty members in the department.

If the recommendation is to reappoint, the chair will communicate the recommendation to the Provost in writing, but with no need to make a lengthy or detailed case for reappointment; this letter should be submitted by June 15. If, prior to (or as a result of) a local departmental review, the chair believes a more thorough consideration of the evidence is necessary to determine the appropriateness of a recommendation to reappoint (or possibly a recommendation not to reappoint), then she will request that a major review be carried out at the earliest possible time consistent with the provisions of this Faculty Code (see 3.2.1.2).

The Provost will prepare a list of faculty members recommended for reappointment and forward it along with all pertinent information to the FPC. For those candidates not undergoing major review, the FPC will normally be expected to concur with the departmental recommendation to reappoint.

If the FPC identifies a problem with the recommendation to reappoint a candidate undergoing a local review, the FPC will request that a major review be carried out at the earliest possible time consistent with the provisions of this Faculty Code (see 3.2.1.2).

### 3.4 *Professional review of tenured faculty*

Review after tenure helps to support and enhance faculty development by focusing on the individual faculty member's goals and success in achieving them.

The Provost is responsible for initiating the review process and documenting its completion.

#### 3.4.1 *Appropriate use of tenured faculty review*

The goal of the review after the tenure decision is to support and enhance faculty development. The review after the tenure decision is not intended to be used as a substitute for the appropriate procedures where such procedures are specified in the Faculty Code nor may the results derived from the review be used as the sole basis to:

- \* revoke or modify tenure
- \* change contract status or position, including dismissal for cause
- \* decrease salary or rank

#### 3.4.2 *Nature of the review*



Tenured faculty review reflects the nature of the faculty member's discipline. The review will be based upon the criteria set forth in Section 3.1, above.

The faculty member will submit his or her Faculty Annual Report to his or her chair, who upon review will forward it to the Provost. It is the responsibility of the Provost, after reviewing the annual report, to note any concerns with the faculty member's performance and to collaborate with the faculty member to develop strategies to address those issues. If the Provost, the department chair, or the faculty member under review requests a meeting, the faculty member, his or her department chair, and the Provost will meet to discuss these strategies. The faculty member may invite an additional AC tenured member of his or her department and/or the chair of FPC or his or her designee to participate. If a department chair requests such a meeting for himself or herself, a senior (preferably tenured) AC member of his or her department will act as departmental representative.

[For reference, here is the language of Section 3.1: "The successful pursuit of promotion and tenure requires clear evidence of excellence in teaching, together with notable accomplishment in a wide range of activities. Faculty members should make long-range plans to ensure that they meet the appropriate criteria."]

#### **4 Separation**

When non-reappointment follows a process of college-wide review, see Section 3, "Promotion, Tenure, Reappointment."

##### *4.1 Resignation*

Faculty members may resign their appointment, usually effective at the end of the academic year. Faculty members should give notice in writing of their intention to resign, as soon as possible, but not later than thirty (30) days after receiving the contract for the coming year or by April 15, whichever occurs later. If the annual contract is not signed and returned to the Provost and VPAA within the period specified above, resignation is assumed and the College reserves the right to withdraw its offer of appointment.

##### *4.2 Termination of an Appointment Because of Financial Exigency*

The Board of Trustees makes the decision to terminate an appointment with tenure, or of a probationary or special appointment before the end of its specified term, because of financial exigency. Financial exigency is defined as existing financial circumstances creating a pressing need to restructure the nature and magnitude of the College's financial obligations in order to protect the College's ability to carry out its educational mission. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in circumstances where a serious distortion of the academic program

would otherwise result or in circumstances affected by the college's policy on equal employment.

#### 4.2.1 *Procedures for Termination of an Appointment Due to Financial Exigency*

Upon the advice of the President that a condition of financial exigency may exist, a faculty committee (Restructuring Committee) elected by the Faculty Senate will make recommendations to the President. The issues addressed by the Restructuring Committee may include:

- \* the existence of a condition of financial exigency;
- \* whether all feasible alternatives to termination have been considered;
- \* whether such alternatives have been implemented to the extent reasonable and practical;
- \* the educational considerations involved in the selection of programs or departments of instruction to be terminated or reduced;
- \* the criteria used in identifying the individuals whose appointments are to be terminated.

The Restructuring Committee will consult with appropriate committees, programs, and departments in arriving at its recommendations to the President.

Both the President's and the Restructuring Committee's recommendation will be presented to the Board.

#### 4.2.2 *The right to request review of termination on the grounds of financial exigency*

If the President issues notice to a faculty member of an intention to terminate her appointment because of financial exigency, the faculty member will have the right to request review before the FBR. See Section 6.2, "Cases involving financial exigency." The issues may include:

- \* whether the decision that the College is faced with a condition of financial exigency was made in good faith. The burden will rest on the College to prove the existence and extent of the condition;
- \* whether the educational judgments and the criteria for identification for termination are valid. The recommendations of the Restructuring Committee as approved by the President on these matters will be considered presumptively valid;

- \* whether the criteria are being applied in good faith in the individual case.

In circumstances in which more than one faculty member has been given notice of termination and in which the FBR has determined that a hearing is justified, the FBR will hear the pertinent matters being considered by it in such manner as to avoid the need for multiple hearings on the same issues.

#### 4.2.3 *Notification of termination on the grounds of financial exigency*

The President must notify the candidate of an intent to recommend termination of an appointment at least 21 days prior to the meeting of the Board. The faculty member has the right to request review of the President's decision to recommend non-reappointment. See Section 6.2, "Cases involving financial exigency."

#### 4.2.4 *The decision of the Board of Trustees*

Decisions of the Board of Trustees are not subject to appeal or to review by the FBR. However, a faculty member may petition the Board for reconsideration. The Board reserves the right to decide if there are grounds for such reconsideration.

#### 4.2.5 *Hiring policy following the termination of appointments because of financial exigency*

If the College, because of financial exigency, terminates appointments, it will not at the same time make new appointments except in circumstances where a serious distortion in the academic program would otherwise result, or where the administration of the College, in consultation with the faculty, has determined that it is necessary to implement a new academic program as an important step in improving the College's financial stability. Before implementing a new academic program the President and the Provost and VPAA will consult with the FSEC, the FPC, and the Faculty Curriculum Committee.

In all cases of termination of appointment because of financial exigency, the College will not hire a new faculty member to teach the same or similar course materials as those taught by the faculty member being terminated. The position of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and reasonable time in which to accept or decline.

#### 4.2.6 *Internal placement for terminated faculty*

Before the College terminates an appointment because of financial exigency, it will make a good faith effort to place the faculty member concerned in another suitable position, which will not carry with it the faculty member's same rank and tenure status if such perquisites are inappropriate to the substitute position, and will not

necessarily carry with it the faculty member's same salary. If the new position is a faculty position, such placement must be with the concurrence of the departments involved and the individual shall retain the same salary, rank, and tenure status.

#### 4.2.7 *Severance assistance*

In all cases of termination of appointment because of financial exigency, the College will give the faculty member concerned notice or severance salary not less than that prescribed in Section 4.9, "Terminal notice."

#### 4.3 *Termination of an appointment because of the discontinuance of a program or department not mandated by financial exigency*

The Board of Trustees makes the decision to terminate an appointment with tenure, or of a probationary or special appointment before the end of its specified term, as a result of the discontinuance of a program or department of instruction. The Board of Trustees' decision to discontinue a program or department of instruction will be based essentially on educational considerations, as determined by the administration with the advice of a Restructuring Committee and the faculty as a whole.

##### 4.3.1 *Initiation of procedures for termination of an appointment due to the discontinuance of a program or department*

Upon the advice of the President that conditions exist that may necessitate the discontinuance of programs or departments, a faculty committee (Restructuring Committee) elected by the Faculty Senate will make recommendations to the President. The issues addressed by the Restructuring Committee may include:

- \* the nature of the educational considerations involved;
- \* whether the educational considerations are consistent with the discontinuance of a program or department of instruction;
- \* whether all feasible alternatives to termination have been considered;
- \* whether such alternatives have been implemented to the extent reasonable and practical;
- \* the impact of discontinuance on the core curriculum and other programs and/or departments of instruction;
- \* the criteria used in identifying the individuals whose appointments are to be terminated as a result of the discontinuance of programs or departments.

The Restructuring Committee will consult with appropriate committees, programs, and departments in arriving at its recommendations to the President.

#### 4.3.2 *The President's recommendation to terminate an appointment*

The President will consult with the Provost and VPAA in deciding whether to recommend to the Board that the discontinuance of a program or department requires that tenured and non-term appointments must be terminated. Both the President's and the Restructuring Committee's recommendation will be presented to the Board.

#### 4.3.3 *Notification of the President's intention to recommend termination of an appointment*

Notice of the President's intention to recommend termination of an appointment will be given in writing according to the standards identified in Section 4.9, "Terminal notice." Such notification must be provided according to a schedule that affords the faculty member the opportunity to request review of the President's intention to terminate an appointment.

#### 4.3.4 *The faculty member's right to request review of the President's recommendation*

If the President issues notice to a particular faculty member of an intention to recommend that the Board of Trustees terminate her appointment or that the faculty member must be relocated in the College because of the discontinuance of programs or departments of instruction, the faculty member will have the right to request review by the FBR. See Section 6.3, "Cases involving the discontinuance of a department or a program not mandated by financial exigency." The issues may include:

- \* whether the decision that the College is faced with bona fide educational considerations that necessitate the termination of appointments was made in good faith;
- \* whether the educational judgments and the criteria for identification for termination are valid;
- \* whether termination of an appointment was primarily for the purpose of circumventing tenure;
- \* whether the criteria are being applied in good faith in the individual case.

In circumstances in which more than one faculty member has been given notice of termination and in which the FBR has determined that a hearing is justified, the

FBR will hear the pertinent matters being considered by it in such manner as to avoid the need for multiple hearings on the same issues.

#### 4.3.5 *The decision of the Board of Trustees*

Decisions of the Board of Trustees are not subject to appeal or to review by the FBR. However, a faculty member may petition the Board for reconsideration. The Board reserves the right to decide if there are grounds for such reconsideration.

#### 4.3.6 *Hiring policy following the termination of an appointment because of the discontinuance of a department or program*

In all cases of termination of appointment because of the discontinuance of a department or program, a new faculty member will not be hired for the same position within a period of three years, unless the released faculty member has been offered reinstatement and reasonable time in which to accept or decline. If substantive changes have been made to a position following termination of a faculty member due to discontinuance or reduction of a department or program, the College may offer the position to any individual deemed qualified (whether a former faculty member or not). Particular consideration should be given to faculty terminated as a result of the discontinuance where, in the discretion of the College, the individual is qualified to fill the position.

#### 4.3.7 *Internal placement of a faculty member whose appointment is about to be terminated because of the discontinuance or reduction of departments or programs*

Before the College terminates an appointment because of the discontinuance of a program or department of instruction, it will make every reasonable effort to place the faculty member concerned in another suitable position, which will not carry with it the faculty member's same rank and tenure status if such prerequisites are inappropriate for the substitute position, and will not necessarily carry with it the faculty member's same salary. If the new position is a faculty position, such placement must be with the concurrence of the departments involved and the individual shall retain the same salary, rank, and tenure status.

In the case of tenured faculty, if placement in another position in the College would be facilitated by a reasonable period of retraining, then reasonable financial and other support for such training will be proffered. If no suitable position is available within the College, with or without reasonable retraining, the faculty member's appointment may be terminated.

#### 4.3.8 *Severance assistance*

In all cases of termination of appointment because of the discontinuance of departments or programs, the College will give the faculty member concerned notice or severance salary not less than that prescribed in Section 4.9, "Terminal notice."

#### 4.4 *Termination for medical reasons*

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. Where appropriate, the College will consider reasonable accommodations that might enable the faculty member to perform her/his duties, in accordance with applicable law. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position to the President or her designee and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the FBR before the President makes a recommendation to the Board of Trustees. The faculty member will be given severance salary after medical leave is exhausted for the remaining period prescribed in Section 4.9, "Terminal notice."

#### 4.5 *Dismissal for cause*

The Board of Trustees makes the decision to terminate the appointment of a tenured faculty member or of a faculty member with a probationary or special appointment before the end of the specified term upon the recommendation of the President and only for adequate cause except for cases of Policy 55 violations involving accusations against faculty members. In cases of Policy 55 violations, the Provost makes the recommendation to the Board of Trustees. The President will consult with the Provost and VPAA, the department chair, the FPC, and other appropriate standing committees before recommending dismissal for cause.

##### 4.5.1 *Definition of cause for dismissal*

Adequate cause for dismissal will be related directly and substantially to the fitness and the competence of faculty members in the performance of their duties as embodied in the criteria set forth in Section 3.1.1, above. In addition, violation of a College policy or law with respect to sexual harassment, assault, or discrimination may constitute adequate cause.

Procedures for dismissal will not be used to restrain faculty members in their exercise of academic freedom or of other rights accorded to citizens of the United States.

##### 4.5.2 *Preliminaries to dismissal for cause*

Dismissal of a faculty member with tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by: (1) discussions between the faculty member and appropriate administrative officers looking toward a mutual resolution; (2) informal inquiry by the FPC which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President or the President's delegate; and, (4) a hearing by the FBR, except in cases where the faculty member waives the right.

The President, the President's delegate, or, in cases involving Policy 55 violations, the Provost will notify the faculty member and the FBR of the intent to recommend dismissal for cause to the Board.

#### *4.5.2.1 Suspension of duties pending the decision regarding dismissal*

Pending a decision regarding dismissal, the faculty member may be suspended, or assigned to other duties in lieu of suspension, if immediate harm to the faculty member, the College, or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status under the College's procedures, the administration will consult with FPC concerning the propriety, the length, and the other conditions of the suspension. Salary will continue during the period of the suspension.

#### *4.5.3 Hearing by the Faculty Board of Review*

The FBR will give notice of its hearing to the faculty member, with specific charges in writing, at least 21 days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the FBR will evaluate all available evidence and rest its recommendation upon the evidence in the record.

The following procedures and conditions apply in a hearing:

- \* A tape or other electronic record of the hearing or hearings will be taken and a copy will be made available to the faculty member, at the faculty member's request;
- \* The burden of proof that adequate cause exists rests with the institution based upon evidence in the record considered as a whole;



- \* The FBR may grant adjournments as warranted by the circumstances to the extent that the adjournment does not cause an undue delay in the completion of the process;
- \* The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the FBR in contacting witnesses and making available documentary and other evidence;
- \* The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the FBR determines that the interests of justice require admission of their statements, the FBR will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories;
- \* In the hearing of charges of incompetence, the testimony may include that of qualified faculty members from the College or from other institutions of higher education;
- \* Public statements and publicity about the case by either the faculty member or administrative officers should be avoided until the proceedings have been completed, including consideration by the Board of Trustees. The FBR will notify the President and the faculty member of the decision in writing and will provide them with a copy of the record of the hearing;
- \* During the proceedings the faculty member will be permitted to have an academic adviser and another adviser of the faculty member's choice. This provision shall not be construed to grant a right to be represented by an attorney, and attorneys will not be admitted to proceedings before the FBR.

#### 4.5.4 *Recommendation of the Faculty Board of Review*

The FBR will conclude that adequate cause of dismissal has, or has not, been established by the evidence in the record, and will so report to the President or, in cases involving Policy 55 violations, the Provost. If the FBR concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

#### 4.5.5 *The President's recommendation*

If the President or, in cases involving Policy 55 violations, the Provost rejects the recommendation of the FBR, she will state the reasons for the rejection in writing to the FBR and to the faculty member, and provide the opportunity for response before transmitting the case and her recommendation to the Board.

#### 4.5.6 *The decision of the Board of Trustees*

When President or, in cases involving Policy 55 violations, the Provost presents the recommendation to terminate an appointment to the Board, the faculty member may request that the record of the case be presented as well; the Board may decide to review the record of the case or may decide the matter based upon the submissions and recommendations before it.

Decisions of the Board of Trustees are not subject to appeal or to review by the FBR. However, a faculty member may petition the Board of Trustees for reconsideration. The Board reserves the right to decide if there are grounds for such reconsideration.

##### 4.5.6.1 *Cases Involving Policy 55 Violations*

In the special case of faculty members who have been accused of Policy 55 violations, if either party disagrees with the findings of the FBR and/or the Provost's determination of appropriate resolution and/or discipline and sanction, he or she may appeal the decision to the President, providing the appeal meets at least one of the standards outlined below:

#### A. Standard for appeal

Either party, normally within ten (10) business days of notification of the finding, resolution, and/or discipline and sanctions, may present a written request for a review of the finding, resolution, and/or discipline and sanctions, based upon one or more of the standards outlined below. The appellant party should include in the appeal any information that substantiates his or her belief that the appeal is justified according to the standards.

##### a. One or more procedural errors occurred. Examples:

- A FBR should have recused herself but did not.
- Witnesses were inappropriately disallowed.
- The finding is clearly at odds with the evidence presented.

##### b. New information that was not previously available or known has come to light, which might include additional witnesses or additional evidence.

##### c. The appellant has reason to believe that the sanction or discipline is inappropriate.

#### B. Hearing of appeal by the President of the College:

1. If, upon reviewing the written appeal, the President determines that the information provided therein indicates that the appeal is warranted according to one or more of the standards, and, thus, that there is a compelling reason to reverse or modify a grievance board finding, or the Provost's resolution, and/or disciplinary action and sanctions, he will consult with the provost or other College officials and/or other parties as appropriate to resolve the appeal issue. The complainant and the

respondent, as well as the chair of the reporting grievance board, will be notified of any changes to the finding, resolution, disciplinary actions or sanctions, resulting from the appeal.

2. If, upon reviewing the written appeal, the President determines that the information provided therein indicates that the appeal is not warranted according to one or more of the standards, he will notify both parties, as well as the chair of the reporting grievance board, that the original finding, resolution, and/or disciplinary action and sanctions will stand.
3. Notwithstanding the absence of an appeal, the President may, at her/his discretion and at her/his own initiative, review the procedures and evidence in accordance with the standards for appeal set out above, and modify or reverse the findings, resolution and/or discipline and sanctions.
4. When a written appeal is received by the President, he/she will notify both parties of the outcome in writing within 10 business days of receipt of the appeal.

#### 4.6 *Sanctions*

##### 4.6.1 *Sanctions for cause*

The imposition of a sanction will be related directly and substantially to the fitness and competence of faculty members in the performance of their duties as embodied in the criteria set forth in section 3 above. Among other things, violation of a College policy or law with respect to sexual harassment, assault, or discrimination shall constitute adequate cause for sanctions. Sanctions will not be used to restrain faculty members in their exercise of academic freedom or of other rights accorded to citizens of the United States.

If the President, in consultation with the Provost and VPAA, the department chair, and relevant faculty committees, believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a sanction, the President may institute a proceeding to impose such a sanction. The FPC will determine sanctions, in consultation with the President, and the Provost and VPAA. In cases involving Policy 55 violations where a faculty member is the accused, the Provost may institute a proceeding to impose sanctions. The accused faculty member in Policy 55 cases has the right to appeal (see Section 4.5.6.1) the Provost's decision to institute a proceeding to impose sanctions.

Imposition of sanctions on a faculty member with tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by (1) discussions between the faculty member and appropriate administrative officers looking toward a mutual resolution; (2) informal inquiry by the FPC which may, failing to effect an adjustment, determine whether in its opinion sanctions should be imposed, without its opinion being binding upon the

President; (3) a statement of charges, framed with reasonable particularity by the President or the President's delegate.

Sanctions must be preceded by a statement of reasons, and the individual concerned will have the right to be heard through the grievance procedure outlined in the Faculty Code at Sections 6.1 through 6.1.6.

Sanctions may include, but are not limited to, letters of warning or concern, censure, counseling, denial or limitation of sabbatical, denial, deferral or modification of merit pay increase, and suspension.

#### 4.7 *Procedures involving alleged harassment and discrimination*

Any member of the College community who believes that she has been the victim of harassment or discrimination should refer to Policy 55: Prevention and Resolution of Discrimination and Harassment at Hood College.

#### 4.8 *Terminal Notice*

If the College terminates an appointment, the faculty member will receive notice of termination, in accordance with the following standards:

- \* at least three months if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service;
- \* at least six months if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service;
- \* at least one year if the decision is reached after eighteen months of probationary service or if the faculty member has tenure.

The College may elect, in its discretion, to provide corresponding amounts of salary in lieu of the notice periods provided above.

The provisions of this paragraph do not apply to faculty members dismissed for cause, Section 4.6. On the recommendation of the FBR or the President, the Board may, however, provide payments beyond the effective date of dismissal and may take into account the length and quality of service of the faculty member.

## **5 Leaves of Absence**

### 5.1 *Definitions of Leave*

#### 5.1.1 *Sabbatical Leave*

The purpose of a sabbatical leave is to provide an opportunity for professional development that will contribute to the effectiveness of the faculty member as a teacher and scholar.

A full-time or AC faculty member is eligible to apply for sabbatical leave after the seventh year of service to the College (or after receiving tenure). Faculty will be eligible for additional sabbatical leave every seventh year following the initial leave.

A faculty member applies for sabbatical leave in consultation with the department chair and the Provost and VPAA. The application should provide a detailed plan for the faculty member's projected research, study, writing, or other creative work, including current status, expected progress during the leave, and anticipated completion date. It will be judged on the degree to which it will contribute to the professional growth of the faculty member, or to the intellectual life of the College.

The faculty member should forward the application to the Faculty Development Committee (FDC) with the department chair's signature/approval. The FDC will forward the application to the Provost and VPAA together with its own recommendation. The Provost and VPAA will then forward this recommendation to the President of the College along with his/her own recommendation. The President reserves the right to grant the leave (or not) depending on the academic merit of the application and/or the financial resources of the College.

Sabbatical leave may be for a semester at full salary or two semesters at one-half salary. A faculty member who elects a two-semester sabbatical also may supplement the basic stipend as follows:

The College will offer a grant equal to one-quarter salary for the period of the leave; this supplement is contingent on the return of the faculty member for at least three years of service following the leave. If the faculty member does not return to the College, the grant must be repaid in three years. If the faculty member elects not to return to the College for the full three years, repayment will be made in proportion to the years of service not rendered. If the College does not reappoint the faculty member, no repayment is required.

#### 5.1.2 *Leave with College Grant*

Full-time AC members of the faculty may be eligible for a leave of absence and a grant equivalent to one semester at full salary or two semesters at one-half salary under the Hodson Faculty Fellowship. This grant is made on the contingency that the faculty member return to the College for three years following the grant period.

A faculty member applies for the grant in consultation with the department chair and the Provost and VPAA. The application should represent a detailed plan for scholarly activity. Generally, it will be judged on the degree to which it will contribute to the professional growth of the faculty member and to the intellectual life of the College, in accordance with the terms and criteria of the Fellowship. The faculty member should forward the application to the Faculty Development Committee (FDC) with the department chair's signature/approval. The FDC will forward the application to the Provost and VPAA together with its own recommendation. The Provost and VPAA will then forward this recommendation to the President of the College along with his/her own recommendation. The President reserves the right to grant the leave (or not) depending on the academic merit of the application and/or the financial resources of the College.

An AC member of the faculty is first eligible after five years of service at the College. A faculty member who receives a college grant will not be eligible for another grant for five years.

### 5.1.3 *Leave without College Assistance*

The College may offer a leave of absence to any AC member of the faculty for any purpose approved by the President (in consultation with the department chair and the Provost and VPAA). Such leaves may involve a visiting professorship, familial obligations, or civic responsibilities.

## 5.2 *Provisions for leaves of absence*

### 5.2.1 *Granting the leave*

The granting of leaves is the responsibility of the President of the College; the President will consult the FPC, the Provost and VPAA, and relevant individuals or committees as outlined below.

### 5.2.2 *Extension of a leave*

A faculty member may petition the President for an extension of a leave; the President will consult the FPC, the Provost and VPAA and the department chair.

### 5.2.3 *Benefits during leave*

Fringe benefits may continue during a leave of absence if approved by the Provost and VPAA. It is then the responsibility of the faculty member to make arrangements to continue benefits with the Comptroller's Office. The faculty member may be required to bear the full expense of such continuation, except as provided by law.

## 5.3 *Time on leave as it relates to tenure and rank*

### 5.3.1 *Time on leave as it relates to the probationary period for tenure*

Ordinarily, time spent on leave will not count in the seven-year probationary period for tenure. In the case of an academic fellowship or grant, the faculty member requesting leave may petition the Provost and VPAA to allow the leave to count as part of the probationary period for tenure. The Provost and VPAA will consult the FPC and the department chair before returning a decision. The College's decision to grant leave, or to count leave time toward tenure probation, should not be construed as an intent to grant tenure.

### 5.3.2 *Time on leave as it relates to the tenure contract*

In the case of a non-tenured faculty member who requests leave without pay for a one-year contract period and subsequently requests and is granted an extension of leave, or in the case of a tenured faculty member who is unable to resume normal duties after an absence of three years, the College reserves the right to decide for reasons of departmental and College well-being to recruit a potentially permanent replacement.

In such circumstances, the faculty member should be aware that his/her inability to resume faculty tasks after the initial period of leave may be regarded by the College as breaking any contract that may have been issued in expectation of the faculty member's return to active service and would relieve the College of any obligation to notify faculty by a specified date of intent not to renew a contract or of termination of a tenured contract.

### 5.3.3 *Time on leave as it relates to rank*

Time spent on sabbatical leave or on leave granted for professional development will count as time in rank. This designation of time in rank will apply in determining future salary and eligibility for promotion. Time spent on leave for reasons other than professional development (e.g., familial or political obligations) will not be designated as time in rank.

## 5.4 *Parental leave*

Parental leave is available under the College's policies and as provided by law.

## **6 Grievance Procedures**

### 6.1 *Grievances related to matters such as promotion, non-reappointment, tenure, and salary*

If a full-time or part-time faculty member believes that she has cause for grievance in matters such as salary, promotion, non-reappointment, tenure, assignment of teaching duties, assignment of space, or other matters as provided in this Faculty Code, she may petition the Faculty Board of Review for review.

#### 6.1.1 *The petition*

The submission of the petition must be timely. The petition will set forth in detail the nature of the grievance and will state against whom the grievance is directed. The petition will contain all information, which the petitioner deems pertinent to the case. If the faculty member desires a hearing, the petition will so state.

##### 6.1.1.1 *Notification of the President in matters requiring action by the Board of Trustees*

In cases in which a faculty member appeals a recommendation by the President that requires action by the Board of Trustees, the faculty member must initiate the grievance, in writing, within 21 calendar days of receiving notification from the President. Although a letter of intent to file a grievance initiates the grievance process, a complete petition must follow the original letter within an additional 14 calendar days. It is the responsibility of the petitioner to notify the President and the Provost and VPAA that a petition has been filed. The President's recommendation will not be forwarded to the Board of Trustees until the FBR has considered the petition, prepared its report, and made its recommendation.

#### 6.1.2 *The Faculty Board of Review's deliberation on the merit of the petition*

The FBR will have the right to decide whether or not the facts merit a detailed investigation. Submission of a petition will not automatically lead to an investigation or a hearing. The FBR will notify the petitioner, other parties to the case, and the President where applicable (Section 6.1.1.1 "Notification of the President in matters requiring action by the Board of Trustees"), within 28 calendar days of the submission of the petition whether an investigation will be conducted.

#### 6.1.3 *The nature of the Faculty Board of Review's judgment*

The FBR will determine whether the decision being appealed was the result of adequate consideration. The term "adequate consideration" refers to material issues of procedure rather than to substantive matters. The FBR will address questions of the following nature:

- \* was all evidence presented bearing on the relevant performance of the candidate considered?



- \* was there adequate deliberation at all appropriate levels over the import of the evidence in light of relevant standards?
- \* were irrelevant and improper standards excluded from consideration?
- \* was the decision reached conscientiously?
- \* was the decision a *bona fide* exercise of professional academic judgment?
- \* were administrative policies fairly and consistently applied?
- \* were there material errors in the carrying out of administrative policies?

### 6.2 *Cases involving matters of academic freedom or of discrimination*

If a faculty member believes that a decision was based significantly on considerations violative of academic freedom or of College policies on making appointments without prejudice with respect to race, sex, religion, national origin, age, disability, marital status, or sexual orientation, his or her allegations will be given preliminary consideration by the FBR, which will seek to settle the matter by informal methods. The allegation will be accompanied by a statement that the faculty member agrees to the presentation of such reasons and evidence as the College may allege in support of its decision. If the difficulty is unresolved and if the FBR so recommends, the matter will be heard in the manner set forth in Section 4.6.3 "Hearing by the Faculty Board of Review."

### 6.3 *Cases involving financial exigency*

If the President issues notice to a faculty member of an intention to terminate her appointment because of financial exigency, the faculty member will have the right to request a hearing before the FBR in accordance with Section 6.1 through 6.1.6. The faculty member must initiate the request within the time-frame set forth in Section 6.1.1.1, "Notification of the President in matters requiring action by the Board of Trustees."

### 6.4 *Cases involving the discontinuance of a department or a program not mandated by financial exigency*

If the President issues notice to a faculty member of an intention to terminate her appointment or to relocate the faculty member in the College because of the discontinuance of a program or a department of instruction, the faculty member will have the right to request a review before the FBR in accordance with Section 6.1 through 6.1.6. The faculty member must initiate the review request within the time-frame set forth in Section 6.1.1.1, "Notification of the President in matters requiring action by the Board of Trustees."

### 6.5 *Cases involving dismissal for cause or sanctions for cause*

See Section 4.6.3, "Dismissal for Cause: Hearing by the Faculty Board of Review" and Section 4.7.1, "Sanctions for Cause."

### 6.6 *Actions as a result of an investigation by the Faculty Board of Review*

As a result of the investigation, the FBR may decide that a hearing is not warranted and that the FBR has completed its charge. In other cases, the FBR may attempt to mediate a resolution between the parties to the grievance. If a resolution satisfactory to all parties is not possible, the FBR will decide whether or not a hearing is necessary.

### 6.7 *Report by the Faculty Board of Review*

The Faculty Board of Review will report its findings and recommendations to the petitioner, to the parties to the complaint, and to the appropriate committee and/or administrative officer.

### 6.8 *Response to the Faculty Board of Review*

The Faculty Board of Review will be informed by those taking the action of any action taken based on its report.

## **7 Faculty Rights and Responsibilities**

The requirements of academic responsibility and the protection of academic freedom apply not only to full-time probationary as well as to tenured faculty, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.

### 7.1 *Academic freedom*

Hood College endorses full academic freedom. Academic freedom and freedom of expression are essential to an academic community. Therefore, Hood College endorses the following principle: the faculty may write about and discuss freely any subject of intellectual inquiry and shall not be subject to censorship, discipline, or intimidation. Further, faculty members are entitled to full freedom in research and in the publication of results.

#### 7.1.1 *Academic freedom and the classroom*

Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter,

which has no relation to their subject. The intent of this statement is not to discourage what is controversial. Controversy is at the heart of the free academic inquiry, which the institution is designed to foster.

### 7.1.2 *Academic freedom and civic responsibility*

The teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When she speaks or writes as a citizen, she should be free from institutional censorship or discipline, but her special position in the community imposes special obligations. As a person of learning and an educational officer, she should remember that the public may judge her profession and institution by her utterances. Hence, she 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 she is not speaking for the institution. The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness or lack of competence for her position. Extramural utterances rarely bear upon the faculty member's fitness or competence for her position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar.

### 7.2 *Intellectual property*

Intellectual property is defined as any new and useful process, machine, composition of matter, life form, article of manufacture, software, copyrighted work or tangible property.

In general, the College has the right to obtain title to intellectual property developed as a result of support either directly from, or channeled through, the College. See Section 7.3.1 for conditions.

#### *Copyright and revenue from intellectual property*

Copyright to, and royalty from, literary or scholarly works in tangible or electronic form (e.g. textbooks and other curricular materials, reference works, journal articles, novels, music, photographs, etc.) produced by faculty as part of their usual teaching, service, and research activities, and which do not result directly as a specified deliverable from projects funded in whole or in part by the College shall belong to the faculty member who prepared such works and may be assigned or retained by them.

When the College funds faculty projects, in whole or in part (with the exception of sabbatical leaves and leaves with College grant; Secs. 5.1.1 and 5.1.2), the Provost and VPAA may indicate in writing that the College intends to claim title to the intellectual property, which directly results from that project as a specified

deliverable. This written statement must accompany or precede the awarding of funds. If the Provost and VPAA does not provide a written statement indicating the College's claim to title, all copyright to, and royalty from, that funded project shall belong to the faculty member who prepared such work.