



Faculty Handbook

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FOREWORD

This *Handbook* is a guide to the organization of the faculty and administration of Clark University, and to rules and practices of direct concern to the members of the faculty at time of publication. Additional copies may be obtained from the Provost's Office.

The *Handbook*, which has been produced intermittently under faculty auspices since 1949, is not a complete guide to University governance. It represents simply a summary and synthesis of material drawn from Trustee and faculty legislation, Faculty Committee and AAUP practice, the results of negotiated agreements, and historic tradition. It is basically a statement of how the faculty has agreed to conduct its affairs, along with some additional statements of interest to faculty members of the sort normally found in similar publications.

Additional information about the University and rules and regulations as they affect students can be found in the *Clark University Academic Catalogue* and other publications.

I. GENERAL ORGANIZATION AND ADMINISTRATION

A. **The Board of Trustees**

Final authority in the University is lodged in the Board of Trustees (The Corporation) by charter granted by the General Court of the Commonwealth of Massachusetts. (See the *Clark University Academic Catalogue* for officers and members of the Board and its various committees. Faculty members serve on several committees of the Board of Trustees.)

B. **The President of the University**

The President is the Chief Executive Officer of the University and serves as an *ex officio* member of the Board of Trustees and as Chair of meetings of the Faculty Assembly. The following senior staff officers are directly responsible to the President:

The Provost (Vice-President for Academic Affairs)

The Vice-President for Administration and Finance

The Vice-President for Budgets and Planning

The Senior Vice-President

The Vice-President for Advancement

The Vice-President for Public Affairs

The Vice-President for Information Services

Changes in senior academic appointments are made by the President with the advice of the faculty, exercised through appropriate committees.

C. The Provost (Vice-President for Academic Affairs)

The Provost serves as the chief academic officer of the University. The following staff officers are directly responsible to the Provost:

The Dean of Graduate Studies and Research

The Dean of the College

The Dean of Students

The Dean of COPACE

The Dean of Admissions

The Dean of the School of Management

The Chairs of Departments and Programs of Instruction

The University Librarian

D. The Faculty

Faculty categories include: (1) regular appointments which may lead to tenure, (2) limited though renewable appointments which do not themselves lead to tenure, and (3) non-tenure special appointments including research appointments, part-time appointments, affiliate appointments, and administrative appointments with part-time teaching responsibilities.

1. Regular Faculty Appointments

These positions are renewable appointments which may lead to tenure following the probationary period. Candidates shall be informed in writing at the time of initial appointment of conditions that will govern the making of tenure decisions.

2. Non-Tenure Track Faculty Appointments

These positions will be limited term, renewable appointments which will not lead to tenure at Clark University. Clear notification of the non-tenure track status of a position will be given at the time of initial appointment and at all subsequent reappointments. If a tenure track position should open during or at the end of such an appointment, persons in these positions may apply for it on the same basis as external applicants.

(a) Limited Term Appointments. These positions are full-time instructional appointments with limited renewability and do not lead to tenure. They are made for a total period of time not exceeding the probationary period for tenure.

(b) Lectureships. Occasionally, it may be appropriate for the university to create full-time, non-tenure track positions that allow persons holding them to be renewed beyond the probationary period for tenure. Such renewable, non-tenure track Lectureships will be made only under the following conditions:

(1) Lecturers will be appointed to teach and contribute department and university service; scholarship will not be included in their normal duties.

(2) Lecturers will be voting members of the faculty assembly and may serve on elected committees.

(3) Lecturers will not be eligible for regular faculty sabbaticals but may be considered for other faculty development opportunities appropriate to their faculty duties.

(4) Lecturers holding a continuing faculty appointment at Clark University for a minimum of six years will be eligible to be considered for promotion to Senior Lecturer based on the performance of their duties in teaching and service.

(5) Senior Lecturers will be reviewed at least once every six years under the same procedure used for periodic review of tenured faculty.

(6) Faculty appointed to lectureships may hold the following titles: Lecturer, Senior Lecturer, Associate Professor of the Practice, Professor of the Practice.

(7) Creation of a lectureship shall be subject to approval by the COP, with PBR

advice. Appointments to lectureships require approval by the COP.

(8) Faculty appointed to lectureships shall have the protections of academic freedom specified in IIA.b. of the Faculty Handbook.

(9) The presumption of the university is that full-time faculty appointments should be tenure track. Exceptions to this should have clear justification and be subject to PBR's advice to the administration on the allocation of faculty positions.

(10) No more than 10 percent of tenure track faculty shall be appointed to lectureships.

(c) Visiting Appointments. These appointments will normally be made to positions where regular faculty are on leave of absence, sabbatical leave, or research or administrative assignment. In normal situations, visiting appointments will be made for the length of the absence of the faculty member or the length of the research or administrative assignment. In unusual cases, appointment may be extended. Visiting appointments, however, are always made in direct relationship to faculty who are away from their regular assignment.

3. Non-Tenure Track Special Appointments

The following positions have duties significantly different from other appointments. They are non-tenure track in nature, and they are not regular faculty appointments. There is no restriction on the length of time an individual may serve on a non-tenure track special appointment.

(a) Research Appointments. Research appointments and reappointments are given to persons engaged primarily in research activities within the University. Reappointment to these positions is normally contingent on funding from non-University sources.

(b) Part-time Non-Tenure Track Faculty Appointments. Part-time appointments are those in which (i) a person's workload is less than a regular full-time load and (ii) the responsibilities of the position exclude some of those expected of a regular faculty member, such as administrative responsibilities (e.g., committee assignments), research and professional activities. Benefits for part-time employees are spelled out in statements of personnel policy and in appointment letters.

(c) Administrative Appointments with Teaching Responsibilities. Some administrative appointments have limited teaching obligations as a part of their responsibilities. Since teaching is

normally a relatively small portion of such duties, a person holding such an appointment is not considered to be a regular faculty member during the time of the appointment unless the member concurrently holds a regular faculty appointment.

(d) Affiliate Appointments. This designation normally includes faculty who are full-time employees of another teaching or research institution and who spend a small portion of their time at Clark. Compensation, expectations, responsibilities, and job descriptions can vary widely and are therefore subject to individual terms of appointment.

(e) Adjunct Appointments. This designation applies to regular faculty in one department, or senior administrative personnel, who are appointed with faculty rank in another department. Appointment is to be made with the approval of the adjunct department, and the Provost after consultation with the home department.

4. Emeritus Faculty

A tenured member of the faculty who retires and who has continued to render meritorious service according to the standards described in the *Faculty Handbook* shall, upon nomination of the President after recommendation by the Provost, the Committee on Personnel, and a faculty member's department, be appointed as Emeritus or Emerita member of the faculty.

E. Internal Organization of the Faculty

1. Membership of the Faculty Assembly

(a) Persons who hold regular faculty appointments at the University (including persons holding a joint academic appointment in the Worcester Consortium for Higher Education for whom Clark is the institution of appointment), who have no major administrative appointment or responsibilities, for whom teaching and scholarly activity (including research) occupy a major and consistent part of their work load, and who are tenured or tenure-eligible unless clearly specified otherwise at time of original appointment, shall have a vote in the Faculty Assembly and be eligible for membership on faculty committees.

(b) Full-time visiting faculty, full-time faculty on non-tenure track appointment, and faculty

on full-time research appointment will be considered as fully enfranchised members of the Faculty Assembly.

(c) A person on regular faculty appointment, even though a graduate student in the University, has full faculty prerogatives.

(d) Retired faculty shall be non-voting members of the Faculty Assembly. They will not be eligible for membership on University committees as faculty members.

(e) The President, Provost, Librarian, and any tenured member of the faculty who assumes a major administrative appointment (whether full- or part-time) shall have a vote in the Faculty Assembly but will not be eligible for membership on University committees as a faculty member. The Committee on Personnel may recommend other persons with major academic administrative appointment for this category of faculty status (i.e., vote in the Faculty Assembly but ineligibility for membership on faculty committees except as representatives of the Administration), and the question of membership would be decided by vote in the Faculty Assembly.

(f) Other persons who hold appointments that are primarily administrative, even though they carry part-time teaching duties, shall not have the vote in the Faculty Assembly or be eligible for membership on faculty committees unless they earlier had been tenured members of the faculty.

(g) New appointees and others not clearly qualifying under the above requirements shall be considered by the Committee on Personnel which shall recommend to the Faculty Assembly a determination of their status as faculty members.

2. **Officers of the Faculty Assembly**

The following officers are elected at-large, and serve three-year, simultaneous terms, beginning June 1 of the year of election.

The Faculty Chair calls faculty meetings, conducts meetings of the Steering Committee and of the Faculty Executive Steering Committee, serves as Vice-Chair of faculty meetings and gives leadership to the faculty.

The Secretary of the Faculty keeps the minutes of faculty meetings, receives and sends communications for the faculty, receives communications from faculty and University committees,

keeps minutes for and prepares agendas and reports at the direction of the Steering Committee and the Faculty Executive Steering Committee, maintains the roster of the faculty, and supervises the nominations and elections of officers and committee members chosen by the faculty.

The Vice Chair of the Faculty is advisor to the Chair in making rulings during the course of faculty meetings on matters of procedure. Parliamentary decisions may be overruled by a two-thirds vote.

3. Meetings of the Faculty Assembly

(a) Regular meetings of the Faculty Assembly are announced in the Fall for the entire academic year. At such regularly announced meetings, the agenda for which has been distributed at least five days in advance, the quorum shall consist of those members present. Two weeks notice shall be required for any change in the date of such regularly scheduled meetings. For emergency meetings and for legislation concerning new business the quorum shall consist of more than half of the members of the faculty in residence (i.e., not on an approved leave of absence).

(b) Special meetings of the Faculty Assembly may also be called, and, whenever possible, will have a five-day notice with a pre-circulated Agenda. The business at special meetings shall be restricted to the announced Agenda.

(c) Emergency meetings of the Faculty may be called on twelve hours notice by the Steering Committee. The business of the meeting shall be restricted to the emergency for which the meeting has been called.

(d) Minutes of meetings are kept on file in the University Archives and may be consulted there.

(e) The latest edition of Robert's *Rules of Order* shall govern the Faculty Assembly meetings in all cases to which they are applicable and not inconsistent with the Bylaws or with any special rules of order that the Faculty Assembly may adopt.

4. Jurisdiction and Business of the Faculty Assembly

(a) The Faculty Assembly is the policy-making body in all areas in which the faculty as a whole has primary responsibility: faculty status, academic programs, curricular matters, standards,

student recruitment, admissions and aid, and internal academic organization and those aspects of student life which relate to the educational process.¹ The faculty may delegate responsibility to other groups or subgroups, or share it.

(b) Appropriate Business for the faculty is that business which is broadly construed as having to do with the effective academic functioning of the University. In general it is a responsibility of the Steering Committee to deal with the question of the appropriateness of business in drawing up Agenda items for the Faculty Assembly.

(1) Business not offered or accepted in advance as an Agenda item and brought up within the framework of New Business may be introduced at the meeting as Appropriate Business, despite a ruling of the Chair to the contrary, by a two-thirds vote.

(2) Should at least one-third of the vote have deemed the item Appropriate Business, the issue shall be returned to the Steering Committee for consideration. The Steering Committee shall report to the next faculty meeting its decision as to the appropriateness of the item and justify its position. Should the Steering Committee have ruled the item inappropriate for discussion, the ruling may be reversed by a majority vote.

(c) Important Business relates to sensitive, on-going University-Faculty procedures which particularly demand a thoughtful, deliberative process.

(1) Each motion designated as Important Business must be passed by a majority vote at two separate meetings, each properly called, with advance notification. Such motion may be amended between first and second votes provided that the amendment is germane.

(2) Important Business may be so designated in advance of the Faculty Assembly meeting by the Steering Committee and declared so by the Presiding Officer of the Assembly at the meeting. This would normally be stated on the pre-circulated Agenda.

(3) It is, however, also the responsibility of each member of the faculty, including the Presiding Officer, to appeal for invocation of the Important Business ruling should he/she feel

¹The AAUP defines “primary responsibility” as “the ability to take action which has the force of legislation and can be overruled only in rare instances and for compelling reasons stated in detail.”

this warranted. Under these circumstances, the business may be designated as important by a vote of one-third of the members present. The motion to declare an item Important Business, when brought up from the floor, is debatable but not amendable. Discussion on the motion may be limited by the ruling of the Chair.

(d) When a motion to refer or commit a pending question to committee is made and seconded, the Chair of the Faculty Assembly shall permit the chair of any affected committee to speak on the question of whether or not to refer or commit. An “affected committee” is any committee to which the pending question would be committed or referred, or by which the pending question has been recently considered. In the absence of a committee chair, the Chair of the Assembly may allow one other member of the committee to speak.

5. Committees of the Faculty Assembly

(a) The Steering Committee is the Executive Committee of the Faculty Assembly and sets the Agenda for faculty meetings.² It oversees the operation of and serves as liaison with faculty committees and encourages frequent reporting to it or to the Assembly. The Steering Committee also receives reports and determines their distribution and subsequent consideration by the faculty. The Committee on Personnel, the Planning and Budget Review Committee, the Graduate Board, the Undergraduate Academic Board, and the Faculty Committee on Compensation annually submit reports of actions taken during the previous year; these reports are distributed to the faculty at the beginning of the next academic year. The Faculty Compensation Committee (FCC) submits reports in timely fashion during the academic year.

The Steering Committee is composed of the faculty officers; the President and the Provost; the faculty chairs (or designees) of COP, PBR, UAB, Graduate Board and the FCC; two faculty nominated and elected at large to staggered three-year terms who are non-tenured at the time of their election; two undergraduate students; and one graduate student.

(b) The Faculty Executive Steering Committee, composed of the Faculty officers the faculty

²New Business may be brought to the floor at a faculty meeting by a faculty member other than a member of the Steering Committee.

chairs (or designees) of COP, PBR, UAB, Graduate Board, the FCC and faculty members elected to the Steering Committee is empowered to deal with issues of special and relatively exclusive concern of the faculty that do not fall in the purview of existing committees. It prepares slates of nominees for faculty offices and committees. In making nominations, it seeks to provide the widest possible participation of all faculty members in governance. The slate prepared by the Committee for committees with contested elections shall be presented to the faculty as described in section I.F.2.

(c) The Faculty Compensation Committee (FCC) is a standing subcommittee of the Steering Committee with the responsibility to advise the Administration concerning faculty compensation. It consists of three elected faculty members. Members may not serve on the Committee on Personnel or the Planning and Budget Review Committee at the same time, nor may more than one person from the same department or program serve simultaneously.

6. The Committee on Personnel (COP)

(a) This Committee advises the President on matters pertaining to appointment, reappointment, promotion, tenure, and dismissal, and is responsible for maintenance of faculty morale as related to personnel problems. It is also authorized to review any matter, organizational or otherwise, which affects the rights and/or qualifications of individual faculty members.

(b) Membership. The Committee is composed of six members of the faculty and one alternate member, all of whom have tenure at the time of appointment. There will be no more than one member from any single department serving on COP at any one time. The President or his/her designees (the Provost, the Dean of Graduate Studies and the Dean of the College) serve as ex officio and non-voting members. Current faculty members of the Committee are not eligible to serve on the Faculty Review Committee, the Planning and Budget Review Committee, or the Faculty Compensation Committee.

(c) Nomination, Election, and Term of Office. Faculty shall be nominated in accordance with section I.F.2. The faculty elects two members to the Committee for a three-year term beginning on September 1. The candidate receiving the highest number of votes is elected for a regular three-year term; the candidate receiving the second highest number shall serve one year as an alternate member

followed by two years as a regular member. Election requires that votes in the election for COP be cast by not less than sixty percent of those eligible to vote. For each additional vacancy, one additional nomination shall be solicited from the faculty and two additional names shall then be placed on the ballot. A faculty member, while serving on the Committee on Personnel, is not eligible for nomination for an additional term unless he or she was elected to fill a vacancy, but in no case may an individual serve more than four consecutive years. The Chair is elected annually from and by the faculty members of the Committee.

For COP regulations and guidelines concerning “Responsibilities, Criteria and Procedures in Faculty Personnel Decisions,” see Part II.A below.

7. The Faculty Review Committee (FRC)

(a) This Committee, upon request, hears petitions for review in cases involving (1) non-renewal of contract of faculty members on probationary appointments; (2) dismissal of faculty members on probationary or special appointment, before the end of the specified term; (3) termination of the appointment of a faculty member holding continuous tenure; and (4) claims of unjust imposition of administrative sanctions other than dismissal (see Part II.A.6 below).

(b) Membership. The Committee is composed of five members of the faculty (1) who have tenured appointments; (2) who have had a faculty appointment at the University in excess of three years; and (3) who are neither department chairs or other department or program administrators nor members of the Committee on Personnel; (4) There will be no more than one member from any single department serving on FRC at any one time.

(c) Nomination, Election, and Term of Office. Members of the Faculty Review Committee are nominated at large and elected on a rotating basis for three-year terms beginning on September 1. The Chair is elected annually from and by the members of the Committee.

(d) Disqualification. A member of the Committee may disqualify himself/herself from hearing a particular case for sufficient reason, such as possible conflict of interest or prejudice. A member of the department or program of which the appellant is a member is automatically disqualified. Vacancies in a particular case are filled by the Steering Committee with those receiving the next highest number of votes, but not elected, in the most recent FRC election, provided that they

meet the stated limitations [given in I. E. 7 (b)]. In the event that the person receiving the next highest number of votes is also unable to serve, or if all vacancies must be filled, the Faculty Executive Steering Committee shall appoint appropriate members of the faculty in accordance with the criteria of the Faculty Handbook. Such temporary appointments apply only to the particular case under consideration and only until the final report on that case has been submitted by the Committee.

For regulations and guidelines concerning review and appeal procedures, see below under Part II.

8. The Planning and Budget Review Committee (PBR) is advisory to the Provost and consists of six faculty nominated and elected at large for staggered three-year terms. Members may not serve on the COP or the Faculty Compensation Committee at the same time, and no more than one person from any department or program shall serve at one time. This Committee provides faculty review of the budget, advises on academic policy and organization, long range planning, and allocation of faculty positions, and reports to the faculty. It also provides advice to the President on the appointment and evaluation of the Provost and Associate Provosts and on the organization of the academic administration.

9. Faculty Boards and Committees of Shared Responsibility

The following committees share responsibility with representatives of other components of the University community, but derive their authority from the Faculty Assembly and/or report to it either directly or through the Steering Committee.

(a) The Undergraduate Academic Board (UAB) has general supervision of the educational policies of the College. It makes recommendations to the faculty concerning such policies, and approves major programs and new courses of study offered to undergraduates. Together with the Graduate Board, UAB reviews and approves University-wide procedures for the external review of academic departments and programs. It also advises the President on appointments of Deans of the College.

All *ad hoc* and standing committees relating to undergraduate curricula, academic procedures and practices normally report to the Undergraduate Academic Board, and through it to the Faculty

Assembly.

Membership is composed of the Dean of the College, six elected faculty members (two each representing Groups A, B, and C-D,³ one of whom is elected each year by the Committee as Chair), and three students, with the *ex officio* and non-voting addition of the Provost, the Associate Dean of the College, and the Dean of Graduate Studies. The Student Council chooses the student members.

(b) The Graduate Board meets at least monthly during the academic year and is responsible for ensuring the quality of all graduate education at Clark, continuing program review, and approval of any new program, advising the Dean on the implementation of funding priorities adopted by the Faculty, course and curriculum approval upon Department recommendations, and advising the President on appointments to the position of Dean of Graduate Studies. Together with UAB, the Graduate Board reviews and approves University-wide procedures for the external review of academic departments and programs. At the request of the Dean of Graduate Studies, the Graduate Board provides advice concerning admission of graduate candidates.

The Graduate Board is composed of five faculty members, the Dean of Graduate Studies, and two graduate students to be selected annually by the Graduate Student Council. Four faculty members, with primary appointments in graduate departments and programs and one faculty member from a non-graduate department or program, shall be elected for staggered, three-year terms by the faculty as a whole. Among these four graduate department faculty, one faculty member must come from each of the natural sciences, the social sciences and the humanities/arts (including history). No more than one faculty member from any single graduate program may serve on the Graduate Board. Both the UAB and Graduate Board are responsible for strengthening the connections between undergraduate and graduate education that have long made Clark distinctive. To this end, the two committees are encouraged to discuss ways of ensuring strong links between the College and the Graduate School. When necessary and appropriate, the Board will also meet in joint session with PBR and the Research Board.

³NOTE: The terms “Group A, B, and C-D,” when used in this document, are understood to mean Natural Science, Social Science, and Humanities/Arts, respectively. A complete list of the department and program assignments to divisions can be obtained from the Faculty Secretary.

(c) The Research Board acts as an advisory board to the faculty and administration on matters pertaining to sponsored research in the University. The Board is responsible for the allocation of available University funds for research purposes or creative endeavors from the Faculty Development fund.

Membership is made up of the Dean of Research (Chair) and five faculty members. No more than one faculty member from any single department may serve on the Research Board. Students from the Graduate Board join the Research Board whenever student issues arise.

The Board shall be responsible for allocation of Faculty Development grant funds and advising the Dean of Research on any problems or matters concerning sponsored research. These matters include, but are not limited to, scientific misconduct, conflict of interest, and ethical standards of the University.

The University policies on Conflict of Interest, Research Misconduct and Statement of Ethical Standards are available in the Research Office. A statement on Conflict of Interest must be read by all grant applicants. The Guidelines for Research Misconduct and Confidential Statement of Employment are issued annually to faculty by the Research office. A form is issued annually to the University faculty and senior staff on the ethical standards expected of the Clark community, and of such rules and regulations concerning outside activities including consulting and sponsored research.

- (i) The Committee on the Rights of Human Participants in Research and Training Programs (Human Subjects Committee). The function of this committee is to develop and implement guidelines⁴ for the review of research and training programs that involve the use of human subjects and to safeguard the rights and welfare of human subjects. The Dean of Research appoints to membership at least four faculty members with varying backgrounds (one as Chair), and a member of the community. Whenever possible, the Dean of Research shall select members of the Research Board to serve on this committee.
- (ii) The Institutional Animal Care and Use Committee. The Institutional Animal Care and Use Committee is composed of the Dean of Research, three Clark faculty (including one non-scientist) selected by the Dean, a veterinarian, and one person experienced in the handling of animals but not affiliated with Clark. The Committee is chaired by a

⁴ Anyone wishing to consult the Clark University, Protection of the Individual as a Research Subject in a Research or Training Program: Guidelines should contact the Research Office.

Clark faculty member.

(d) The College Board consists of the Dean of the College (or designee), the Dean of Students, the Registrar, three faculty members designated by the Faculty Executive Steering Committee for staggered three-year terms and two undergraduates selected by the Student Council. The Dean of the College (or designee) serves as Chair.

The Board interprets faculty legislation concerning academic matters as they affect individual students; reviews petitions of the students for exceptions to academic regulations; determines the standing of students on academic probation; hears cases involving academic integrity; and acts on institutional Honors.

(e) The Undergraduate Admissions and Financial Aid Committee consists of the Dean of the College, the Dean of Students, the Dean of Admissions, the Director of Financial Aid (non-voting), the Vice-President for Budgets and Planning (non-voting), four faculty members, and two students (at least one of whom should not be a graduating senior). This Committee is responsible for establishing policy and maintaining standards for admission of students to the College and for establishing the undergraduate financial aid policies of Clark University. The non-student members of the Committee assist the admissions Staff in evaluating admissions applications.

(f) The Library Committee consists of the Librarian, a representative of the library staff, three members of the faculty (one each from Groups A, B, and C-D), one faculty member from the Information Technology Committee (either the Chair or his/her designee) to provide coordination between the two committees, two undergraduate students, and one graduate student.

The Committee acts as an advisory group working in close cooperation with the Librarian.

(g) The Information Technology Committee (ITC) Information Technology Committee (ITC) shall discuss policy and planning issues for the use of information technology in instruction and research, and make recommendations to faculty committees and and the Vice-President for Information Technology as appropriate. Its core membership includes: three faculty members (one from each group A, B, and C-D), one of whom shall serve as chair; and the Vice-President for Information Technology.

(h) The Crisis Committee. The Faculty officers and the Presidents of the Undergraduate and Graduate Student Councils shall act as a Crisis Committee.

(i) The Athletic Board oversees athletic policy, both intercollegiate and intramural. The

Board consists of three faculty members including the NCAA representative, two undergraduate students, the Dean of Students and the Athletic Director (who shall be a non-voting member).

(j) The Academic Space Committee, reporting to the Faculty through PBR, makes recommendations to the Administration on policies for academic space utilization, including guidelines for the reassignment of inactive space. Internal allocations of space within department and program shall continue to be the responsibilities of those units. As of academic year 2004-2005, the Assembly understands that the Steering Committee will refer matters of the utilization and design of academic space to appropriate committees of the faculty.

(k) The CETL Steering Committee consists of: the Director of the Center for Excellence in Teaching and Learning (chair); the Dean of the College or his/her representative; a representative from Academic Advising; a representative from Information Technology Services; a representative from the Library; a graduate student; an undergraduate student; three faculty (one each from divisions A, B and C/D) appointed for three year terms by the Faculty Executive Steering Committee in consultation with the Director of CETL; and one at-large member appointed for a single year term by either the Director of CETL (if a member of the staff) or by the Faculty Executive Steering Committee in consultation with the Director of CETL (if a member of the faculty).

10. University Boards and Committees of Shared Responsibility

The following committees have faculty membership but do not derive their authority from or report to the Faculty Assembly.

(a) The Affirmative Action and Sexual Respect Committee is composed of two representatives of each constituency: faculty, staff, administration, graduate students and undergraduate students. As the University's Affirmative Action Officer, the Director of Human Resources and Affirmative Action staffs the Committee and serves *ex-officio*. The Committee is charged with the review, evaluation and implementation of the University's Affirmative Action Plan and also serves as an advisory group to the University regarding issues associated with discrimination. The committee assists in the development of sexual harassment and mediation policies and procedures including the Sexual Harassment Policy and Grievance Procedures Manual; assists in the preparation and University-wide dissemination of sexual respect posters and brochures; serves as an advisory group to the University regarding potential issues concerning sexual harassment and sexual discrimination on campus. [NOTE: Changes shown to I.E.10(a) above to take effect AY 03-04]

(b) The Convocation and Academic Orientation Committee is composed of the Dean of the College or a designee, four faculty selected by the Dean of the College, and two undergraduate students. The Committee is chaired by a faculty member and is responsible for coordinating fall convocation and academic orientation activities.

Faculty may also be appointed to administrative and trustee committees not listed here.

F. Committee Organizational Procedures

1. Terms of Office

(a) Start of Terms

The terms of all Faculty Committees, with the exception of the Committee on Personnel, the Faculty Review Committee and the Graduate Board, shall start with the close of the academic year. The terms of the Committee on Personnel, the Faculty Review Committee and the Graduate Board shall start on September 1.

(b) Committee Chairs

Unless otherwise specified, each Faculty Committee annually elects one of its faculty members as chair.

(c) Length of Terms

Unless otherwise specified, faculty on Faculty Committees shall be appointed by the Faculty Executive Steering Committee for staggered three-year terms.

2. Filling Faculty Vacancies on Committees

(a) Scheduled vacancies on COP, FRC, FCC, PBR, UAB, Graduate Board, and the Faculty Steering Committee (including the Faculty Officers) will be filled by elections in the spring. In each case, one month prior to the election, the Secretary of the Faculty shall circulate a list of all faculty eligible to serve on each committee and request nominations. Eligible voters may submit to the Secretary, within one week, not more than one nomination for each vacant position. The Secretary will then announce the slate of eligible candidates accepting nomination (two for each vacant position), based on the largest number of nominations received. When the number of eligible candidates accepting nomination is fewer than twice the number of vacancies, or when the number of

nominations for candidates is tied, the Faculty Executive Steering Committee shall be responsible for completing the slate. The Secretary shall then post the final slate of candidates and allow a period of one week for eligible voters to vote. It is anticipated that voting will normally be by electronic means with the voter's identity unrevealed. However, the Faculty Steering Committee may allow voting to occur at any faculty meeting, or by other appropriate means.

*Note "signed" is understood to include electronic authorizations.

(b) The Faculty Executive Steering Committee may fill one-semester or one-year vacancies on COP, PBR, UAB, FRC, FCC, Graduate Board or the Faculty Executive Steering Committee by appointing to the committee any member of the faculty who was, during the three academic years preceding the vacancy year, elected to a full three year term on that committee but, due to sabbatical leave or other absence, served on the committee for no more than two years, provided, however, that such appointment shall comply with any divisional or other distribution rules governing committee membership.

When unscheduled vacancies occur within committees whose faculty members are elected at large (*viz.*, Faculty Steering Committee, the Committee on Personnel, the Planning and Budget Review Committee, the Undergraduate Academic Board, the Graduate Board, the Faculty Review Committee and the Faculty Compensation Committee), and cannot be filled by appointment, these shall be filled by elections, the Faculty Executive Steering Committee submitting two names for each unfilled position. These names shall be circulated to faculty. The Secretary shall then post the Final slate of candidates and allow a period of one week for eligible voters to vote. The post to be thus filled shall be for the remainder of the vacated term.

*Note "signed" is understood to include electronic authorizations

(c) When unscheduled vacancies occur within faculty committees other than those specified in 2(a) above, these shall be filled by the Faculty Executive Steering Committee in consultation with the continuing faculty members of the committee. The post to be thus filled shall be for the remainder of the vacated term.

3. Departmental Organization

The academic department is a functional unit of the University comprising a group of faculty whose competence lies in one or more closely related subject matter areas.

(a) Responsibilities of the Department. Departments propose, justify, and administer

departmental budgets; make recommendations on appointment, promotion, and tenure of departmental faculty; develop and administer departmental educational programs at the undergraduate, graduate, and post-graduate levels; prepare and approve for submission to the Dean of Research grant requests for support of these programs from internal and external sources; foster the development of individual faculty research and teaching and joint or departmental research and teaching programs, and where appropriate select and recommend to the Dean of Graduate Studies for approval applicants for graduate and post-graduate training; recruit and oversee the non-professional departmental staff; propose and supervise library acquisitions in the departmental discipline and related areas; propose and administer the use of departmental space; purchase and supervise the use of equipment; and perform various housekeeping functions, e.g., the maintenance of records of departmental activity; the preparation of catalog copy, brochures, and publicity; the keeping of student records; and similar matters.

(b) Student Involvement. Since the major part of the University life takes place within departmental structures, the meaningful involvement in governance for large numbers of students is best developed in the departments. The department, therefore, involves both students and faculty in the development of curricula and in recommendations for the selection and retention of staff.

(c) The Department Chair serves as leader of the department, normally for a renewable four-year term. The Chair is selected by the Provost after consultation with the regular faculty members of the department. Other faculty members, departmental majors, and graduate students may also be consulted.

4. Interdepartmental Program Organization

Interdepartmental program committees will have responsibilities for academic policies and practices consistent with those of departments within the University, a Chair to act as administrative officer, and student involvement.

II. ADMINISTRATIVE POLICIES AND PRACTICES

A. Responsibilities, Criteria and Procedures in Faculty Personnel Decisions

1. General

(a) Procedures concerning faculty personnel decisions at Clark University are intended to guarantee for the institution a faculty of as high a quality as possible and for the individual faculty

person a maximum degree of fairness.

(b) The University affirms, in principle, the several statements of the American Association of University Professors on academic freedom and tenure and maintains policies and procedures which are consistent with those statements.

(c) The Provost will distribute each fall a description of faculty personnel decision processes, detailing the general and specific procedures, criteria, and allocation of responsibilities with respect to each department, the Academic Administration, the Committee on Personnel, the faculty as a whole, the President, and the Board of Trustees.

(d) Said description, or notice as to where it may be obtained, is to be distributed to the faculty and other interested members of the Clark community before the initiation of the decision-making process in any given year. It will also be given to prospective faculty members with the offer of appointment.

(e) Each year, the Provost will meet with newly appointed tenure-track faculty to advise them of their duties, responsibilities, and rights, and to discuss with them the University's personnel processes.

2. Responsibilities

(a) The University's charter provides that the Board of Trustees, acting on recommendations made to it by the President, has final authority for all decisions regarding faculty appointment, reappointment, promotion and tenure.

(b) The President is, short of the Board of Trustees, ultimately responsible for faculty personnel decisions. While the President must give great weight to a candidate's professional qualifications as established within the recommendations of the appropriate faculty bodies, he/she may, in the light of considerations additional to professional qualifications, e.g., reorganization of educational goals or structures, or financial resources, or institutional needs which may be in conflict with departmental goals, either reject or modify such recommendations. However, in such cases, the President is obliged to explain the decision to COP in advance of his/her recommendation to the Board and inform the Trustees of the different recommendation of COP or other appropriate faculty body.

(c) The Committee on Personnel is advisory to the President in evaluating the professional credentials of faculty. The Committee shall operate in accordance with AAUP regulations as they are appropriate to Clark and expressed in this *Handbook*. It shall annually review and codify its own procedures and standards, which shall be incorporated in the document described in 1(c) and 1(d)

above. Each year it shall review the faculty with respect to eligibility for promotion, whether or not brought to its attention in the form of particular recommendations. In the course of its annual consideration of departmental recommendations it will continuously concern itself with faculty morale, with the nature and quality of departmental policies and procedures in personnel decision-making, and, where it has concerns in particular instances regarding such policies and procedures, it may request the Provost to address such matters. In the case of new appointments, it shall review credentials of all individuals to be offered regular faculty positions.

(d) The faculty, through its departments and COP, has primary responsibility for faculty status and is the judge of the professional qualifications of its own membership.⁵ It is responsible for gathering, evaluating and weighing all evidence which goes into its determination of professional qualifications.

(e) A department, upon its own initiative or that of COP, or upon the request of one of its own members who wishes consideration of his/her status, is responsible for promptly organizing and commencing deliberations concerning possible personnel actions in the case of its members. The department shall develop systematic and effective mechanisms for determining scholarly or creative attainment, teaching effectiveness, general service to the University community, and academically relevant civic and community service.⁶ It shall evaluate that information and where either appropriate or necessary seek additional primary information. These evaluations and, to the greatest degree possible, the primary data on which they are based, shall accompany the recommendation submitted by the department to the Provost.

(f) The Provost has the obligation, upon receipt of a departmental recommendation, to review that recommendation as to the adequacy of departmental procedures, and where there are deficiencies to refer the recommendation back to the department for further consideration. The Provost should also review recommendations across departments for evenness of interpretation and application of criteria and standards, and where there seem to be significant deviations either in the direction of laxity or stringency should so advise the department Chair and request departmental reconsideration. Where there is a department without a Chair, the Provost has the responsibility to

⁵The AAUP defines “primary responsibility” as “the ability to take action which has the force of legislation and can be overruled only in rare instances and for compelling reasons stated in detail.”

⁶For details, see 4-(a), Departmental Procedures.

designate a person to initiate and conduct departmental faculty personnel deliberations. Finally, the Provost has the obligation to submit to COP not only the departmental recommendation but also any other considerations relevant to a particular recommendation. Such other considerations shall also be shared with the department or other recommending body.

(g) The individual faculty member is responsible for submitting an accurate curriculum vitae annually to his/her department and to the Provost, with the understanding that it will be available to COP and the President as needed. The faculty member may also submit to the department Chair, to the President, to the Provost, or to COP any other information or documents that may contribute to the effectiveness and fairness of the decision-making process. The individual faculty member has the right of access, on request, to the President, the Provost, the Chair of COP, and, if necessary, to the full COP, on any personnel matter pertaining to himself/herself, whether or not the case is being formally considered.

(h) Except in instances of appointments where a decision not to reappoint must be reported to the candidate by December 15th, non-positive recommendations regarding personnel action shall be communicated to the candidate before transmittal to the next higher level, and the candidate may request the authority making the recommendation to review it in the light of additional evidence or interpretation. Both the basis for review and the response to it must be transmitted with the recommendation to the next level.

In instances where notification of non-reappointment must be reported to the candidate by December 15th, the candidate shall be promptly notified of any non-positive recommendations, but, because the December 15th deadline stipulated by AAUP may not provide adequate time for review, these recommendations may be forwarded before review. The candidate may request review of the recommendation in the light of additional evidence or interpretation either before or after the December 15th deadline.

(i) The Provost and the Committee on Personnel are responsible for initiating periodic evaluations of tenured members of the faculty to determine if they meet appropriate performance criteria and, if they do not, to consider and recommend to the President the means by which termination of tenured status should be achieved (as by resignation with mutually satisfactory terms, or separation for cause in accordance with AAUP guidelines). It is understood that informal but vigorous attempts at rehabilitation should be made before taking any steps toward termination of tenured status.

3. Standards

(1) In making recommendations for appointment, reappointment, promotion and tenure, the departments, the Provost, the President, and the Committee on Personnel should have as a primary aim the development of the University as a whole. Standards of performance are to be strictly applied, but quotas, or percentages, of persons on tenure and in various ranks are not to be imposed.

(2) The general criteria of chief concern in faculty personnel decision-making are as follows:

(a) Scholarly or creative achievement of recognized professional merit in the individual's chosen field, together with promise of its continuance. While this is most commonly, though not invariably, shown by publication or by other professional recognition outside the University, accomplishments equivalent to publication may be substituted where appropriate.

(b) Effective teaching in and/or out of the classroom situation.

(c) Significant contribution to the essential educational work of the University outside the classroom, including development of departmental programs, and participation in University planning or shaping of educational policy, in conspicuously important student advisory functions and committee work, and in academically relevant civic and community services.

(d) Length of service and seniority.

(3) In applying these criteria, the following guidelines shall be used:

(a) Faculty bodies responsible for personnel decision-making must be allowed latitude for defining the degree of accomplishment necessary in each area, as well as the balance of accomplishments in the several areas. Individual cases must be considered as individual cases, on their merits, and in the light of all relevant facts.

(b) Faculty bodies responsible for personnel decision-making are cautioned against making recommendations solely on the basis of promise, rather than demonstrated achievement.

(c) While most faculty members will vary in degree of accomplishment with respect to criteria (a) through (c) above, it is expected that all candidates for appointment to the rank of Associate Professor or Professor will normally meet certain minimal

standards in these several criteria.

(d) In matters of tenure and promotion to the rank of Professor, candidates for personnel action shall be expected to have met more than the minimal standards in both teaching and scholarship, but distinguished achievement in either teaching or scholarship may compensate for lesser achievement in the other.

(e) Because of the critical role played by scholarship in the definition of a University, all members of the faculty -- including those in the most junior posts -- should be encouraged to make contributions to the development and dissemination of new knowledge in their professional fields.

(f) It is acknowledged that there may be variations within narrow limits among departments with respect to degrees of accomplishment expected in, and the weightings assigned to, the several criterial areas, and departments shall make their expectations as explicit as possible in their statement of guidelines and communicate them to prospective new faculty at or before the time an appointment is offered.

(4) The standards and procedures for promotion in rank of non-tenure line faculty members, defined as those faculty holding Lectureships, Research Appointments, Part-time Non-Tenure Track Faculty Appointments, or Administrative Appointments with Teaching Responsibilities are as follows:

(a) Eligibility for promotion in rank shall be met subsequent to the faculty member holding a continuing faculty appointment at Clark for a minimum of six years.

(b) All Departmental and Committee on Personnel Rules and Procedures Governing Personnel Actions shall apply.

(c) Policies and Practices, including Standards, shall conform to Section II in its entirety.

(d) Promotion in rank shall not imply the right to continuation or tenure.

4. **Procedures**

(a) Department (see also Section 4(c))

(1) A description of departmental policies and practices regarding personnel

decision-making in the case of its members shall be prepared by each department and be made available annually to all regular faculty members of the department. Such policies and practices shall be consistent with guidelines established by the faculty and the Committee on Personnel and shall be subject to review and approval by those bodies.

(2) Departmental personnel recommendations to the Provost shall be made only after all regular department faculty members (including regular faculty, those holding joint appointments with other departments, and those holding Consortium appointments where Clark is the institution of appointment) have been consulted. These recommendations may be decided upon either by the department faculty as a whole or by a duly constituted department personnel committee, and may, where appropriate, reflect information and opinion secured from or submitted by faculty of other departments.

(3) The department decision-making body shall normally secure four or more statements of evaluation from persons outside the University who are expert in the candidate's area of scholarship or creative effort.

(4) The department procedure shall specify means for the evaluation of a candidate's teaching ability including solicitation of information and opinion in written as well as oral form from selected persons (e.g., undergraduate and graduate students, teaching and research assistants, colleagues in own or cognate fields, and recent graduates) who have had occasion to observe the candidate's teaching and who might be able to comment on the candidate's long- and short-term influence on individuals and educational programs. At the end of every semester each department routinely will conduct surveys to acquire student evaluations of all department courses and instructors, and will convey to each department member the survey results regarding his or her courses. These evaluations will be available for the use of COP. Student departmental organizations may present a written report to the department and, through the department, to COP on personnel cases.

(5) Where recommendations are initially decided upon by a duly constituted department personnel committee, the department Chair, on the request of the candidate, shall call a meeting of the department as a whole at which the Personnel Committee's recommendation shall be considered.

(6) While information and opinion concerning candidates may be obtained from persons outside the department, and while persons who are not department faculty

members may participate at various levels and in various ways in the decision-making process, a department's final recommendation to the President may be based only on the votes of department faculty members. The recommendations of groups advisory to the department shall accompany the departmental recommendation.

(7) When the number of faculty serving as voting members of any department falls below three, their number will be brought up to three by adding tenured faculty from outside the department or program. Faculty augmenting the membership of the departmental personnel committees may include one tenured member of the discipline from another institution. Faculty augmenting the departmental personnel committee will be chosen by that committee subject to approval by the Provost and with prior knowledge of the candidate being considered.

(8) Where there is a department without a Chair, the Provost has the responsibility to designate a person to initiate and conduct departmental faculty personnel deliberations.

(9) A Chair shall consult annually with members of his/her department regarding their progress toward tenure and advanced academic ranks.

(b) Academic Administration (see also 4(c))

(1) The Provost, upon receipt of department recommendations, shall review them for conformance to University-wide procedure and policy and for adherence to stated department procedure and policy (see 2(f) above). He/she may confer with the President and other academic administrators for the purpose of ascertaining whether organizational, programmatic, financial or other administrative considerations must be taken into account in the making of faculty personnel decisions, either in general or in the case of particular individuals, in order to submit such information to the Committee on Personnel.

(2) After the departmental recommendations have been received by the Provost, it will be his/her responsibility to inform each candidate and the department Chair of the progress of the individual's case.

(3) Where necessary, the Committee on Personnel during its deliberations may request the Provost to seek clarification or remediation of department procedures or to gather additional information or opinion concerning candidates.

(4) It will be the responsibility of the Provost, along with the Committee on Personnel, to inform each candidate under consideration by the Committee on Personnel of all his/her rights and prerogatives regarding the Committee's procedures, most particularly the right to submit information to the Committee either in writing or in person upon request.

(c) The Committee on Personnel

(1) In order to protect all individuals concerned, matters before the Committee and discussions related thereto must be accorded the utmost confidentiality. However, the Chair of the Committee may, with appropriate discreet judgment, speak for the Committee. The Chair is always available for consultation with individual members of the faculty on matters within the purview of the Committee.

(2) The Provost shall have responsibility for assembling and maintaining complete, accurate and current biographical information on each member of the faculty for the work of the Committee.

(3) In September of each year, the Provost shall request the Chair of each academic department to submit, on behalf of that department, recommendations with respect to reappointment, promotion, and tenure. Recommendations for first reappointment of regular faculty appointed on two-year contracts should be received by the Provost by November 15, and all other recommendations by December 15 for transmission to the Committee.

(4) Accompanying each department recommendation should be: (a) a detailed curriculum vitae for the candidate concerned; (b) a statement of the procedures followed by the department decision-making body (only necessary in the case of significant deviation from announced procedures); (c) supporting documents summarizing the data upon which the recommendation is based, and, where indicated, primary documents as well; (d) letters from at least four outside reviewers who are qualified to assess the professional accomplishments of the individual.

(5) In September of each year, the Provost shall request the Chair of each academic department to submit to the COP, on behalf of that department, documents that constitute a post-tenure review for selected members of the department. A post-tenure review shall be conducted two years in advance of a faculty member's sabbatical eligibility or seven years after any previous review of COP. The review should be a revelatory, problem-solving process, in which the faculty member and department consciously address the direction,

balance, and quality of energy expended in professional activities.

(6) Before considering reappointment, promotion and tenure cases, the Committee shall evaluate the post-tenure reviews. The evaluation shall be carried out to determine whether the faculty member's activities with regard to scholarship/creative work, teaching, and service, are consistent with the interests of the University, with enhancement of the member's department or program, and with advancement of his or her professional career objectives. This review shall also be used to identify those faculty whose activities may satisfy stated criteria, but who may not have been recommended for promotion.

(7) At least one week in advance of any meeting at which an individual is to be considered, the Provost shall provide each member of the Committee with the curriculum vitae and other relevant documents for that individual.

(8) The Committee shall first consider individuals for post-tenure review, then those for reappointment, then those for tenure, and finally those for promotion.

(9) Procedures for considering an initial appointment at the Associate Professor or full Professor level with tenure shall adhere to guidelines approved by the Faculty Assembly in December 2000. The Provost shall circulate these guidelines to departments engaged in searches for faculty at the Associate and full Professor level, and the Committee on Personnel shall incorporate these guidelines into its own procedures.

(10) Since the Committee is intended to convey faculty advice to the President, only the elected faculty members of the Committee shall vote on motions. Unanimity of opinion is to be desired. However, should a division of opinion occur, four faculty votes are required for all recommendations concerning appointments, tenure and promotions. In cases where candidates are from a department also that of a Committee member, the latter shall not serve and shall not vote on that case. In such instances, the alternate shall serve and vote. Alternates will attend all meetings and participate in discussion but will vote only in conflict-of-interest cases.

(11) The Committee shall notify the candidate, in writing, of its recommendation in her/his case. In the event of a non-positive recommendation, if requested by the candidate, the Provost and the Chair of the Committee shall meet with the candidate to convey, within the limits of confidentiality, the basis for its decision. The candidate is entitled upon his/her request to reconsideration by COP prior to its recommendation to the President. Such request for

reconsideration shall be made within two weeks of receipt of notice of a non-positive recommendation. The reconsideration by COP may include a meeting of the candidate, a representative of the candidate's department, and members of COP.

(12) Normally no recommendation of the Committee shall be forwarded to the President until all cases in the same category before the Committee have been considered and reviewed as a whole. When final Trustee approval has been voted, it is desirable that all individuals involved be notified simultaneously of the decisions of the Trustees. After the President has acted upon a COP recommendation, COP will reopen the case for consideration only at the request of FRC.

(13) A copy of that portion of the minutes of the Committee relating to a faculty member shall be inserted into the file of that faculty member.

(14) The Committee on Personnel should be notified as promptly as possible by department Chairs of all decisions regarding non-renewal of appointments, for the purpose of record and to provide the Committee with the opportunity to assure that the procedures followed are consistent with AAUP recommendations.

(d) The President

(1) The President has final authority to determine the faculty personnel recommendations that are transmitted to the Board of Trustees. In the event that the President's recommendation to the Board of Trustees differs from the recommendation made by the Committee on Personnel, practice calls for the President to inform the Trustees, the members of the Committee on Personnel, the Chair of the department, and the individual faculty member concerned of the difference between the recommendations.

(2) The President, upon request, will convey the reasons for a personnel decision to the candidate.

5. Terms of Appointment

(a) The terms and conditions of every appointment shall be stated in writing and must be in the possession of both the University and the appointee before the appointment is consummated.

(b) Initial appointment or reappointment at the Instructor level may be for a term of one or two years; at the Assistant Professor level, normally three years, or two years at the discretion of the department and administrative officers; at the Associate Professor and Professor levels,

two or three years, except when tenure is offered upon appointment. After a normal first review in the third year, an advisory review in the fifth year of the probationary period may be requested by the candidate and department. All faculty members at the end of their first year of appointment at the University shall receive a full evaluation of their teaching from their Department or Program. The results of this evaluation will be shared fully with the individual and a copy will be sent to the Provost who will ensure the thoroughness and timeliness of the review.

(c) Notification of non-reappointment shall be given in writing as follows: by March 1 of the first academic year of service if the appointment expires at the end of that year; by December 15 of the second academic year of service if the appointment expires at the end of that year; at least twelve months before the expiration of an appointment after two or more years at the University. Academic year contracts are understood to run from September 1 through August 31.

(d) Tenure at appointment shall be possible only for new faculty who are offered a position at the Associate Professor or full Professor level and who have:

- (i) completed at least five years of full-time teaching at peer institutions;
- (ii) undergone a careful tenure review at one of those institutions including, at a minimum, departmental review and the solicitation of blind external scholarly reviews; and
- (iii) been granted tenure as a result of that review.

No exception may be made to these eligibility criteria for consideration for tenure upon appointment at Clark.

(e) The probationary period prior to tenure is a maximum of seven years of full-time service at the Instructor rank or higher at Clark University. A maximum of three years full-time service at the rank of Instructor or higher at another institution(s) of higher education will be counted as part of the probationary period if requested by the candidate at the time of appointment.⁷

A candidate who has held a full-time non-tenure track instructional position at Clark: (a) may

⁷See "On Crediting Prior Service Elsewhere as Part of the Probationary Period," *AAUP Bulletin*, September, 1978.

elect to reduce the seven year probationary period by the number of years of such prior service, to a maximum reduction of three years; or (b) may, upon his/her request and with the agreement of the Provost and department Chair, not include such prior service as part of the seven year probationary period, to a maximum exclusion of three years (that is, any such prior service in excess of three years will reduce the probationary period by the number of excess years). Such arrangements should be made prior to appointment to a tenure-track position and stipulated in the letter of appointment.

- (f) Notification must be given at least one year prior to the expiration of the maximum probationary period if the faculty member is not to be continued in service after the expiration of that period; failure to give such notice results in automatic tenure.
- (g) Unless agreed otherwise in writing in individual cases, time on sabbatical leave or leave of absence does count as probationary service.
- (h) Notification is made to all faculty members by April 15 of each year of their status for the following Fall, including rank and -- unless unavoidable budget procedures forbid -- salary.
- (i) A faculty member may not be dismissed before expiration of a contract or after tenure has been awarded except for adequate cause, with guarantee of academic due process, or for reasons of demonstrably bona fide financial emergency.

6. Review and Appeal Procedures in the Non-Renewal of Faculty Appointments⁸

Once the President has decided not to recommend renewal of the contract of a faculty member on probationary appointment, the faculty member has two rights: to be apprised of the reasons underlying the decision; and to petition for review, if the faculty member feels that his/her academic freedom has been violated, or that inadequate consideration was given to his/her case.

(a) Notice of Reasons for Non-Renewal (Oral and Written)

(1) Oral Interview. In the event of a decision not to renew his/her appointment, the faculty member will be informed of the decision in writing, and, upon request, advised of the reasons which contributed to that decision. The Provost is the officer responsible for providing an oral statement of the reasons for non-renewal, if requested. This shall normally be done in conjunction with the Chair of COP. The faculty member is entitled, upon his/her request, to a

⁸The procedures in this and the following section have been designed to reflect the various statements on procedural standards adopted by the Council of the AAUP and endorsed by the annual meetings as Association policy. These statements have been adapted to the needs of Clark University.

reconsideration by the COP prior to its recommendation to the President (see Section II.A.4(c) (10)).

(2) Written Reasons. The candidate shall be entitled to a summary statement of the reasons that led to the decision not to renew appointment or to grant tenure. This statement should provide as much detail as possible consistent with protecting the confidentiality of reviewers.

(b) Petition for Review

After the reasons have been provided to the candidate, if he/she believes that academic freedom has been violated, or that AAUP and/or institutional policies on making appointments without prejudice have been breached, or that the procedures used did not permit adequate consideration of the case, the candidate may present a formal petition for review by the Faculty Review Committee (FRC). The petition shall set forth with reasonable particularity the nature of the argument for review and shall specify against whom the argument is directed. The petition shall be accompanied by any factual data which the petitioner deems pertinent to the FRC's preliminary consideration of the case.

(1) Procedures for Review of Petitions Alleging an Academic Freedom Violation or Alleging Discrimination. All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the *1940 Statement of Principles on Academic Freedom and Tenure*, formulated by the Association of American Colleges and the American Association of University Professors.

If a faculty member on probationary appointment alleges that a decision not to reappoint was based significantly on considerations which violate (1) academic freedom or (2) AAUP or institutional policies governing the making of appointments without prejudice with respect to age, race, color, sex, handicap, sexual preference, religion, national origin, or marital status, the allegation will be given preliminary consideration by the FRC, which will seek to resolve the matter by informal methods. The allegation will be accompanied by a statement that the petitioner agrees to the presentation, for the consideration of the FRC, of such reasons and evidence as the institution may offer in support of its decision.

The FRC will determine whether or not the notice of non-reappointment constitutes *prima facie* a violation of academic freedom or of anti-discrimination policies. The FRC will report its findings in writing to the faculty member making the allegation and to the President. If the matter is unresolved and the faculty member requests a formal hearing, the

FRC will determine whether or not the evidence submitted in support of the petition warrants a recommendation that a formal proceeding be conducted, with the burden of proof resting upon the faculty member making the allegation. In other respects, such a hearing should conform to those procedures required in dismissal proceedings (Section 7(c) (2) below).

(2) Procedures for Review of Petitions Alleging Inadequate Consideration. If a faculty member on probationary appointment believes that the decision not to reappoint results from improper procedures or is arbitrary or capricious, he/she may petition the FRC for review on grounds of inadequate consideration. In such a proceeding, the burden of proof is on the faculty member. Insofar as the petition for review alleges inadequate consideration, the functions of the FRC should be the following:

(a) To determine whether the decision of the appropriate faculty body was the result of adequate consideration in terms of the relevant procedural standards of the institution, with the understanding that the FRC should not substitute its judgment on the merits for that of the department or COP.

(b) To request reconsideration beginning at the level of the procedural error, when the Committee believes that adequate consideration was not given to the faculty member's qualifications.⁹ (In such instances, the Committee should indicate the respects in which it believes the consideration may have been inadequate.)

(c) To provide copies of its report and recommendations, if any, to the petitioner, the department Chair, the Chair of COP, the Faculty Chair, the Provost, and the President.

If the FRC requests reconsideration because it has found that a decision may have been the result of inadequate consideration, the COP shall direct that the case be reconsidered starting from the level of the procedural error, remedying any inadequacies of the prior consideration.

(3) Timing of appeals and timing of FRC in response to appeals. Within six weeks following notification in writing of denial of tenure or non-renewal of contract, the candidate must notify the FRC, the Provost, and the Department in writing of the intent to appeal.

Petitions must be submitted by September 15th or within six weeks following written

The FRC and the COP shall be guided by, but not bound by, the definition of "inadequate consideration" according to the AAUP as found in the Redbook section "*Review Procedures: Allegations of Inadequate Consideration*".

notification of the candidate, whichever comes last. By October 15th, or four weeks following receipt of the appeal, whichever comes last, FRC will conduct a preliminary review of the appeal to determine whether there are sufficient grounds to hear the appeal. The candidate may be asked to appear at the preliminary hearing. The FRC shall have access to all documents relevant to the procedures of the personnel case in question including, but not limited to, the appropriate departmental and COP guidelines, and to all people who have direct knowledge related to the implementation of such procedures.

7. Procedure in the Termination of an Appointment by the Institution

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the specified term, may be effected by the institution only for adequate cause. Three distinct classes of termination of appointments must be distinguished, together with the procedures appropriate to each. These are: financial exigency, termination of the program or department, and lack of fitness. The faculty member shall be given at least twelve months notice or, in lieu thereof, twelve months severance pay. (Subject to II.A.7(c) (3).) In all such cases, the burden of proof lies with the institution. The faculty member may have the issues reviewed by FRC, with ultimate review of all controverted issues by the Board of Trustees.

(a) Procedures for Termination Based on Financial Exigency. Such termination under AAUP guidelines may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., after the Administration, in consultation with PBR, determines that there is an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means. Such termination shall take place only after consultation with COP and after every effort has been made to place the faculty member in another suitable position. The faculty member has the right to a review by the FRC. The issues reviewed by the FRC may include the existence and extent of the condition of financial exigency, the validity of the educational judgments and the criteria for the identification of a particular individual for termination, and whether the criteria are being properly applied in the individual case. The FRC will report its findings in writing to the faculty member and the President.

(b) Procedures for Cases Based on Termination of Program or Department Not Mandated by Financial Exigency. Such termination may occur as the result of a bona fide formal discontinuance of a program or department of instruction, based essentially upon educational considerations as determined primarily by the faculty as a whole or an appropriate committee thereof. The notice of

intent to terminate an appointment on this ground may be issued only after every effort has been made to place the faculty member concerned in another suitable position, including, if appropriate, financial and other support for a reasonable period of training. If no position is available within the institution, with or without training, the appointment may be terminated. The released faculty member's place shall not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it. The faculty member has the right to a review by the FRC. The issues reviewed by the FRC may include the institution's failure to satisfy any of the conditions specified in this section. The FRC will report its findings in writing to the faculty member, the Provost, and the President.

(c) Procedures for Cases Involving Termination Because of Lack of Fitness of the faculty member in his/her professional capacity as a teacher or scholar. Such termination is hereafter referred to as dismissal. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights under the Constitution and the law. "Adequate cause" under this category is defined as (i) demonstrated incompetence in teaching or scholarship, (ii) substantial and manifest neglect of duty, and (iii) personal conduct which substantially impairs the individual's fulfillment of his/her institutional responsibilities. The burden of proof in establishing cause for dismissal rests upon the institution.

(1) Dismissal Procedures. Dismissal shall be preceded by:

(a) Discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement.

(b) Informal inquiry by COP 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.

(c) A statement of charges, framed with reasonable particularity by the President.

(2) Hearing. The faculty member shall have the right to be heard initially by the FRC.¹⁰ The hearing shall conform to the procedures recommended by AAUP as quoted below,

¹⁰A member of the FRC shall not participate in the case, either at the request of a party or on his/her own initiative, if the member deems himself/herself disqualified for bias or interest. Each party shall have a maximum of two challenges without stated cause. Replacement of members will take place according to procedures previously specified.

with slight modifications (1977 Recommended Institutional Regulations on Academic Freedom and Tenure):

(a) Service of notice of hearing with specified charges in writing shall be made at least 20 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 FRC will evaluate all available evidence and rest its recommendation upon the evidence in the record.

(b) The FRC, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.

(c) During the proceedings, the faculty member will be permitted to have an academic advisor and counsel of his/her own choice present at the hearing.

(d) At the request of either party or the FRC, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

(e) A verbatim record of the hearing or hearings shall be taken and a transcribed copy will be made available to the faculty member without cost, at the faculty member's request.

(f) The burden of proof that adequate cause exists rests with the institution, and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

(g) The FRC shall grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

(h) The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the institution shall, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.

(i) The faculty member and the President shall have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the FRC determines that the interests of justice require admission of their statements, the FRC shall identify the witnesses, disclose their statements and, if possible, provide for

interrogatories.

(j) In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher education.

(k) FRC will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

(l) The findings of fact and the decision will be based solely on the hearing record.

(m) Except for such simple announcements as may be required, covering the time of hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers shall be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Trustees. The President and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing.

(n) If the FRC concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President rejects the report, he/she will state the reasons for doing so, in writing, to the FRC, and to the faculty member, and provide an opportunity for response before transmitting the case to the Board of Trustees. If the FRC concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it shall so recommend, with supporting reasons.

If dismissal or other penalty is recommended, the President shall, on request of the faculty member, transmit to the Board of Trustees the record of the case. The Board of Trustees' review shall be based on the record of the FRC hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearings or by their representatives. The decision of the hearing committee shall either be sustained, or the proceeding returned to the FRC with specific objections. The FRC shall then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Trustees shall make a final decision only after study of the Committee's reconsideration.

(3) Suspension, Salary, and Notice. Until the final decision regarding termination of an appointment has been reached, the faculty member shall be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to himself/herself or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of his or her status through the institution's hearing machinery, the Administration shall consult with the COP. Suspension is appropriate only pending a hearing; a suspension which is intended to be final is a dismissal, and shall be dealt with as such. Salary shall continue during the period of suspension.

If the appointment is terminated, the faculty member shall receive his/her salary or notice in accordance with the schedule of notice to which he/she is ordinarily entitled, or, if the faculty member has tenure, for at least one year. The provision for terminal notice or salary need not apply in the event that the conduct which justified dismissal involved moral turpitude.

On the recommendation of the FRC or the President, the Board of Trustees, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

8. Procedures for Imposition of Sanctions Other Than Dismissal

(a) If the Administration believes that the professional conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the Administration may, after consultation with COP, institute a proceeding to impose such a severe sanction. Such a proceeding will conform to the procedures for a dismissal hearing (see 7(c) (2) above).

(b) If the Administration believes that the professional conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, it shall notify the faculty member of the basis of the proposed sanction and provide an opportunity to persuade the Administration that the proposed sanction should not be imposed.

(c) A faculty member who believes that a major sanction has been incorrectly imposed, or that a minor sanction has been unjustly imposed, may petition the FRC for such action as may be appropriate.

B. Statement of Professional Ethics

Clark subscribes to the following statement, which has been adapted from the "Statement on

Professional Ethics” endorsed by the Fifty-Second Annual Meeting of the AAUP and printed in the *AAUP Bulletin*, Spring, 1969.

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subjects is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, professors encourage the free pursuit of learning in their students. They hold before their students the best scholarly standards of their disciplines. They demonstrate respect for the student as an individual, and adhere to their proper role as intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of students reflects true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for private advantage and acknowledge significant assistance from them. They protect students’ academic freedom.
3. As colleagues, professors have obligations that derive from membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of their institution.
4. As members of their institution, professors seek above all to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided these do not contravene academic freedom, they maintain the right to criticize and seek revision. They determine the amount and character of the work they do outside their institution with due regard for their paramount responsibilities within it. When considering the interruption or termination of their service, they recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of any other citizens. They measure the urgency of these obligations in the light of their responsibilities to their subjects, to their students, to their profession, and to their institution. When they speak or act as

private persons they avoid creating the impression that they speak or act for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

C. Affirmative Action

Clark University declares and reaffirms a policy of equal employment opportunity, equal educational opportunity, and non-discrimination in the provision of educational and other services to the public.

Copies of the University's Affirmative Action Plan, which includes specific policies, procedures, and administrative structures directed toward the implementation of the general policy, may be obtained from the Affirmative Action Officer.

D. Sexual Harassment

The Faculty Assembly endorses and supports the policy of Clark University prohibiting sexual harassment and promoting a work and study environment free from sexual harassment.

It is against the policies of Clark University for any member of the faculty, student body or other personnel, male or female, to sexually harass another employee or student by: (a) making unwelcomed sexual advances, or requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature a condition of an employee's continued employment or student's achievement in class, or (b) making submission to or rejecting of such conduct the basis for employment decisions affecting the employee or academic decisions affecting the student, or (c) creating an intimidating, hostile or offensive environment by such conduct which interferes with an employee's work performance or a student's academic work.

It is the policy of the Faculty Assembly that the faculty, students, and other personnel, male or female, shall be ensured to the greatest degree possible of a work and study environment free from sexual harassment. Further, it is against this policy for any member of the administration, faculty, student body, or other personnel, male or female, to harass another employee or student:

1. by making unwelcomed sexual advances or requests for sexual favors; or
2. by persisting in engaging in uninvited verbal or physical conduct of a sexual nature after being asked to stop or by retaliating or threatening retaliation against an individual who complains that such

conduct is unreasonably interfering with work or academic performance; or

3. by making a false accusation of sexual harassment.

Responsibility for grievance counseling under the University's sexual harassment policy rests with the Affirmative Action Officer, from whom a detailed statement of procedures may be obtained.

E. Faculty Fringe Benefits

Faculty employees of Clark University are entitled to a variety of fringe benefits. Eligibility for particular benefits differs according to classification of employment (e.g., regular faculty, visiting faculty, part-time faculty). Current benefits and eligibility are described in a *Faculty Fringe Benefits Manual* issued annually by the Personnel Office, which should be consulted for details. This manual is to be regarded as part of the *Faculty Handbook*. Benefits include:

1. Retirement Annuities Plan
2. Tax-sheltered Retirement Benefits
3. Social Security Taxes
4. Health Insurance
5. Dental Insurance
6. Disability Insurance
7. General Liability Insurance
8. Life Insurance
9. Travel Accident/Life Insurance
10. Travel to Professional Meetings
11. Workers' Compensation
12. Tuition Benefits
13. Sabbatical Leaves
14. Payroll Savings Plan
15. Vision Care
16. Employee Assistance Plan
17. Parental Leave
18. Faculty Development Fund
19. Phased Retirement
20. Family Medical Leave

F. Miscellaneous

1. Payment of Salaries¹¹

Salaries of members of the faculty are paid on the 15th and 30th day of each month, or the business day just preceding when the payday falls on a weekend or holiday -- 24 payments in the calendar year. A faculty member may arrange to have the balance of his/her salary paid at the conclusion of the regular academic year. Salary adjustments normally become effective on September 1.

2. Sabbatical Leaves and Leaves of Absence

Leaves of absence at Clark University are of three kinds: (1) Pre-tenure sabbatical leaves, (2) Post-tenure sabbatical leaves, and (3) leaves of absence without pay.

The purpose of sabbaticals is for research, study, writing, teaching development, or other creative work which contributes to the professional refreshment and effectiveness of the faculty member as a teacher or scholar. The granting of a sabbatical or other leave of absence in any particular year will depend to some extent upon the impact to and convenience of departments and programs. Orderly planning of department and program staffing requires sufficient lead time. Therefore, requests for sabbaticals or leaves of absence should be made by October 30 of the year preceding the anticipated leave so that proper planning can take place. A written statement of purpose with defined goals and a plan for achievement must accompany the request. Materials are submitted through the department Chair to the Provost who will seek the advice of the faculty Committee on Personnel concerning the merits of the proposed leave. Once an individual has requested and been granted a leave, whether paid or unpaid, for a specified period, the individual may not unilaterally opt to forego the leave and return to regular faculty duties. Upon completion of a leave faculty are required to submit a report of accomplishment to the Provost through the department Chair. The Provost will share these reports with the COP.

For purposes of calculating sabbatical leave a semester of service is defined as a semester of

¹¹Payroll deductions may be arranged for systematic savings.

full-time employment as a faculty member at Clark University. It excludes periods of leave (sabbatical, parental and other) of one semester or more and periods of part-time employment.

A faculty member may be granted a pre-tenure sabbatical leave after completing six semesters of full-time service on the Clark faculty at the rank of Assistant Professor or higher. A pre-tenure sabbatical will be for one semester at full pay and full benefits.

Faculty members may be granted a post-tenure sabbatical based on the following formula: (i) every semester of full-time service at Clark University at the rank of Assistant Professor or higher, counts as one unit of sabbatical eligibility (eligibility to apply for a sabbatical); (ii) the number of units of sabbatical eligibility accrues and is tracked by the University; (iii) a faculty member who has accrued six units of sabbatical eligibility may be granted a one semester sabbatical leave at 80% salary and full benefits with the exception of TIAA/CREF which will be based on the actual amount of salary paid by Clark University; (iv) a faculty member who has accrued twelve units of sabbatical eligibility may be granted a sabbatical leave for one semester at full pay and benefits or two semesters at 80% and full benefits, with the exception of TIAA/CREF which will be based on the actual amount of salary paid by Clark University; (v) the accrued amount of faculty eligibility is reduced by six units when a faculty member takes a one semester leave at 80% salary and full benefits; and by twelve units when a faculty member takes a one semester leave at full salary or a two semester leave at 80% salary; (vi) the total number of units of sabbatical eligibility does not accrue beyond twelve units unless a sabbatical is postponed at the initiative of the administration to accommodate the needs of the department and the University.

Faculty holding research appointments are not eligible for sabbatical leaves. Because of the expense to the institution of the expanded sabbatical opportunities, Clark expects those seeking sabbaticals to apply for grant funds available from external sources for which their projects are eligible.

It is expected that under ordinary circumstances a sabbatical recipient will return to Clark University for at least one year following the academic year during which a sabbatical is taken.

Leave of absence without pay may be granted, when doing so would not seriously hamper

maintenance of necessary course offerings or other University functions. The maximum permissible extent of leave of absence or combination of sabbatical leave with a leave of absence is two years. The total of sabbaticals and leaves are not to be more than two years in every seven. Time spent on leaves of absence or sabbaticals is not counted toward eligibility for a subsequent sabbatical. During leaves of absence without pay from Clark but with support from another source for the faculty member, the other source of support is expected to assume the cost of fringe benefits. Life and medical insurance as well as TIAA/CREF may be continued through Clark's program with payments to Clark from the faculty member or other source. There may be instances of fellowships taken by a faculty member where the stipend is substantially less than the faculty member's regular salary and/or when the granting agency refuses to include provisions for fringe benefits. In such cases Clark will consider whether there are special circumstances by which the University will be willing to help out on the fringe benefits. This will be done when specific arrangements have been made with the Provost.

3. Absence

When possible, absence from officially scheduled appointments for two consecutive days should be announced in advance to the appropriate audience.

4. Faculty Obligations

Trustees, Administration and faculty have adopted the principle that the prime obligation of a member of the faculty is the discharge of his/her full duty to the University and that non-University tasks, on or off campus, performed for a pecuniary return should be entered upon only in a way consistent with the following guidelines. A member of the faculty may undertake teaching responsibilities elsewhere equivalent to one course each semester without prior consultation with the Administration. A member of the faculty may also engage in consulting work equivalent to one day per week. It is the duty of members of the faculty, when in residence, to attend all faculty meetings, commencement exercises, and other formal convocations.

5. Retirement

Arrangements for early and/or phased retirement may be made on an individual basis with the Administration.

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