



# **Faculty Manual**

Regional Campuses and  
Continuing Education

Faculty Manual  
Regional Campuses and Continuing Education  
University of South Carolina

# Foreword

This *Manual* is designed primarily for faculty members teaching on the Regional Campuses and contains information concerning University regulations and procedures of particular interest to them.

Academic regulations as they pertain to students appear in *The University of South Carolina Bulletin*.

General rules governing the operation of the Board of Trustees can be found in the *Bylaws-University of South Carolina*, revised February, 19, 1993.

Faculty and staff fall under the jurisdiction of *The University of South Carolina Policies and Procedures Manual*. This document contains specific information about the operation of the institution and should be consulted by faculty for specific procedures for many of the policies stated in the *Regional Campuses Faculty Manual*.

Faculty members and staff are urged to examine regularly the agenda and minutes of the Regional Campuses Faculty Senate. Action by this body may modify the contents of this *Manual*.

The *Faculty Manual* was edited by the appropriate administrative offices, in cooperation with the Regional Campuses Faculty Senate.

Faculty are invited to make suggestions and recommendations for the improvement of future editions of the *Manual*.

Chris P. Plyler  
Vice Provost & Executive Dean  
Regional Campuses & Continuing Education  
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## A. - ADMINISTRATIVE ORGANIZATION

### BOARD OF TRUSTEES

The University of South Carolina was chartered by the South Carolina General Assembly in 1801. The University is a body corporate and politic, in deed and in law under the name of the University of South Carolina. Several sections of the University's enabling legislation and bylaws are summarized below.

#### COMPOSITION OF THE BOARD OF TRUSTEES (Section 59-117-10, as amended)

The Board of Trustees of the University of South Carolina shall be composed of the Governor of the State (or designee), the State Superintendent of Education, and the President of the Greater University of South Carolina Alumni Association, which three shall be members *ex officio* of the Board; and seventeen other members including one member from each of the sixteen judicial circuits to be elected by the general vote of the General Assembly as hereinafter provided, and one at-large member appointed by the Governor. The Governor shall make this appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the Board is representative of all citizens of the State of South Carolina. The officers of the Board of Trustees are the *ex officio* chair who is the Governor of South Carolina; the permanent chair; the vice chair; the chair emeritus, if applicable; and the secretary of the University and the Board.

#### TERMS OF ELECTED MEMBERS (Section 59-117-20, as amended)

The regular term of office of each trustee elected by the General Assembly shall be four years; however, such trustee shall continue to function as a trustee after the term has expired until a successor shall have been elected and qualified.

#### VACANCIES; COMPENSATION (Section 59-117-30, as amended)

In case a vacancy should occur in the Board among the members elected by the General Assembly, the Governor may fill it by appointment until the next session of the General Assembly. Any vacancy occurring in the office of the member appointed by the Governor shall be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment. Each member of the Board shall draw such per diem and expenses as from time to time may be allowed boards, commissions and committees.

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**DUTIES OF THE BOARD; POWERS**

The Board of Trustees of the University of South Carolina is and is hereby constituted a body corporate and politic, in deed and in law under the name of the University of South Carolina. Such corporation has the following powers:

1. Elect a President of the University to serve at the will of the Board or for such term and compensation as the Board may prescribe;
2. Elect a Secretary of the University and of the Board to serve at the will of the Board or for such term and compensation as the Board may prescribe;
3. Elect a Treasurer of the University to serve at the will of the Board or for such term and compensation as the Board may prescribe;
4. Establish policies and goals of the University and direct the President to implement and achieve those policies and goals;
5. Review and approve academic plans, including new programs and new units, and major modifications or deletions in existing programs and units;
6. Approve, upon recommendation of faculties and the President, the earned degrees awarded;
7. Designate academic chairs and professorships, award honorary degrees and name buildings or major portions thereof, other structures, streets and geographic areas;
8. Levy fines and charges and examine from time to time admissions policies as established by the faculties and the administration;
9. Review and approve requests for appropriations;
10. Review and approve annual budgets and budget changes;
11. Approve all gifts where restrictions are indicated, designate the use of unrestricted gifts, and approve and designate the use of testamentary gifts;
12. Approve all loans, borrowing, and issuance of bonds;
13. Approve or authorize the Executive Committee to approve appointments and salaries of principal officials which shall be defined as those persons elected by the Board as provided in paragraphs 1, 2, and 3 above, as well as University officers having the rank of Vice President or Chancellor or equivalent rank;
14. Approve compensation policy for faculty and staff, honorary faculty titles, and extension of service;
15. Approve all long-range development plans for the University including major capital projects;
16. Approve or delegate authority for approval of all major contractual relationships and other major legal obligations executed in the name of the University;
17. Approve or authorize the Executive Committee to approve all sales or purchases of real property, and ensure that all properties of the University are preserved and maintained;
18. Establish investment policies and procedures which will provide for the prudent investment and preservation of funds entrusted to the University;
19. Establish auditing policies and standards and appoint independent auditors; and

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20. Establish and maintain within the administrative procedures of the University the policy and practice that the administrators of the University covered under Paragraphs 1, 2, and 3 above shall serve in such capacities at the will and pleasure of the Board; that the administrators of the University having the rank of Vice President, Chancellor, University Campus Dean, Academic Dean, Director or the equivalent thereof, and any other person reporting directly to the President shall serve in such capacities at the will and pleasure of the President. It is understood that the employment of such administrators shall be on customary terms of University employment and there shall be no separate employment agreements; provided, however, it is further understood that no athletic department administrators will be given employment agreements in excess of one year without prior approval of two-thirds vote of the entire Board of Trustees (14 or more.)

The powers of the Board are prescribed by the provisions of Sections 59-117-40, et seq., Code of Laws of South Carolina (1976), as amended.

### **THE EXECUTIVE COMMITTEE**

The Executive Committee shall consist of the permanent Chair of the Board of Trustees, the Vice Chair of the Board of Trustees, the Chair Emeritus of the Board of Trustees, if applicable, and not more than three other elected members of the Board who shall be elected as hereinabove provided.

The Executive Committee, during the interim between meetings of the Board, shall have all the powers of the Board of Trustees not inconsistent with the established policies of the Board or with any action theretofore taken by the Board provided, however, that the Executive Committee shall not preempt the role of a standing committee as stated in Section 1 of Article VI except in those emergency circumstances which do not permit the handling of a matter in the normally prescribed manner. The Executive Committee shall function as a continuous planning and financial committee of the Board, exercising general supervision of the finances of the University; shall review in advance the proposed budget for the succeeding year; and shall review in advance the proposed application for appropriations for the succeeding fiscal year in the light of overall University plans. It shall make reports to the Board at each meeting on all such matters occurring since the previous meeting.

The Executive Committee shall provide for an appropriate fidelity surety bond or bonds covering all officers, agents, and employees of the University who at any time shall hold any property or funds of the University and for appropriate officers' and directors' insurance to insure the officers and members of the Board against liability arising by virtue of the acts of such officers or Board members in their official capacity with the University.

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**THE ACADEMIC AFFAIRS AND FACULTY LIAISON COMMITTEE**

[Note: Authorized by Article XIV of the Bylaws of the University of South Carolina, revised February 19, 1993, as amended.]

The Academic Affairs and Faculty Liaison Committee shall consist of not less than three nor more than eight members of the Board appointed by the Executive Committee following the October Board meeting of each even year. The members so appointed shall elect a chair of the Committee at the first scheduled meeting following such appointment. The term of the office of Committee Chair shall be for two years, from the date of election until the appointment of committees by the Executive Committee in the next even year. The Committee Chair shall be eligible for reelection for not more than one additional consecutive term. In the event a vacancy occurs in the office of Committee Chair, the remaining members of the Committee shall elect a new chair to complete the term of the vacating chair at the first meeting of the Committee following the occurrence of such vacancy. Such service in completing a term shall not limit the Board Member so elected from serving two additional consecutive terms as Chair provided above.

The Committee shall be kept informed of all academic programs; of the conditions affecting recruitment and retention of faculty members; of the adequacy of instructional facilities; of the proposal of new degrees, major programs, or institutes; of the proposal to eliminate existing degrees, major programs, and institutes; and of such other matters relating to the educational policies and programs as may be brought before it or referred to it by the Board. It shall consider the development of new programs, degrees, institutes, and research for submission to the State Commission on Higher Education. It shall consider and make recommendations to the Board with respect to the naming of any academic centers, institutes, or other such programs. It shall report on all such matters to the Board from time to time with such recommendations as it may consider relevant to the achievement of the University's goal of academic excellence. The Committee shall consider recommendations for tenure and promotion; honorary faculty titles; extensions of service; and appointments with tenure.

The Committee shall meet from time to time with the faculty-designated representatives, who shall have been chosen by the University faculty, on matters of concern to the faculty, and to the Board, and shall keep the Board informed of all such matters.

The Committee shall review from time to time all recommendations made by the President or the Faculty Committee on Honorary Degrees and shall recommend therefrom to the Board appropriate recipients of such degrees. Approval by a three-fourths vote of the members present at the Board meeting next following the meeting at which the recommendation is made shall be required to approve the granting of such honorary degrees.

The Committee shall likewise serve as the final forum of appeal in all faculty matters pertaining to (a) dismissal of tenured faculty members; (b) dismissal of faculty prior to the conclusion of a

contract term; (c) discrimination in compensation, promotion, and work assignments; and (d) non-reappointment, all as provided in the Academic Grievance Procedures policies of the University. The Committee shall also serve as the final forum of appeal in all student academic matters.

### **FACULTY AND STUDENT REPRESENTATIVES TO THE BOARD OF TRUSTEES**

The Board, in June 1976, adopted a resolution clarifying references in its bylaws to temporary and non-voting representation at open meetings of the Board from the University Faculty and Student Government. The President of the Student Government at Columbia and a faculty member of the University chosen annually by the University Faculty at Columbia shall be invited to sit personally in all meetings of the full Board, except executive sessions thereof, with full right to participate in the Board's discussions but without the right to vote on any matter. It is a non-transferable privilege.

### **OFFICERS OF THE UNIVERSITY**

#### **President**

The President of the University shall be the chief executive officer of the University and shall exercise such executive powers as necessary for its appropriate governance under the authority of the Board. The President shall be the primary spokesperson for the University to the alumni of the institution, the news media, the educational world, and the general public and shall administer University policies as promulgated by the Board, speak for the University as its official head, and coordinate all activities of each campus of the institution directly or through designated representatives. The President shall report directly to the Board the current affairs of all components of the University and shall discuss with the Board basic issues, new or alternative directions, and recommendations on new policies. The President shall direct, coordinate and implement the planning, development, and appraisal of all activities of the University and shall be directly responsible to the Board for its operation.

The President is assisted in directing the affairs of the University by an Executive Assistant and the Vice Presidents of the University.

#### **Executive Vice President for Academic Affairs and Provost**

The Executive Vice President for Academic Affairs and Provost is the second ranking officer of the University and is empowered to act for the President in the absence of the Chief Executive Officer. The Provost has the responsibility for the overall supervision of academic affairs of the University. This officer is appointed by the President and confirmed by the Board of Trustees and is responsible for curriculum development and academic standards in the schools and colleges of the Columbia campus and represents all campuses of the University on academic

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issues to the Commission on Higher Education. The Provost also supervises such academic support services as the University Libraries, Records and Registration, and the University Press and will, when requested to do so by the President, represent the President at such times and places as may be appropriate. Serving under the Executive Vice President for Academic Affairs and Provost are the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the Vice Provost and Dean for Libraries and Information Services, the Vice President for Information Technology and Chief Information Officer, and Associate Provosts, the academic deans (with the exception of the health science deans) and department chairs.

### **Secretary of the University and the Board of Trustees**

The Secretary of the University and the Board of Trustees shall be elected by the Board to serve at the will of the Board and shall be one of the principal officers of the University. The Secretary of the Board shall serve as the official medium of communication within the University between the Board of Trustees, on the one hand, and the University faculty, administrative officers, individual members of the staff, student organizations and students, on the other. The sole exception to this rule of procedure shall be communications made directly to the Board or its members by the President. The Secretary shall perform other duties as may be assigned by the Board or by the President.

### **Treasurer of the University**

The Treasurer shall be elected by the Board. Under the supervision of the President, this officer shall be responsible for all accounting functions and for all funds of the University and shall furnish to the Board or to the President at any time requested a financial statement of the University and shall at least once during each fiscal year supply all members of the Board with a combined revenue and expenditure report of the University. The Treasurer shall also perform other duties as may be assigned by the Board or by the President.

### **Executive Assistant to the President for Equal Opportunity Programs**

This individual, appointed by the President, is responsible for planning, developing, administering, and evaluating Affirmative Action/Equal Opportunity policies and practices to ensure compliance with federal and state statutes relating to non-discrimination in employment and education.

### **Vice Presidents**

The Vice President for Business and Finance and Chief Financial Officer supervises the overall functions of Budgets and Systems, Business Affairs, Auxiliary Services, Controller, Contract and Grant Accounting, Payroll, Purchasing and Central Stores, and Inventory Control.

The Vice President for Information Technology and Chief Information Officer is responsible for coordinating and facilitating the University information technology infrastructure.

The Vice President for Human Resources has the primary responsibility for the development and direction of comprehensive personnel programs for the University.

The Vice President for Medical Affairs provides leadership and helps to coordinate activities among the health schools and colleges, supervises the medical practice activities within the School of Medicine, and serves as a liaison between USC and its affiliated health care institutions.

The Vice President for Research and Health Sciences is responsible for coordinating the University's research activities and programs. Serving under the Vice President for Research and Health Sciences are the academic deans of the Colleges and Schools of Medicine, Pharmacy, Nursing, Public Health and Social Work.

The Vice President for Student Affairs and Dean of Students provides leadership and supervision for the staff and programs of the Division of Student Affairs, and serves as a liaison between students and the University administration.

The Vice President for University Advancement is responsible for University fund raising activities, and provides leadership to and serves as a liaison between alumni and University administration.

#### **Associate Provost and Dean of the Graduate School**

The Associate Provost and Dean of the Graduate School, appointed by the Provost, establishes and enforces standards of graduate work, recommends and coordinates plans for the development of graduate programs, and formulates policies to implement such plans. The Dean serves *ex officio* on the Graduate Council, chairs meetings of the Graduate Faculty, coordinates graduate curricula, has administrative responsibility for admission to graduate study, and nominates candidates for graduate degrees. The Associate Provost and Dean of the Graduate School reports directly to the Provost.

#### **Associate Provost and Dean of Undergraduate Studies**

The Associate Provost and Dean of Undergraduate Studies, appointed by the President, establishes and enforces standards of undergraduate work, recommends and coordinates plans for the development and improvement of undergraduate programs, and formulates policies to implement such plans. The Associate Provost and Dean of Undergraduate Affairs reports directly to the Provost.

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### **Vice Provosts**

The Vice Provost and Dean of Libraries and Information Services has responsibility for administering and coordinating activities, functions, and projects for all libraries of the University and all other collections and repositories on the Columbia campus and for the planning, design, development, procurement, privacy, security, and delivery of computer systems, services, operations, and facilities. In addition, the Vice Provost has responsibility for administering and coordinating activities for Distance Education and Instructional Support.

The Vice Provost and Executive Dean for Regional Campuses and Continuing Education has responsibility for supervising the Regional Campuses: USC Lancaster, USC Salkehatchie, USC Sumter, and USC Union. This officer administers Continuing Education activities, Academic Credit Programs, and USC Fort Jackson. Reporting to the Vice Provost are the following officers: The Associate Vice Provost for Regional Campuses and Continuing Education assists the Vice Provost in supervising and coordinating the Regional Campuses, Continuing Education activities, Academic Credit Programs, and USC Fort Jackson. The Assistant Vice Provost for Continuing Education has responsibility for administering Continuing Education, Academic Credit Programs, and USC Fort Jackson. The Deans of the University at the four Regional Campuses are the chief executive officers of their respective campuses. The Deans implement policies and procedures established by the Vice Provost, the Provost, the President and the Board of Trustees and are responsible for the personnel and program administration of their campuses. In this capacity the Deans review curricula and programs; appoint division coordinators and assign their duties; supervise the use of the funds, space, and equipment allotted; and serve as liaison between the University and the community, the local Commission for Higher Education, other local governing bodies, and the local legislative delegation.

### **APPOINTED UNIVERSITY COMMITTEES**

Special advisory committees are appointed on an annual basis and are listed yearly in the publication issued by the Office of the Provost entitled: *University Committees*.



## **B. - FACULTY ORGANIZATION**

### **COMPOSITION**

The Faculty of the Regional Campuses is composed of the faculties of the individual campuses, USC Lancaster, USC Salkehatchie, USC Sumter, USC Union, and Continuing Education Credit Programs.

### **REGIONAL CAMPUSES FACULTY ORGANIZATION**

**Functions.** Within the limits established by the Board of Trustees and the policies and rules of the Regional Campuses Faculty Senate, the Faculty of a Regional Campus will have policy-making authority over standards of admission, registration, requirements for and the granting of degrees, the general curriculum, instruction, research, extracurricular activities, discipline of students, the educational policies and standards of the campus, and all other matters pertaining to the conduct of faculty affairs including the authority to discipline its own members. These policies will be generally consistent with the educational policies and standards of the University and will differ only in meeting specific requirements of the campus. The Regional Campuses Faculty shall be consulted on the appointment of the Vice Provost and Executive Dean for Regional Campuses. Each respective faculty shall be consulted on the appointment to the office of Dean of the University for that campus, and through an appropriate committee, shall communicate its views thereon to the Provost, the President and the Board of Trustees through the Vice Provost and Executive Dean for Regional Campuses. Each campus faculty shall make recommendations to the Regional Campuses Faculty Senate on such matters as are appropriate or require the approval of that body and shall determine the manner in which Regional Campuses Senate policy decisions are implemented on its campus. Actions taken by a campus faculty are subject to review by its Dean of the University and, ultimately, by the Vice Provost and Executive Dean for Regional Campuses and Continuing Education. Some actions may require the approval of the Provost, the President and the Board of Trustees.

**Membership in the faculty organization.** Each Regional Campus Faculty will determine the qualifications and makeup of its membership. All full-time faculty and such others as the faculty shall designate shall have membership and voting privileges. The Dean of the Regional Campus shall be a voting member of the faculty organization.

**Voting.** Every member of the faculty organization, as defined by each campus, has the right to present motions and to vote. Elections will be conducted by secret ballot, and other voting will be by show of hands or by voice unless at least one-third of the members present request a secret ballot.

**Organization.** Each faculty organization will determine its own organization, committees, officers, and rules of operations, subject to the approval of its Dean of the University, the Vice

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Provost and Executive Dean for Regional Campuses and Continuing Education, the Provost, and the President.

**Conduct of Business.** Each faculty organization will determine its own rules for the conduct of business.

**Meetings.** Each faculty organization will meet on a regular basis and publish minutes of its meetings.

**Committees.** Each faculty organization will establish such committees as it deems necessary.

### STANDING COMMITTEES OF THE REGIONAL CAMPUSES FACULTY

- 1. Grievance Committee.** The Grievance Committee shall consider individual grievances brought before the committee by members of the faculty. The committee shall examine alleged grievances, and when, in the judgment of the committee, a grievance is determined to exist, it shall attempt to resolve the matter through mediation or other appropriate action. This committee shall be comprised of five tenured faculty, one elected from each faculty organization of the Regional Campuses.
- 2. Tenure and Promotion Committee.** A Tenure and Promotion Committee shall be formed in October of each year and shall consist of two members elected by each Campus Faculty Organization.
- 3. Representation on the USC Columbia Campus Faculty Senate.** Each Regional Campus Faculty is represented on the Columbia Campus Faculty Senate in accordance with the regulations of that body, as set forth in USC Columbia's *Faculty Manual*.

### REGIONAL CAMPUSES FACULTY SENATE

**Functions.** The Regional Campuses Faculty Senate of the University of South Carolina was created by the Board of Trustees to act for the Regional Campus faculties, subject to review by the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the Provost, the President, and the Board of Trustees. The Senate has authority to establish minimum educational standards for the Regional Campuses; it also has authority in matters pertaining to the conduct of faculty affairs, except where that authority has been specifically reserved for the Regional Campus Faculties. These policies will be generally consistent with the educational policies and standards of the University and will differ only in meeting specific requirements of the Regional Campuses.

**Membership.** The Regional Campuses Faculty Senate shall consist of a minimum of three senators from the Faculty of each Regional Campus. (See Appendix I, Article II, Section 1.) One

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additional senator will be elected for each one hundred full-time equivalent students above three hundred enrolled for the fall semester. No Regional Campus shall have more than nine senators. If enrollment decreases, compliance shall be accomplished by attrition.

Senators shall be elected for three-year terms, unless otherwise chosen to fill an unexpired term. Approximately one-third of the delegation of each campus shall be elected each year.

Each Regional Campus will also elect one or more Alternate Senators. An Alternate will substitute for a Senator in the event that the Senator is unable to attend a meeting of the Senate. Alternates have the same privileges as the Senators for whom they substitute. Each campus is entitled to its quota of senatorial members in the Senate in addition to its Executive Committee member.

The President, the Provost, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the Associate Vice Provost for Regional Campuses and Continuing Education, the Assistant Vice Provost for Continuing Education Credit Programs, and the Deans of the University are *ex officio* members of the Senate without voting privileges.

**Voting.** All members of the Senate except *ex officio* and Executive Committee members have the right to vote and present motions. The Chair will vote to break a tie. Elections will be conducted by secret ballot, and other voting will be by show of hands or by voice unless a majority of the members present request a secret ballot (See Appendix II, Rule 3).

**Conduct of Business.** The Senate follows the current edition of *Robert's Rules of Order* in conducting its business, unless otherwise provided for in the Bylaws or the Standing Rules.

**Meetings.** The Senate will meet at least twice annually (once each semester) at times and places to be scheduled by the Executive Committee.

**Bylaws and Standing Rules.** The Bylaws and Standing Rules of the Senate appear as Appendix I and Appendix II of this *Manual*.

### **SENATE OFFICERS AND EXECUTIVE COMMITTEE**

At its final meeting of the academic year, the Senate will elect from among its members the Vice Chair, the Secretary, and one Member-at-Large to the Executive Committee. The Senate may also elect other officers.

The Vice Chair of the Senate automatically becomes the Chair for the following year or upon vacancy in the office of Chair. The Vice Chair will serve at least one full term as Chair.

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The Executive Committee serves as a planning body for issues which confront both the Regional Campuses and the University at large. It is composed of the Chair, Vice Chair (Chair Elect), Secretary, Immediate Past Chair, and one Member-at-Large nominated and elected by the Senate from among the appropriate campus delegations. Normally, no campus shall have more than one member on the Executive Committee. However, if one campus chooses not to have a representative on the Executive Committee, then the Executive Committee may have at most two members from one campus. The Committee makes recommendations for actions to be taken by the Senate.

### **REPRESENTATION ON USC COLUMBIA FACULTY SENATE COMMITTEES**

The Regional Campuses are represented on the following committees as described in the USC Columbia *Faculty Manual*. The Regional Campuses Faculty Senate elects a representative from the regional campus faculty to serve on each of the following committees.

1. **Committee on Libraries** (three-year term)
2. **Committee on Curricula and Courses** (three-year term)
3. **Committee on Faculty Welfare** (three-year term)
4. **Academic Affairs and Faculty Liaison Committee** (one year appointment, nominee is recommended to the President)
5. **Research and Productive Scholarship Committee** (one year appointment, nominee is recommended to the President)

The Senate elects representatives and nominees for recommendation at its final meeting of the year. Representatives will assume their duties on August 16 and will report in person to the Regional Campuses Faculty Senate.

### **STANDING COMMITTEES OF THE REGIONAL CAMPUSES FACULTY SENATE**

Each Regional Campus Faculty will be represented by at least one Senator on every standing committee, and all committees will report to the Senate. Any faculty having more Senators than there are Standing Committees must distribute these Senators as equitably as possible among the Standing Committees.

1. **Rights and Responsibilities Committee.** This committee considers issues regarding faculty relations with administration and students as well as other matters that may be assigned by the Executive Committee.

2. **Welfare Committee.** This committee considers the financial concerns of the faculty, including salaries, fringe benefits, support for teaching and research, and other matters that may be assigned by the Executive Committee.
3. **System Affairs Committee.** This committee considers matters involving the relationships among campuses of the University, matters dealing with courses and curricula on those campuses, and other matters that may be assigned by the Executive Committee.

### **SPECIAL COMMITTEES**

*Ad hoc* committees may be appointed by the Senate chair or elected by the Senate.

**The Provost's Regional Campuses Advisory Council** is constituted and its business conducted at the will of the Provost. The Advisory Council usually is composed of the chair of the Regional Campuses Faculty Senate, two faculty representatives from each of the Regional Campuses, and two faculty representatives from Continuing Education Credit Programs. Representatives are elected for two-year terms. Meetings of this Council are called by the Provost. The purpose of this committee is to provide recommendations regarding the academic mission of the University and academic issues affecting more than one campus to the President, Provost, or other committees and governing bodies.

**Nominating Committee.** This committee, chaired by the Vice Chair of the Senate, shall present, at the Senate's final meeting of each academic year, a slate of nominees for positions to be elected by the Senate. The Senatorial Delegation from each Regional Campus shall choose from among its members one representative to serve on the Nominating Committee.

The Chair of the Nominating Committee shall notify each committee member by the end of February of the positions to be filled. Committee members should solicit the applications of prospective nominees from their respective campuses. Prospective nominees should exhibit a high degree of interest and a willingness to fulfill the duties required by the position. Executive Committee nominees shall be current members of the Regional Campuses Faculty Senate.

The Chair of the Nominating Committee shall call a meeting of the committee by March 15, at which time the committee will select, by a method of its own choosing, nominees for available positions.

At the beginning of the last meeting of the Regional Campuses Faculty Senate for the academic year, the Chair of the Nominating Committee shall submit in writing, to the full Senate, the names of the nominees the committee has chosen.

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At the beginning of the business session of the Senate meeting, the Chair of the Regional Campuses Faculty Senate shall call for nominations from the floor.

At the end of the Senate meeting, the Chair of the Senate shall conduct a vote by secret ballot for each of the positions.

In highly unusual or extenuating circumstances, the Chair of the Senate may waive these procedures and form a Nominating Committee in any manner appropriate to the temporary situation.

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## C. - REGULATIONS AND POLICIES

### POLICY CHANGES

Changes in the rights, privileges, and benefits accorded faculty may be made as conditions warrant. Changes providing additional rights, privileges and benefits shall apply to faculty employed prior to the promulgation of such changes, but no changes in policy can be used to the detriment of these employees.

### SEXUAL HARASSMENT POLICY

*(EOP 1.02)*

Sexual harassment is a form of sex discrimination which, for employees, is prohibited under Title VII of the Civil Rights Act of 1964 and under Title IX of the Educational Amendments of 1972 for students. Sexual harassment offenders shall be subject to disciplinary action which may include but is not limited to oral or written warnings, demotion, transfer, suspension, or dismissal for cause.

### FACULTY APPOINTMENTS

*(ACAF 1.00)*

#### Affirmative Action Policy

*(EOP 1.00)*

The University of South Carolina System provides affirmative action and equal opportunity in education and employment for all qualified persons regardless of race, color, religion, sex, national origin, age, handicap, or veteran status.

#### Appointment Procedure

When the Provost, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, and the Dean of the University establish that a vacancy exists, the vacancy will be advertised in accordance with affirmative action and University regulations. A faculty search committee will assemble information including job description and salary range, identify candidates, review qualifications, interview the candidates, and make recommendations to the Dean of the University. If the appointment cannot be made from among the candidates recommended by the Search Committee, a new search may begin.

Once a candidate has been selected, approval to make the offer must be obtained from the Vice Provost and Executive Dean for Regional Campuses and Continuing Education (and from the Provost and the President in the case of full professorial, tenured or administrative appointments).

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### **Nepotism Policy**

*(HR 1.27)*

State law forbids nepotism, provided that, "It shall be unlawful for any person or the head of any department of this government to appoint to any office or position of trust or emolument under his control or management any person related or connected with him by consanguinity or affinity within the sixth degree."

## **QUALIFICATIONS AND CRITERIA FOR ACADEMIC RANK**

### **Qualifications**

As general policy, the qualifications for appointments to faculty rank are as set forth below. These qualifications are not intended as justification for automatic promotion; conversely, justified exceptions may be made if warranted.

### **Rank of Professor**

To be eligible for the rank of Professor, a faculty member must have a record of highly effective teaching and scholarship (see Appendix VI for parameters of effective teaching and scholarship). Except in noteworthy cases, the faculty member is expected to hold the terminal degree in the appropriate field. It is normally expected that the faculty member will have a minimum of four years of full-time faculty experience, three of which shall be at the Associate Professor level.

To be eligible for the rank of Professor, a library faculty member must have a record of highly effective performance as a librarian normally involving both professional achievement and service to the University. Except in noteworthy cases, the faculty member is expected to hold a master's degree in library science from an institution accredited by the American Library Association (ALA). It is normally expected that the faculty member will have a minimum of four years of full-time professional experience, three of which shall be at the Associate Professor level.

### **Rank of Associate Professor**

To be eligible for the rank of Associate Professor, a faculty member must have a record of effective teaching and scholarship (see Appendix VI for parameters of effective teaching and scholarship). The candidate must possess strong potential for further professional development. It is normally expected that the faculty member hold the terminal degree in the appropriate field and will have a minimum of four years of full-time faculty experience, three of which shall be at the Assistant Professor level.

To be eligible for the rank of Associate Professor, a library faculty member must have a record of effective performance including both professional achievement and service to the University.



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The faculty member must possess strong potential for further professional development and is expected to hold the master's degree in library science from an institution accredited by the American Library Association (ALA). It is normally expected that the candidate have a minimum of four years of full-time professional experience, three of which shall be at the Assistant Professor level.

#### **Rank of Assistant Professor**

To be eligible for the rank of Assistant Professor, a faculty member must possess strong potential for further professional development. The candidate will normally be expected to hold the terminal degree in the appropriate field.

To be eligible for the rank of Assistant Professor, the library faculty member must possess strong potential for further professional development. The candidate will normally be expected to hold the master's degree in library science from an institution accredited by the American Library Association (ALA) and have some professional experience.

#### **Rank of Instructor**

To be eligible for the rank of Instructor, a faculty member must have completed at least 18 graduate semester hours in the assigned teaching field and hold a master's degree. In certain exceptional cases, unique experience and demonstrated competence may substitute for advanced academic preparation. Such exceptions must be justified by the institution on an individual basis. This is a non tenure-track position. See *Policies and Procedures Manual*. (ACAF 1.06, L.)

To be eligible for the rank of Instructor, a library faculty member will normally be expected to hold the master's degree in library science from an institution accredited by the American Library Association (ALA). This is a non tenure-track position. See *Policies and Procedures Manual*. (ACAF 1.06, L.)

The qualifications for appointment to positions bearing titles which are less frequently used (Lecturer, Research Professor, etc.) can be found in the *Policies and Procedures Manual*. (ACAF 1.06, M-P.)

### **CRITERIA FOR TENURE AND PROMOTION**

Relative to the central mission of the Regional Campuses, effectiveness as a teacher and/or librarian is of primary consideration for tenure and promotion decisions. Scholarship and Service are important as individual categories and increase in importance as they are considered together, especially elements of categories used to document scholarship as defined and described in Appendix VI.

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1. Effectiveness as a Teacher and/or Librarian
2. Scholarship
3. Service

Each of the three categories listed above must be documented using the definition and parameters listed below and in Appendix VI. The descriptors effective and highly effective, as used in the statements of qualifications for the ranks of Professor and Associated Professor, are explained below.

### **Effective Teaching**

Effective teaching is justified using the criteria outlined in Appendix VI. The faculty member seeking to establish a record of effective teaching should provide a narrative description outlining his or her case. The faculty member's tenure and promotion file must contain documentation sufficient to convince local and regional campuses tenure and promotion committees that the criteria for effective teaching have been satisfied.

### **Highly Effective Teaching**

A record of highly effective teaching shall be established by a clear and consistent record of effective teaching. The faculty member seeking to establish a record of highly effective teaching is expected to provide evidence sufficient to convince local and regional campuses tenure and promotion committees that he or she has a consistent record (at least spanning the interval since the last promotion) of effective teaching that is clearly recognized by peers and students alike.

### **Scholarship**

Scholarship should be documented by activities clearly identified as scholarly relative to the definition, description and checklist located in Appendix VI. Activities submitted to fulfill this category of the qualifications for tenure and promotion should be appropriate to the individual and of demonstrable value to the local community, campus, or general educational community. Each activity should be judged meritorious in proportion to the degree it matches the categories of scholarship and is consistent with the checklist provided in Appendix VI.

Since pertinence of scholarship activities is influenced by the expertise and interests of the candidate, mission and needs of the local campus, and availability of support (all of which change over time), the candidate is obligated to justify the nature, extent and value of his or her scholarship. This justification should be in the form of a listing and narrative description of activities. The description should explain scholarly aspects and present a case for the importance of each activity. The candidate's tenure and promotion file must contain documentation supporting both the fact and value of activities referenced in the narrative.

### **Effective Scholarship**

To meet the qualification of effective, a faculty member must demonstrate an ongoing interest and effort to continue learning on a formal and/or non-formal basis. The faculty member must present evidence of the outcomes of her or his scholarship, if not publication of research or creative/artistic work, then evidence of activities other than classroom teaching, associated with the development, dissemination or application of knowledge. These activities should exhibit high concordance with the mission of the local campus and with the aspects of scholarship established by the checklist for determining scholarship (Appendix VI). In total effect the faculty member should be viewed by peers on the local and regional campuses tenure and promotion committees as an individual actively and continuously engaged in the pursuit, application, and dissemination of knowledge.

### **Highly Effective Scholarship**

To meet the qualification of highly effective, a faculty member should establish that her or his scholarly efforts are widely recognized as valuable to the campus, community, or general educational community. In effect the faculty should be easily and widely recognized as an individual who is active and has been continuously engaged in the pursuit, application, and dissemination of knowledge. This recognition may be due to a long and consistent record of effective scholarship, but can more easily be established through the relative merit and scholarly nature of activities. Documentation must be provided in the tenure and promotion file that testifies to the quality and recognition of scholarship.

### **Service**

In its mission statement, the University recognizes service as an important function of a university professor. This is particularly true on the Regional Campuses. Service is outreach that faculty members provide to the campus, University, or the greater community. Service may include, but is not necessarily limited to, activities in four categories: service to the community, service to the local campus, service to the regional campuses/greater University, and service to the profession.

In the four categories of service identified above, activities may or may not be predicated on education and professional experience. It is the responsibility of the individual to demonstrate how the activity listed enhances the relationship between the University and the community. A guide for listing the activities for each of these categories can be found in Appendix VI.

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**Additional Considerations**

To implement the application of the criteria for tenure and promotion, it is the intent of the University to follow these regulations:

1. New members of the faculty shall be informed of the tenure regulations applicable on the effective date of appointment. Changes in tenure regulations shall not be applied retroactively if detrimental to the faculty member. A faculty member who is not recommended for tenure to the Board of Trustees shall be notified in writing by the University administration. Tenure applies only on the campus on which it is earned.
2. Since consistency of performance over a period of time is a relevant factor in evaluating faculty for tenure, Assistant Professors normally will not be recommended for tenure until they have completed at least four years of full-time service on a Regional Campus; Associate Professors and Professors normally will not be recommended for tenure until they have completed three years of full-time service on a Regional Campus.
3. The maximum probationary period for tenure for all full-time faculty members appointed at the rank of Professor or Associate Professor shall be satisfactory service in that rank for six years on a Regional Campus; for all full-time faculty members appointed at or promoted to the rank of Assistant Professor, satisfactory service in that rank for seven years. The maximum probationary period at any combination of tenure-track ranks is seven years. Time during which the faculty member is on leave, either with or without pay, will not be counted as part of the probationary period. For documented reasons of a serious health condition (of a faculty member and/or the faculty member's spouse, child, or parent), and for requirements of childbirth, adoption or placement of a foster child, faculty members holding a probationary term of appointment may request in writing from the Provost via the Vice Provost for Regional Campuses and Continuing Education that the maximum probationary period be extended, with no resulting change in employment obligations, in order to provide them additional time to demonstrate fully their professional qualifications for reappointment or tenure. (See *ACAF* 1.31)
4. Instructors are not eligible for tenure, but the provisions of Item 6 (below) concerning notice of termination shall be applicable to full-time appointments at that rank, except in the case of an appointment made for a specific period of time.
5. Lecturers, armed forces personnel performing teaching assignments, and other part-time faculty members are not eligible for tenure. Service under visiting or adjunct appointments is not applicable to the acquisition of tenure.
6. a. If during the first year of an appointment not expressly temporary in nature, it is deemed in the best interest of the University to terminate the appointment at the end of

the first year, notice of such termination will be given in writing by March 1 for first-semester appointments and July 1 for second-semester appointments.

If during the second year of such an appointment, it is deemed in the best interest of the University to terminate the appointment at the end of the second year, notice of such termination will be given in writing by December 15 (April 15 for a second-semester appointment).

Thereafter, notice in writing of the termination of any appointment to which the provisions of this section apply will be given at least twelve months prior to the date of termination.

b. If notice of termination is not given in writing by the beginning of the fourth year of the maximum probationary period in the case of Associate Professors and Professors, the appointment of the faculty member shall automatically be a continuous (or tenured) appointment.

Each year of a first-semester appointment shall start with the beginning of the scheduled fall term, and each year of a second-semester appointment shall begin with the beginning of the scheduled spring term.

7. An individual appointed to an administrative position may also be awarded the rank of Assistant, Associate, or full Professor. The individual must participate sufficiently in the affairs of the academic unit to meet stated criteria for tenure and promotion. This should be so stated in writing at the time of the appointment.

Such awards of rank must be reviewed in advance by the campus Tenure and Promotion Committee and by the Dean of the University.

The inclusion of an academic title in an appointment places the individual in the campus's tenure track with the same rules and procedures for tenure and promotion and the same probationary periods as the faculty holding academic ranks. (*ACAF* 1.12)

## **TERMINATION OF TENURED FACULTY**

### **CAUSES**

Termination or dismissal of a tenured member of the faculty shall be only for cause. Cause shall mean one or more of the following:

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1. Failure to perform adequately the duties of the position so as to constitute incompetence and/or habitual neglect of duty including, but not limited to, failure to satisfy the conditions of the remediation process established as the result of a negative post tenure review;
2. Misconduct related directly and substantially to the fitness of the faculty member in his or her professional capacity as a teacher, researcher, or librarian;
3. Conduct or action not protected by the Constitution or laws and which is a clear interference with the academic functions of the University;
4. Prolonged inability for medical reasons to perform the duties required for the position; termination of a tenured member of the faculty for medical reasons will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of appointment;
5. Lapse or withdrawal of licensure to practice in the State of South Carolina; the loss of licensure in any professional area may also be considered as a cause for termination if the license is necessary for the performance of one's academic duties;
6. Bona fide reduction in staff, which may be caused by financial exigency or by discontinuance or reduction in size of a program or instructional unit for reasons not related to financial exigency.

## PROCEDURES

### **A. Termination For Failure To Perform Duties Due To Incompetence And/Or Habitual Neglect Of Duty; Termination For Conduct As Specified In 2 And 3 Above; Medical Reasons; Termination For Lapse Or Withdrawal of License.**

1. Discussion with the President.

After it becomes evident to the President that termination may be desirable, there must be discussion between the faculty member and the President with the intent of arriving at a mutually agreed upon resolution.

2. Re-Assignment.

The President may assign the faculty member to new duties if the faculty member's continuance in normal duties threatens immediate harm to that faculty member or to others.

3. Regional Campuses Tenure and Promotion Committee Review.

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If the President and the faculty member are unable to reach a resolution, the President shall inform the Regional Campuses Tenure and Promotion Committee of his or her desire to terminate a tenured member of the faculty. The President shall give this committee a statement of charges, framed with reasonable particularity, and the factual basis for these charges, also stated with reasonable particularity. The function of the committee shall be to determine whether the facts alleged, if true, would establish the charge and whether the charge is of such a nature as to warrant termination. The discussions, records, and recommendations of the committee shall remain confidential.

The committee shall inform in writing both the President and the faculty member of its recommendations and its reasons. Should the President then wish to pursue termination proceedings he or she shall, by letter, inform the faculty member of the intention to terminate, including a precise statement of specific charges. The letter shall also inform the faculty member of the member's right to request a hearing on this decision by the Regional Campuses Grievance Committee. (See below)

If the faculty member takes no action within ten **calendar** days of receipt of notification by the President, the President, without recourse to further proceedings, may send a written letter of termination.

#### 4. Grievance Committee Review Hearings.

If the faculty member desires a hearing by the Regional Campuses Grievance Committee, the member must so inform the Regional Campuses Grievance Committee through the office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education and the President in writing within ten **calendar** days of receipt of notification by the President of the proposed termination.

Upon receipt of a written request for a hearing, the chair of the Regional Campuses Grievance Committee shall schedule a hearing no sooner than 20 **calendar** days and no later than 60 **calendar** days from the date of receipt. All parties must be given written notice as to time, date, and place.

The Regional Campuses Grievance Committee may hold joint prehearings with the parties in order to simplify the issues, effect stipulations of facts, or for other appropriate objectives as will make the hearing fair, effective, and expeditious. At this stage, members of the Regional Campuses Grievance Committee may disqualify themselves for bias or interest, and the parties involved may raise the question of disqualification. The Regional Campuses Faculty Senate Executive Committee shall appoint new members to fill vacancies created on the Regional Campuses Grievance Committee for this particular hearing.

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The following standards and procedures shall apply in the conduct of the hearing:

- a. The hearing shall be closed.
- b. A verbatim record of the hearing or hearings will be taken and a copy made available to the faculty member on request and without cost.
- c. The burden of proof that adequate cause exists rests with the President and shall be satisfied only by clear and convincing evidence in the record, as established at the hearing, considered as a whole.
- d. The faculty member may choose an academic advisor and/or counsel to be present during the proceedings.
- e. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The President will cooperate with the Regional Campuses Grievance Committee in securing witnesses and making available documentary and other evidence.
- f. The Regional Campuses Grievance Committee may grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.
- g. The faculty member and advisor or counsel and the President or representative will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear but the board determines that the interests of justice require admission of their statements, the Regional Campuses Grievance Committee will identify the witnesses, disclose statements, and, if possible, provide for interrogatories.
- h. The Regional Campuses Grievance Committee 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.
- i. The findings of fact and the decision of the Regional Campuses Grievance Committee will be based solely on the hearing record.

If the Regional Campuses Grievance Committee concludes that adequate cause for termination has been established, it shall so inform the President and the faculty member.



If the Regional Campuses Grievance Committee concludes that action short of termination would be more appropriate, it shall so inform the President and the faculty member, together with supporting reasons.

If the Regional Campuses Grievance Committee concludes that adequate cause for termination has not been established, it shall so inform the President and the faculty member, together with supporting reasons.

#### 5. Final Disposition and Appeals

Within ten **calendar** days of receipt of the Regional Campuses Grievance Committee report, the President shall inform in writing the faculty member and the Regional Campuses Grievance Committee of his or her decision together with supporting reasons. The President shall inform the faculty member of the right to appeal an adverse decision to the Academic Affairs Committee of the Board of Trustees, sitting in consultation with the Faculty Liaison Committee. If the faculty member takes no action within ten **calendar** days of receipt of notification by the President, the President may send a letter of termination.

The decision by the Academic Affairs Committee is final within the university. If the committee's decision is to support the intention of the President, the President may then send formal notification of termination.

### **B. Termination Because Of Bona Fide Reduction In Staff**

#### 1. Termination Because of Financial Exigency.

Financial exigency shall mean an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic measures than termination of tenured faculty members.

A committee of the local campus faculty must participate with the administration in the decision that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of tenured appointments have been pursued. This committee shall consist of five members of the faculty elected by the local campus faculty organization. The committee must participate in the formulation of criteria for determining termination. Length of service may be appropriately included among the criteria. The committee must also participate in the decision as to which individuals shall be terminated.

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A faculty member receiving notification of an intention to terminate because of financial exigency is entitled to a hearing before the Regional Campuses Grievance Committee as specified in Section A. The issues in this hearing may include:

- a. the existence and extent of the condition of financial exigency. The burden will rest with the President to prove the existence and extent of the condition;
- b. the validity of the educational judgments and criteria for determining termination;
- c. whether the criteria are being properly applied in the individual case.

2. Termination Because of Reduction in Program or Instructional Unit.

The decision to discontinue or reduce a program or instructional unit will be based upon long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance in contrast to considerations which reflect cyclical or temporary conditions.

The decision to discontinue or reduce a program or instructional unit must be arrived at jointly by the President and the faculty committee as described in Section B.1.

Every effort must be made to place faculty members affected by discontinuance in another suitable position within the institution. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. Only if no position is available may a tenured member of the faculty be terminated for reasons of discontinuance.

A faculty member receiving notification of an intention to terminate because of discontinuance is entitled to a hearing before the Regional Campuses Grievance Committee as specified in Section A. 4 and 5.

A faculty member receiving notification of an intention to terminate because of discontinuance or reduction in program or instructional unit shall be given a year's notice.

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

**ANNUAL EVALUATION, THIRD YEAR REVIEW, AND POST-TENURE REVIEW**

On Regional Campuses, the Deans and other administrative officers are the chief means by which the academic program is implemented. The faculty of a Regional Campus should evaluate its administrators on a regular basis. Each campus may determine its own procedure for evaluation provided the procedure is fair.

**Faculty Evaluation**

The University of South Carolina is committed to annual evaluation of all faculty as indicated below. Although procedural differences may exist among the campuses, it is essential each campus conform to the University policy for evaluation.

The following statement on faculty evaluation includes points in common among the campuses of the University, and it constitutes the official policy of the University. This statement has been approved by the Board of Trustees and has been accepted by the Budget and Control Board as meeting its minimum standard.

1. Each member of the faculty will receive an annual written performance evaluation prepared by the head of the faculty member's administrative unit.
2. Unit criteria for tenure and promotion will be used as a basis for the annual evaluation.
3. Each faculty member will meet with the administrative head of the unit to discuss the evaluation.
4. The faculty member will read and acknowledge the evaluation by signing it; signing the document does not imply agreement on the faculty member's part.
5. The faculty member may respond in writing to the evaluation and that response will be retained with the written evaluation.
6. The signed evaluations and any written response by the faculty member shall become a part of the faculty member's permanent personnel file.
7. A copy of the evaluation will be provided to the faculty member.
8. Academic units shall be empowered to stipulate further criteria or procedural steps in the evaluation of faculty; however, such additional stipulation shall not violate the points set forth above.

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In the implementation of faculty evaluation, the following points should be observed on each campus.

1. All campuses must send to the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education a copy of the calendar which they are following in the matter of faculty evaluation.
2. Where peer evaluation is required, it is suggested that faculty on the tenure track (other than those in their first year) be evaluated in the fall semester at the time of tenure and promotion consideration.
3. Although notice of reappointment is not necessarily tied to performance, evaluation should be completed prior to the date by which notices of non-reappointment must be sent. Thus faculty appointed on August 16 and in their first year should receive their initial evaluation prior to March 1. (See Appendix X)
4. Although there is no specific University-wide format, faculty evaluation should clearly measure performance against stated criteria and against any other expectations which have been stated in writing to the faculty member. Each campus should follow a consistent format and time frame for evaluations.
5. Any faculty member who receives a "superior" evaluation may receive a permanent merit increase to base pay in addition to any annual raise.
6. Recommendations for increases in salary for Regional Campuses faculty are reviewed by the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education as well as the Executive Vice President for Academic Affairs and Provost. Major items considered when making such recommendations include favorable budget forecasts, sufficient state and University allocations, tenure and promotion decisions, and performance review results (including post-tenure review).

### **Third Year Review**

In the third year of appointment all untenured, tenure-track faculty will prepare a file according to the RCTP guidelines for tenure and promotion in effect at the time the faculty member entered the tenure track. The format for file preparation is found in the Tenure and Promotion Procedures for Regional Campuses:

Files. The file will be submitted to and reviewed by the local tenure and promotion committee. The purpose of the file is to document the tenure-track faculty member's progress toward meeting the requirements for tenure by the penultimate year of the probationary period. The results of this review will be provided to the faculty member and forwarded to the local campus

dean who will provide a written comprehensive evaluation of the faculty member's progress toward tenure and promotion. A report of marginal or unsatisfactory progress shall include a written summary of deficiencies and recommendations for correcting the deficiencies. A satisfactory report may include a written summary. A satisfactory report on a third year review shall not be construed as assurance of success in the candidate's penultimate year. A rating of unsatisfactory progress may be cited as evidence in support of non-reappointment.

### **Post Tenure Review**

1. Each campus will conduct an annual administrative evaluation of its faculty. The faculty member will be provided a written report of this performance evaluation. The basis for these evaluations is the criteria for tenure and promotion established by the faculty, approved by the administration and Board of Trustees, and published in the *Regional Campuses Faculty Manual*.
2. Tenure track faculty (tenured or untenured) will undergo peer evaluation on the local campus at least once every three years: the criteria for tenure and promotion will be used as a basis for this review. Written results of peer evaluation will be provided to the faculty member.
3. For full-time administrators with tenure and faculty rank and who report directly to the Dean of the University or directly to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, participation in the post-tenure review process is suspended throughout the duration of their administrative appointment. Upon return to full-time faculty responsibilities, the post-tenure review policy for these individuals will be in effect.
4. Once every six years, tenured faculty members (of any academic rank) shall undergo a process of review which includes peers outside of the faculty member's department or division. (Though post tenure review is based on criteria established for tenure and promotion, the process of evaluation need only establish satisfactory or unsatisfactory levels of performance and NOT the "highly effective" record as required for promotion to higher academic ranks.)
5. When a tenured faculty member receives an overall rating of unsatisfactory, the file will be referred to a local campus committee which will work with the faculty member to develop a plan and time table for correcting deficiencies. Within budgetary constraints, the local campus will provide reasonable fiscal support for implementation of such plans.
6. The procedure which governs "termination for cause" of any tenured faculty appointment is clearly articulated in the *Regional Campuses Faculty Manual* and no process of outcome associated with post tenure review shall supercede the guidelines established by these provisions.

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**TENURE AND PROMOTION PROCEDURES FOR REGIONAL CAMPUSES**

The University of South Carolina adheres in principle to the most recent standards of the American Association of University Professors regarding the rights, privileges, and benefits accorded faculty members. Where University policies differ from those standards, the regulations stated herein, or as subsequently modified by the University, shall apply (See Appendix VII).

**Eligibility for Tenure or Promotion**

Each year all non-tenured tenure-track faculty and professional librarians may be considered for tenure, and all tenure-track faculty members below the rank of professor may be considered for promotion. (Application, however, should be guided by the time constraints suggested in the *Qualifications and Criteria for Academic Rank* section of this *Manual*).

The Dean, or the Dean's designated academic administrator will write to each eligible faculty member asking if the individual wishes to be considered for tenure or promotion. Each campus will consider and vote on all eligible faculty members except those who, in writing, waive consideration until the following year. Each campus must consider for tenure any faculty member in the penultimate year of a probationary appointment (sixth year for assistant professor and fifth year for those appointed at the associate professor level or above).

**PROCEDURES AT THE CAMPUS LEVEL****Notification**

- The Dean or the Dean's designated academic administrator shall notify each faculty member eligible for promotion or tenure that he or she should file written intent of application for promotion and/or tenure. The notice must be in writing and must be sent at least one month before the candidate's file is to be considered by the campus tenure and promotion committee. This provision is to allow time for the compilation of information for the tenure and promotion file.

**Files**

- Each faculty member who wishes to be considered for tenure and/or promotion and all faculty members who have served the maximum probationary period must complete the Tenure and Promotion File Form provided to each campus by the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education. Subject to the conditions below, the completed Tenure and Promotion File Form, information requested by the tenure and promotion process and information selected by the applicant to support her or his application shall constitute a tenure and promotion file.

- A tenure and promotion file will be started at the time a faculty member is hired. This file will include hiring dates, rank, penultimate dates for tenure consideration and such review forms as dictated by campus and system policy. The file will be maintained in the office of the campus academic dean.
- The candidate bears primary responsibility for preparation of the file on which decisions will be based. Documents mandated by campus policy, such as peer review forms, administrative reviews, etc., will be delivered to the academic dean (by the originating authority) for placement in the candidate's file.
- Files normally should not exceed 25 typed pages excluding documents mandated by campus policy and materials added by the various levels of review. The candidate also may prepare a reference collection of documents (books, other publications, copies of grant proposals, student evaluations, etc.) which will not be duplicated but will accompany the tenure and promotion file through the various levels of review. The reference collection of materials will be returned to the candidate at the end of the review process.
- Each file and/or reference collection should contain the following items when relevant to the criteria and to the candidate under consideration:
  1. Evaluations and/or evidence of effective teaching performance and/or service as a librarian (See Appendix VI);
  2. Evidence of scholarship (See Appendix VI);
  3. As appropriate, evidence of creativity or performance in the arts;
  4. Evidence of professional growth and experience which may include workshops, seminars, consulting, additional coursework, participation in professional societies, participation in interdisciplinary education and research activities and the like;
  5. Evidence of campus and University activities such as work on department, division, campus and university committees;
  6. Evidence of community service especially if it relates to the candidate's discipline and reflects well on the university;
  7. Experience at the University of South Carolina;
  8. Relevant experience elsewhere;

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9. External evaluations of a candidate's scholarly or creative achievements and other professional activities received by the candidate, department, division or campus.
  - The file should be arranged in the following order:  
(Each section may refer to materials in the reference collection)
    - 1) Tenure and Promotion File Form
    - 2) Candidate's Personal Statement
    - 3) Evidence of Effective Teaching
    - 4) Evidence of Scholarship
    - 5) Evidence of Service
    - 6) Other items
    - 7) Addenda, committee ballots, letters from administrators, etc.

In preparing a file for tenure and promotion, it is the responsibility of the candidate to determine where he or she wishes to place an item as evidence, and to provide justification as to how the item constitutes evidence of either scholarship or service.

- Apart from material added by the candidate, only materials from division chairs, associate deans for academic affairs, campus tenure and promotion committees, campus deans, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, and the RCTP Committee may be added to the file. All such items are to be placed in section 7) addenda at the end of the candidate's file. Except for those items specified in Item c) at the end of this section, the file must be complete by **November 1** and before the campus tenure and promotion committee begins to review it.
- Neither the candidate nor any other person may bar or remove any document or other evidence (duly filed and permitted by the tenure and promotion process) from a file.
- No faculty member other than the candidate, unit chair, or dean may require that any document or other evidence be included in the file, but faculty members may cite or quote from any evidence not in the file in their vote justifications or in separate letters to their dean or unit chair. Justifications which accompany individual votes will become a part of the file.
- Letters written by outside reviewers or faculty members in previous years are not automatically included in the file. The candidate or a reviewer may include such a letter in the file but must have the author's written permission.
- Instruments or mechanisms authorized by the local campus for evaluating a candidate's teaching, such as peer and student evaluations, will be included in the file. All such



evidence shall be organized in reverse chronological order. The candidate should include other evidence of teaching effectiveness.

- After the campus review process begins, only the following items may be added to the file:
  - a) Campus tenure and promotion vote justifications, and statements from the dean and other academic administrators which accompany the file to the next steps of the procedure.
  - b) The votes and vote justifications of the members of the RCTP Committee.
  - c) If referred to in the file, material information arising as a consequence of actions taken prior to the campus vote, for example (i) letters from outside evaluators solicited before but received after the campus review process is initiated; (ii) notification of acceptance of a manuscript referred to in the file; (iii) publication of books or articles which had been accepted prior to initiation of the review process; and (iv) published reviews of a candidate's work which appear after initiation of the review process.
  - d) Information received by the RCTP Committee which may not be added to the file under the above provisions will not be considered by the RCTP Committee in its deliberations.

#### **Access to Progress of Files**

- At or prior to the time that the file is forwarded to the RCTP Committee, the campus committee will notify the candidate of its vote and vote justifications, and administrative officials at the local level will inform the candidate of their recommendations.
- The candidate (unless for tenure consideration in the penultimate year) has the right to remove the file from further consideration at any point in the process. Removal will be accomplished through a written request for non-consideration by the candidate. The request should be sent to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education who will forward it to the level where the file is being actively considered.

#### **Voting at the Local Level**

- Only faculty of equal or higher rank may vote on those applying for that rank. All tenured faculty may vote on applications for tenure. The minimum number of faculty necessary for voting on a candidate is five. Campus tenure and promotion committees will request the participation of faculty from other regional campuses if necessary to form a quorum. Faculty holding administrative positions (such as chair, dean, provost or President) which enable them to make recommendations on a candidate may not vote on those candidates. Emeritus

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professors may not vote. A faculty member on leave may vote only upon written notification to the unit chair or dean of a desire to do so before beginning the leave. This faculty member must attend the meetings of the committee to cast a vote.

- Meetings at which candidates are considered for tenure and promotion are closed to everyone except those eligible to vote on the candidate. A campus tenure and promotion meeting may, however, by rule, motion, or invitation of the chair of the meeting, be opened to anyone the body wishes to be present at the meeting and/or be heard.
- Tenured faculty of a campus may review a candidate as a committee of the whole or operate through an elected local committee. No local committee will have fewer than five members.
- Each member of the campus tenure and promotion committee shall vote “yes,” “no,” or “abstain.” Where campus rules do not specify majority, a majority of yes votes among those voting “yes” and “no” shall constitute a favorable recommendation. Absent a special unit rule to the contrary, abstentions shall be recorded but not used in the determination of majority for a favorable recommendation. Each campus may decide what percentage of the vote constitutes a favorable recommendation. Original ballots with justification must be provided by each voting faculty member. Justifications need not be signed but must clearly state how the author voted. Any ballot without justification will be voided.
- After the votes have been recorded and reported to the committee, the ballots and justifications will be included in the file. The committee will generate a letter which will indicate:
  1. Recommended for promotion
  2. Recommended for tenure
  3. Not recommended for promotion at this time
  4. Not recommended for tenure at this time
  5. Not recommended for tenure (this category is reserved for cases where the faculty member has served the maximum probationary period in any rank)

By **December 1**, the chair of the campus committee shall write a letter informing the candidate of the committee’s recommendation. The file, including the ballots, justifications, and letters from any other level of local review, will be forwarded to the Dean of the University. The Dean will review the file, add an assessment and recommendation, and forward the file to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education. The Dean will notify the candidate, in writing, of his or her recommendation.

**PROCEDURES ABOVE THE LOCAL LEVEL**

- File forwarded to the RCTP Committee. By **January 5**, the Dean of the University will forward the files and any recommendations to the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education for review by the Regional Campuses Tenure and Promotion Committee.
- Appeals. Unless governed by local policy, appeals of campus recommendations will be handled in accordance with the Procedure for Grievance Related to Denial of Promotion or Tenure located in Appendix III.

**THE REGIONAL CAMPUSES TENURE AND PROMOTION COMMITTEE****Membership**

- The RCTP Committee is composed of ten tenured associate or full professors. (All are elected; two from each campus and two from Academic Credit Programs). Each campus will elect two representatives to this committee by October of each academic year. No one who participates in administrative review of candidates or who serves on the local Tenure and Promotion Committee or Regional Campuses Grievance Committee shall be elected to this committee.
- If a member must vacate a seat, the tenured members of the local campus other than the person to be replaced shall elect a qualified faculty member to fill the vacancy.
- No member shall serve for more than three consecutive years.
- At least one representative from each campus to the committee shall be at the full professor level. The other representative shall be at least at the Associate Professor level.
- No faculty member may serve on the committee during the year in which the member's case receives active consideration.
- All applications for tenure and/or promotion in academic rank must be submitted to the Regional Campuses Tenure and Promotion Committee.
- The committee will not normally recommend promotion for anyone who is not currently engaged in teaching, with the exception of librarians.

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**Responsibilities of the RCTP Committee**

- The RCTP Committee applies tenure and promotion guidelines as a part of its deliberations. In conjunction with the Rights and Responsibilities Committee (R&R) of the Regional Campuses Faculty Senate, the RCTP Committee shares tenure and promotion issues and concerns with the faculty.
- The tenured members of each campus formulate and revise internal procedures for tenure and promotion. Local procedures should be consistent with the guidelines published in the *Regional Campuses Faculty Manual*. Inconsistencies noted by the RCTP Committee during their deliberations will be communicated to the chair of the Rights and Responsibilities Committee. The local campus procedures will then be reviewed for clarity and consistency with the *Regional Campuses Faculty Manual*.
- The RCTP Committee receives from the Vice Provost and Executive Dean for Regional Campuses and Continuing Education all files of faculty and professional librarians being considered for promotion or tenure. The RCTP Committee reviews each file and determines whether it supports the conclusions and recommendations of the campus tenure and promotion committees and campus deans. This review includes an examination of decisions to determine consistency with the criteria published in the *Manual*. In reviewing files the responsibility of the RCTP Committee is two fold:
  - a) To verify that criteria used by campus are consistent with the *Manual*; and
  - b) To review individual tenure and promotion cases and to recommend to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education for or against tenure and/or promotion.
- No person who serves on a campus tenure and promotion committee or who is in a supervisory role relative to the candidate may serve on the RCTP Committee.
- Associate Professors who serve on the Regional Campuses Tenure and Promotion Committee will not be present during deliberation on candidates for Professor except when invited to present a file. In any case, no Associate Professor will be present during the vote on a candidate for Professor.
- The basis for voting by individual RCTP Committee members is the material in the file presented to the RCTP Committee and the recommendation and justifications of the campus tenure and promotion committee and the recommendations and rationale of administrators that accompany it. Members of the RCTP Committee consider only the criteria applicable to the case and are guided by reasonable deference to the votes and rationale of the members of the campus tenure and promotion committee, the quality of the material in the file, the

quality of the justifications that accompany the votes and administrative recommendations, and the strength of support on the local campus and within the USC system.

### **RCTP Committee Procedures**

**Review and Discussion:** Before the meeting, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education sends the members of the RCTP Committee the files of all candidates who are seeking tenure and/or promotion. Committee members are expected to have read all files thoroughly before the meeting. Candidates' reference collections will be available in the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education. If a committee member would like to review any of the materials in a reference collection, the review should be accomplished prior to the meeting. The Vice Provost and Executive Dean for Regional Campuses and Continuing Education will appoint a temporary chair to call the meeting to order and proceed to the first order of business, electing a chair and a secretary for the meeting. After the chair and secretary have been elected, an agenda will be agreed upon by the committee which usually consists of agreeing on how to review the files. (Though there is no mandatory procedure, the usual order is that files for tenure will be considered first followed by files for assistant professor, associate professor, and professor.)

**Voting:** After review and discussion of each file, the chair calls for a vote on the candidate by secret ballot. Each member votes and writes a justification on the ballot which must focus on the three areas of evaluation as outlined in the *Criteria for Tenure and Promotion* section of this *Manual*; however, there shall be no limit on the candid expressions of support or nonsupport by a committee member. A majority of those voting "yes" and "no" constitutes the recommendation of the RCTP Committee. Voided ballots and abstentions will be recorded but not used to compute a majority. After discussion of each case, the Committee members shall vote by secret ballot on tenure and promotion as separate issues. The vote of "Yes," or "No," or "Abstain" shall indicate:

1. Recommended for promotion
  2. Recommended for tenure
  3. Not recommended for promotion at this time
  4. Not recommended for tenure at this time
  5. Not recommended for tenure (this category is reserved for cases where the faculty member has served the maximum probationary period in any rank)
- Ballots and justifications will be collected, and the chair will count the ballots. The committee's recommendation accompanied by individual votes and justifications will become a part of the file which will then be forwarded to the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education. The RCTP Committee's recommendation and vote also will be recorded on the summary sheet which accompanies each candidate's file. The summary sheet should contain the campus tenure and promotion

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committee's vote, the academic dean's (and/or other supervisor's) expression of support or non-support, and the campus dean's recommendations.

- The procedures, rules, and actions of the committee not related to individual files are a matter of record. All other matters, including file contents and committee discussion of candidate files, are strictly confidential.

Notification: The Chair of the RCTP Committee shall write a letter informing the candidate of the committee's recommendation.

For candidates recommended by vote of the Committee, the Chair of the Committee will have a letter prepared stating:

*"The Regional Campuses Tenure and Promotion Committee met on (date) and recommends you for (promotion to \_\_\_\_\_ and/or tenure). This recommendation has not been reviewed by the administration of the University. This decision is not final until the administration and the committee's recommendations are acted upon by the Board of Trustees."*

For candidates receiving a vote by the Committee not to recommend, the Chair will have a letter prepared for the candidate stating:

*"The Regional Campuses Tenure and Promotion Committee met on (date) and does not recommend you for (promotion to \_\_\_\_\_ and/or tenure). This recommendation has not been reviewed by the administration of the University. This decision is not final until the administration and the committee's recommendations are acted upon by the Board of Trustees."*

*"If you wish to appeal the Committee's action with regard to \_\_\_\_\_, you may do so by writing to the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education as outlined in the Regional Campuses Faculty Manual, Grievance Procedure (Appendix III). The process of appeal should be initiated no sooner than the receipt of notification from the President."*

For candidates receiving a split vote with respect to tenure and promotion, the Chair will have a letter prepared for the candidate stating:

*"The Regional Campuses Tenure and Promotion Committee met on (date) and recommends you for \_\_\_\_\_; however, the committee has not recommended you for \_\_\_\_\_ at this time. These recommendations have not been reviewed by the administration of the University. These decisions are not final until the administration and the committee's recommendations are acted upon by the Board of Trustees."*

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*“If you wish to appeal the committee’s action with regard to \_\_\_\_\_, you may do so by writing to the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education as outlined in the Regional Campuses Faculty Manual, Grievance Procedure (Appendix III). The process of appeal should be initiated no sooner than the receipt of notification from the President.”*

Each letter shall be signed by the Chair of the committee. Each candidate shall be notified of the Committee’s decision by the end of February.

### **PROCEDURES AFTER THE REGIONAL CAMPUSES TENURE AND PROMOTION COMMITTEE**

The files will be reviewed by the Vice Provost and Executive Dean for Regional Campuses and Continuing Education and the Provost. By **March 31**, the files with any recommendations will be transmitted through the Provost to the President. If, after reviewing a file, the President favors promotion and/or tenure, a recommendation to that effect will be forwarded to the Board of Trustees. The appropriate administrative officer will inform the candidate of the President’s decision. Files not recommended by the President for favorable action are not forwarded to the Board of Trustees.

Applicants who are denied promotion and/or tenure will be notified by the President of the negative decision. Applicants who are denied promotion and/or tenure may appeal through the Vice Provost and Executive Dean for Regional Campuses and Continuing Education for consideration on specific grounds (See Appendix III).

### **Report to Regional Campuses Faculty Senate**

After the Board of Trustees concludes its role in the tenure and promotion process, a report shall be generated by the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education which is to include the recommendations of each level of review from unit (campus) reviewers up through the Board of Trustees. The report will be as complete as possible while protecting the confidentiality of each candidate. The report should be presented at the first fall meeting of the Regional Campuses Faculty Senate.

### **Candidate Notification**

In accordance with the stipulations for notification contained in Appendix V, Table 1, each candidate shall be notified of action by the appropriate level of review in a timely fashion.

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**Access to Recommendations and Written Justifications**

A candidate may request a redacted transcript of the written recommendations and justifications of all levels of review. This request may follow the President's notification and must be in the form of a letter to the Vice Provost and Executive Dean for Regional Campuses expressing the candidate's desire to appeal through the grievance procedure. A successful applicant also may request this information by writing to the Vice Provost after receiving notice from the Board of Trustees of its final disposition of his or her petition for promotion and/or tenure.

**TERMS OF EMPLOYMENT**

In the absence of special arrangements, employment of members of the faculty is for a period of nine months. All members of the faculty shall be available from the fourth calendar day prior to the first day of registration and at least until after commencement. In the event that employment is or subsequently becomes for one semester, either fall or spring, the salary shall be one-half of the nine month stipend.

In addition, regular (full-time appointment not made for a specific period of time) members of the faculty may teach in one of the two summer sessions for which they would receive (if state funds provide) 15 percent of the salary received during the previous academic year. The faculty member must advise the Dean of the University before December 1 of the desire to teach summer school. At that time the faculty member may be assigned to teach in one or the other of the two summer sessions, as conditions may warrant; but on the recommendation of the Dean of the University, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, and with the approval of the Provost, the faculty member may be assigned special duties for this period.

Summer school teaching in the case of faculty hired after September 1, 1973, for employment beginning September 1974, may depend on the availability of funds and/or size of enrollment.

A member of the faculty may be permitted to do professional work outside the University and to receive pay when the work in question contributes to the professional development of the individual. No such outside work shall be undertaken except on prior approval of the Dean of the University. The University reserves the right to declare a conflict of interest at any time. (Further information can be found in *ACAF* 1.50.) (Refer to Regional Campuses Policy on Outside Professional Activities.)

No members of the teaching staff shall receive compensation for tutoring students in any course for which they are empowered to grant the student credit or over which they have authority. This regulation shall not be interpreted as prohibiting anyone from tutoring for remuneration in subjects over which they have no control.



Employment by other state agencies or departments of the University occurring during an employee's base period and for which there is compensation in excess of the employee's regular salary for temporary, part-time contractual, honorarial, or consultative service is considered dual employment and must be approved by the State Budget and Control Board. (Further information can be found in *HR 1.78*.)

Faculty who feel that administrative action with regard to their salary is inadequate may request further consideration of their record by submitting such documentation as they believe is appropriate to the Dean of the University or to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education. Only after following the procedure described above may the individual faculty member further grieve the matter by referring it to the Regional Campuses Faculty Senate Grievance Committee (See Appendix III).

### **TEACHING RESPONSIBILITY**

1. Instructional staff members are responsible for stating clearly the instructional objectives of each course they teach at the beginning of each term. Instructional staff members will direct their instruction toward the fulfillment of these objectives and will insure that examinations will be consistent with these objectives. Instructional staff members are responsible for orienting the content of the courses they are assigned to teach to the course descriptions approved by the Faculty Senate or Graduate Faculty as published in the *University of South Carolina Bulletin*.
2. Instructional staff members are responsible for informing their students in writing of the methods to be employed in determining the final course grade and of any special requirements of attendance differing from the attendance policy of the University. At the request of the student, an instructor will make available information and/or an evaluation of the student's progress prior to the free drop date.
3. Graded examinations and papers will be provided to the student for inspection and discussion. Final examinations will be retained for one semester to provide the opportunity for review with the instructor, if the student so desires. Examinations will be graded promptly to make the examination a part of the student's learning experience.
4. All instructional staff members are to meet their classes regularly and at scheduled times. In case of illness or any other emergency, the instructor must notify the dean or department chair so that appropriate action may be taken.
5. All instructional staff are to schedule and post a reasonable number of office hours at mutually convenient times and be available to students by appointment.

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6. Instructional staff members who are responsible for academic advising are to be available to students at specified hours during registration and throughout the academic year.

### **NORMAL WORK SCHEDULE**

The work schedules of full-time faculty are necessarily flexible but, as a guide, the normal teaching assignment will be twelve hours per semester or its equivalent. Teaching assignments will be affected by the number of students in the classes, number of preparations, number of new preparations, amount of travel, night schedules, and other variables related to the satisfactory performance of teaching.

### **ACADEMIC FREEDOM**

The University of South Carolina adheres in principle to the American Association of University Professors' "Statement of Academic Freedom." The University's policy shall be to defend academic freedom against any encroachment. A university as the center of learning depends on the free search for truth and its free exposition. The University has adopted the following statement on academic freedom:

1. A faculty member of the University of South Carolina is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of all other academic duties, but research for pecuniary return shall be based upon an understanding with the authorities of the institution (See also Copyright Policy).
2. The faculty member is entitled to freedom in the classroom in discussing his or her subject, but shall not introduce into teaching controversial matter which has no relation to the subject.
3. Faculty members are citizens, members of a learned profession, and officers of the institution. When they speak or write as citizens, they shall be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and educational officers, they shall remember that the public may judge their profession and their institution by their utterances. Hence, they shall at all times be accurate, shall exercise appropriate restraint, shall show respect for the opinions of others, and shall make every effort to indicate that they are not institutional spokespersons.

Faculty members who feel that their academic freedom has been infringed may make written request of the President that an investigation be made of the case. The request should set forth in a clear and concise manner the event and circumstances upon which the charge is based. The President may refer the question to an appropriate faculty committee.

### **POLITICAL ACTIVITY**

Full-time employment with the University of South Carolina is a time-consuming responsibility. The University, therefore, does not encourage outside employment for compensation, political or non-political, which does not contribute effectively to professional advancement and University work.

As responsible and interested citizens in their communities, however, faculty and staff members of the University should fulfill their civic responsibilities and should engage in the normal political processes of our society. With the consent of the campus Dean, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the Provost, and the President, and with the approval of the Board of Trustees, any faculty member or staff member may seek election to hold public office provided such action shall not interfere with normal duties. The candidacy must be approved prior to announcement for public office. First, however, there must be confirmation that there is no conflict of interest between this activity and the responsibility of the individual to the University and the State of South Carolina.

If it is determined that such candidacy and/or election is in basic conflict with the faculty or staff member's normal duties, the President may ask the employee to obtain a leave of absence without pay or to resign before announcing for the office.

It is understood that in general, because of their responsibilities to the institution, faculty will not engage in state-wide campaigns nor manage state-wide campaigns nor seek political positions which pay compensation.

### **DISTINGUISHED PROFESSOR AND EMERITUS TITLES**

The title of Distinguished Professor shall be awarded in their final year of service to tenured members of the University faculty who have earned the rank of full professor. Upon retirement, this title will change to that of Distinguished Professor Emeritus.

The title of Emeritus Professor shall normally be conferred on any tenured member of the instructional staff who at the time of retirement holds the title of assistant or associate professor. A citation shall be presented to each Emeritus recipient at the spring commencement, and every effort shall be made to provide office space, parking privileges, and the like.

### **PERSONNEL ADMINISTRATION**

The Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education is responsible for formulation and administration of standards and policies for Regional Campuses academic personnel. The Vice President for Human Resources is responsible for maintaining employee records for all University employees, including academic

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personnel, and for supplying benefit information for all employees. For matters of policy, academic personnel contact the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education. For information on their employment records or on benefits such as retirement or workers' compensation, contact the Vice President for Human Resources. Recommendations for promotion, evaluations, and other confidential materials are retained by the Office of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, where they become part of a confidential personnel file.

## **CLASSROOM PROCEDURES**

### **Examination and Grading System**

Final examinations each semester are given in accordance with a schedule published well in advance of the examination period. No deviation from this printed schedule is permitted unless specific prior approval has been secured from the academic dean. All such deviations shall be reported to the office of the Dean of the University.

This provision applies to all final examinations. It is recognized that this provision will cause occasional conflict (e.g., a student who has laboratories or once a week classes in two different courses at the same hour on Monday and Wednesday or Tuesday and Thursday). Such cases clearly require special handling and may necessitate examinations at other than the scheduled time. These should be conducted with prior approval of the academic dean, and in no case should they occur outside the total examination period.

In any course or laboratory which meets two or three times a week, no quiz, test, or examination shall be given during the last two class sessions prior to the official examination period.

In any course or laboratory which meets once a week, no quiz, test, or examination shall be given during the last class session prior to the official examination period.

In any course or laboratory which meets more than three times a week, no quiz, test, or examination shall be given during the last three class sessions prior to the official examination period.

The grading system of the University is described in the *University of South Carolina Bulletin*. Faculty members must respect the appropriate deadlines for submitting grade reports.

All grades shall be due in the office of the Dean of the University no later than 72 hours after the date of the last scheduled final examination. The Dean of the University shall send the grades to the Registrar within twenty-four hours after their receipt. Any student not given a grade consciously or inadvertently by the instructor will receive an automatic NR (No Report). The Registrar will report any NR not changed to a grade within one semester to the Dean of the

campus where the grade was assigned. The Dean shall refer the matter to the Faculty Organization for action.

### **Change of Grades**

In case of error in reporting final grades, the instructor shall complete the change of grade form and submit it to the faculty of the appropriate campus for approval. If the change is approved by the faculty, the Dean of the University shall inform the Vice Provost and Executive Dean for Regional Campuses and Continuing Education of the action taken and request the grade change. Special make-up work or examinations to change grades already recorded are not permitted.



## **D. - RESEARCH**

### **RESEARCH POLICY**

The University encourages research by its faculty members and students to expand their knowledge and to broaden their professional competence.

#### **SUPPORT**

##### University Funds

Annually, the University assigns a moderate sum for research purposes through the Research and Productive Scholarship Fund.

##### Outside Funds

Faculty members interested in externally sponsored research should consult with their department chair, dean, and Sponsored Awards Management. To facilitate such support, the University will serve as the contracting authority, and the office of Sponsored Awards Management will assist in the preparation of proposals and in locating interested sponsors. A University signatory authority must approve any commitment to an outside agency that involves University participation. The University shall contribute to sponsored research when the work involved is significant to the purpose of the University.

#### **PAYMENTS FOR RESEARCH**

Normally, payments to researchers are limited to the rate of pay they receive as members of the faculty.

#### **RELATION OF RESEARCH TO TEACHING DUTIES**

Faculty members who have received a reduction in teaching in order to conduct research or perform other University duties shall be permitted, only with the approval of their dean, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, and the Provost, to teach courses in the Division of Continuing Education for additional compensation.

#### **GRANT ADMINISTRATION**

The principal investigator or project director of sponsored research, training, or special projects shall be a faculty or staff member, normally the person who conceived and proposed the activity that resulted in the grant or contract. This person shall not be changed without the approval of

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the sponsor and the University. The principal investigator or project director is responsible for the technical direction of the project, for making all required technical reports, for administering all direct funds allocated to the project, and for complying with the terms and conditions of the grant or contract. Sponsored Awards Management shall assist the principal investigator or project director in resolving procedural or administrative problems.

### **OUTSIDE PROFESSIONAL ACTIVITIES**

Faculty members may conduct remunerated, professional work of an expert nature outside the university when the work contributes to their professional development and when it does not interfere with their research, teaching, and university service obligations. No such outside work shall be undertaken without prior approval of the dean of the school or college concerned. See specific requirements in *ACAF 1.50, Outside Professional Activities for Faculty* (University Policy for Academic Affairs, February 1995).

### **USE OF CONSULTANTS**

The University policy regarding the use of and payment for consultants on funded research and training projects is as follows:

The need for the services of consultants shall be justified in the contract or general proposal approved by the granting agency. The principal investigator or project director shall state (1) that the consultants selected are the best-qualified people available to perform the desired tasks and (2) that their fees are appropriate considering the qualifications of the consultants, the consultants' normal charges, and the nature of services to be provided.

Within the University, consultation is part of normal professional duties. However, in unusual circumstances where consulting is in addition to regular assigned duties and either crosses departmental lines or is to be performed at a remote location, extra compensation may be authorized. In these cases, advance approval of the Provost and the sponsor is required and the principal investigator shall certify as required above (1 and 2).

### **CONFLICTS OF INTEREST**

Sponsored Awards Management, upon requests made through a department chair or dean, shall consider all suspected conflicts of interest in the area of grants and research. Should Sponsored Awards Management determine there is a possible conflict of interest, it shall ask the individuals concerned to clarify and, if appropriate, rectify the situation. If requested to do so, this office shall advise individuals about and assist them with consulting agreements and issues relating to potential conflicts of interest.



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See also *On Preventing Conflicts of Interest in Government-Sponsored Research at Universities* (ACE-AAUP Joint Statement, December 1964) and *ACAF 1.50, Outside Professional Activities for Faculty* (University Policy for Academic Affairs, February 1995).

## PATENT AND COPYRIGHT POLICY

### I. Purpose and Scope

#### Patents

Although the search for commercially exploitable inventions is not a specific function of the University, a discovery leading to such an invention may be a by-product of creative endeavors undertaken for other purposes. When such a discovery is made, the University shall assist the inventor in evaluating, patenting, and exploiting the discovery, while safeguarding the interests of all concerned parties. This policy pertains to all undergraduate, graduate, and postgraduate students, part- and full-time members of the faculty and staff, all other agents and employees of the University, and all other individuals who have made substantial use of University resources.

This policy excludes any University claim to a discovery resulting from endeavors not supported by the University or endeavors to which the University's contribution is negligible. To determine whether such exclusions apply, all inventors must submit their discovery to the Intellectual Property Committee. On the recommendation of the committee, the Provost shall determine the University's involvement. The University shall provide a written opinion to the inventor and shall include in it, when appropriate, release of any University claim to the discovery.

Nothing in this policy shall control any conflicting provisions in an agreement executed by the University with an outside agency. Outside sponsorship, particularly by federal agencies, usually involves agreement on patent matters, and principal investigators shall ensure that they and any fellow investigators understand any such agreement. Sponsored Awards Management shall try to obtain terms as favorable as possible for University personnel and shall ensure that the inventor understands the final agreement.

#### Copyrights

The University shall try to assist faculty members in developing instructional and literary materials. The creation of literary works and application of new technology to instruction often require equipment that individual faculty members and departments cannot own or operate economically. In such cases, the University shall try to provide the necessary resources. Additionally, the development and production of educational, media, literary, and other materials often require specialized skills. Because data about the learning process, teaching modes, and new concepts in education tend to increase rapidly, faculty members may need assistance keeping abreast of such developments. Therefore, they may use University consulting specialists

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and other types of support to bring themselves up to date. Consequently, new instructional materials and other literary creations may reflect a collaborative effort between faculty members and other individuals or units on campus.

This policy concerns the ownership, use, distribution, and rights to income produced by these and other University-commissioned materials, but it does not apply to materials or resources that are not University-commissioned, as defined in the Copyright Policy below. This policy applies to educational, media, literary, and other materials, regardless of the medium used.

## **II. Administration**

### Review Procedures

All undergraduate, graduate, and postgraduate students, part- and full-time members of the faculty and staff, all other agents and employees of the University, and all other individuals who have made substantial use of University resources who believe they have invented something (for example, discovery, computer program, process, method, use, or combination), whether patentable or not, or a University-commissioned copyrightable work shall inform the chair of the Intellectual Property Committee through the Office of Technology Transfer. Usually within thirty days of receiving this notification, the committee shall consider the invention or work. Within thirty days of the committee meeting, the committee shall recommend a disposition of the case within the options detailed in this policy and submit a written report of its findings and recommendations to the Provost. The committee can recommend an equity distribution that is different from the standard distribution. The committee shall take reasonable steps to ensure that any joint inventors or authors, including students, are identified and, when appropriate, shall recommend distribution of income among the inventors or authors. (“Authors” means the people responsible for producing a copyrightable work.)

The Provost shall notify the inventors or authors, promptly and in writing, about the decision of the University, courses of action open to them, and their equity in any income resulting from the discovery or work.

### Appeal

Upon receiving official notification from the Provost of the University’s decision, inventors may submit a written appeal to the President that shall include the specific points to which they object. The decision of the President shall be final.

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### **III. Patent Policy**

#### Documenting a Discovery

“Discovery” connotes inventions and discoveries. Individuals believing that they have conceived an invention must notify the Office of Technology Transfer and describe the invention on a completed invention disclosure form. This form will help substantiate the date they conceived the invention. The information on this form should be only supplementary to the careful keeping of regular laboratory notebooks. Included as part of the disclosure must be all drawings, sketches, names of all co-inventors, and other pertinent data to illustrate the principle of operation of the invention and its performance. Inventors should date and sign each notebook page and the disclosure form, including all data, sketches, and data sheets. Two witnesses capable of understanding the invention and who are not joint inventors of or interested in it should also date and sign each page. Because priority of filing a patent application is often a decisive factor in awarding a patent, the notebook should be kept current and the disclosure document should be prepared as soon as possible; these records can corroborate dates of conception and reduction to practice.

The disclosure document should be submitted to the Office of Technology Transfer for review by the committee in accordance with the procedures below.

Law provides that inventors are not entitled to a United States patent if the invention has been described anywhere in a printed publication more than a year before the patent application is filed. Patent rights may be lost in other countries if any publication describing the invention precedes the application for a United States patent. Because extensive developmental work is often required before a patent application can be filed, inventors should consider the desirability of delaying publication for a reasonable period of time.

#### Invention Categories

The committee shall determine that the discovery belongs to one of three categories.

Category 1 includes discoveries resulting from endeavors to which the University did not contribute or contributed insignificantly. In such cases, the University shall relinquish any equity, and inventors may dispose of the discovery as they wish. A determination that a discovery belongs to Category 1 indicates that the inventors did not receive financial support from the University other than salary and related benefits; did not use release time; had no assistance from other faculty members, staff, or students unless such assistance was on their own time; and made no use of University facilities, supplies, or equipment. Further, it indicates that the inventors’ association with the University was not a major factor in obtaining non-University support. A Category 1 discovery could also result from University support that the committee judges to be insignificant.

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Category 2 includes discoveries resulting from endeavors supported by non-University agencies but with University sponsorship. In most cases, a degree of University support will be evident, although in some instances association with the University as a factor in obtaining outside support may be the only University contribution. In cases in this category, the University reserves the right to patent and exploit the discovery, subject to such limitations as may be imposed by prior agreement with the external sponsors. Federal regulations require written invention disclosures and written assignments of such inventions made under programs sponsored in whole or in part by the federal government. The Office of Technology Transfer shall be responsible for notifying federal agencies of such discoveries. Forms for announcing the inventions, disclosures, and assignments may be obtained from the committee or from the Office of Technology Transfer.

Category 3 includes discoveries resulting from endeavors supported by the University. In such cases, the University reserves the right to patent and exploit the discoveries.

#### Developing Marketable Discoveries

In cases where University support is evident (Categories 2 and 3), the University reserves the right to assume full title to the discovery, obtain a patent, and exploit the discovery. The complexity and cost of the discovery may result in the University not assuming this responsibility. If the University declines to assume responsibility for the development of a discovery, the inventors may proceed independently or use the services of a patent development organization with which the University has entered into agreement. However, in the case of federally sponsored projects, the terms of the sponsors agreement shall take precedence. The decision of inventors to proceed independently shall release the University from any further responsibility, but for its contribution to the discovery the University shall receive a share of any income realized from commercial exploitation of the discovery. This share of income shall be determined at the time that the University declines to assume responsibility for development.

#### Patent Development Organizations

If the University has formal agreements with patent development organizations, it may submit to them discoveries for evaluation, patentability, marketability, and technical analysis. Upon acceptance of these discoveries, the organization will take title to the inventions and proceed to obtain patents and negotiate licenses. Any income resulting from the discoveries shall be divided among the organization, the University, and the inventors.

Normally, the inventors shall recommend the organization to use in developing discoveries. All agreements between the University and the patent development organizations shall be filed in the Office of Technology Transfer, where they will be available for review.

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### Latent Discoveries

External agencies may frequently solicit materials or devices from University projects for investigation by the agencies' staff for any patentable discovery. Such solicitations shall be referred to the Office of Technology Transfer, which shall determine if any apparent discovery should be developed under this policy. For cases involving an apparent discovery, the inventors shall prepare a disclosure form for review by the Intellectual Property Committee. The Office of Technology Transfer and Sponsored Awards Management shall determine if proposed arrangements with the soliciting agencies are reasonable from the point of view of the University and University personnel involved.

### Equity

The equity in any marketable invention shall be expressed as a percentage of net income. Nothing in this policy shall control any conflicting provisions in an agreement signed between the University and external sponsors as a condition for receiving support from those sponsors.

In cases where the inventors proceed independently, but in which the University has established an interest (Categories 2 and 3), the University shall receive a maximum of 15 percent of income after deducting any expenses, including research and development, patenting, licensing, and litigation.

In cases where patent development organizations assume responsibility for the discovery, the share of royalty income the organizations retain shall be dictated by the agreement between the University and the organizations. All agreements will be on file in the Office of Technology Transfer. The division of the University's share shall be in accordance with this policy.

In cases where the University assumes responsibility for development of a discovery, 40 percent of income shall be paid to the inventors after deducting any expenses, including research and development, patent, licensing, and litigation.

With a Category 1 discovery, the inventors may elect to submit the discovery to a patent development corporation. In such cases, the distribution of income between the University and inventors shall be adjusted in favor of the inventors.

## **IV. Copyright Policy** (also see *Policies and Procedures Manual*)

### Definition of University-Commissioned Educational and Other Literary Materials and Media Materials

The University recognizes the right of all employees to engage in the uncommissioned creation of scholarly, pedagogical, and artistic works subject to copyright and to copyright such works

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and to receive royalties from their use. “Uncommissioned” activities means works that do not receive substantial aid from the University or from an outside agency through University channels. The University does not normally construe the provision of office and library facilities and modest routine secretarial assistance as constituting substantial aid, nor does it construe the payment of salary as substantial aid except in situations where the funds are paid specifically to support the development of original materials subject to copyright. Scholarly books and articles, textbooks resulting from usual teaching activities, painting, musical compositions, graphic art, and media materials are examples of work that might be uncommissioned.

The University gains a right to materials subject to copyright when such materials result from activity commissioned by the University or by an outside agency through University channels.

The substantial aid that constitutes a commission may be in the form of directly allocated funds or of University facilities and resources. Educational, literary, and media materials that might be commissioned by the University include, but are not limited to, books, periodicals, lectures, or other productions prepared for oral delivery and the notes to them, study guides, texts, syllabi, workbooks, bibliographies, and tests; programmed instructional materials; works of art and models and designs for works of art; slides, transparencies, charts, maps, photographs, drawings, prints, pictorial illustrations, labels, and other graphic materials; photographic or similar visual materials and film strips; computer programs; dramatic and musical productions and musical compositions; three-dimensional works of a scientific, technical, or instructional character; three-dimensional materials and exhibits; motion pictures; recorded video and audio tapes or live transmissions; contributions to or component parts of any of these materials, including notes, drafts, models, story outlines, scripts, shooting scripts, production outlines, and out-takes; combinations of these and other types of materials, such as multimedia and other instructional or educational, literary, and media packages; and reproductions of any of these materials in any quality and in any form.

Faculty members, students, or staff members having questions about whether educational, literary, and media materials they are preparing or planning to prepare should be considered University-commissioned shall petition their department chair, who will notify the Office of Technology Transfer of the circumstances surrounding the projects. The petition should contain brief descriptions of the materials to be produced and the resources to be used, as well as a statement concerning the time the authors or creators will devote to its preparation. The Office of Technology Transfer shall request that the Intellectual Property Committee review a production of the works in accordance with the procedures described above.

#### Ownership and Copyright

The legal title to all University-commissioned educational, literary, and media materials as defined above shall be vested in the University with the following exception: materials produced on grants from the federal government or other outside sponsors shall be subject to the

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conditions of the contract or grant (to be negotiated solely by the University) with respect to ownership, distribution, use, and other residual rights of and to such materials. All such materials shall bear the required statutory notice of copyright and shall name the University as the copyright proprietor. The University shall advance the copyrights on those materials that legal counsel deems eligible for new copyright. After consultation with the authors, the University, at its discretion, may use, assign, transfer, license, lease, or sell all or part of its legal rights in educational, literary, and media materials.

#### Pre-Production Agreement

Before beginning production, the authors and University shall develop written agreements to define the rights and responsibilities of the parties because conditions of production, use, and final disposition of materials can vary. Such agreements shall be subject to the guidelines set forth herein, be complete, and specify any exclusions. The University counsel will develop appropriate contractual details and maintain a final copy of all contracts.

#### Internal University Use

“Internal” means all University campuses and extensions by television or other means. Use of University-commissioned materials by any unit of the University for instruction or other purposes shall be subject to the following conditions. Use internal to the University requires approval of the college, department, or individuals primarily responsible for the materials, so long as these materials are used within the context of their intended use. Use outside this context requires special permission of the creators and the academic department.

The users shall explicitly recognize and note the contributions of faculty members, students, or staff members involved in the production of University-commissioned materials.

#### External Use

After consultation with the authors, the University as owner and copyright holder, at its discretion, may assign, license, transfer, lease, sell, or otherwise convey all or part of its rights in University-commissioned materials. Charges to external users shall be negotiated with such users solely by the University or its assignees and might vary. The University has the exclusive right to set per-unit package prices and conditions for the sale, lease, reproduction, or use of materials.

#### Revision

Faculty members, students, or staff members involved in the creation of University-commissioned material may revise it if the revision does not require substantial University resources. Approval for revision must be obtained from the creators' department.

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The responsible faculty member may recommend the discontinuance of the distribution or use of materials that are no longer appropriate or that are detrimental to the faculty member's professional reputation. Mutual agreement shall be required for revision or discontinuance in such cases. After a significant period of non-use (at least three years), materials that have not been revised shall be reviewed by the authoring faculty members, students, or staff members; thereupon, the University unit or units most directly involved in their production and the authors may request their withdrawal, erasure, or destruction. The University, in its sole discretion, may require such withdrawal, erasure, or destruction, and its decision in this regard shall be final.

### Equity

The University shall not make any payment to the University-employed faculty members, students, or staff members involved in the production of University-commissioned educational, literary, and media materials for production and internal use other than the compensation regularly received from the University.

1. Exceptions on payments for internal use of materials:

a. except in the following instances. At the discretion of the department chair or dean, faculty members shall normally be accorded release time at a declining level through the stages of planning, production, and presentation, including the first and subsequent semesters of use. Faculty members eligible for release time include those responsible for the project and others assigned by the unit to work on the project. If the faculty members, students, or staff members leave the University, further internal use of materials upon reasonable terms shall be arranged; payments to them or their estates for such internal use of the material shall continue, subject to reproduction agreements.

Faculty members, students, or staff members not on assignment to the University (during summer sessions or on leave, for example) but personally and prominently appearing in or involved in producing educational, literary, or media materials may receive compensation when such materials are used.

### Pre-Production Agreement

The unit involved and faculty members, students, or staff members shall agree on compensation based on the amount of continual responsibility of the parties involved for monitoring revision of lessons or supervision of the work of a course, if known; whether the course is completely or partially recorded; the extent to which the participating faculty members', students', or staff members' time and creative efforts have been previously compensated; and any other relevant factors.

The University shall have the perpetual right to market or license external use of University-commissioned materials. The financial benefits of external distribution shall be shared by the



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unit involved; the responsible faculty members, students, or staff members; and the university, with a negotiated portion designated for outside or non University production as required.

The division of income accruing to the University under this policy shall be 25 percent to the faculty members, students, or staff members (to be divided equitably if there is more than one originator); 25 percent to the unit that authorized and supported the development and production of the materials; 25 percent to the Instructional Development Fund; and 25 percent to the University as general income. The money distributed to the unit and to the Instructional Development Fund shall be used to encourage further educational and instructional activities by the faculty.

Exceptions to distribution percentages or payment provisions may be made for incentive purposes, but must be negotiated in preparation agreements.

If the University licenses an external agency to produce or market the materials, the University and the external agency shall negotiate the total royalties. The net income from royalties accruing to the University shall be divided equally among the faculty members, students, or staff members; the University; and the department.

The share of each unit shall be devoted to teaching-load adjustment necessitated by the production; the development of new course materials or other educational, literary, and media works; or the revision or upgrading of the original materials.

This distribution shall continue except in the case of termination or death of the creator, as described below.

The foregoing does not apply to “work-for-hire” arrangements or to the production of copyrightable materials as an assigned duty.

The right of the University to use materials shall continue regardless of the employment status of the responsible faculty members, students, or staff members. The share of the authors in external distribution revenues shall remain the same for a ten-year period and shall accrue to the authors’ heirs in the event of death.

### **Protection and Liability**

#### **Protection**

The University shall be responsible for the investigation of recorded allegations of unauthorized use or infringement of copyrighted materials. Where the University deems legal action necessary to enforce copyrights, it agrees that all costs and expenses incidental to such actions

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shall be borne by the University and that any proceeds of litigations in excess of costs shall be shared equally by the parties.

### Liability

The faculty members, students, or staff members responsible for the creation of University-sponsored educational, literary, and media materials shall obtain appropriate releases giving all necessary rights to the University from individuals prominently appearing in or giving support to the materials. Release forms are available from the University counsel, with whom all original releases shall be filed.

Before any external use is made of university-sponsored material, the faculty members, students, or staff members authoring or creating the material shall certify in writing to the University that, to the best of their knowledge, the material does not violate any existing copyright or other personal or property right of any legal or natural person. If this statement proves false because of misrepresentation or negligence, the faculty members, students, or staff members shall indemnify the University for all costs and expenses to which it has been subjected as a result of such representation.

In the event that other people allege violations of personal or property rights by the University, or by the faculty members, students, or staff members, or producers of University-sponsored educational and other literary materials, the University shall assume responsibility for defense of any litigation and for the satisfaction of any judgment rendered against the University, faculty members, students, or staff members. This provision is subject to conditions explained above.

## **CONSULTANT ACTIVITIES**

When the University hires a consultant, specific arrangements should be included in the consulting agreement to protect the rights of the university. Ownership of patents and copyrights arising out of such approved consultant activities shall be determined at the outset of the consultant relationship. The Office of Technology Transfer shall be consulted before the consultant agreement is made final. See also *ACAF 1.50, Outside Professional Activities for Faculty* (University Policy for Academic Affairs, February 1995).

When the University has an established interest in a faculty/external agency activity (*e.g.*, use of University facilities in performance of research), specific arrangements should be included in the consulting agreement to protect the rights of the university. Ownership of patents and copyrights arising out of such approved consultant activities shall be determined at the outset of the consultant relationship. The Office of Technology Transfer shall be consulted before the consultant agreement is made final. See also *ACAF 1.50, Outside Professional Activities for Faculty* (University Policy for Academic Affairs, February 1995).

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Ownership of patents and copyrights arising out of approved faculty consultant activities shall be determined by the faculty members and outside agencies. See also *ACAF* 1.50, *Outside Professional Activities for Faculty* (University Policy for Academic Affairs, February 1995).



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## E. - BENEFITS AND PRIVILEGES

### LEAVE

#### Annual Leave

Faculty members employed on less than a twelve-month basis shall not earn annual leave.

Faculty members on twelve-month appointment with no stipulation of term and who work at least half-time shall accumulate annual leave at the rate of one and one-quarter days per month of continuous employment. After ten years of service, they shall earn additional annual leave for each year in excess of ten years service, up to a maximum accrual of 30 days per calendar year. Part-time employees earn annual leave on a *pro-rata* basis. All time off from normal duties must be reported and will be deducted from accrued leave.

Faculty members working on grants or contracts and earning annual leave may be required to use all accumulated annual leave prior to the termination of the grants or contracts.

Faculty members who change to other than a twelve-month appointment may be required to use all accumulated annual leave prior to the change.

No more than 30 days of annual leave may be used in any calendar year. Upon separation from employment, faculty members shall be paid for a maximum of 45 days of unused annual leave.

For further information, see the Annual Leave Policy (HR1.03) in the *Policies and Procedures Manual*.

#### Sick Leave

Faculty members who are not on a term appointment and who are scheduled to work at least half time will be eligible to earn sick leave that accrues at the rate of one and one-quarter work days per month of active employment.

Part-time faculty shall earn sick leave on a pro-rata basis. No more than 195 days of sick leave may be accrued; however, no more than 180 days of sick leave may be carried over into a new calendar year.

Any faculty members who, prior to January 1, 1969, accrued and carried over unused sick leave in excess of 180 days will not lose the excess leave but will retain that amount of leave which will then become the maximum amount the faculty member may carry over into future years. If the faculty member subsequently reduces the amount of sick leave carried over to 180 days, that

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amount will become the maximum amount of sick leave the faculty member may thereafter carry over.

Sick leave should be deducted in whole or partial work days. Faculty members should report sick leave taken on any normal work day, even though not scheduled to teach a class on that particular day.

Sick leave may be used for periods of illness, injury, maternity, or medical appointment. If faculty members miss more than 10 work days for one of these reasons, they shall submit an application for disability leave to their chair or Dean and to the Division of Human Resources.

If a physician-certified period of absence exceeds the amount of accrued sick leave, the faculty member may use annual leave, if available, or apply for leave without pay. The request for leave may not be denied for physician-certified illness or disability of a faculty member not on term appointment. The amount of sick leave shall not exceed the time certified by a physician. The total period of leave normally shall not exceed 180 work days of leave with pay or 180 calendar days of combined leave with and without pay. In extenuating circumstances and at the discretion of the President or the President's designee, the period of authorized leave may be extended up to a total of 365 calendar days of combined leave.

Faculty members may take up to eight days of available sick leave in each calendar year to care for a member of their immediate family.

Up to six weeks of available sick leave may be used for the adoption of a child, provided the person applying for the leave is the primary care-giver.

Sick leave shall accrue for a faculty member on leave with pay status.

For more detailed information, consult the Sick Leave Policy in PSER 1.06 of the *Policies and Procedures Manual*.

### **Family Medical Leave**

The University will grant eligible faculty members up to 12 work weeks of unpaid leave during a calendar year for any of the following reasons:

1. The birth or adoption of a child or the foster care placement of a child (NOTE: Eligibility expires 12 months after the date of the birth or placement.);
2. To care for the faculty member's spouse, child, or parent with a serious health condition;

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3. A serious health condition that renders the faculty member unable to perform the essential functions of the faculty member's employment responsibilities.

To be eligible, a faculty member must have been employed by the State of South Carolina for at least 12 months and have completed at least 1250 hours of service during the 12-month period preceding the faculty member's request for family medical leave. In some cases, paid leave may be used for FMLA purposes. See also the *Policies and Procedures Manual*.

### **Leave Transfer Program**

Faculty members who earn annual leave or sick leave may donate leave to or apply for leave from, the University System Leave Transfer Program. Sick leave donors shall maintain no less than a 15-day sick leave balance, and they may donate no more than half the amount of leave earned during the calendar year of the donation. Donated leave may not be restored or returned, nor may leave donors designate the recipient. Requests to use leave from the pool shall be based on a catastrophic personal emergency requiring a prolonged absence that would result in a substantial loss of income because of the unavailability of paid leave. Leave transfer requests shall be granted only if the chair or dean certifies that funds are available to pay for the leave; they also must be approved by the Vice President for Human Resources. See also the *Policies and Procedures Manual*.

### **Court Leave**

Faculty members summoned to jury duty or subpoenaed as a witness for litigation in which they are not parties shall be granted leave with pay. For more detailed information, consult the *Policies and Procedures Manual*.

### **Military Leave**

Faculty members not on term appointment who are members of the United States Armed Forces Reserves, including the Coast Guard Reserve and the National Guard, shall be entitled to leave with pay for up to 15 regularly scheduled work days in any calendar year for training or other duties ordered by the Governor any department or agency of the United States Government having authority to issue such orders. Such duty or training should be so arranged so as to interfere as little as possible with regular duties.

Faculty members who are commissioned, enlist, or are selected for military service shall be granted leave without pay. Faculty members shall be reinstated to active employment in a position comparable to that held at the time such leave was granted if they apply for re-employment within 90 days of release from service.

For more detailed information, consult the *Policies and Procedures Manual*.

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**Death in Family**

Faculty members who are not on term appointment shall be allowed up to three consecutive days of leave with pay for a death in the immediate family. See also the *Policies and Procedures Manual*.

**Leave Without Pay**

Leave Without Pay may be granted for active military service or for an extended period of disability due to illness, injury, or maternity.

The President may grant leave without pay on the recommendation of the Dean of the University, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, and the Provost if the best interest of the University will be served. If a faculty member fails to return after the period for which leave has been granted, the appointment shall be terminated. The authorization of leave without pay shall be a matter of administrative discretion and may be considered for extended absence in the interest of the University of South Carolina, such as advanced academic training, research, or experiences leading to increased competence of the faculty member. Such leave may be granted for a maximum continuous period of one year, unless extended by the President.

Leave without pay for personal reasons may be granted by the Dean of the University for up to ten consecutive calendar days. Upon request by the Dean of the University through the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the Vice President for Human Resources, or this person's designee, may grant leave without pay in excess of ten consecutive calendar days. Failure to obtain approval prior to taking leave without pay may result in the absence being charged as unauthorized leave.

Annual leave and sick leave shall not accrue during periods of leave without pay, but accumulated leave totals are not forfeited. Before starting leave, faculty members should contact the Division of Human Resources about the continuation of retirement credit, insurance, and other benefits.

**Sabbatical Leave**

Sabbatical leave allows full-time faculty members relief from normal duties in order to pursue significant projects designed to improve them as teachers and researchers and increase their contributions to the University. It permits faculty members to achieve educational goals that could be reached, if at all, only over an extended period of time if pursued under the demands of regular University duties. Consequently, recipients shall be released from all University duties during their sabbaticals.



A faculty member requesting such leave shall demonstrate, by means of a written proposal, how planned activities will serve the purposes for which the leave is intended.

Only tenured associate professors and full professors shall be considered for sabbatical leaves.

Awards shall be based on seniority, merit and six or more years of service as a full-time faculty member. A sabbatical leave provides half pay for a full academic year or full pay for half an academic year. Because the granting of sabbatical leaves is dependent on the budget, work loads, and other considerations, it is a matter of administrative discretion.

Before starting sabbatical leave, faculty members should contact the Division of Human Resources about the continuation of retirement credit, insurance, and other benefits.

Annual leave shall not be accrued by faculty on sabbatical leave.

### **Sabbatical Leave Procedures**

At no time shall more than ten percent of a campus faculty be on sabbatical leave. On campuses with fewer than ten faculty members eligible for leave, only one of them may be on leave at any time. Deviation from this policy shall be granted only in exceptional circumstances.

To apply for leave, a faculty member shall complete a formal sabbatical leave request form and submit it to the Dean of the University detailing the reason for the leave. The faculty member shall submit this letter at least one year before the leave is expected to begin.

A request for sabbatical leave must be approved by the Dean of the University, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, and the Provost.

Upon approval of a request for leave, a faculty member shall agree, in writing, to return to the faculty member's current position at the University for at least one year. A faculty member who fails to fulfill this obligation shall be liable to the University for repayment of all money received during the leave. If the faculty member becomes permanently disabled or dies while on leave, the University shall not exercise the right of repayment.

Within three months of completing leave, a faculty member shall submit a written report detailing the faculty member's accomplishments during the leave. The reviewing administrator shall forward this report, with a written evaluation of whether adequate use was made of the leave, through the usual channels to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education and the Provost. If a faculty member fails to fulfill this requirement or the Vice Provost and/or the Provost determines, after consultation with the Dean of the University, that the faculty member has made inadequate use of the leave, the faculty member may be required to repay all or part of the money received from the University while on

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leave. The written report is to be submitted as part of the faculty member's file during the next application for promotion or post-tenure review.

### **INSURANCE PROGRAMS**

In conjunction with the State of South Carolina, the University has a comprehensive program of insurance and annuity plans for eligible members of the faculty, staff, and their eligible dependents. These plans include state health insurance, health maintenance organizations, dental insurance, life insurance, long-term disability insurance, and long-term care insurance. Information about these plans may be obtained from the Division of Human Resources. Additional information is available in the *Policies and Procedures Manual*.

### **DEFERRED COMPENSATION AND TAX-DEFERRED ANNUITIES**

The University offers a variety of tax-deferred programs and will make payroll deductions for tax-sheltered annuities, but cannot contribute to their cost.

### **RETIREMENT**

Faculty members are entitled to all available benefits under law and through the State Retirement System or the optional retirement program.

The University may provide part-time employment for retired faculty on an annual basis. It may approve part-time service upon the written request of a retired faculty member, the recommendation of the Dean of the University, and the approval of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, Provost and President.

#### **South Carolina Retirement System**

This section is subject to interpretation by the South Carolina Retirement System and to changes the General Assembly might enact.

The State guarantees a formula return based on average salary and years of credited service with the retirement system. Any retirement system member may retire with full- formula benefits at age 65 or with 30 years of credited service. Members with fewer than 30 credited years may retire with reduced benefits at age 55 with 25 years of credited service or at age 60 regardless of years of service.

Members who leave state employment prior to retirement may withdraw the sum of their contributions plus interest. Members with five or more credited years may leave their contributions with the retirement system and qualify for deferred retirement income at age 60.

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Members with 25 or more credited years may purchase the additional service needed for them to qualify for full-formula benefits provided that they retire within 90 days of the purchase.

Members who leave the University and who have 25 or more credited years may continue contributing to the retirement system until they qualify for full-formula benefits.

Faculty members may purchase service credits for certain military, federal, out-of-state service, or non-member prior service with a South Carolina public agency.

Any member who becomes permanently disabled after completing five years of creditable service may apply for disability retirement benefits.

At the death of a contributing member who has at least 12 months of credited service, the retirement system shall pay to the member's beneficiary a death benefit equal to the member's annual base salary. If the deceased contributing member has at least 15 years of creditable service, the beneficiary has other survivor options.

### **Optional Retirement Program**

Faculty members hired on or after July 1, 1987, may choose to enroll in the optional retirement program. State law requires that they contribute at the same rate as faculty members contribute to the state retirement system. Members of the optional retirement program are immediately vested for both the employee and employer contributions. This program does not include the group life and disability benefits provided by the state retirement system. Retirement, death, and disability benefits are based on the cash value of the member's account.

### **WORKERS' COMPENSATION**

Faculty members injured on the job or suffering an occupational illness or disease may be eligible for Workers' Compensation benefits. If a work-related accident or illness occurs, the faculty member should promptly receive medical care; notify the immediate supervisor, chair, or Dean; and submit a "First Report of Injury" form, which is available from the Division of Human Resources. Failure to submit a form promptly can jeopardize a claim. When faculty members miss work because of a work-related injury, they must state in writing on forms available from the Division of Human Resources whether they will use available leave time or receive Workers' Compensation for the time lost from work.

### **TUITION ASSISTANCE PROGRAM**

Eligible faculty and staff members may apply to their supervisor, chair, or dean to take, tuition-free, one three-hour course (or a four-hour laboratory course) per academic term.

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**CAROLINA COLLEGIATE FEDERAL CREDIT UNION**

For the benefit of members of the faculty, the University has established a Credit Union to provide a savings and loan system. Full banking services are available, including checking accounts and an automatic teller machine. More information can be obtained from the Credit Union in Columbia or from the Regional Campus Ambassador.

**ATHLETIC TICKETS**

Admission to USC Columbia athletic events is available to the faculty and members of their immediate families at substantially reduced season-ticket rates. Tickets at these special prices shall not be sold or transferred. Notices giving details of application procedures are sent to the faculty; incoming faculty members should contact the business manager of the Athletic Department promptly after their arrival, as faculty seating is limited.

**SCHOOL OF MUSIC, USC COLUMBIA**

Faculty members and their families are cordially invited to attend recitals and concerts sponsored by the School of Music. These events are listed on the Concert Calendars distributed on the Columbia campus and are frequently free of charge. Of particular interest are the Guest Artist and Faculty Recitals, Stellar Jazz Festival, Master Classes, and Composer-in-Residence Series. The USC Orchestra, Concert Choir, Symphonic Band, and Opera Theater perform regularly at the Koger Center for the Arts.

**DEPARTMENT OF THEATRE, SPEECH AND DANCE, USC COLUMBIA**

The Department of Theatre, Speech and Dance offers performances on campus throughout the year in Longstreet Theatre and in Drayton Hall. Seasons memberships as well as tickets for each performance are available to faculty, staff, and students at reduced rates. In addition to these performances the Department sponsors the University of South Carolina Dance Company and the Debate Team as well as regional theatre festivals.

**McKISSICK MUSEUM, USC COLUMBIA**

McKissick Museum offers collections, exhibitions and educational activities in the areas of art, history, and science. It is located at the head of the historic Horseshoe and features six major exhibit areas. Guided tours and special programs are available year-round. McKissick Museum also administers the Museum of Education which is located in the College of Education in Wardlaw College, and the University of South Carolina Archives program.

**COLISEUM, KOGER CENTER FOR THE ARTS,  
AND THE COLONIAL CENTER, USC COLUMBIA**

The Carolina Coliseum, Koger Center, and Colonial Center schedule various types of music, sports, and entertainment programs during the year. Announcements are found in local and campus newspapers.



## F. - APPENDICES

### Appendix I. Bylaws of the Regional Campuses Faculty Senate

#### Preamble

These bylaws are to serve as a supplement to the provisions concerning the Regional Campuses Faculty Senate as set forth in this *Manual*.

#### Article I - Purpose and Powers

The Regional Campuses Faculty Senate of the University of South Carolina, having been created by the University Board of Trustees to act as representatives of the Regional Campuses Faculty, is endowed with all the powers specifically reserved for that body itself.

#### Article II - Members

**Section 1.** The Senate is composed of the voting members of the Regional Campuses Faculty chosen by each campus for membership in the Senate. For the purpose of these bylaws, the term “voting members” is defined to include all members of the Senate except *ex officio* and Executive Committee members. The President, the Provost, the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the Associate Vice Provost for Regional Campuses and Continuing Education, the Assistant Vice Provost for Continuing Education Credit Programs, and the Deans of the University are *ex officio* members of the Senate without voting privileges.

**Section 2.** The Senate shall consist of a minimum of three Senators from the faculty of each Regional Campus. One additional Senator will be elected for each one hundred (100) full-time equivalent students above three hundred (300) enrolled for the fall semester. Specifically, a campus with a fall enrollment of at least four hundred (400) full-time equivalent students will elect four Senators, a campus with at least five hundred (500), five Senators, and so on. Each campus shall establish and publish rules and procedures governing the election of its members to the Senate and the filling of vacancies. At the first election of the members to the Senate, each campus shall designate terms of one, two, or three years for its members so that approximately one-third of its members will be allotted each of the terms. Thereafter, members elected to the Senate shall have terms of three years, unless chosen to fill unexpired terms. Each campus also will elect one or more Alternate Senators for a one-year term. An Alternate will substitute for a Senator in the event that the Senator is unable to attend a meeting of the Senate. No Regional Campus may have more than nine Senators. If campus enrollment decreases, compliance with the rule for appropriate number of Senators shall be accomplished by attrition.

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**Section 3.** Each fall, the Dean of the University of each campus should recalculate the number of members of the Senate to which the campus is entitled and revise the number of vacancies to be filled. Elections to fill these vacancies (either new or unexpired terms) shall then be held in time to submit a full roster of Senators and Alternates to the Secretary of the Senate no later than the second Wednesday in September. The term of office of newly elected Senators and Alternates shall begin with the first Senate meeting of the academic year.

Vacancies which may occur during the year may be filled by a special election, and such Senators shall serve the unexpired term of the seat to which they are elected. Expansion of the number of full-time equivalent students during the year shall not increase the number of seats to which a campus is entitled for that year.

**Section 4.** Only members of the Senate, as defined in Section 1 of this Article, may present motions and vote. The member appointed to a faculty or special committee is empowered to move the adoption of a motion or report originating in that committee. Any member of the Regional Campuses Faculty may attend Senate meetings and speak on matters brought before the Senate.

### **Article III - Officers**

**Section 1.** The officers of the Senate shall be a Chair, a Vice Chair, a Secretary, Immediate Past Chair and a Member-at-Large and such other officers as the Senate may from time to time establish. These officers shall perform the duties prescribed by the parliamentary authority and rules adopted by the Senate. The Secretary shall serve for a term of one year. The person designated to serve as Chair will serve for a total of three years on the Senate Executive Committee, the first year as Vice Chair, the second as Chair, and the third as Immediate Past Chair.

**Section 2.** The Vice Chair and the Secretary shall be nominated and elected at the last Senate meeting of the year preceding the one during which they are to serve. They shall be nominated by the Nominating Committee or from the floor. Any voting member of the faculty may offer a nomination for Vice Chair and Secretary from the floor; however, only members of the Senate may vote in the election of these officers. Only voting members of the Senate and members of the Executive Committee shall be eligible for these offices. The Vice Chair shall assume the office of Chair at the close of the last meeting of the academic year.

**Section 3.** The Chair shall vote only to break a tie. Other members of the Executive Committee shall not be voting members of the Senate. Each campus is entitled to its quota of voting members in addition to its Executive Committee members.

**Section 4.** If the Chair becomes unable to serve during the course of the year, the Vice Chair shall assume the office and serve the remainder of that term plus the term to which regularly elected.



**Section 5.** Should the Secretary be unable to serve during the course of the year, a successor shall be nominated and elected at the next regular meeting.

**Article IV - Meetings**

**Section 1.** Regular meetings of the Senate shall be held as necessary, but at least once each semester during the academic year. The number, times, and places of meetings will be determined by the Executive Committee.

**Section 2.** Special meetings of the Senate can be called by the Chair and shall be called upon written request of five members of the Senate.

**Section 3.** Time shall be set aside at each meeting for the purpose of Standing Committee meetings.

**Article V - Elections**

**Section 1.** Nominations for positions to be filled by Senate elections shall be made by the Nominating Committee or may be made from the floor. Voting shall be by secret ballot, and a majority is required for election.

**Section 2.** A candidate receiving a majority on the first ballot shall be declared elected. If no candidate receives a majority, the candidates receiving the highest and the next highest number of votes shall be the nominees for a second vote.

**Article VI - Committees**

**Section 1.** The standing committees established by the Senate shall report to the Senate and discharge such duties as the Senate may assign them. The Senate may establish such additional standing committees as it may deem necessary. Each Regional Campus faculty will designate at least one senator to each standing committee.

**Section 2.** Special committees may be appointed by the Chair as the need for them arises. The Chair of the Senate has the authority to appoint an alternate representative to a special committee when the elected representative is unable to attend meetings.

**Article VII - Amendment of Bylaws**

These bylaws can be amended at any regular meeting of the Senate by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting.

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**Article VIII - Publication of Bylaws and Rules**

The bylaws and standing rules of the Senate shall be published in the *Regional Campuses Faculty Manual* and may be revised.

**Appendix II. Standing Rules of the Regional Campuses Faculty Senate****Rule I - General**

The Regional Campuses Faculty Senate shall operate under the provisions as stated in the Regional Campuses Faculty Manual, except as those provisions are modified herein or by the bylaws of the Senate.

**Rule II - Elections**

Elections shall be conducted in the manner outlined in the Senate bylaws.

**Rule III - Voting**

Only voting members of the Senate have the right to present motions and to vote. Elections will be conducted by secret ballot, and other voting will be by voice or by show of hands, unless a voting member of the Senate makes a request to the Chair for a secret ballot. A motion for a secret ballot can be so ordered by a majority vote, or by general consent. The Executive Committee members are non-voting; however, motions originating within the Executive Committee may be presented to the Senate.

**Rule IV - Order of Business**

The order of business for meetings of the Regional Campuses Faculty Senate shall be as follows:

1. Corrections to and approval of minutes
2. Reports of University officers
3. Reports of Standing Committees, in the following order:
  - a. Rights and Responsibilities Committee
  - b. Welfare Committee
  - c. System Affairs Committee
4. Report of the Executive Committee
5. Reports of Special Committees:
  - a. Committee on Libraries
  - b. Committee on Curricula and Courses
  - c. Committee on Faculty Welfare
  - d. Academic Affairs and Faculty Liaison Committee
  - e. Research and Productive Scholarship Committee
  - f. Provost's Regional Campuses Advisory Council
  - g. Other Committees
6. Special Orders (including elections)
7. Unfinished Business

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- 8. New Business
- 9. Announcements

### **Rule V - Agenda**

**Section 1.** Agenda shall be circulated to each member of the Regional Campuses Faculty Senate at least three working days prior to each regular meeting. Individual members of the Senate or other members of the faculty may submit proposed items for the agenda by notifying the Secretary of the Senate at least four weeks prior to the meeting. The Executive Committee shall prepare the agenda.

**Section 2.** The Senate shall not give final consideration to any substantive legislative matters not included on the published agenda, unless by a two-thirds vote, the Senate shall agree to consider such matters.

### **Rule VI - Minutes**

The minutes of Senate meetings shall be distributed to each Regional Campus Faculty member at least one week before the next meeting.

### **Rule VII - Executive Sessions**

The Senate may, in extraordinary circumstances, by a two-thirds vote, go into executive session for the conduct of business as permitted by state statute. While in executive session, only voting members of the Senate and special invitees may be present.

### **Rule VIII - Visitors (Non-Regional Campuses)**

**Section 1.** The Senate may, by majority vote, permit any person not a member of the Senate to address the Senate during part or all of any Senate meeting.

**Section 2.** The Chairman of the Board of Trustees of the University of South Carolina, or a designated representative, is invited to attend all open meetings of the Senate.

**Appendix III. Grievance Procedure for the Regional Campuses System**

**Regional Campuses Grievance Committee**

**Membership**

The Grievance Committee shall consist of one representative from each campus, elected by each campus faculty organization. Members must be tenured and may be senators. Members cannot be persons who are serving on the local or Regional Campuses Tenure and Promotion Committee. Committee members shall be elected before the Spring Faculty Senate meeting and will serve for one year beginning at the first Senate meeting of the following academic year.

**Purpose**

The Grievance Committee is not a court of law; it is a committee elected by the faculty and approved by the Regional Campuses Faculty Senate of the University of South Carolina. Therefore, rules of evidence and other rules of procedure which apply to court proceedings shall not apply to hearings conducted by the Grievance Committee. The purpose of the Grievance Committee is to recommend actions which are fair to all parties. Hearings will therefore be conducted in a manner that is fair to all parties.

**Definition of Faculty**

Faculty members, for purposes of this grievance procedure, shall include full-time teaching and research faculty, professional librarians, and academic administrators who hold faculty rank.

**Non-Reprisal**

Faculty members shall be free from restraint, interference, coercion, or reprisal in bringing a grievance, serving as a representative of a grievant, appearing as a witness, or in seeking information about the grievance policy. The grievant may be represented by an attorney, at the grievant's expense, at any stage in the grievance process.

**Actions Subject to Appeal**

Individual USC faculty members have the right to grieve any administrative decisions affecting their employment, including but not limited to the following matters:

1. **Denial of tenure or promotion**, on the grounds of unlawful discrimination; violation or denial of procedural due process; inadequate or improper documentation, use of impermissible criteria, or improper evaluation of criteria; or denial of academic freedom.

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2. **Salary and compensation**, on the grounds of unlawful discrimination; violation or denial of procedural due process; inadequate or improper documentation, use of impermissible criteria, or improper evaluation of criteria; or denial of academic freedom.
3. **Non-reappointment of tenure-track faculty**, on the grounds of violation or denial of procedural due process or denial of academic freedom.
4. **And other matters** (e.g., work assignments and disciplinary actions are grievable, although the faculty member should exhaust all other administrative procedures first) on the grounds of unlawful discrimination; violation or denial of procedural due process; or denial of academic freedom.

A grievant may not ask the Grievance Committee to substitute its judgment for the qualitative professional judgments of any authorized university party or official who has already reached a decision on the matter in question. The Grievance Committee has authority only to review the process leading to the action or decision in question. Its function is to determine if there is substance to the allegations of the grievant. The Committee is limited to recommending appropriate action to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education.

#### **Procedure for General Grievance**

1. Grievant formally requests oral and written explanation from immediate supervisor. The supervisor has **15 days** in which to respond.
2. Within **30 days** of receiving response from supervisor, the faculty member may file a grievance with the next administrative official (Dean or Vice Provost and Executive Dean for Regional Campuses and Continuing Education). In tenure and promotion grievances, the official is expected to supply written summary of evaluations and reason for action. The official has **15 days** to respond.
3. Within **15 days** of receiving response from the Dean, or Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the grievant may request a review by the Provost. A response is due in **15 days**.
4. Within **10 days** of receiving response from the Provost, the grievant may submit the case to the Grievance Committee. The request for a hearing by the Grievance Committee should be sent to the Regional Campuses Grievance Committee.
5. The Grievance Committee will make its recommendation to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education within a **30-day period**. A response from the Vice Provost to the grievant relative to the Grievance Committee's recommendation is due within **15 days**.

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6. Within **15 days** of receiving response from the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the grievant may request a final review by the President. The President has **20 days** to respond.

#### **Procedure for Grievance Related to Denial of Tenure or Promotion**

1. Grievant files a written request for the vote and justifications of all levels of review. This request is filed with the Vice Provost and Executive Dean for Regional Campuses and Continuing Education and should not be submitted before the letter of notification from the President is received. Upon receipt of the President's letter, the faculty member has **15 days** within which to submit a written request for justification to the Vice Provost.
2. The Vice Provost and Executive Dean for Regional Campuses and Continuing Education has **20 days** within which to respond. The response should include a written summary of the vote and justifications of each level of review.
3. Within **15 days** of receiving a response from the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the grievant may request a review by the Provost. A response is due within **15 days**.
4. Within **10 days** of receiving a response from the Provost, the grievant may submit the case to the Grievance Committee. The request for a hearing should be sent to the Chair of the Regional Campuses Grievance Committee in care of the Vice Provost and Executive Dean for Regional Campuses and Continuing Education.
5. At the conclusion of deliberations, the Grievance Committee may recommend that the case be remanded to one or more faculty committees or administrative levels for reconsideration. The Grievance Committee will make its recommendation to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education within a **30 day period**. A response from the Vice Provost and Executive Dean for Regional Campuses and Continuing Education to the grievant relative to the Grievance Committee's recommendation is due within **15 days**. In the event the case is remanded to a faculty committee or administrative level for reconsideration, the results of that reconsideration should be communicated in writing to the Vice Provost within **15 days**. Results of any referral for reconsideration will be communicated to the grievant within **10 days** of the date the response is received by the Vice Provost.
6. Within **15 days** of receiving a response from the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, the grievant may request a final review by the President. The President has **20 days** to respond. The decision by the President is final within the University.

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Notes:

All requests and responses are to be in writing.

All days referred to in this procedure are calendar days, however, when the last day of such a period falls on a weekend or University holiday, the effective date shall be the next regular business day. The day following the actual day of notification shall be the first day in the series. Since dates are critical to these procedures, requests and responses should be sent by registered/certified mail.

The grievance procedure may be lengthy, and the grievant who initiates a grievance procedure is advised to maintain a file of dated correspondence sent and received as well as dates and notes of conferences held concerning the case. Failure of any administrative official or reviewing authority to comply with the deadlines for action specified herein shall not operate to reverse or modify a tenure and promotion decision, but shall permit the grievant to proceed directly to petition the Regional Campuses Faculty Grievance Committee or the next higher level in the Grievance Procedure.



**Appendix IV. USC Faculty Reduction-in-Force Policy****Regional Campuses (HR 1.45)**

Reduction in force may become necessary because of conditions inside or outside the University of South Carolina. Federal, state, or local appropriations may be reduced or cut off entirely, or the University may be allowed to use only part of its appropriation. These and other factors occurring singularly or in combination may make it necessary for the University of South Carolina to undergo a reduction in force. Depending on the cause, the reduction in force may be temporary or permanent. The reduction-in-force policy should be fair and equitable to all faculty without regard to race, color, religion, sex, age, national origin, handicap, or veteran status. A reduction may not require any involuntary separation if it can be accomplished through transfer, reorganization, or attrition. University administration may also find it necessary to reduce certain phases of work as work levels change or fluctuate. However, should a reduction in force become necessary, the following procedure will be adhered to:

The President of the University of South Carolina, acting in consultation with a faculty committee, bears the responsibility for determining the need for reduction-in-force decisions, and upon such determination, for authorizing a plan developed through appropriate internal channels to accomplish this reduction. This plan shall be applicable to the University of South Carolina faculty. The plan will identify the area(s) and the faculty to be included in the reduction in force according to the following general criteria:

1. Area(s)
  - a. the importance of the area(s) to the University of South Carolina in performing its mission
  - b. the impact of the area(s) upon the ability of the University of South Carolina to perform its mission
2. Faculty within the area(s)
  - a. appointment status: non-tenured shall generally be reduced before tenured
  - b. length of service
  - c. quality of service: as determined by the formal evaluation process
  - d. specialization or function: as the specific need for the field of expertise or services of a faculty member.

The faculty grievance procedures for the Regional Campuses of the University of South Carolina specify the time provided for notice and the procedures for grieving. The University will explain the procedures through which faculty affected by a reduction in force will be informed of all benefits. The University will assist faculty seeking employment elsewhere. Upon specific request the plan to accomplish the reduction will be available to any faculty affected by this plan.

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**Appendix V. Flow Chart of Regional Campuses Tenure and Promotion Procedure**

| PROCEDURE   |   | CANDIDATE NOTIFICATION   |
|---|---|--|
| ↓   |   |  |
| Dean (or designate) writes to eligible candidates   |   |  |
| ↓   |   |  |
| Candidate prepares file   |   |  |
| ↓   |   |  |
| *Department chair adds recommendation and forwards to Associate Dean for Academic Affairs | → | *Candidate informed of recommendation                                      |
| ↓   |   |  |
| *Academic Dean adds recommendation and forwards to campus tenure and promotion committee  | → | *Candidate informed of recommendation                                      |
| ↓   |   |  |
| Campus tenure and promotion committee votes   | → | Candidate informed of vote and recommendation                              |
| ↓   |   |  |
| Dean sends file with his recommendation to RCTP Committee                                 | → | Candidate informed of Dean' recommendation                                 |
| ↓   |   |  |
| RCTP Committee votes  | → | Candidate informed of recommendation                                       |
| ↓   |   |  |
| Vice Provost  |   |  |
| ↓   |   |  |
| Provost   |   |  |
| ↓   |   |  |
| President   | → | Candidate informed of recommendation                                       |
| ↓ If yes  |   | ↓ If no  |
| Board of Trustees   |   | Candidate not tenured and/or promoted                                      |
| ↓   |   | ↓  |
| Candidate tenured and/or promoted   |   | Under certain conditions, candidate may appeal through grievance procedure |

\* Each campus may not have these levels of review

**Appendix VI. Guidelines for Teaching Effectiveness**

**Teaching Effectiveness**

Definition: Teaching effectiveness is the amount of progress students make on teacher defined goals consistent with professional standards in that discipline.

| <i>Criterion:</i>   | <i>Suggested Documentation May Include:</i>   |
|---|---|
| <p><i>Course design:</i><br/>Effective teaching involves the development of clear course goals which must be consistent with both the missions of the campus and the role of the course in the curriculum.</p> <p>Effective instructors clearly connect stated goals of the course to the assessment of student learning.</p> | <ul style="list-style-type: none"> <li>*Personal narrative statement</li> <li>*Sample syllabi</li> <li>*Sample exams</li> <li>*Development of new course(s)</li> <li>*Peer review</li> </ul>  |
| <p><i>Student learning:</i><br/>Student demonstrates progress in achieving course goals.</p>  | <ul style="list-style-type: none"> <li>*Course/student evaluations</li> <li>*Alumni survey data</li> <li>*Pre- and post-tests</li> <li>*Results of standardized exams</li> <li>*Samples of students' work</li> <li>*Success in subsequent course(s)</li> <li>*Post graduation employment statistics</li> <li>*Peer review of testing instruments</li> </ul> |
| <p><i>Knowledge:</i><br/>Effective instructors demonstrate a breadth and depth of understanding of the subject appropriate to the level of the course and students' background.</p>   | <ul style="list-style-type: none"> <li>*Degrees, certification, credentials</li> <li>*Professional publications and/or presentations</li> <li>*Course materials (syllabi, exams, etc.)</li> <li>*Attendance at professional meetings, conferences, seminars</li> </ul>  |
| <p><i>Communication ability:</i><br/>Effective instructors make themselves clear, state objectives, summarize major points and provide examples. They present material in an organized manner and encourage student participation</p>   | <ul style="list-style-type: none"> <li>*Personal narrative statement</li> <li>*Student evaluations</li> <li>*Classroom visitations</li> <li>*Video tapes, syllabi, course materials</li> </ul>  |
| <p><i>Instructional improvement:</i><br/>Effective instructors continually reassess their teaching methodologies and course content and seek to enhance their teaching skills.</p>  | <ul style="list-style-type: none"> <li>*Personal narrative statement</li> <li>*Outcome measures</li> <li>*Attendance at teaching effectiveness workshops, seminars, etc.</li> <li>*Sample syllabi</li> <li>*Teaching diary</li> </ul>   |
| <p><i>Personal characteristics:</i><br/>Effective instructors are approachable and available. They are respected and are fair in all dealings with students. Their enthusiasm about teaching and their subject serves to motivate and inspire their students.</p>   | <ul style="list-style-type: none"> <li>*Student evaluations</li> <li>*Classroom visitations</li> <li>*Peer evaluations</li> <li>*Administrative evaluations</li> </ul>  |

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### **Effectiveness as a Librarian**

Effectiveness as a librarian refers to competence, creativity, and initiative in the performance of professional responsibilities such as effectiveness in applying subject knowledge and bibliographic techniques in building and organizing library collections, skill in meeting user needs and in stimulating wider use of resources, and development of administrative skills necessary for the operation of the library. Evidence may include, but is not limited to, the following:

1. Developing library resources through the selection, acquisition, and management of library materials.
2. Extending bibliographic control over the collection through cataloging and database management.
3. Instructing and advising library users and colleagues, both formally and informally, in the efficient and effective use of library resources, through such services as reference interviews and bibliographic instruction.
4. Extending access to library resources through provision of reference and information services, including answering of specific questions, guidance in the use of the collection, and interlibrary loan.
5. Demonstrating effective interpersonal communication skills with library users and colleagues.
6. Developing innovative programs which facilitate the delivery of library or informational services.
7. Improving performance through creative problem-solving and/or coordinating the operations of a library area.

### **Scholarship**

**Introduction** - The lack of a clear definition for the concept of scholarship as it relates to faculty evaluation and tenure and promotion decisions for Regional Campuses faculty has been a source of confusion for faculty and administrators at various levels of review. Scholarship is more broadly constructed than its traditional link to research and publications; furthermore, the Criteria for Tenure and Promotion, listed on page C-6 of the 1996 *Regional Campuses Faculty Manual*, were designed to encompass activities representative of this broader view. Because the categories listed in the Criteria were broad, however, faculty were directed to co-list scholarly and non-scholarly activities under the same headings. And, when applicants did not provide

narratives and documentation to justify the scholarly nature of an activity, evaluators were left to base appraisals on personal and independently derived opinion.

To remove confusion and clearly indicate the importance of scholarly activities to our faculty and the institution, this document provides and describes a definition of scholarship as it relates to tenure and promotion decisions on the Regional Campuses.

**Definition of Scholarship** - Scholarship is a function of one's field of academic expertise and includes the body of activities associated with the development, dissemination, and application of knowledge.

**Discussion** - Activities classified under the rubric of scholarship may be assigned to one of four categories:

Activities which define or refine one's field of expertise include elements which serve primarily to establish, enhance and upgrade one's professional status. They include research, further graduate study, seminars, short courses, and other activities designed to add to the participant's knowledge base or understanding. Reading and study are valid activities in this category but would count only under certain conditions (see checklist for determining scholarship) and are difficult to document.

Activities which involve application of knowledge include scholarly aspects of teaching, consulting, professional and community service when related directly to academic field, expert testimony, public lectures and the like. Hirsch and Lynton (1996) point out that service and scholarship should be more closely linked. They assert, "We are living in a knowledge-intensive society in which economic development depends upon the rapid absorption and assimilation of new ideas, discoveries, methodologies." Faculty members, through community service, provide the bridge. As with independent study, items included in this category need clarification as to their scholarly nature. The burden of proof lies with the faculty member.

Activities associated with the dissemination of knowledge represent the category most often affiliated with scholarship. This category includes publication and other means of communicating newly synthesized knowledge, especially in a medium that encourages examination and feedback by peers. A range appropriate to chemists is indicated by the American Chemical Society in its examination of scholarship criteria, "At the highest level of scholarship...there is publication in the most respected journals, international recognition, and substantial grant support. At the lowest level there is no communication with peers, no recognition outside the immediate activity, and no financial support" (Diamond 1995).

Activities associated with evaluation and/or determination of the parameters of scholarship include peer review, activity in professional or discipline-based organization, curriculum

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revision, work with accreditation teams, etc. Again, it is up to the faculty member to establish the scholarly nature and importance of activities submitted in this category.

**Checklist for Determining Scholarship** - Since each category of the Criteria for Tenure and Promotion may contain activities that are non-scholarly, the following check-list, based on Robert Diamond's summative work (1995) of the National Project on Institutional Priorities and Faculty Awards, should be used by faculty members as a guidelines for providing justification and documenting activities as scholarship.

Does the activity require a high level of discipline-related expertise?

Does the activity break new ground or is it innovative?

Can the activity be duplicated or built upon?

Can the activity be documented?

Can the activity be peer reviewed?

Does the activity have impact on or significance for educational communities, the institution, or the discipline?

### **References Cited**

Diamond, Robert M., *Preparing for Promotion and Tenure Review*, Bolton, Ma: Anker, 1995.

Hirsch, D. and E. Lynton, "Bridging Two Worlds: Service and Scholarship," *The Department Chair*, Winter 1996.

## **Service**

In the four categories of service identified below, activities may or may not be predicated on education and professional experience. It is the responsibility of the individual to demonstrate how the activity listed enhances the relationship between the University and the community. The following examples are intended to provide some guideline, by no means exclusive, as to the delineation of various service oriented activities:

### **Community Service**

Service to government agencies

Service to industry and business

Service to public and private organizations

Service to individuals

### **Campus Service**

Campus committee responsibilities

Student organization sponsorship

Participation in University and student functions

Offices held in the faculty organization

Administrative support activities

**Regional Campus and Greater University Service**

Membership on the Regional Campuses Faculty Senate

Offices held on the RCFS

Membership on University-wide committees

Membership as a campus representative to the Columbia Senate

Membership in USC Columbia academic departments

**Service to the Profession**

Participation in professional and learned societies

Offices held in professional organizations

Committee membership in professional organizations

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**Appendix VII. Academic Freedom and Tenure**

*The following statement is commonly known as the 1940 Statement. The 1940 Statement is not to be seen as a static code but as a fundamental document designed to set forth a framework of norms to guide adaptations to changing times and circumstances. To the extent the following AAUP provisions are inconsistent with any other provisions of this Faculty Manual or any other applicable established University Policy or Procedure, the applicable provision of the Manual or the appropriate Policy or Procedure shall control.*

**1940 Statement of Principles and Interpretive Comments**

*In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges agreed upon a restatement of principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure. This restatement is known to the profession as the 1940 Statement of Principles on Academic Freedom and Tenure.*

*The 1940 Statement is printed below, followed by Interpretive Comments as developed by representatives of the American Association of University Professors and the Association of American Colleges during 1969.*

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

**Academic Freedom**

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



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

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

### **Academic Tenure**

(a) After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own

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choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

#### 1940 Interpretations

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 *Statement of Principles on Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.
2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on *Academic Tenure*. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

#### 1940 Interpretive Comments

*Following extensive discussions on the 1940 Statement of Principles on Academic Freedom and Tenure with leading educational associations and with individual faculty members and administrators, a Joint Committee of the AAUP and the Association of American Colleges met during 1969 to reevaluate this key policy statement. On the basis of the comments received, and the discussions that ensued, the Joint Committee felt the preferable approach was to formulate interpretations of the Statement in terms of the experience gained in implementing and applying the Statement for over thirty years and of adapting it to current needs.*

*The Committee submitted to the two Associations for their consideration the following "Interpretive Comments." These interpretations were approved by the Council of the American Association of University Professors in April, 1970, and endorsed by the fifty-sixth Annual Meeting as Association policy.*

In the thirty years since their promulgation, the principles of the 1940 *Statement of Principles on Academic Freedom and Tenure* have undergone a substantial amount of refinement. This has evolved through a variety of processes, including customary acceptance, understandings mutually arrived at between institutions and professors or their representatives, investigations and reports by the American Association of University Professors, and formulations of statements by that Association either alone or in conjunction with the Association of American Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 Statement, to formulate the most important of these refinements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 Statement is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.

Also, there have been relevant developments in the law itself reflecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 Statement; particularly relevant is the identification by the Supreme Court of academic freedom as a right protected by the first Amendment. As the Supreme Court said in *Keyishian v. Board of Regents* 385 U.S. 589(1967), “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

The numbers refer to the designated portion of the 1940 Statement on which interpretive comment is made.

1. The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both Associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to the professor in his utterances as a citizen, in the exercise of his responsibilities to the institution and students, and in his conduct when resigning from his institution or when undertaking government-sponsored research. Of particular relevance is the *Statement on Professional Ethics*, adopted by the fifty-second Annual Meeting of the AAUP as Association policy and published in the *AAUP Bulletin* (Autumn, 1966, pp. 290-291).
2. The intent of this statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for the teacher to avoid persistently intruding material which has no relation to his subject.
3. Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 Statement, and we do not now endorse such a departure.
4. This paragraph is the subject of an Interpretation adopted by the sponsors of the 1940 Statement immediately following its endorsement which reads as follows:

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*If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.*

Paragraph (c) of the 1940 Statement should also be interpreted in keeping with the 1964 “Committee A Statement on Extramural Utterances” (AAUP Bulletin, Spring, 1965, p. 29) which states *inter alia*: “The controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for his position. Extramural utterances rarely bear upon the faculty member’s fitness for his position. Moreover, a final decision should take into account the faculty member’s entire record as a teacher and scholar.”

Paragraph V of the *Statement on Professional Ethics* also deals with the nature of the “special obligations” of the teacher. The paragraph reads as follows:

*As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his profession, and to his institution. When he speaks or acts as a private person he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.*

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

5. The concept of “rank of full-time instructor or a higher rank” is intended to include any person who teaches a full-time load regardless of his specific title.

6. In calling for an agreement “in writing” on the amount of credit for a faculty member’s prior service at other institutions, the Statement furthers the general policy of full understanding by the professor of the terms and conditions of his appointment. It does not necessarily follow that a professor’s tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual and the institution.

7. The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is

affirmative, the provisions in the 1940 Statement with respect to the termination of services of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

The general principle of notice contained in this paragraph is developed with greater specificity in the *Standards for Notice of Nonreappointment*, endorsed by the fiftieth Annual Meeting of the American Association of University Professors (1964). These standards are:

Notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

- (1) *Not later than March 1 of the first academic year of service*, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- (2) *Not later than December 15 of the second academic year of service*, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- (3) At least twelve months before the expiration of an appointment after two or more years in the institution.

Other obligations, both of institutions and individuals, are described in the *Statement on Recruitment and Resignation of Faculty Members*, as endorsed by the Association of American Colleges and the American Association of University Professors in 1961.

8. The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during his probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary teachers that their academic freedom has been violated. One suggested procedure to serve these purposes is contained in the *Recommended Institutional Regulations on Academic Freedom and Tenure*, prepared by the American Association of University Professors.

9. A further specification of the academic due process to which the teacher is entitled under this paragraph is contained in the *Statement on Procedural Standards in Faculty Dismissal Proceedings*, jointly approved by the American Association of University Professors and the Association of American Colleges in 1958. This interpretive document deals with the issue of suspension, about which the 1940 Statement is silent.

The 1958 Statement provides: "Suspension of the faculty member during the proceedings involving him is justified only if immediate harm to himself or others is threatened by his continuance. Unless legal considerations forbid, any such suspension should be with pay." A suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

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The concept of “moral turpitude” identifies the exceptional case in which the professor may be denied a year’s teaching or pay in whole or in part. The statement applies to that kind of behavior which goes beyond simply warranting discharge and is so utterly blameworthy as to make it inappropriate to require the offering of a year’s teaching or pay. The standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally.

**Appendix VIII. A Joint Statement of The Council of the American Association of University Professors and The American Council on Education**

*An underlying premise of this statement is that responsibility for determining standards affecting the academic community rests with that community, and that conflict-of-interest problems are best handled by administration and faculty in cooperative effort. In addition to providing guidelines, the statement seeks to identify and alert administrative and faculty to the types of situations that have proved troublesome. Throughout, it seeks to protect the integrity of the objectives and needs of the institution and the faculty, as well as of sponsoring agencies. To the extent the following AAUP provisions are inconsistent with any other provisions of this Faculty Manual or any other applicable established University Policy or Procedure, the applicable provision of the Manual or the appropriate Policy or Procedure shall control.*

**On Preventing Conflicts of Interest in Government-Sponsored Research at Universities**

The increasingly necessary and complex relationships among universities, Government, and industry call for more intensive attention to standards of procedure and conduct in Government-sponsored research. The clarification and application of such standards must be designed to serve the purposes and needs of the projects and the public interest involved in them and to protect the integrity of the cooperating institutions as agencies of higher education.

The Government and institutions of higher education, as the contracting parties, have an obligation to see that adequate standards and procedures are developed and applied; to inform one another of their respective requirements; and to assure that all individuals participating in their respective behalf are informed of and apply the standards and procedures that are so developed.

Consulting relationships between university staff members and industry serve the interests of research and education in the university. Likewise, the transfer of technical knowledge and skill from the university to industry contributes to technological advance. Such relationships are desirable, but certain potential hazards should be recognized.

**A. Conflict Situations**

1. Favoring of outside interests. When a university staff member (administrator, faculty member, professional staff member, or employee) undertaking or engaging in Government-sponsored work has a significant financial interest in, or consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between Government-sponsored university research obligations and outside interests and other obligations. Situations in or from which conflicts of interest may arise are the:

a. Undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;

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b. Purchase of major equipment, instruments, materials, or other items for university research from the private firm in which the staff member has the interest without disclosure of such interest;

c. Transmission to the private firm or other use for personal gain of Government-sponsored work products, results, materials, records, or information that are not made generally available. (This would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of Government-sponsored research results where there is significant additional work by the staff member independent of his Government-sponsored research);

d. Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government-sponsored activities. (The term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);

e. Negotiation or influence upon the negotiation of contracts relating to the staff member's Government-sponsored research between the university and private organizations with which the staff member has consulting or other significant relationships;

f. Acceptance of gratuities or special favors from private organizations with which the university does or may conduct business in connection with a Government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. Distribution of effort. There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which a faculty member divides his or her effort among these various functions does not raise ethical questions unless the Government agency supporting the research is misled in its understanding of the amount of intellectual effort the faculty member is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions they perform are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a faculty member will devote a certain fraction of effort to the Government-sponsored research, or a faculty member agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of the faculty member's involvement is to be expected. Each university, therefore, should-through joint consultation of administration and faculty-develop procedures to assure that proposals are responsibly made and complied with.

3. Consulting for Government agencies or their contractors. When the staff member engaged in Government-sponsored research also serves as a consultant to a Federal agency, such conduct is subject to the provisions of the Conflict of Interest Statutes (18 U.S.C. 202-209 as amended) and the President's memorandum of May 2, 1963, *Preventing Conflicts of Interest on the Part of Special Government Employees*. When the staff member consults for one or more Government contractors, or prospective contractors, in the same technical field as the staff member's research project, care must be taken to avoid giving advice that may be of questionable objectivity



because of its possible bearing on the individual's other interests. In undertaking and performing consulting services, the staff member should make full disclosure of such interests to the university and to the contractor insofar as they may appear to relate to the work at the university or for the contractor. Conflict of interest problems could arise, for example, in the participation of a staff member of the university in an evaluation for the Government agency or its contractor of some technical aspect of the work of another organization with which the staff members has a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

#### B. University Responsibility

Each university participating in Government-sponsored research should make known to the sponsoring Government agencies:

1. The steps it is taking to assure an understanding on the part of the university administration and staff members of the possible conflicts of interest or other problems that may develop in the foregoing types of situations, and
2. The organizational and administrative actions it has taken or is taking to avoid such problems, including:
  - a. Accounting procedures to be used to assure that Government funds are expended for the purposes for which they have been provided, and that all services which are required in return for these funds are supplied;
  - b. Procedures that enable it to be aware of the outside professional work of staff members participating in Government-sponsored research, if such outside work relates in any way to the Government-sponsored research;
  - c. The formulation of standards to guide the individual university staff members in governing their conduct in relation to outside interests that might raise questions of conflicts of interest; and
  - d. The provision within the university of an informed source of advice and guidance to its staff members for advance consultation on questions they wish to raise concerning the problems that may or do develop as a result of their outside financial or consulting interests, as they relate to their participation in Government-sponsored university research. The university may wish to discuss such problems with the contracting officer or other appropriate Government official in those cases that appear to raise questions regarding conflicts of interest.

The above process of disclosure and consultation is the obligation assumed by the university when it accepts Government funds for research. The process must, of course, be carried out in a manner that does not infringe on the legitimate freedoms and flexibility of action of the university and its staff members that have traditionally characterized a university. It is desirable that standards and procedures of the kind discussed be formulated and administered by members of the university community themselves, through their joint initiative and responsibility, for it is they who are the best judges of the conditions which can most effectively stimulate the search for knowledge and preserve the requirements of academic freedom. Experience indicates that such standards and procedures should be developed and specified by joint administrative-faculty action.

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**Appendix IX. American Association of University Professors Statement on Government of Colleges and Universities: The Faculty**

*The statement which follows is not intended to serve as a blueprint for institutional government or as a manual for the regulation of controversy among the components of an academic institution. The statement is intended to foster constructive joint thought and action, both within the institutional structure and in protection of its integrity against improper intrusions. To the extent the following AAUP provisions are inconsistent with any other provisions of this Faculty Manual or any other applicable established University Policy or Procedure, the applicable provision of the Manual or the appropriate Policy or Procedure shall control.*

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

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

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

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

The chairman or head of a department, who serves as the chief representative of his department within an institution, should be selected either by departmental election or by appointment

following consultation with members of the department and of related departments: appointments should normally be in conformity with department members' judgement. The chairman or department head should not have tenure in his office: his tenure as a faculty member is a matter of separate right. He should serve for a stated term but without prejudice to re-election or to reappointment by procedures which involve appropriate faculty consultation. Board, administration, and faculty should all bear in mind that the department chairman has a special obligation to build a department strong in scholarship and teaching capacity.

Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty.

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

Among the means of communication among the faculty, administration, and governing board now in use are:

1. circulation of memoranda and reports by board committees, the administration, and faculty committees;
2. joint *ad hoc* committees;
3. standing liaison committees;
4. membership of faculty members on administrative bodies, and;
5. membership of faculty members on governing boards.

Whatever the channels of communication, they should be clearly understood and observed.

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**Appendix X. Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments**

*The procedural standards contained within this statement are not intended to establish a norm, but are presented rather as a guide for institutional procedures. To the extent the following AAUP provisions are inconsistent with any other provisions of this Faculty Manual or any other applicable established University Policy or Procedure, the applicable provision of the Manual or the appropriate Policy or Procedure shall control.*

**Introduction**

The steady growth in the number of institutions new to college and university traditions, and in the number of probationary faculty members, has underscored the need for adequate procedures in reaching decisions on faculty renewals and for the protection of the probationary faculty member against decisions either in violation of his academic freedom or otherwise improper. Related to this need has been a heightened interest in providing the faculty member with a written statement of reasons for a decision not to offer him reappointment or to grant him tenure. At the Association's fifty-fifth Annual Meeting, held on April 30 and May 1, 1969, a motion was adopted urging Committee A

... to consider adoption of the position that notice of nonreappointment of probationary faculty be given in writing and that it include the reasons for the termination of the appointment. In any allegation that the reasons are false, or unsupported by the facts, or violative of academic freedom or procedures, the proof should rest with the faculty member.

The position which the Annual Meeting urged Committee A to consider had been the primary topic of discussion at the December 14-15, 1968, meeting of the Committee A Subcommittee on Nontenured Faculty, and it was discussed at length again at the subcommittee's meeting on October 11, 1969, at the regular Committee A meetings of April 27-28 and October 29-30, and at a special meeting of Committee A on January 9-10, 1970. The present statement embodies the consensus arrived at during those meetings.

It has long been the Association's position, as stated in *The Standards for Notice of Nonreappointment*, that "notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing." Although the Association has not attempted to discourage the giving of reasons, either orally or in writing, for a notice of nonreappointment, it has not required that reasons be given.

In considering this question, Committee A endeavored to appraise the advantages and disadvantages of the Association's present policy and the proposed policy in terms of the Association's traditional concern for the welfare of higher education and its various components, including probationary faculty members. The committee also examined the question of giving reasons in the context of the entire probationary period. As a result, this statement goes beyond

the question of giving reasons to the more fundamental subject of general fairness in the Procedures related to renewal or nonrenewal of term appointments and the granting of tenure.

### Statement

#### The Probationary Period: Standards and Criteria

The 1940 *Statement of Principles on Academic Freedom and Tenure* prescribes that “during the probationary period a teacher should have the academic freedom that all other members of the faculty have.” A number of the nontenured faculty member’s rights provide support for his academic freedom. He cannot, for example, be dismissed before the end of a term appointment except for adequate cause which has been demonstrated through academic due process—a right he shares with tenured members of the faculty. If he asserts that he has been given notice of nonreappointment in violation of academic freedom, he is entitled to an opportunity to establish his claim in accordance with Regulation 10 of Committee A’s *Recommended Institutional Regulation*. He is entitled to timely notice of nonreappointment in accordance with the schedule prescribed in the statement on The Standards for Notice of Nonreappointment.

Lacking the reinforcement of tenure, however, the academic freedom of the probationary faculty member has depended primarily upon the understanding and support of his faculty colleagues, the administration, and professional organizations, especially the Association. In the 1966 *Statement on Government of College and Universities*, the Association and other sponsoring organizations have asserted that “faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.” It is Committee A’s view that collegial deliberation of the kind envisioned by the *Statement on Government* will minimize the risk both of a violation of academic freedom and of a decision which is arbitrary or based upon inadequate consideration.

Frequently the young faculty member has had no training or experience in teaching, and his first major research endeavor may still be uncompleted at the time he starts his career as a college teacher. Under these circumstances, it is particularly important that there be a probationary period—a maximum of seven years under the 1940 *Statement of Principles on Academic Freedom and Tenure*—before tenure is granted. Such a period gives the individual time to prove himself, and his colleagues time to observe and evaluate him on the basis of his performance in the position rather than on the basis only of his education, training, and recommendations.

Good practice requires that the institution (department, college, or university) define its criteria for reappointment and tenure and its procedures for reaching decisions on these matters. The 1940 *Statement of Principles* prescribes that “the precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.” Committee A also believes that fairness to the faculty member prescribes that he be informed, early in his appointment, of the substantive and

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procedural standards which will be followed in determining whether or not his appointment will be renewed or tenure will be granted.

We accordingly make the following recommendation:

1. *Criteria and Notice of Standards.* The faculty member should be advised, early in his appointment, of the substantive and procedural standards generally employed in decisions affecting renewal and tenure. Any special standards adopted by his department or school should also be brought to his attention.

#### The Probationary Period: Evaluation and Decision

The relationship of the senior and junior faculty should be one of colleague ship, even though the nontenured faculty member knows that in time he will be judged by his senior colleagues. Thus the procedures adopted for evaluation and possible notification of nonrenewal should not endanger this relationship where it exists, and should encourage it where it does not. The nontenured faculty member should have available to him the advice and assistance of his senior colleagues; and the ability of senior colleagues to make a sound decision on renewal or tenure will be enhanced if an opportunity is provided for a regular review of the qualifications of nontenured faculty members. Total separation of the faculty roles in counseling and evaluation may not be possible and may at times be unproductive: for example, an evaluation, whether interim or at the time of final determination of renewal or tenure, can be presented in such a manner as to assist the nontenured faculty member as he strives to improve his performance.

Any recommendation regarding renewal or tenure should be reached by an appropriate faculty group in accordance with procedures approved by the faculty. Because it is important both to the faculty member and the decision-making body that all significant information be considered, he should be notified that a decision is to be made regarding renewal of his appointment or the granting of tenure and should be afforded an opportunity to submit material in writing which he believes to be relevant to that decision.

We accordingly make the following recommendations:

2. (a) Periodic Review. There should be provision for periodic review of the faculty member's situation during the probationary service.
2. (b) Opportunity To Submit Material. The faculty member should be advised of the time when decisions affecting renewal and tenure are ordinarily made, and he should be given the opportunity to submit material which he believes will be helpful to an adequate consideration of his circumstances.

Observance of the practices and procedures outlined above should minimize the likelihood of reasonable complaint if the nontenured faculty member is given notice of nonreappointment. He will have been informed of the criteria and procedures for renewal and tenure; he will have been counseled by faculty colleagues; he will have been given an opportunity to have all material

relevant to his evaluation considered; and he will have received a timely decision representing the view of faculty colleagues.

#### Notice of Reasons

With respect to giving reasons for a notice of nonreappointment, practice varies widely from institution to institution, and sometimes within institutions. At some, in accordance with the institution's regulations, the faculty member is provided with a written statement of the reasons. At others, generally at the discretion of the department chairman, he is notified of the reasons, either orally or in writing, if he requests such notification. At still others, no statement of reasons is provided even upon request, although information is frequently provided informally by faculty colleagues.

Resolving the question of whether a faculty member should be given a statement of reasons, at least if he requests it, requires an examination of the needs both of the institution and of the individual faculty member.

A major responsibility of the institution is to recruit and retain the best qualified faculty within its means. In a matter of such fundamental importance, the institution, through the appropriate faculty agencies, must be accorded the widest latitude consistent with academic freedom and the standards of fairness. Committee A recognizes that the requirement of giving reasons may lead, however erroneously, to an expectation that the decision-making body must justify its decision. A notice of nonreappointment may thus become confused with dismissal for cause, and under these circumstances the adverse decisions which may culminate in grievance procedures. As a result there is a risk that the important distinction between tenure and probation will be eroded.

To be weighed against these important institutional concerns are the interests of the individual faculty member. He may be honestly unaware of the reasons for a negative decision, and the decision may be based on a judgment of shortcomings which he could easily remedy if informed of them. A decision not to renew an appointment may be based on erroneous information which the faculty member could readily correct if he were informed of the basis for the decision. Again, the decision may be based on considerations of institutional policy or program development which have nothing to do with the faculty member's competence in his field, and if not informed of the reasons he may mistakenly assume that a judgment of inadequate performance on his part has been made. In the face of a persistent refusal to supply the reasons, a faculty member may be more inclined to attribute improper motivations to the decision-making body or to conclude that its evaluation has been based upon inadequate consideration. If he wishes to request a reconsideration of the decision, or a review by another body, his ignorance of the reasons for the decision will create difficulties both in reaching a decision whether to initiate such a request and in presenting his case for reconsideration or review.

After careful evaluation of these competing concerns, Committee A has concluded that the reasons in support of the faculty member's being informed outweigh the countervailing risks.

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Committee A emphasizes that in reaching this conclusion it does not consider it appropriate to require that every notice of nonreappointment be accompanied by a written statement of the reasons for nonreappointment. It may not always be to the advantage of the faculty member to be informed of the reasons, particularly in writing. If he is informed of them, he can be placed under an obligation to divulge them to the appointing body of another institution if it inquires why he is leaving his present position. Similarly, a written record is likely to become the basis for continuing responses by his former institution to prospective appointing bodies and may thus jeopardize his chances for obtaining positions over an extended period.

At many institutions, moreover, the procedures of evaluation and decision may make it difficult, if not impossible, to compile a statement of reasons which precisely reflects the basis of the decision. When a number of faculty members participate in the decision, they may oppose a reappointment for a variety of reasons, few or none of which may represent a majority view. To include every reason, no matter how few have held it, in a written statement to the faculty member may misrepresent the general view and damage unnecessarily both the faculty member's morale and his professional future.

In many situations, of course, a decision not to reappoint will not reflect adversely upon the faculty member. An institution may, for example, find it necessary for financial or other reasons to restrict its offerings in a given department. A number of institutions appoint more faculty members than they expect to give tenure; at such institutions a limit has been placed on the number of faculty at each rank, and the acquisition of tenure depends not only upon satisfactory performance but also upon an opening in the ranks above instructor or assistant professor. Nonrenewal in these cases is not likely to be psychologically damaging or to suggest a serious adverse judgment.

In these situations, providing a statement of reasons, either written or oral, should pose no difficulty, and such a statement may in fact assist the faculty member in his search for a new position. In other situations, in spite of his awareness of the considerations cited above, the faculty member may ask to be advised of the reasons which contributed to his nonreappointment, and Committee A believes that he should be given such advice. It believes also that he should have the opportunity to request a reconsideration by the decision-making body.

We accordingly make the following recommendation:

3. Notice of Reasons. In the event of a decision not to renew his appointment, the faculty member should be informed of the decision in writing, and, if he so requests, he should be advised of the reasons which contributed to that decision. He should also have the opportunity to request a reconsideration by the decision-making body.

#### Written Reasons

Having been given orally the reasons which contributed to his nonreappointment, the faculty member, to avoid misunderstanding, may request that they be confirmed in writing. He may



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wish to petition the appropriate faculty committee, in accordance with Regulation 10 of Committee A's *Recommended Institutional Regulations*, to consider an allegation that the reasons he was given violate his academic freedom, or that the primary reasons for the notice of nonreappointment were not stated and constitute a violation of his academic freedom. He may wish to petition a committee in accordance with Regulation 2(f) of the *Recommended Institutional Regulations*, to consider a complaint that the decision resulted from inadequate consideration and was therefore unfair to him. He may feel that a written statement of reasons may be useful to him in pursuing his professional career.

If the department chairman or other appropriate institutional officer to whom the request is made feels that confirming the oral statement in writing may be damaging to the faculty member on grounds such as those cited earlier in this statement, Committee A believes that it would be desirable for him to explain the possible adverse consequences of confirming the oral statement in writing. If in spite of this explanation the faculty member continues to request a written statement, the request should be honored.

We accordingly make the following recommendation:

4. **Written Reasons.** If the faculty member expresses a desire to petition the grievance committee (such as is described in Regulations 2(f) and 10 of Committee A's *Recommended Institutional Regulations*), or any other appropriate committee, to use its good offices of inquiry, recommendation, and report, or if he makes the request for any other reason satisfactory to himself alone, he should have the reasons given in explanation of the nonrenewal confirmed in writing.

#### Review Procedures: Allegations of Academic Freedom Violations

The best safeguard against a proliferation of grievance petitions on a given campus is the observance of sound principles and procedures of academic freedom and tenure and of institutional government. Committee A believes that observance of the procedures recommended in this statement - procedures which would provide guidance to nontenured faculty members, help assure them of a fair professional evaluation, and enlighten them concerning the reasons contributing to key decisions of their colleagues - would constitute a further step in the achievement of harmonious faculty relationships and the development of well-qualified faculties. Even with the best practices and procedures, however, faculty members will at times feel that they have been improperly or unjustly treated and may wish another faculty group to review a decision of the faculty body immediately involved. Committee A believes that fairness both to the individual and the institution requires that the institution provide for such a review when it is requested. A possible violation of academic freedom is of vital concern to the institution as a whole, and where a violation is alleged it is of cardinal importance to the faculty and the administration to determine whether substantial grounds for the allegation exist. The institution should also be concerned to see that decisions respecting reappointment are based upon adequate

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consideration, and provision should thus be made for a review of allegations by affected faculty members that the consideration has been inadequate.

Because of the broader significance of a violation of academic freedom, Committee A believes that the procedures to be followed in these two kinds of complaints should be kept separate. Regulation 10 of the Recommended Institutional Regulations, mentioned earlier in this statement, provides a specific procedure for the review of complaints that academic freedom has been violated.<sup>4</sup>

*If a faculty member on probationary or other nontenured appointment alleges that a decision not to reappoint him was based significantly on considerations violative of (1) academic freedom or (2) governing policies on making appointments without prejudice with respect to race, sex, religion, or national origin, the allegation will be given preliminary consideration by the [insert name of committee], which will seek to settle the matter by informal methods. His allegation shall be accompanied by a statement that he agrees to the presentation, for the consideration of the faculty committees of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulations 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which he bases his allegations, and the burden of proof shall rest upon him. If he succeeds in establishing a prima facie case, it is incumbent upon those who made the decision not to reappoint him to come forward with evidence in support of their decision.*

We accordingly make the following recommendation:

5. *Petition for Review Alleging an Academic Freedom Violation* (Regulation 10, *Recommended Institutional Regulations*). In so far as the petition for review alleges a violation of academic freedom, the functions of the committee which reviews the faculty member's petition should be the following:

- (a) To determine whether or not the notice of nonreappointment constitutes on its face a violation of academic freedom.
- (b) To seek to settle the matter by informal methods.
- (c) If the matter remains unresolved, to decide whether or not the evidence submitted in support of the petition warrants a recommendation that a formal proceeding be conducted in accordance with Regulations 5 and 6 of the *Recommended Institutional Regulations*, with the burden of proof resting upon the complaining faculty member.

Review Procedures: Allegations of Inadequate Consideration

Complaints of inadequate consideration are likely to relate to matters of professional judgment, where the department or departmental agency should have primary authority. For this reason, Committee A believes that the basic functions of the review committee should be to determine

whether adequate consideration was given to the appropriate faculty body's decision and, if it determines otherwise, to request reconsideration by that body.

It is easier to state what the standard "adequate consideration" does not mean than to specify in detail what it does. It does not mean that the review committee should substitute its own judgment for that of members of the department on the merits of whether the candidate should be reappointed or given tenure. The conscientious judgment of the candidate's department colleagues must prevail if the invaluable tradition of departmental autonomy in professional judgments is to prevail. The term "adequate consideration" refers essentially to procedural rather than substantive issues:

*Was the decision conscientiously arrived at?*

*Was all available evidence bearing on the relevant performance of the candidate sought out and considered?*

*Was there adequate deliberation by the department over the import of the evidence in the light of the relevant standards?*

*Were irrelevant and improper standards excluded from consideration?*

*Was the decision a bona fide exercise of professional academic judgment?*

These are the kinds of questions suggested by the standard "adequate consideration."

If in applying this standard the review committee concludes that adequate consideration was not given, its appropriate response should be to recommend to the department that it assess the merits once again, this time remedying the inadequacies of its prior consideration.

An acceptable review procedure, representing one procedural system within which such judgments may be made, is outlined in Regulation 15 of the *Recommended Institutional Regulations*, as follows:

*If a faculty member feels that he has cause for grievance in any matter [other than dismissal proceedings - such matters as salaries, assignment of teaching duties, assignment of space or other facilities, and propriety of conduct] he may petition the Regional Campuses Grievance Committee for redress. The petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall contain any factual or other data which the petitioner deems pertinent to his case. The committee will have the right to decide whether or not the facts merit a detailed investigation. Submission of a petition will not automatically entail investigation or detailed consideration thereof. The committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the committee such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the petitioner and to the Vice Provost and Executive Dean for Regional Campuses and Continuing Education, and the petitioner will, at his request, be provided an opportunity to present his case.*

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The grievance committee will consist of three or some other number elected members of the faculty. No officer of administration shall serve on the committee. We accordingly make the following recommendation:

6. *Petition for Review Alleging Inadequate Consideration* (Regulation 2 [f], *Recommended Institutional Regulations*). Insofar as the petition for review alleges inadequate consideration, the functions of the committee which reviews the faculty member's petition 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 standards of the institution, with the understanding that the review committee should not substitute its judgment on the merits for that of the faculty body.

(b) To request reconsideration by the faculty body when the committee believes that adequate consideration was not given to the faculty member's qualifications. (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 recommendation to the faculty member, the faculty body, and the President or other appropriate administrative officer.

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