

FACULTY CODE
Governing the Academic
Personnel of the University

BACKGROUND

This Faculty Code, together with Procedures for the Implementation thereof, constitute the formal statement of the rights and privileges, and the responsibilities, of the academic personnel of the University. It was last amended by the Board of Trustees at its meeting on May 17, 2019, as recommended in part by the Committee on Professional Ethics and Academic Freedom of the Faculty Senate and the Faculty Senate, and the President of the University. It reflects amendments to the Faculty Code and Procedures approved by the Board since the last printing in November 2015 through May 17, 2019.¹ The University is indebted to several committees of the Faculty and of the Board of Trustees and to the administrative officers for their work in compiling and revising these rules and provisions.

May 2019

¹ Prior printings of the Faculty Code were authorized by the Board of Trustees in 1937, 1945, 1958, 1964, 1976, 1980, 1986, 1996, 2004, and 2015, and amendments to the Faculty Code were adopted by the Board of Trustees between printings.

FACULTY CODE

Governing the Academic Personnel of the University

The Board of Trustees of The George Washington University (the “university”), by virtue of the authority vested in it by the university Charter, hereby establishes the following Faculty Code. The Faculty Code applies to all university faculty in all colleges, schools, departments, and comparable educational divisions.

Constitutions, by-laws, and established procedures of governance devised by subdivisions of the university are subordinate to the letter and spirit of the Faculty Code.

I. GRADES OF ACADEMIC PERSONNEL

The grades of academic personnel are:

A. Retired Status

University professor emeritus, professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (in any given rank).

B. Regular Faculty

Regular Faculty are full-time faculty members with the title of university professor, professor, associate professor, assistant professor, and instructor who are tenured or tenure-track, and non-tenure-track full-time faculty members who are on a renewable contract, do not hold either a regular or tenured appointment at another university, have a nine or twelve month appointment and who have contractual responsibilities for all of the following: research, teaching, and service. However, the proportion of regular faculty serving in non-tenure track appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular faculty appointments either tenured or tenure-track. The foregoing shall not apply to the School of Medicine and Health Sciences, the School of Nursing, the Milken Institute School of Public Health, and the College of Professional Studies.

C. Specialized Faculty

Specialized Faculty are faculty members with the title of professor, associate professor, assistant professor, and instructor who are on a renewable contract, do not hold either a regular or tenured appointment at another university, have a nine or twelve month appointment and who have contractual responsibilities for one or two of the following areas: research, teaching, and service. Specialized Faculty include but are not limited to faculty members holding clinical, research, and teaching faculty positions, which may be reflected in their titles.

D. Visiting Faculty

Visiting Faculty are faculty members with the title of visiting professor, visiting associate professor, visiting assistant professor, and visiting instructor. Visiting Faculty hold limited term appointments approved by the Provost and, due to the temporary nature of their appointments, do not have governance rights described by the Faculty Code unless such rights are expressly stated.

E. Part Time Faculty

Part Time Faculty are faculty members with a title of adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct instructor, clinical professor, professorial lecturer, associate clinical professor, assistant clinical professor, assistant professorial lecturer, clinical instructor, lecturer, studio instructor and special instructor, who are on a fixed semester or 9-month appointment (that may or may not be subject to reappointment), including but not limited to Part Time Faculty subject to a Collective Bargaining Agreement. This Faculty Code does not apply to Part Time Faculty covered under the terms of a Collective Bargaining Agreement unless the Collective Bargaining Agreement expressly provides.

F. Secondary and Courtesy Appointments

A faculty member holding a regular faculty appointment in one department or school may be granted a secondary or courtesy appointment in another department or school for a specified term. A secondary or courtesy appointment shall require the recommendation of the appropriate faculty and officers of administration of the unit granting that appointment and shall comply with rules and procedures for such appointments established by the unit granting that appointment and by the Provost. A secondary or courtesy appointment is not a regular faculty appointment and does not automatically confer any of the rights provided by the Faculty Code and the Faculty Organization Plan to participate in faculty governance in the unit granting that appointment. Unlike a courtesy appointment, a secondary appointment shall allow a faculty member to exercise one or more specified governance privileges in the faculty unit granting the appointment, but such privileges shall be approved by that unit's regular faculty. A secondary or courtesy appointment terminates automatically upon the expiration of its specified term or upon termination of the faculty member's regular appointment. This paragraph does not affect the terms, conditions, and designations of secondary and courtesy appointments in existence as of May 1, 2008.

II. ACADEMIC FREEDOM

Subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the university:

A. A faculty member shall enjoy freedom of expression. In the classroom

(physical, virtual, and wherever located), a faculty member's exposition shall be guided by the requirements of effective teaching, adherence to scholarly standards, and encouragement of freedom of inquiry among students. In speaking and writing outside the University, a faculty member shall not attribute his or her personal views to the University.

- B. A faculty member shall enjoy freedom of investigation.
- C. Consistent with academic freedom, faculty members should show respect for the opinions of others and foster and defend intellectual honesty, freedom of inquiry and instruction, and the free expression of ideas.

III. PROFESSIONAL RESPONSIBILITIES

- A. Members of the faculty shall perform well their academic duties, strive for professional development, and apply their talents to the service of their professions and their community.
- B. Members of the faculty are responsible for maintaining standards of professional ethics and for the fulfillment of faculty responsibilities.
- C. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom, they shall be responsible for the character of the instruction, the maintenance of good order, and the observance of university regulations. Faculty members shall make adequate preparation for their classes and conduct them in a dignified, courteous manner. They shall meet classes on time, hold classes for the full period, evaluate academic performance fairly and reasonably and report evaluations promptly, and report promptly to the appropriate dean matters requiring disciplinary action and matters relating to the physical condition of classrooms and laboratories. If a student alleges an instance of arbitrary or capricious academic evaluation, the allegation shall be heard and reviewed through orderly faculty peer review procedures established by the dean and faculty of the school in which the contested academic evaluation takes place; should such peer review processes find in favor of and uphold the complaint of the student, yet the faculty member persists in refusing to alter the academic evaluation at issue, the Dean's Council and dean shall afford the student an appropriate remedy after consultation with the peer review body.
- D. Members of the faculty shall perform their other academic duties conscientiously; they shall attend faculty meetings, commencement exercises, convocations, and other academic events; serve on faculty or University committees; assist in the administrative work of their departments and in the general administrative work of the university; and serve as general or departmental advisers to students.

E. Members of the faculty shall strive for the advancement of knowledge and to grow in professional competence by means of effective teaching, sound scholarship, and productive service (including by participation in the activities of professional societies) in accordance with the terms of their faculty appointment.

F. Regular and specialized members of the faculty shall have the primary responsibility of devoting their time, thought, and energy to the service of the university. No such member of the faculty shall accept an outside teaching appointment during the academic year or engage in any other regular activity of a remunerative nature without the approval of the university. Even when officially approved, such employment shall not be permitted to interfere with a faculty member's responsibility to the university.

IV. APPOINTMENT, REAPPOINTMENT, PROMOTION, AND TENURE

A. Appointment

1. Statements of Terms and Conditions

a) New faculty appointments shall be made by a letter signed by the appropriate corporate officer of the university. The appointee may accept the appointment by signing a copy of the letter of appointment and returning it to the university. A copy of this Code shall accompany or precede the letter of appointment and shall be considered part of the agreement between the faculty member and the university.

b) Tenured members of the faculty and faculty members (except those appointed in the School of Medicine and Health Sciences, the Milken Institute School of Public Health, and the School of Nursing) whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on May 15 (or within a reasonable time thereafter not to exceed 15 days), of changes in rank or of other terms and conditions of service for the next academic year and further shall be notified annually in writing of changes in salary, by November 1 (or within a reasonable time thereafter not to exceed 15 days).

2. Part Time Appointments

All appointments to part time status (as defined in Article I, Section C, Paragraph 4) shall be for a specified period of a year or less. Such appointments may be renewed an unlimited number of times.

3.1 Regular Tenure-Track Appointments

a) All appointments or reappointments to regular positions shall be for a specified term except for those that confer tenure.

b) The total of such terms, including all full-time service at the rank of instructor or higher in this or other recognized institutions of higher learning, shall not exceed seven years. The following provisions apply:

1) A faculty member with more than three years' previous full-time service at another institution may be appointed at any rank below that of professor without tenure for four years as a term or condition of his or her initial appointment, even though his or her total period of service in the academic profession is thereby extended beyond seven years.

2) Leaves of absence to engage in authorized teaching or research activities at another institution shall be included in this seven-year period.

3) A one-year extension of the probationary period shall be granted to requesting faculty who become new parents and apply within twelve months of becoming new parents by submitting a request to the relevant academic officers setting forth his or her reason for requesting the extension. "New parents" for purposes of this provision are faculty members who become parents of a newborn or adopted child. The tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent. However, no such request shall be granted if made after September 10 of the academic year in which the tenure decision would have been made by the department or school absent the extension requested. If a faculty member becomes a new parent a second time during the probationary period, a second tenure clock extension may be granted at the discretion of the Provost after consultation with the appropriate department chair (if applicable) and dean. Other requests for tenure clock extensions for family related purposes may be granted at the discretion of the Provost after consultation with the appropriate department chair (if applicable) and dean.

4) Leaves for study toward a degree, leaves for military or for personal reasons, and defense leave shall not be included in this period. A partial leave for family or medically related purposes of sufficient duration may justify an appropriate partial extension of the probationary period.

5) The Provost, upon written notice to the candidate for tenure and with the candidate's consent, may extend the probationary period beyond the period set forth in paragraph below, or suspend an ongoing tenure review, pending the outcome of a university review of allegations of a serious violation of university policies (such as those on sexual and gender-based harassment and interpersonal violence, non-discrimination, prohibited relationships with students, research integrity, conflict of interest, misuse of university assets, and threats or acts of violence), of allegations of serious misconduct, or of criminal charges raised against a faculty member.

c) A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire. However, notwithstanding any other provision of Articles IV and V of the Faculty Code, if a decision on tenure has not become final by such June 30 deadline due to a failure to resolve an administrative non-concurrence with a faculty recommendation, the June 30 deadline may be extended for up to 60 days, provided the appropriate administrative officer has given written notice of such extension to the faculty member no later than the original June 30 deadline. A faculty member who does not receive notice of denial of tenure by the date required under the preceding two sentences shall not be granted tenure at the end of his or her pending term of appointment, but instead shall be granted a one-year extension of such term. If not notified by June 30 of the final year of the non-extended term of appointment that tenure will not be granted, he or she will acquire tenure at the end of the extended term.

d) In addition to any other extensions of the probationary period granted pursuant to Section 3.1, the President may approve a one-year extension of the probationary period of a candidate for tenure as provided in Paragraph B.7 of the Procedures for the Implementation of the Faculty Code.

3.2 Regular Non-Tenure-Track Appointments

a) Letters of appointment to positions that will not normally lead to the consideration of the appointee for tenure shall include a statement to that effect.

b) Members of the faculty who are stationed at affiliated institutions and assigned to educational programs of the School of Medicine and Health Sciences, the Milken Institute School of Public Health, and the School of Nursing and who have been appointed to regular positions without tenure prior to the effective date of this Code may continue to be appointed without tenure.

4.1 Stated Periods by Rank for Regular Tenure-Track Appointments

a) Instructors

Instructors shall be appointed for an initial period of one year and may be reappointed for not more than three additional one-year periods. No re-appointments shall extend any individual's total period as an instructor beyond four years, except under extraordinary circumstances as determined by the Provost. Tenure shall not be conferred at this grade.

b) Assistant Professors

Assistant Professors may be appointed for a period of not more than three years and may be reappointed, with or without tenure, for one or more additional periods.

c) Associate Professors

Associate Professors may be appointed with tenure or for a period of not more than four years without tenure, and may be reappointed, with or without tenure, for one or more additional periods.

d) Professors

Professors may be appointed with tenure or for a period of not more than three years without tenure.

e) University Professors

University Professors shall be appointed with tenure. The process of making such appointments shall be as follows:

- 1) The candidate shall be recommended by one or more departments or schools; and
- 2) The candidate shall be recommended by the Executive Committee of the Faculty Senate and/or by a faculty committee appointed by the President; and
- 3) The candidate shall be recommended by the Provost and by the President, the appointment to be approved by the Board of Trustees.

4.2 Stated Periods by Rank for Regular Non-Tenure-Track and Specialized Appointments

Faculty members with regular, non-tenure-track or specialized appointments at any rank may be reappointed to the same rank or to a higher one as many times as the needs of the university may require.

5. Criteria and Procedures for Appointments

Each school shall establish and publish criteria on which regular faculty appointments will be based. Additional criteria that may exist in the departments shall also be published. Each department or nondepartmentalized school shall establish and publish the procedures to be followed for recruitment, assembling all relevant information, and making recommendations for appointments to the regular faculty.

6. Criteria and Procedures for Appointments, Reappointments, and Promotion of Regular and Specialized Faculty Serving in Non-Tenure-Track Appointments

Each school and each department (except in the case of nondepartmentalized schools) shall take the following actions with regard to appointments, reappointments, and promotion of regular and specialized faculty serving in non-tenure-track appointments:

- a) In accordance with Article IV and Part B of the Procedures for the Implementation of the Faculty Code, the faculty of each of the foregoing units shall approve and publish the criteria to be applied in making decisions regarding appointments, reappointments, and promotion of regular and specialized faculty serving in nontenure-track appointments. These criteria shall be based on the purpose(s) of the non-tenure-track appointments. Each letter of appointment or reappointment for a regular or specialized faculty member serving in a non-tenure-track appointment shall include appropriate references to the criteria, weight of criteria, and the purpose(s) of such appointment.
- b) Decisions regarding appointment, reappointment, and promotion of regular faculty for non-tenure-track positions shall, consistent with the candidate's appointment or reappointment letter, be based on published criteria which may assign different weights to the factors of teaching, scholarship, and service to the university, professional societies and the public than the published criteria that would be applied to faculty members serving in tenure-track appointments in the applicable department or nondepartmentalized school. None of the foregoing factors as applied to the review of regular faculty shall be assigned a weight of zero, and each regular faculty member serving in a non-tenure-track position shall be expected to generate evidence of meeting applicable university, school, and department criteria for teaching, scholarship and service. Such decisions shall be consistent with the terms set forth in the candidate's appointment or reappointment letter.
- c) Teaching loads and service assignments for all regular faculty in a department or nondepartmentalized school should be structured so that during the term of each appointment, consistent with the university's needs, each regular faculty member in that department or school has a reasonable opportunity to generate evidence of meeting applicable university, school, and department criteria for teaching, scholarship, and service.
- d) Decisions regarding appointments, reappointments, and promotions of specialized faculty for non-tenure track positions shall, consistent with the candidate's appointment or reappointment letter, be based on the published criteria referred to in paragraph (a).

B. Promotion

1. Promotion to the ranks of associate professor and professor is granted by the university to faculty members who have achieved excellence in their disciplines through their contributions to research, scholarship, or creative work in the arts (hereinafter *scholarship*), teaching, and engagement in service, and who demonstrate the potential to continue to do so, so that the university may advance its mission of scholarship, higher education, and service to the community. The university seeks to apply the highest standards of academic rigor in evaluating faculty members for promotion. Promotion to professor is reserved for those who have established a record since promotion to associate professor that demonstrates a sustained, high level of distinction in their field through scholarly contributions, excellence in teaching, and active engagement in service. In addition, it is expected that the candidate's record of scholarship, teaching, and service provides confidence that he or she will continue to contribute in all these areas at a level of excellence in a pattern of sustained development and substantial growth in achievement and productivity. Time served in rank is not a sufficient basis for promotion.
2. Each school shall establish and publish written criteria, consistent with paragraph B.1, on which promotion to the ranks of associate professor and professor will be based, including any appropriate distinctions between the criteria for tenure-track and tenured faculty and those for non-tenure track faculty members due to the different nature of their appointments. Departments may establish and publish additional written criteria, to the extent consistent with Paragraph B.1 and with the written criteria established and published by the relevant school, which shall also be published. Each school and department shall also establish and publish the procedures used for making promotion decisions. The procedures should provide for informing faculty members periodically, or at their request, whether they are making satisfactory progress toward promotion. Such information shall not be construed as a promise to recommend promotion. Each non-tenure track or tenured faculty member has the prerogative to determine whether and when to request consideration for promotion. Recommendations for promotion originate from the faculty – for departmentalized schools, from the faculty of the relevant department, after application by the candidate. Faculty recommendations must be based on substantial evidence of excellence based on the written criteria stated in Paragraph B.1 and the additional criteria established and published by the relevant school and department. It is incumbent on the department to demonstrate at all stages of the process that the candidate has met the published written criteria for excellence for the position when issuing a faculty recommendation.

3. As general practice, a promotion shall be accompanied by an appropriate increase in salary.
4. The confidentiality of sources of information and evaluations obtained during the promotion process (including external review letters and evaluative transmittal memoranda) shall be strictly maintained, and will not be made available to a candidate for promotion, including under Section E.4.c)3) of the Procedures for the Implementation of the Faculty Code. Notwithstanding the above, the substance of the evaluative reviews may be shared with a candidate for promotion in appropriate circumstances (e.g., under Section B.6 and B.7 of the Procedures for Implementation of the Faculty Code) only to the extent that such sharing does not jeopardize the confidentiality of the source's identity.

C. Tenure

1. Recognizing the significance of the university's commitment when it grants tenure, including to the university's standing as a preeminent research university, tenure is reserved for members of the faculty who demonstrate excellence in scholarship, teaching, and engagement in service and who show promise of continued excellence. Excellence in teaching and engagement in service are prerequisites for tenure, but they are not in themselves sufficient grounds for tenure. Tenure is reserved for faculty members whose scholarly accomplishments are considered excellent when compared with successful candidates at similar stages of their careers at institutions of higher education or research that are nationally recognized in the particular candidate's field. Upon a specific showing that the academic needs of the University have changed with respect to a particular position, that factor may also be considered in determining whether tenure shall be granted. The granting of tenure is generally accompanied by promotion to associate professor.
2. Each school shall establish and publish written criteria, consistent with Paragraph C.1, on which the recommendation for tenure will be based. Each department shall establish, and publish additional written criteria for tenure consistent with Paragraph C.1 and with the criteria established and published by the relevant school, which shall also be published. In addition, each school and each department shall establish and publish written procedures for making decisions concerning tenure and hiring tenured faculty. Recommendations for tenure originate from the faculty — for departmentalized schools, from the faculty of the relevant department. Faculty recommendations must be based on substantial evidence of excellence. It is incumbent on the department to demonstrate at all stages of the process that the candidate has met the published written criteria for excellence for the position when issuing a faculty recommendation.

3. So that faculty members may assess their potential for achieving tenure, each school, and where appropriate, each department, shall establish and publish written procedures to provide reviews to guide faculty members concerning progress toward tenure. Reviews do not constitute a commitment to recommend tenure. Such reviews may be satisfied by, but need not be limited to, evaluations of annual reports and mid-tenure track reviews, the results of which should be communicated to the faculty member.
4. The confidentiality of sources of information and evaluations obtained during the promotion process (including external review letters and evaluative transmittal memoranda) shall be strictly maintained, and will not be made available to a candidate for tenure, including under Section E.4.c)3) of the Procedures for the Implementation of the Faculty Code. Notwithstanding the above, the substance of the evaluative reviews may be shared with a candidate for promotion in appropriate circumstances (e.g., under Section B.6 and B.7 of the Procedures for Implementation of the Faculty Code) only to the extent that such sharing does not jeopardize the confidentiality of the source's identity.

D. School-Wide Personnel Committees

1. To implement the procedures required in Sections B and C above, each school shall establish a School-Wide Personnel Committee, either as a standing committee elected by the tenured and tenure-track faculty of the school or as a committee of the whole composed of the school's tenured faculty, to consider recommendations for tenure, for promotion, or for appointments with tenure. In the College of Professional Studies, the Dean's Council shall act as the personnel committee.
2. In departmentalized schools, recommendations for tenure, for promotion, or for appointments with tenure originate with the departments, and the function of the School-Wide Personnel Committee is to review all such recommendations and issue its own independent concurrence or nonconcurrence with the faculty recommendation. In its findings, in order to ensure comparable quality and excellence across the school, the School-Wide Personnel Committee shall state whether the candidate has met the relevant published criteria (see Sections B.1 and B.2, and Sections C.1 and C.2) and identify any compelling reasons for non-concurrence as defined in Section E. The Committee may also advise whether the academic needs have changed for a particular position (see Section C.1.).

3. In schools without departments, the School-Wide Personnel Committee initiates recommendations to the dean for matters that may include appointment, renewal, tenure, promotion, and termination of service.
4. With advance notice and in consultation with the department, the School-Wide Personnel Committee may request and gather additional information, documentation, or clarification regarding recommendations they are considering. Any additional information obtained by the School-Wide Personnel Committee shall be shared with the referring department, and the Department may provide a written response to that information. Recommendations shall be determined by committee members holding equal or higher rank relative to the considered action. Schools shall develop rules for recusal involving potential conflicts of interest for committee members, including membership in the same department as the candidate. Members of the Committee who are recused because of membership in the same department may only provide information about the candidate through their department (without attribution) to the School-Wide Personnel Committee.

E. Review Process. Departments, School-Wide Personnel Committees, deans, and the Provost are each entrusted with ensuring that faculty recommendations concerning tenure, promotion, and appointments with tenure are consistent with the standards of excellence, including the promise of continued excellence, stated in this Faculty Code and with published criteria; are supported by substantial evidence; and preserve the schools' and the university's interest in building a distinguished faculty.

1. The following may constitute compelling reasons for a School-Wide Personnel Committee, a dean or the Provost to independently concur or nonconcur with a faculty recommendation (see Section D.3; see Procedures for the Implementation of the Faculty Code, Section B.5):
 - i. Failure by the recommending faculty to meet the burden of substantial evidence or otherwise provide adequate reasons, including insufficient support by external reviewers, to demonstrate that candidate meets, or fails to meet, the applicable standards of excellence;
 - ii. Failure to conform to published tenure or promotion policies, procedures, and guidelines;
 - iii. Arbitrary, capricious, or discriminatory action at any point in the process; or

iv. A documented finding of a serious violation of university policies (such as those on sexual and gender-based harassment and interpersonal violence, non-discrimination, prohibited relationships with students, research integrity, conflict of interest, misuse of university assets, and threats or acts of violence), serious misconduct, or criminal violation. Such findings shall not be a basis to reconsider recommendations made at earlier stages of the review process, but rather will be considered at subsequent stages.

2. Deans and the Provost are also entrusted with the fiscal health of the university and must consider significant financial or programmatic constraints.

F. Nondiscrimination

Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made consistent with the university Policy on Equal Opportunity.

V. TERMINATION OF SERVICE

A. Expiration of Definite-Period Appointments

All appointments for a definite period of service expire automatically with the completion of such period of service, subject, as appropriate, to the safeguards specified in this Article and in Article IV.

B. Termination of Non-Tenured Appointments

1. Notice of Nonrenewal of Appointment

Written notice that an appointment is not to be renewed shall be given to a regular faculty member in advance of the expiration of his or her appointment, according to the following minimum periods of notice:

- a) Not later than March 1 of the first academic year of faculty service in the University in the case of a one-year appointment;
- b) Not later than December 1 of the second academic year of such service in the case of a two-year appointment or the renewal of a one-year appointment;
- c) Not later than June 30 preceding the final academic year after two or more academic years of service in the University.

2. Notice by Member of Termination or Declination of Renewal

A member of the faculty who desires to terminate an existing appointment or to decline a renewal shall give notice in writing no later than April 1 if the faculty member's rank is instructor or assistant professor, and no later than March 1 if the rank is higher, or within thirty days after receiving notice of the terms and conditions of service for the next academic year, whichever date is later; but the faculty member may properly request a waiver of this requirement in case of hardship or in a situation that might entail the denial of substantial professional advancement.

3. Dismissal and Late Notice

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of such an appointment with less than the required advance notice, shall be preceded by a statement of reasons and shall be subject to the provisions of Article X of this Code.

C. Termination of Tenure

Grounds for termination: Until retirement of a faculty member in accordance with other provisions of this Code, and subject to the provisions of Article X, an appointment with tenure shall be terminable by the university only for adequate cause, termination of program, or on account of extraordinary financial exigency, in the latter two cases after not less than twelve months' notice to the faculty member.

1. Adequate Cause

Adequate cause shall mean unfitness to perform academic duties because of:

- a) incompetence;
- b) lack of scholarly integrity;
- c) persistent neglect of professional responsibilities under this Code; or
- d) gross personal misconduct that destroys academic usefulness.

2. Termination of Program

The university may be required to terminate the appointments of tenured faculty members as a result of the termination of an entire instructional program because of a substantial decline in enrollment in the program or because of the expiration of grants, contracts, or other sources of funding on which the program's financial viability depends.

3. Extraordinary Financial Exigency

The university may be required to terminate the appointments of tenured faculty members because of extraordinary financial exigency. This drastic measure shall be

considered only as a last resort, after every effort has been made by the university administration and the Board of Trustees to meet the need in other ways.

4. *Obligations of the University*

- a) Tenured faculty members shall not be dismissed because of termination of their program or extraordinary financial exigency until every effort has been made to place them in suitable positions elsewhere in the university.
- b) If an appointment with tenure is terminated because of termination of a program or an extraordinary financial exigency, and, within two years, the program is reinstated or funds become available to restore the position, the released faculty member's place shall not be filled until he or she has been offered and declined reappointment.
- c) Faculty members whose tenured appointments are terminated because of the termination of their program or because of an extraordinary financial exigency shall be provided severance payment of one year's salary beyond the date of termination of employment.

VI. LEAVE

A. When circumstances permit, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty on approval of the department or other appropriate unit (if applicable), the appropriate dean(s), and the Provost. Except for unpaid leaves of absence taken under the Family and Medical Leave Acts, unpaid leaves shall not normally exceed two consecutive academic years, although under unusual circumstances additional unpaid leave may be granted.

B. When circumstances permit, the Board of Trustees shall grant sabbatical leave to a member of the faculty who has served six or more continuous years in a college or university in a regular status, three years of which must have been served in this university, or who has served six or more years in regular after a preceding grant of sabbatical leave. The request for sabbatical leave must be accompanied by an outline of the education, research, and/or self-improvement program the applicant proposes to follow if the leave is granted. Such leave must be recommended by the department or other appropriate unit, concurred in by the appropriate administrative official of the corresponding school and the Provost, approved by the President of the university, and granted by the Board of Trustees of the university. By accepting a grant of sabbatical leave, faculty members obligate themselves to continue in the service of the university for at least one year following their leave unless the university agrees to some other arrangement. When faculty members are eligible for sabbatical leave, but for reasons of school or departmental convenience or necessity have their leave deferred, their next

eligibility for sabbatical leave shall be computed from the time they became eligible for such leave, not from the date the leave was actually granted. The university shall pay members of the faculty while on sabbatical leave 60% of their salary for two semesters or all of their salary for one semester. (The salary is paid as a compensation for the benefits received by the university from the efforts of the faculty member on leave.)

C. In the event of a national emergency, regular faculty members will be granted defense leave in accordance with the following provisions:

1. Members of the faculty given defense leave for the duration of an emergency will have the privilege of returning to the service of the university at the beginning of the semester following their release from service.
2. Members of the faculty on defense leave in a civilian status may be requested to return to the university and their defense leave terminated on sixty days' notice.
3. The return to university service of members of the faculty from defense leave is conditioned upon their mental, moral, and physical competence to resume their positions in the university.

D. Parental Childcare Leave: A regular or specialized member of the faculty shall be entitled to parental childcare leave upon certifying that he or she will provide at least half of the child's care during the leave period, subject to the terms and conditions set forth in this section. Parental childcare leave shall include release from teaching responsibilities and service responsibilities for one semester with full salary and benefits, and such leave shall terminate within twelve months after a minor dependent child is born or adopted or enters the faculty member's home under a foster care arrangement. During such leave, faculty members shall continue providing thesis and dissertation advising to students whom they advised prior to the leave unless adequate alternative arrangements are made. For faculty members engaged in externally funded grant or contract related activities, parental childcare leave shall include release from responsibilities to the University, but shall not include release from responsibilities to the external funding sources unless alternative arrangements are approved by such sources. A regular or specialized faculty member is entitled to parental childcare leave for a maximum of two minor dependent children who are born or adopted or enter the faculty member's home as foster children after the starting date of the faculty member's appointment to the university. Parental childcare leave under other circumstances or for other faculty, including leave with full or partial salary, may be granted at the discretion of the Provost, after consultation with the appropriate department chair (if applicable) and dean.

VII. RETIREMENT

A. Subject to the needs of the University, a full-time member of the faculty who is fully retired may be invited by the appropriate officers of the university to continue on a part-time basis and appointed for a renewable period not to exceed one academic year. Such appointee shall be designated "emeritus (or retired) in residence."

B. A member of the faculty with long and distinguished service to the university may, upon retirement, be awarded emeritus status. Emeritus status is recommended by the regular members of the faculty concerned and, with the concurrence of the administration, is awarded by the Board of Trustees. Each faculty recommendation for an award of emeritus status shall be accompanied by evidence of the recipient's long and distinguished service to the university. Each such recommendation shall be presented and considered in accordance with the procedures set forth in Part B of the *Procedures for the Implementation of the Faculty Code* governing faculty recommendations for appointments. Those eligible for consideration for emeritus status are university professors, professors, adjunct professors, clinical professors, research professors, associate professors, and associate clinical professors. Faculty members in emeritus status shall be entitled to use facilities as arranged with the administration of the university and to participate in faculty meetings without the right to vote. They may serve on committees and may perform such other services as are in keeping with their desires and with the needs of the university.

C. A retired faculty member may use facilities as arranged with the administration of the university and participate in faculty meetings without the right to vote.

D. Subject to programmatic needs, tenured members of the faculty with ten years of continuous full-time service who are above 60 years of age may elect to continue for a mutually agreed period on a half-time or two-thirds-time basis and shall be considered Regular Faculty for the purposes of Article I(B). Benefits and conditions of this reduced service will be as specified in the Faculty Handbook at the time the election is made to retire partially.

VIII. RETIREMENT PLAN

The retirement plan for faculty and staff is a defined contribution plan with investment options provided under agreements with TIAA and other carriers. Fulltime and regular part-time members of the faculty (as defined in the Faculty Handbook) and those continuing in reduced service under the provisions of Article VII, Section D, are eligible to participate.

IX. FACULTY ROLE IN UNIVERSITY DECISION MAKING

A. The regular faculty shares with the officers of administration the responsibility for effective operation of the departments and schools and the university as a whole. In the exercise of this responsibility, the regular faculty plays a role in decisions on the appointment and promotion of members of the faculty and the appointment of the President, deans, departmental chairs, and other administrative officials with authority over academic matters. The regular faculty also participates in the formulation of policy and planning decisions affecting the quality of education and life at the university. This participation includes an active role in the development, revision, or elimination of curricular offerings of each department or school. The regular members of the faculty of a school are also entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of departments, institutes, or other academic or research units making up a part of that school. The Faculty Senate or an appropriate committee thereof is entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of schools or other major components of the university.

B. The faculty cannot perform an effective and responsible role in university decision making without the cooperation of the administrative officers of the university. This cooperation includes the provision of such information as is necessary to the development of sound, well-informed recommendations. Faculty bodies charged with responsibilities for particular policy and planning areas are entitled, to the extent feasible, to be informed sufficiently in advance of important decisions within their areas of competence to be able to provide their advice or recommendations to the appropriate university officials.

X. RIGHTS, PRIVILEGES, AND RESOLUTION OF DISPUTES UNDER THIS CODE

A. Rights and Privileges Under This Code

The rights, privileges, and responsibilities of a faculty member, as conferred by this Code, shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article may be fully utilized by the grievant.

B. Grievances

To maintain a grievance, the complaining party must allege that he or she has suffered a substantial injury resulting from the violation of rights or privileges arising from:

1. Acts of discrimination prohibited by federal or local law;
2. Failure to comply with the Faculty Code, the terms and conditions of the grieving party's letter of appointment or reappointment, or other rules, regulations, and procedures established by the university;
3. Arbitrary and capricious actions on behalf of the university, or arbitrary and capricious applications of federal or local statutes and regulations; or
4. Retaliation for exercise of Code-protected rights.

Candidates for tenure and promotion may not file a grievance based upon (3) above.

XI. HEALTH SERVICE

A. The university, recognizing the importance of the health of the teacher to professional competence, shall contribute to the cost of the current and any future basic health care program for all members of the faculty.

B. The facilities of the Emergency Room are available to members of the faculty in emergencies resulting from accidents or sudden, serious illness while on campus.

XII. CONSTRUCTION

As used in this Code and the Procedures for Implementation, words that may imply the masculine gender shall be construed to refer to both the masculine and the feminine genders.

XIII. EFFECTIVE DATE

Having been approved by the Board of Trustees of the University on July 1, 2019, this Code shall, as of that date, supersede all former codes and ordinances. The Board of Trustees of the University directs that this revised Faculty Code be published.

Procedures for the Implementation of the Faculty Code

A. Governance of Departments and Schools²

The regular, faculty of each department, school, or comparable educational division shall establish written procedures, rules and criteria for the governance of that unit. All school, department, or comparable educational division's procedures shall be consistent with the Faculty Code and the Faculty Organization Plan.

All school procedures, rules and criteria, shall at a minimum provide:

1. The administrative and academic divisions of the school
2. Steps for enacting procedures, rules, and criteria of the school, such as the appointment of school administrators with faculty appointments
3. Elections (or appointments) to, and responsibilities of, standing committees and faculty advisory councils (as appropriate)
4. Policies and procedures for maintaining academic standards such as:
 - a. Determining standards for graduation
 - b. Reviewing curricula, including new academic programs
 - c. Resolving student allegations of arbitrary or capricious academic evaluation
5. Policies and procedures for reviewing and approving procedures, rules, and criteria of departments, or comparable educational divisions
6. Policies and procedures for appointment, periodic performance review, promotion, and/or tenure of faculty (as appropriate based on their position)

All school procedures, rules, and criteria shall be approved by the Provost in consultation with the Faculty Senate Executive Committee.

B. Faculty Participation in Action Concerning Faculty Membership

1. The regular faculty shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations to the Dean on the allocation of regular, tenure-track appointments within that school. Following consideration of such recommendations, the Dean shall inform the committee of his or her determination of the appropriate allocation.
2. The regular faculty of the rank of assistant professor or higher of a department or of a nondepartmentalized school or comparable educational division shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools, establish procedures enabling an elected standing committee or a committee of the whole to submit its recommendations for

² In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Faculty Assembly shall be eligible to participate whenever the term "regular faculty" appears in this document.

appointments. Recommendations for actions other than appointments concerning instructors, assistant professors, or associate professors shall be determined by the tenured members of the faculty of higher rank or of equal and higher rank, as the faculty may have determined by previously established procedures.

Recommendations for actions other than appointments concerning professors shall be determined by tenured members of the rank of professor. In the College of Professional Studies, the Dean's Council shall take the place of the elected standing committee or committee of the whole described in this Paragraph B.2.

3. The regular faculty of each school shall establish and publish written criteria upon which promotion, tenure, and appointments with tenure shall be based, as provided in Sections B and C of Part IV of the Faculty Code. The regular faculty of each department in departmentalized schools may establish and publish additional written criteria, also as provided in Sections B and C.

4. The regular faculty of each school shall establish a School-Wide Personnel Committee, as provided in Section D of Part IV of the Faculty Code, to consider recommendations for tenure, promotion, and appointments with tenure.

5. Appointments and actions by deans and by the Provost affecting renewal of appointments, promotion, tenure designation, and termination of service shall normally follow faculty recommendations. Departures from this standard, at any level, shall be limited to the reasons identified in Sections C.1 and E of Part IV of the Faculty Code.

6. The dean and Provost shall promptly notify the relevant department and School-Wide Personnel Committee of any concurrence or non-concurrence with their recommendations (whether positive or negative). In addition, the Provost shall promptly notify the candidate and the President in the event of a non-concurring decision against tenure or promotion by the Provost, and provide the candidate a written summary of the reasons for non-concurrence.

7. The Provost's decision in such matters shall be final, subject to the remainder of this Paragraph B.7 and Paragraph B.8. Variant or nonconcurring recommendations from a School-Wide Personnel Committee or administrative officer, together with the record and supporting reasons identified in Sections C.1 and E of Part IV of the Faculty Code, shall be sent to the Executive Committee of the Faculty Senate. The Executive Committee may request and consider additional relevant information and statements (presented orally) with respect to such variant or nonconcurring recommendations from the department or the appropriate unit thereof, the School-Wide Personnel Committee, and the appropriate administrative officers. Following the Executive Committee's review of the record and any such additional information and statements, the Executive Committee shall make recommendations to the department or the appropriate unit thereof, to the School-

Wide Personnel Committee, and to the appropriate administrative officers. If the Provost has issued a decision against tenure or promotion, the Executive Committee shall also invite the candidate to submit to it a written statement if the candidate believes that the Provost's decision is arbitrary and capricious. Any written statement submitted by the candidate shall be added to the candidate's dossier. Following its review, the Executive Committee shall include in its recommendations a statement of its opinion as to whether the Provost's decision is arbitrary and capricious. The Executive Committee shall provide its recommendations and opinion to the Provost before circulating them. Following the Provost's review of the Executive Committee's recommendations and opinion, unless the Provost decides to issue a revised decision in favor of tenure or promotion, the Executive Committee shall (1) circulate those materials to the department or the appropriate unit thereof, to the School-Wide Personnel Committee, and to the appropriate administrative officers, and (2) provide to the candidate a summary of its opinion on the Provost's decision, excluding any confidential evaluative information. The Executive Committee shall provide the summary of its opinion to the Provost for the Provost's prompt review and clearance before the Executive Committee provides the summary to the candidate.

If concurrence cannot be obtained after opportunity for reconsideration of the faculty recommendations (whether positive or negative) and the Provost's decision in light of the recommendations of the Executive Committee, the record and the report of the Executive Committee shall be transmitted to the President. The candidate may submit an additional written statement to the President within five (5) business days after receiving notice that the record and report of the Executive Committee have been transmitted to the President. The President will thereafter issue a final decision, subject to Paragraph B.8, and the President's decision may include a one-year extension of the probationary period of a candidate for tenure pursuant to Article IV, Section 3.1d).

8. A decision by the Provost or the President to approve tenure shall be transmitted to the Board of Trustees, which has the authority to confer tenure.

C. Faculty Consultation and Recommendation in the Selection and Continuance of Academic Administrative Officers

1. Department Chairs

The regular faculty members of a department of the rank of assistant professor and higher shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools, formulate procedures for making recommendations for filling vacancies in the post of department chair. The procedures shall provide for an elected committee of the regular faculty members of the department, or an appropriate interdepartmental committee, to recommend a candidate for the position. Normally, the appointment shall be made in

accordance with the recommendation. Should the appointing official not concur with the committee's recommendation, that official shall so inform the department concerned and shall indicate the reasons therefor. The committee shall, after consultation with the appointing official, make alternative recommendations until a nomination acceptable to both the department and the appointing official is reached.

2. Deans, Associate Deans, Assistant Deans, and Similar Academic Administrative Officers

a) The academic administrative officers, such as deans, associate deans, assistant deans, Vice President for Health Affairs, or other academic administrative officers of similar rank of a school or other academic unit shall be qualified for faculty membership by training and experience.

b) Deans

i. Selection

1. Search Committee Composition. When a vacancy in a school's deanship arises, the full-time faculty of the school shall establish a search committee. The full-time faculty of the school has discretion to determine the composition of the search committee, subject to these requirements:

- i. The search committee shall include (a) at least five and at most ten full-time faculty members elected by the full-time faculty of the school, (b) the Provost or a representative designated by the Provost, (c) one or two current students, and (d) one or two alumni. The search committee may include other members, in accordance with procedures approved by a school's full-time faculty. The elected members of the search committee shall select one of their group (who must hold a tenured appointment, normally with the rank of professor) as the chair of the search committee.
- ii. The Chair of the Board of Trustees shall appoint trustees to serve as members of the search committee, the number of which shall ordinarily be one or two.
- iii. The elected faculty members and appointed trustees shall be voting members. In accordance with procedures approved by a school's full-time faculty, voting rights may be extended to other members, but, except for the School of Medicine and Health Sciences, the composition of the search committee must ensure that faculty members with tenured appointments constitute at least a majority of the voting members of the search committee.

- iv. Each search committee shall establish criteria for the Dean search, including a position description, and those criteria shall be approved by the school's full-time faculty and the Provost. Each search committee and the Provost shall in a manner consistent with the procedures and rules of each school, determine the procedures to be utilized for the selection and evaluation of decanal candidates.

2. Search Committee Recommendations. The search committee shall recommend candidates for the deanship in a non-prioritized list to the President and Provost. The President and Provost may specify how many candidates the search committee will recommend, which shall ordinarily be three. When required by a school's accreditation standards, the search committee shall obtain the approval of the relevant faculty in the school as identified in the accreditation standards before recommending any candidate.

- ii. Continuance. The Provost shall meet with each dean annually to discuss the dean's past performance and future goals. The Provost shall also periodically initiate a comprehensive review of each dean that systematically solicits input from the school's constituents, including but not limited to faculty, senior staff of the school, alumni, and students. A comprehensive review shall include the following steps:

1. The Provost shall discuss with each Dean, at the time of the Dean's appointment or reappointment, the criteria by which the Provost will review the Dean.
2. The comprehensive review shall occur at least every three years.
3. The process for the comprehensive review, established by the Provost, shall generally be consistent across schools, subject to adjustment for the differing conditions of each school.
4. The Provost shall provide to the school's full-time faculty a summary of the general conclusion of the review with respect to the established criteria of the dean's performance. The details of the final evaluation shall be conveyed only to the Dean, President, and the Board of Trustees.

- c) Associate Deans, Assistant Deans, and Similar Academic Administrative Officers. The Dean shall appoint associate deans, assistant deans, and similar academic administrative officers in accordance with procedures approved by the school's full-time faculty and with the Provost's final approval.

d) College of Professional Studies. In the case of a vacancy for the position of Dean, a special faculty committee shall be appointed jointly by the Provost and the deans of the schools whose programs are most directly affected by the College of Professional Studies when a search is required for the position.

e) No-Confidence. It is important that such appointees retain the confidence of the faculty concerned. A formal proceeding to question the continued confidence of the faculty of a school in an academic administrative officer shall be instituted only after faculty members have made a reasonable effort to bring the substance of their concerns to the attention of such officers informally or through the Provost's decanal review processes. The formal proceeding shall be conducted as follows:

1) A petition signed by one-third of the school's regular faculty shall be submitted to the Chair of the Executive Committee of the Faculty Senate.

2) The Chair of the Executive Committee shall call a special meeting of the regular faculty for consideration of the matter. The meeting shall be held within twenty days (on which classes are regularly held in the university) of the time the petition is submitted. Written notice of the meeting shall be given to all faculty members eligible to vote on the matter.

3) The Chair of the Executive Committee shall preside over the meeting. At this meeting, procedures for balloting shall be determined.

4) Within ten days (on which classes are regularly held in the university) of the first special meeting, a secret ballot of the school's regular faculty shall be taken at a special meeting or by mail on the question of confidence in the administrator in question. The balloting shall be supervised by the Executive Committee of the Faculty Senate.

5) The affirmative vote of a majority of the school's regular faculty members shall be necessary for the passage of a vote of no confidence. If the resolution passes, the Chair of the Executive Committee shall forward the results of the proceedings to the Provost and the Provost shall take prompt action to address the problems identified by the faculty's vote of no-confidence.

3. Provost, Deputy Provost or Vice Provosts

Appointments to the position of Provost, Deputy Provost or Vice Provost shall be made only after consultation with the Executive Committee of the Faculty Senate. The Executive Committee may submit names of proposed candidates for these positions and may advise concerning names proposed by administrative officers. Appointees to these positions shall be qualified for faculty membership by training, experience, and continued interest in teaching and research. They shall retain office only as long as they retain the confidence of the Faculty Assembly.

Continuance. The President shall meet with the Provost annually to discuss the Provost's past performance and future goals. The President shall also periodically initiate a comprehensive review of the Provost that systematically solicits input from the university's constituents, including but not limited to faculty, vice presidents, vice provosts, Deans, trustees, alumni, staff, and students. A comprehensive review shall include the following steps:

1. The President shall discuss with the Provost, at the time of the Provost's appointment or reappointment, the criteria by which the President will review the Provost.
2. The comprehensive review shall occur at least every three years.
3. The process for comprehensive review shall be established by the President.
4. The President shall provide to the Faculty Senate Executive Committee a summary of the general conclusion of the review with respect to the established criteria of the Provost's performance. The details of the final evaluation shall be conveyed only to the Provost, and the Board of Trustees.

4. Other Administrative Officers

- a) The faculty of a school, division, or other organizational unit or group of units shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters is limited to that unit or group of units. The regular faculty members of the rank of assistant professor and higher of the organizational unit or units concerned shall establish procedures and criteria for the formulation of such recommendations.
- b) The Executive Committee of the Faculty Senate shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters comprehends all or substantially all of the university.

5. President of the University

The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President.

D. Faculty Participation in Action Concerning Curriculum

1. The regular faculty members of the rank of assistant professor and higher of each school shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings. In the College of Professional Studies, the Dean's Council shall establish procedures for faculty participation in such decisions.
2. At least half of the members of the Dean's Council of the College of Professional Studies shall be tenured faculty members of the schools affected most

directly by the College, and those members of the Dean's Council shall be elected by the faculties of their respective schools.

3. The College of Professional Studies shall not initiate a degree program that duplicates a degree program offered by another school. The College shall not initiate a degree program that overlaps substantially with a degree program offered by another school, unless (a) the Dean's Council of the College has approved that program, and (b) the appropriate corporate officer of the university has authorized the College to initiate that program after consulting with the faculty of the other school.

4. The College of Professional Studies shall not confer any degree (whether at the associate's, bachelor's, or master's level) that duplicates or utilizes the same name as a degree offered by another school at the University. All transcripts relating to degrees and certificates conferred by the university to students of the College of Professional Studies shall identify the College as the unit of the University in which the student was enrolled, and all diplomas for students of the College shall contain the signature of the College's Dean.

5. Prior to the end of each academic year, the Dean's Council of the College of Professional Studies shall submit a written report to the Faculty Senate. Each annual report shall describe the procedures established and other actions taken by the Dean's Council to: (a) facilitate faculty participation in the appointment and promotion of faculty members and in decisions relating to the addition, revision or elimination of curricular offerings of the College; and (b) address issues arising out of potential substantial overlaps between degree programs offered or proposed to be offered by the College and degree programs offered by other schools.

E. Procedures for Implementation of Article X of the Faculty Code

1. Informal Resolution

Before instituting a formal grievance, the aggrieved party shall make all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

2. Dispute Resolution Committee

The Faculty Senate shall elect a Dispute Resolution Committee of fifteen tenured, faculty members, no more than three of whom shall be members of the faculty of any one school (except that four may be members of the faculty of Columbian College and four may be members of the Law School) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chair of the Committee from among the members of the Committee. Alternate temporary members may be

appointed at any time by the Executive Committee to facilitate the dispute resolution procedures.

3. Preliminary Proceedings

If informal consultation fails to resolve the matter or if the aggrieved party concludes that such consultation is not feasible or would be futile, the aggrieved party shall refer the dispute to the Dispute Resolution Committee by means of a letter addressed to the Chair with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Provost on behalf of the University. The letter shall identify the general nature and circumstances of the dispute. Unless either the university or the aggrieved party objects, the Chair of the Dispute Resolution Committee shall promptly appoint a special mediator of appropriate qualifications to assist the university and the aggrieved party to resolve the dispute. The special mediator shall report to the Chair of the Dispute Resolution Committee that a mutually satisfactory solution has been achieved, in which case the grievance shall be dismissed, or that efforts at mediation were unsuccessful.

4. Formal Proceedings

a) Commencement of Proceedings

1) If either party declines to mediate or to continue to mediate, or if efforts at mediation are unsuccessful, the aggrieved party may commence formal proceedings by means of a grievance sent to the Chair of the Dispute Resolution Committee, with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Provost on behalf of the university.

2) The grievance shall identify the aggrieved party as the "Grievant" and shall name the George Washington University as the "Respondent." A grievance may not be brought against faculty members of the university, acting in their individual capacities as faculty members. Consistent with Article X. B., a grievance may only be maintained against the university for official acts. The Provost shall identify the appropriate faculty member or administrative official who shall act on behalf of the University as Respondent.

3) The grievance shall set forth with particularity the nature of the dispute, specifying, consistent with Article X. B., the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, and the remedy sought. The grievance shall also set forth the Grievant's efforts to resolve the dispute informally, or if no such efforts were made, the reasons for failing to make such efforts. No grievance may be maintained on the basis of error that did not affect the substantial rights of the Grievant.

4) Within twenty calendar days of receipt of the grievance the University shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the

Grievant. The reply shall set forth with particularity the position of the university with respect to each allegation of the grievance.

- b) Hearing Committee and Hearing Officer
- 1) Within a reasonably prompt period of time, ordinarily within ten calendar days of receipt of the grievance and reply, the Chair of the Dispute Resolution Committee shall appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee. The Chair of the Dispute Resolution Committee shall designate one member of the Hearing Committee to serve as the presiding Hearing Officer. The Hearing Officer shall have appropriate experience and training but need not be an attorney. The Hearing Officer, in addition to serving as a full member of the Hearing Committee, shall assure an orderly, expeditious, and relevant hearing, assure the development of a complete, fair, and reliable record, and advise the Hearing Committee as to issues of substance and procedure.
- 2) No member of the same department as the Grievant shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Chair of the Dispute Resolution Committee shall decide any challenges for cause, based on written submissions from the parties. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.
- 3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of the grievance and reply, the Hearing Officer shall convene the Hearing Committee to review the grievance. If a majority of the Hearing Committee, after an opportunity for argument by the parties, finds that the grievance does not allege facts sufficient to state a grievance under the Code, or that the grievance is based on evidence or allegations substantially the same as those that have previously been heard or decided, or that could have been presented in a previous hearing, the grievance shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If a majority of the Dispute Resolution Committee, after an opportunity for argument by the parties, agrees that for any of the reasons set out in this section a hearing is not warranted, the grievance shall be dismissed, in whole or in part, and the matters dismissed shall be deemed closed.
- 4) On the determination that a hearing is warranted, the Hearing Officer shall promptly convene the Hearing Committee, which shall establish a schedule

for the hearing. Grievances shall be heard and decided with reasonable dispatch, and, ordinarily, shall be completed by the Hearing Committee within three months after the determination that a hearing is warranted. However, due consideration shall be given to the University's normal academic calendar.

- 5) Members of the Hearing Committee shall be present during the hearings and deliberations of the Committee, except that the presence during part of the proceedings of one of the two not serving as the Hearing Officer may be waived by agreement of the parties.
 - 6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of procedure necessary to the conduct of the hearing, subject to being overridden by the other two members of the Hearing Committee; to control the development of testimony and of evidence in the record; to prepare or assign the writing of an opinion on behalf of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer is a full member of the Hearing Committee, and the Hearing Committee shall decide all ultimate questions of fact, substance, procedure, or policy, by majority vote. The Hearing Officer shall sign dispositive orders on behalf of the Hearing Committee.
 - 7) Members of the Hearing Committee, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.
- c) Procedure for Hearings
- 1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.
 - 2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of an allegation that a right or privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the university faculty, administration, or staff and any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The university will make a reasonable effort to facilitate the appearance of all faculty, administration, and staff reasonably called to testify.

- 3) The procedure at the hearings shall be informal but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence that is not privileged. The Hearing Committee may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf; to call as material witnesses any member of the university faculty, administration, or staff and any other person who is willing to testify; to present written and other evidence; and to cross-examine witnesses called by other parties. Subject to Articles IV.B and IV.C, a party shall be entitled to inspect and copy, in advance of the hearing, all relevant documents in the control of the other party and not privileged and may offer such documents or excerpts therefrom in evidence.
- 4) The parties shall be entitled to present opening and closing statements.
- 5) A stenographic record or tape recording of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.
- 6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.
- 7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall convene in closed session to deliberate and reach a decision. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged. Rather it shall determine whether the Grievant has established by clear and convincing evidence that he or she has suffered a substantial injury pursuant to Article X, Section B.
- 8) The Hearing Committee shall render its findings and recommendations in a written opinion that shall state the number of members subscribing to the opinion and shall include dissenting opinions, if any. This opinion shall be submitted to the Chair of the Dispute Resolution Committee, and copies shall be transmitted to the parties and to the Chair of the Executive Committee of the Faculty Senate.
- 9) The hearing procedures shall be concluded and the Hearing Committee's findings and recommendations shall be rendered as soon as practicable.

5. Appeals

- a) Any party may appeal the findings and recommendations of the Hearing Committee by filing a notice of appeal with the Chair of the Dispute Resolution Committee and sending copies thereof to the Chair of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.
- b) An appeal shall be heard by members of the Dispute Resolution Committee who were not members of the Hearing Committee, provided that members of the Dispute Resolution Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as the Grievant shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Dispute Resolution Committee eligible under the terms of this section.
- c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.
- d) The Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, overruling, or remanding the decision of the Hearing Committee.

6. Recommendations

A Hearing Committee and the Dispute Resolution Committee may recommend that the university action being challenged be upheld, modified, reconsidered or remanded under specified conditions, or reversed, in whole or in part, except that a Hearing Committee and the Dispute Resolution Committee may not recommend the granting of tenure or promotion. A Hearing Committee and the Dispute Resolution Committee may not include as part of their recommendations any monetary damages, punitive damages, or any other actions or measures outside of the scope of the underlying university action being challenged.

7. Final Disposition

In the absence of a timely appeal filed by either party from a decision of a Hearing Committee, or after a decision of the Dispute Resolution Committee, such decision (including any recommendations) shall be transmitted to the parties, to the Chair of the Executive Committee of the Faculty Senate, and to the Provost. The decision of the relevant Committee shall be deemed final and shall be implemented by the university unless the Provost determines that there are compelling reasons not to implement the relevant Committee's decision. Should the Provost determine, prior to making a determination whether compelling reasons exist not to implement the relevant Committee's decision, that relevant information was not obtained by the Committee, the Provost shall provide that information to the Committee and

request that it reconsider its decision in light of the information. The Committee shall review the information and advise the Provost whether (and, if so, how) it has changed its decision within 45 days. Thereafter, in the event of a determination that there are compelling reasons not to implement a final decision made by the relevant Committee, the Provost shall transmit his or her determination (including an explanation of such compelling reasons) and recommendation, and the record of the case to the President, with copies to the Grievant and the Chairs of the Dispute Resolution Committee and the Executive Committee of the Faculty Senate, for final decision by the President within 45 days.

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

1. Commencement of Proceedings

a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chair of the Dispute Resolution Committee, signed by the Provost and either the dean or the department chair who has administrative responsibility for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chair of the Executive Committee of the Faculty Senate.

b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school of the faculty member concerned, or by twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his or her residence. Copies shall also be sent to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Provost.

c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Provost. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

2. Hearing Committee

a) Upon receipt of the complaint, the Chair of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Dispute Resolution Committee.

- b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.
- c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chair from among its members to preside during the formal proceedings.
- d) All of the members of the Hearing Committee shall be present during the hearings and deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

3. Procedure for Hearings

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

4. Appeals

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 5, of these Procedures.

5. Attorneys' Fees and Expenses

If a faculty member prevails against charges brought against him or her, the university may, upon recommendation of the Hearing Committee, reimburse the faculty member concerned for all or part of attorneys' fees and expenses actually incurred in his or her defense.