

SANTA CLARA UNIVERSITY

FACULTY HANDBOOK

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(With revisions as of 6/05/15)

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**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 1.1**

1.1 History

On January 12, 1777, six months after the signing of the Declaration of Independence, two Franciscan padres, Tomas de la Peña and Jose Antonio Murguia, founded the eighth of California's original 21 missions, calling it the Mission Santa Clara de Asís. The Franciscans ran it as a school and religious center for Indians and early settlers, teaching trades and farming to the men, music and reading to the boys, and weaving and sewing to the girls. Withstanding floods, earthquakes, and persecution, they maintained their settlement under three flags— Spanish, Mexican, and United States—until the Santa Clara Mission was transferred to the Jesuit order in 1851.

In that year, after laying the groundwork with fellow Jesuit Michael Accolti, Father John Nobili opened a college at the mission. Starting with 12 students, Santa Clara College offered courses in reading, writing, and foreign languages.

A decision made in 1854 by the Jesuit Province of Turin, Italy, to adopt California as a permanent mission field marked a turning point in Santa Clara's history. As a consequence, the Jesuits of Turin provided the college with the faculty and support that it needed to grow. The following year, Santa Clara College received a charter of incorporation from the State of California. In 1857, the College conferred its first collegiate degree, a Bachelor of Arts diploma, on Thomas I. Bergin. This was the first diploma granted by any institution of higher learning in the State of California. By 1858, new scientific apparatus arrived from Paris so that integrated courses in science as well as in the classics and in commercial subjects could be offered.

Slow and steady growth followed, and distinguished graduates became prominent members of California life. It was not until 1912, however, that Schools of Law and Engineering were founded. In that same year, courses in the humanities and the sciences were expanded, and the College became a University. Meeting the demands of urban growth in the San Francisco Bay Area, the University's School of Business and Administration was founded in 1926 and courses in commerce and finance were also expanded. In that same year, the old mission church was destroyed by fire. The present structure, an enlarged replica of the original, was completed in 1928.

From the 1930's through World War II, the University's enrollment was relatively stable. The return of many veterans resulted in an enlarged student body and new resources. In 1947, for the first time in the University's history, enrollment broke the one-thousand mark. From the postwar period to the present, the face of the campus has been changing and expanding. In 1957, the University permitted women studying at O'Connor Hospital's School of Nursing to take liberal arts courses at Santa Clara. Four years later, in 1961, the University announced a major change in policy and accepted women as

undergraduate degree candidates for the first time in its 110-year history. Santa Clara became the first Catholic coeducational institution of higher learning in California.

In 2001, one hundred fifty years after its founding, the University enrolled approximately 4,500 undergraduates and 3,200 graduate students. In its sesquicentennial academic year, the University offered undergraduate degrees in more than forty fields and graduate degrees in Law, Business, Engineering, Counseling Psychology and Education, and Pastoral Ministries.

As an independent University supported by tuition, endowment, and gifts, Santa Clara has been able to accomplish change in ways that reflect its traditional concern for the individual student.

Today, Santa Clara University, the first institution to offer classes in higher learning in California, continues its mission heritage of service by helping its students equip themselves with advanced knowledge and humanistic values. Academic excellence in a well-balanced human being is the University's goal.

**SANTA CLARA UNIVERSITY
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SECTION 1.2**

1.2 Goals

The University's *Statement of Purpose*, approved by the Board of Trustees in 1975 and revised and reaffirmed on October 22, 1993, is as follows:

Inspired by the love of God to serve society through education, continuing the commitment of the Franciscans who founded Mission Santa Clara in 1777 and the Jesuits who opened the College in 1851, Santa Clara University declares its purpose to be the education of the whole person within the Catholic and Jesuit tradition.

The University is thus dedicated to:

- the preparation of students to assume leadership roles in society through an education that stresses moral and spiritual as well as intellectual and aesthetic values, seeks to answer not only “what is” but “what should be,” and encourages faith and the promotion of justice;
- an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth;
- rigorous and imaginative scholarship; excellent teaching in and out of the classroom; and educational programs designed to provide breadth and depth, to encourage the integration of different forms of knowledge, and to stimulate not only the acquisition but also the creative and humane use of knowledge;
- affirmation of its Catholic identity, respect for other religious and philosophical traditions, promotion of dialogue between faith and contemporary culture, opposition to narrow indoctrination or proselytizing, and the opportunity for worship and the deepening of religious belief;
- a community enriched by men and women of diverse backgrounds, respectful of difference and enlivened by open dialogue, caring and just toward others, and committed to broad participation in achieving the common good.

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SECTION 1.3**

1.3 Strategic Plan

The University is guided by a *Strategic Plan* approved by the Board of Trustees. The latest version of this plan is accessible via the University's Web site.

The 2001 *Strategic Plan*, approved by the University Planning Council in Winter 2000 and the Board of Trustees in Spring 2001, includes three directional statements that appear below:

1.3.1 Strategic Vision

Santa Clara University will excel in educating men and women to be leaders of competence, conscience, and compassion. By combining teaching and scholarship of high quality, an integrated education in the Jesuit tradition, and a commitment to students as persons, we will prepare them for professional excellence, responsible citizenship, and service to society, especially on behalf of those in greatest need.

1.3.2 University Mission

Santa Clara University is a Catholic and Jesuit institution that makes student learning its central focus, promotes faculty and staff learning in its various forms, and exhibits organizational learning as it deals with the challenges facing it.

Student learning takes place at the undergraduate and graduate level in an educational environment that integrates rigorous inquiry and scholarship, creative imagination, reflective engagement with society, and a commitment to fashioning a more humane and just world.

As an academic community, we expand the boundaries of knowledge and insight through teaching, research, artistic expression, and other forms of scholarship. It is primarily through discovering, communicating, and applying knowledge that we exercise our institutional responsibility as a voice of reason and conscience in society.

We offer challenging academic programs and demonstrate a commitment to the development of:

- Undergraduate students who seek an education with a strong humanistic orientation in a primarily residential setting.
- Graduate students, many of them working professionals in Silicon Valley, who seek advanced degree programs that prepare them to make significant contributions to their fields.

In addition to these core programs, we also provide a variety of continuing education and professional development opportunities for non-matriculated students.

1.3.3 Fundamental Values

We hold ourselves responsible for living out these core values, which are critical for carrying out our mission in pursuit of our vision:

- **Academic Quality.** We seek an uncompromising standard of excellence in teaching, learning, and scholarship. All three elements are essential to academic quality at Santa Clara. We prize original scholarship for its own sake and for the contribution it makes to teaching and to the betterment of society. Our commitment to academic freedom is unwavering.
- **Integrated Learning.** While valuing the integrity of established disciplines, we endeavor to integrate different forms of knowledge, to educate the whole person, and to foster moral and spiritual development. By promoting learning in everything we do, we foster a lifelong passion for learning.
- **Commitment to Students.** As teachers and scholars, mentors, and facilitators, we nurture and challenge students as we help them become independent learners and responsible leaders in society.
- **Service to Others.** We promote throughout the University a culture of service — service not only to those who study and work at Santa Clara but also to society in general and to its most disadvantaged members.
- **Community and Diversity.** We cherish our diverse community and the roots that must sustain it: shared values amidst diversity, close personal relationships, effective communication, respect for others, and an engaged concern for the common good of the campus, the local community, and the global society.
- **Jesuit Distinctiveness.** We preserve and renew the Jesuit tradition, which incorporates all of these core values. Our tradition is an expression of Christian humanism in which faith and reason together animate the most fundamental human quest—the pursuit of truth and goodness. This pursuit challenges us to counter inhumanity with humanity, to act ethically, and to promote justice with faith. We also take part in the broader Catholic tradition to which Jesuits have made a major contribution.

**SANTA CLARA UNIVERSITY
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SECTION 2.1**

2.1 General Description

The corporate title of the University is “The President and Board of Trustees of Santa Clara College.”

The University is divided into administrative units that report to the President, the Provost and Vice President for Academic Affairs, the Vice President for Administration and Finance, the Vice President for University Relations, and the Vice President for Enrollment Management.

Instruction and research are conducted within six major academic units: the College of Arts and Sciences, the Jesuit School of Theology, the Leavey School of Business, the School of Education and Counseling Psychology, the School of Engineering, and the School of Law. Each of these areas is headed by a dean reporting directly to the Provost.

The University has three Centers of Distinction: the Center for Science, Technology, and Society, the Ignatian Center for Jesuit Education, and the Markkula Center for Applied Ethics. Each of these Centers is headed by an executive director, reporting directly to either the President or Provost.

Academic administrators at all levels have specific responsibilities in formulating and implementing academic plans. The faculty have general responsibility for contributing to this process.

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FACULTY HANDBOOK
SECTION 2.2**

2.2 Board of Trustees

In accordance with the charter granted to the University by the State of California in 1855, the Board of Trustees holds full legal power and responsibility for the operation of the University.

In accordance with the Bylaws of the President and Board of Trustees of Santa Clara University, the Board is a self-perpetuating body consisting of at least 45 Trustees but no more than 50 Trustees of which 35 positions will be for lay Trustees and ten or more will be for Jesuits. The exact number of Trustees shall be set from time to time by resolution of the Board. Of the Jesuit Trustees, one shall be the President of the University and one shall be the Rector of the Jesuit Community at Santa Clara University. Of the 35 lay Trustees, approximately 25 percent will be alumni/ae, one of whom will have received a bachelor's degree from the University not more than five years prior to election as a Trustee.

All members serve for three year terms except for the President and the Rector of the Jesuit Community who serve by virtue of their offices.

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SECTION 2.3**

2.3 President

The President is the chief executive officer of the University. In accordance with the Bylaws of the President and Board of Trustees of Santa Clara University, he must be a member of the Society of Jesus.

The President is elected by the Board of Trustees for a renewable term of six years and has the authority to conduct the operations of the University subject to direction and control by the Board. He reports to the Board at regular intervals on the condition of the University and submits to the Board for approval the annual budget, any major change in policies or programs, the list of candidates for degrees and honorary degrees, and the names of commencement speakers.

The President has the power to appoint and dismiss academic and administrative officers of the University, but he must obtain approval of the Board to create a new Vice Presidential position.

On the recommendation of the deans and the faculty, and by the legal authority of the Board of Trustees, he signs all degrees conferred by the University and all Letters of Appointment for faculty with appointments of a full academic year in the Jesuit School of Theology. He is member ex officio of the faculty and of all University committees.

Most of the President's authority is exercised by delegation to subordinate officials. All authority not specifically delegated is reserved to him.

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SECTION 2.4**

2.4 Provost and Vice Presidents

The Provost and Vice President for Academic Affairs has responsibility for the administration of all academic and co-curricular programs and services. All responsibilities ascribed to the Provost in this Handbook are understood to be responsibilities of the Provost, designated vice provost, or other designate.

The Vice President for Administration and Finance has responsibility for the fiscal and business operations of the University, including preparation and administration of the annual budget and human resources.

The Vice President for Enrollment Management has responsibility for undergraduate admissions and administration of University financial aid programs.

The Vice President for University Relations has responsibility for alumni affairs, marketing, and the development of financial support from individuals, corporations, and foundations.

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SECTION 2.5**

2.5 Director of Campus Ministry

The Director of Campus Ministry reports directly to the President and is responsible for organizing liturgies and other spiritual activities for the campus community. Resources and services are offered for people of various religious faiths.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 2.6**

2.6 Academic Deans

As the principal academic and administrative officer of a college, school, or division, the dean is responsible for ensuring the quality of the educational program and promoting high standards in teaching and scholarship. All responsibilities ascribed to the dean in this Handbook are understood to be responsibilities of the dean, designated associate dean, or other designate.

Deans approve the appointment of all faculty under their jurisdiction; oversee and ensure appropriate standards for the periodic evaluation of faculty in the areas of teaching, scholarship, and service; and make recommendations on promotion and tenure. Deans also prepare and administer the annual budgets of their college, school, or division.

Deans are appointed by the President and report directly to the Provost.

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SECTION 2.7**

2.7 Department Chairs

The chair of a department is appointed for a specified term by the Provost with the advice of the faculty members of the department and the dean. The chair reports to the dean.

The chair is responsible for the orderly administration of the department, the quality of its educational program, and high standards in teaching and scholarship on the part of its faculty. To achieve these ends, the chair coordinates the recruitment of new faculty members; evaluates faculty members at regular intervals in the areas of teaching, scholarship, and service; coordinates departmental processes related to promotion or tenure; plans and coordinates the instructional program; assigns courses and teaching schedules to faculty members; prepares and administers the departmental budget; and conducts the general business of the department. On decisions of importance to the department and the University, the chair is expected to consult other faculty members of the department.

(The School of Law is not organized by departments and hence has no department chairs.)

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SECTION 2.8**

2.8 Committees

Much of the business of the University is conducted through the work of four kinds of internal committees: University governance committees (covered in Section 2.9), Faculty Senate committees (covered in Section 2.11), committees mandated by civil law (covered in Section 2.12), and other standing and ad hoc committees (covered in Sections 2.13 and 2.14).

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SECTION 2.9**

2.9 University Governance

University governance is exercised through several University Policy Committees and the University Coordinating Committee.

There are six University Policy Committees: the Academic Affairs Committee, the Faculty Affairs Committee, the Staff Affairs Committee, the Student Affairs Committee, the University Budget Council, and the Planning Action Council.

Further details regarding the specifics of University governance, along with the charge and the composition of each committee, are available from the University Coordinating Committee.

2.9.1 University Coordinating Committee

The purpose of the University Coordinating Committee is to make governance more efficient, effective, and responsive. Its duties are (1) to coordinate the work of the University Policy Committees, (2) to appoint to each University Policy Committee members who are competent to perform the work of that committee, and (3) to guarantee appropriate consultation and efficiency in the overall process of University governance.

2.9.2 University Policy Committees

University Policy Committees are collaborative governance bodies whose members include administrators and other appropriate individuals, according to the specific area of responsibility entrusted to a University Policy Committee.

University Policy Committees are the final collaborative governance bodies with the authority to:

- Formulate and recommend new University policy and major strategic change, and
- Review significant change in existing policy.

The purpose of each of the six University Policy Committees is summarized in the next sections.

2.9.2.1 Academic Affairs Committee

The Academic Affairs Committee works with the Provost to improve teaching and learning and the quality of academic programs. In that capacity, it serves as the final

locus of dialogue in the formulation of University policies, procedures, and guidelines that relate to academic affairs.

2.9.2.2 Faculty Affairs Committee

The Faculty Affairs Committee works with the Provost to promote the professional development of faculty. In this capacity it serves as the final locus of dialogue in the formulation of University programs, policies, and procedures pertaining to the responsibilities of the faculty.

2.9.2.3 Staff Affairs Committee

The Staff Affairs Committee works with the Vice President for Administration and Finance to promote staff development and to improve the quality of service and support provided. In this capacity, it serves as the final locus of dialogue in the formulation, review, and recommendation of policies and initiatives pertaining to the responsibilities, rights, and compensation of non-union staff members.

2.9.2.4 Student Affairs Committee

The Student Affairs Committee works with the Provost to promote the quality of the Santa Clara educational experience as related to co-curricular programs and student support services. In that capacity, it serves as the final locus of dialogue in the formulation and recommendation of major policies and program initiatives that affect student life and that contribute to student satisfaction and success.

2.9.2.5 University Budget Council

The University Budget Council works with the President to develop and recommend the annual macro budget in the context of long-range financial planning.

2.9.2.6 Planning Action Council

The Planning Action Council works with the President to promote, coordinate, and oversee planning at the University level. It attempts to link the University's programs and services with its mission, markets, and resources.

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SECTION 2.10**

2.10 Faculty Senate

The Faculty Senate shall consist of:

- (1) all tenured and tenure-track faculty except for administrators at or above the level of dean of a school or college;
- (2) all Senior Lecturers and Lecturers;
- (3) all other faculty on greater than half-time appointments who receive an academic year contract, except visiting faculty.

Its purpose is to develop and to express the opinion of the faculty on academic and professional matters, to facilitate participation of the faculty in forming the policies of the University, and to make the collective experience and knowledge of the faculty available to the President. It is governed by its own Bylaws, which are given in Appendix A.

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SECTION 2.11

2.11 Committees of the Faculty Senate

2.11.1 University Committee on Rank and Tenure

The University Committee on Rank and Tenure shall consist of six tenured Professors, one elected by the tenured and probationary faculty members in each of the following constituencies: the School of Engineering, the School of Business, those departments of the College of Arts and Sciences (except the Department of Chemistry and Biochemistry) offering the degree of Bachelor of Arts, those departments of the College of Arts and Sciences (except the Department of Economics) offering the degree of Bachelor of Science, the School of Education and Counseling Psychology, and the University at large (excluding the Jesuit School of Theology and the School of Law).

The term of office for each member shall be three years, with no more than two members' terms to expire in any one year. The Committee shall elect its own chair annually.

Faculty members shall not serve more than four consecutive years on any Rank and Tenure committee. On completion of two or more consecutive years of Rank and Tenure Committee service, a faculty member is normally ineligible to be elected for further Rank and Tenure Committee service until after a hiatus as specified in the Faculty Senate Election Rules and Procedures (Supplement to Appendix A).

The committee makes recommendations on petitions for tenure or promotion to the ranks of Associate Professor and Professor.

2.11.2 College and School Committees on Rank and Tenure

2.11.2.1 College and School Committees on Rank and Tenure

The College of Arts and Sciences shall have two committees on Rank and Tenure, one for the departments (except the Department of Chemistry and Biochemistry) offering the degree of Bachelor of Arts and one for the departments (except the Department of Economics) offering the degree of Bachelor of Science; the School of Engineering, the School of Business, and the School of Education and Counseling Psychology shall have one committee each. Each committee shall consist of no more than six nor fewer than three tenured Professors or Associate Professors elected by the tenured and probationary faculty members in their respective constituencies.

The term of office for each member shall be three years, with no more than two members' terms to expire in any one year. Each committee shall elect its own chair annually.

Faculty members shall not serve more than four consecutive years on any Rank and Tenure committee. On completion of two or more consecutive years of Rank and Tenure Committee service, a faculty member is normally ineligible to be elected for further Rank and Tenure Committee service until after a hiatus as specified in the Faculty Senate Election Rules and Procedures (Supplement to Appendix A).

The committees make recommendations on petitions for tenure or promotion to the ranks of Associate Professor and Professor.

2.11.2.2 Committees on Rank and Tenure for the School of Law and the Jesuit School of Theology

The Constitution of the School of Law governs the composition of its committee(s) on rank and tenure, procedures for determination of rank and tenure, and determination of rank and tenure of its faculty members.

The “Exceptions to the Santa Clara University Faculty Handbook: Jesuit School of Theology” govern the composition of the Jesuit School of Theology's committee(s) on rank and tenure, procedures for determination of rank and tenure, and determination of rank and tenure of its faculty members.

2.11.2.3 College and School Committees on Promotion to Senior Lecturer

Except in the School of Law, each college or school shall have one Committee on Promotion to Senior Lecturer. Each committee shall consist of three tenured faculty members and two Senior Lecturers. If fewer than two Senior Lecturers in the college or school are eligible to serve, the committee shall consist of the three tenured faculty members and either one Senior Lecturer or none. The committee members are elected by the tenured and probationary faculty members and the Senior Lecturers in their respective college or school.

The term of office for each member shall be three years, with no more than two members' terms to expire in any one year. Each committee shall elect its own chair annually. The committees make recommendations on petitions for promotion to the rank of Senior Lecturer.

2.11.3 College and School Grievance Committees

The composition, jurisdiction, and procedures of college and school Grievance Committees are stated in 3.10.1.

2.11.4 Faculty Judicial Board

The composition, jurisdiction, and procedures of the Faculty Judicial Board are stated in 3.10.2.

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FACULTY HANDBOOK
SECTION 2.12**

2.12 Compliance Committees

The following committees are appointed in compliance with federal regulations and guidelines.

2.12.1 Institutional Animal Care and Use Committee

The Institutional Animal Care and Use Committee ensures compliance with University policies as well as applicable state and federal regulations regarding the humane use of laboratory animals in research and instruction.

2.12.2 Institutional Review Board

The Institutional Review Board ensures compliance with University policies as well as applicable state and federal regulations for research involving the use of human subjects.

2.12.3 Biosafety Committee

The Biosafety Committee ensures compliance with University policies as well as applicable local, state, and federal regulations for research involving biohazardous materials and recombinant DNA.

2.12.4 Radiation Safety Committee

The Radiation Safety Committee ensures compliance with University policies as well as applicable state and federal regulations for research involving radioactive materials and radiation-generating equipment.

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SECTION 2.13**

2.13 Core Curriculum Committee

The Core Curriculum Committee certifies the courses that fulfill each of the University's Core Curriculum requirements and proposes modifications regarding the skills and outcomes related to each requirement.

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SECTION 2.14**

2.14 Other Committees

As needed, other standing or ad hoc committees may be established.

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FACULTY HANDBOOK
SECTION 2.15**

2.15 Boards

2.15.1 Board of Regents

The Board of Regents is a group of up to 60 men and women who provide special advice and support to the University's President and Board of Trustees. By their involvement with the University, they also become ambassadors for the University in the community. Regents are appointed by the President of the University.

2.15.2 Board of Fellows

The Board of Fellows is a group of up to 175 men and women who promote the University and work on various fund-raising projects. Members are appointed by the President of the University.

2.15.3 Academic Advisory Boards

The college and schools each have external advisory boards which work with the dean and faculty in developing, evaluating, and supporting programs.

2.15.4 Alumni Board of Directors

The Alumni Board of Directors oversees the work of the Alumni Association and plays an important role in guiding Santa Clara's Alumni Chapter programs. The Board is composed of no more than 30 members, all of them alumni, who are elected by the Board.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3**

Chapter 3

Faculty (Contractual Terms)

The provisions of Chapter 3 applicable to the relevant category of faculty member are to be considered incorporated by reference into the Letter of Appointment of each faculty member, except to the extent specified herein or provided for in the Constitution of the School of Law, the Statutes of the Jesuit School of Theology of Santa Clara University (hereinafter Jesuit School of Theology), or policies unique to either school that have been approved by the Board of Trustees.

*Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010*

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.1**

3.1 Members of the Faculty

Santa Clara University has four broad categories of faculty: tenured and tenure-track faculty (3.1.1); faculty with renewable-term or continuing appointments (3.1.2.1); faculty with fixed-term appointments (3.1.2.2); and faculty with other kinds of appointments (3.1.2.3). The Jesuit School of Theology, as an ecclesiastical faculty, has additional categories of faculty.

(Academic Staff and Military Science personnel are not members of the faculty and are not governed by the provisions of Chapter 3 of this handbook. For further information about Academic Staff, consult Chapter 4 of this Handbook.)

*Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010*

3.1.1 Tenured and Tenure-Track Faculty

Tenured and tenure-track faculty comprise those holding appointments at the rank of Professor, Associate Professor, Assistant Professor, and Acting Assistant Professor.

Tenure-track faculty who have not yet been granted tenure hold probationary appointments (3.4.1).

The ordinary educational requirement for tenured and tenure-track faculty is the doctorate or other appropriate terminal degree. In certain disciplines, especially in the arts, practical experience and credentials other than academic degrees may be taken as equivalent preparation. Additional qualifications for appointment to the respective faculty ranks are described in the following paragraphs.

*Revisions endorsed by Faculty Senate, April 2013
Revisions approved by Board of Trustees, June 7, 2013*

3.1.1.1 Assistant Professor

An Assistant Professor shall show promise of achievement in teaching, scholarship or creative work, and service.

An Acting Assistant Professor is one otherwise qualified for the rank of Assistant Professor but still actively engaged in work for the doctorate or other terminal degree. Normally no one will be retained as an Acting Assistant Professor beyond three years.

An Acting Assistant Professor must satisfy all requirements for the doctorate or terminal degree by March 15th of the third year of such appointment. Years of service at this rank will be considered part of the probationary period for tenure.

3.1.1.2 Associate Professor

An Associate Professor shall possess demonstrated superior ability in teaching, scholarship or creative work, and appropriate service, as evidenced through actual accomplishment.

3.1.1.3 Professor

A Professor shall possess those qualities of the teaching scholar that are expected of the Associate Professor, and in such degree as to have earned the recognition of colleagues in the same discipline outside the University or in higher education generally. A Professor also serves the University and the academic profession in proportion to experience, competencies, and seniority.

3.1.2 Non-Tenure-Track Faculty

Non-tenure-track faculty may hold renewable-term or continuing appointments (3.1.2.1), fixed-term appointments (3.1.2.2), or other appointments (3.1.2.3). Non-tenure-track faculty do not hold probationary appointments (3.4.1), are not tenured, and do not accumulate credit towards tenure.

Endorsed by Faculty Senate, April 2013
Approved by Board of Trustees, June 7, 2013

3.1.2.1 Faculty on Renewable-Term or Continuing Appointment

Faculty on renewable-term or continuing appointment are appointed primarily to teach in an area of persistent programmatic need.

Persistent programmatic need is defined as a continuing need in a particular area of the curriculum to offer classes that cannot be covered by current or projected tenured or tenure-track faculty. Such need shall be identified by the department and approved by the dean and Provost.

Faculty in renewable-term or continuing positions are appointed for a full academic year rather than an academic term. Renewable-term positions are normally full-time and are never less than half-time. Continuing positions are full-time.

Faculty on renewable-term or continuing appointment are not tenured and do not accumulate credit towards tenure.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.1.2.1.1 Renewable-Term Positions in the School of Law

Some faculty in the School of Law, including but not limited to Legal Analysis, Research, and Writing Instructors, hold renewable-term positions primarily for teaching in an area of persistent programmatic need. Policies and procedures for appointment and reappointment of such positions are set by the School of Law with approval of the Provost.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.1.2.1.2 Lecturer

A Lecturer holds a renewable-term position primarily for teaching in an area of persistent programmatic need. Teaching may include classroom instruction, curriculum development, and advising. Lecturers are also expected to engage in service at the departmental level or higher and in professional activity that is appropriate to the discipline and that contributes to their primary responsibility for teaching.

Lecturers shall possess superior abilities as teachers. The ordinary educational requirement is the doctorate or other appropriate terminal degree. In certain disciplines, especially in the arts and some professional fields, practical experience and credentials other than academic degrees may be taken as equivalent preparation.

Appointment is made for an initial term of three years, a second term of three years, and subsequent terms of six years. With approval of the Provost, a College or School may adopt a policy that establishes different terms of appointment. Reappointment is contingent on superior performance, persistent programmatic need, and availability of funds.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.1.2.1.3 Senior Lecturer

A Senior Lecturer holds a full-time continuing appointment primarily for teaching in an area of persistent programmatic need. In addition to meeting the qualifications for appointment as a Lecturer, a Senior Lecturer shall at a minimum have nine years of full-time service as a Lecturer at the University, or equivalent academic experience. Effective September 1, 2013, the completion of at least one 3-year review cycle as a Lecturer is required. Standards for promotion to Senior Lecturer appear in 3.4A.2.1.

Faculty with renewable-term appointments in the School of Law are not eligible for promotion to Senior Lecturer.

Revisions endorsed by Faculty Senate, January 2012
Revisions approved by Board of Trustees, February 10, 2012

3.1.2.2 Faculty on Fixed-Term Appointment

Faculty with fixed-term appointments include adjunct faculty, research faculty, and faculty with appointments-in-residence as described below. They are not tenured and do not accumulate credit towards tenure.

A fixed-term appointment is either part-time or full-time for a period of one academic term or one academic year. Should the need arise for a longer appointment period, the Provost may approve a term of up to three years. Academic year appointments may not be for less than 50% time.

Revisions endorsed by Faculty Senate, Spring 2014
Revisions approved by Board of Trustees, June 6, 2014

3.1.2.2.1 Adjunct Faculty

Adjunct faculty hold a non-tenurable fixed-term teaching appointment for one or more of the following purposes: to replace faculty on leave of absence or administrative assignment; to address persistent programmatic need on a part-time basis; to address short-term programmatic need on a full-time basis; to provide expertise in a specialty area; or to explore a new instructional area. If there has been a fixed-term academic year appointment in a given area for six consecutive years, then a persistent programmatic need analysis must be conducted.

Endorsed by Faculty Senate, Spring 2014
Approved by Board of Trustees, June 6, 2014

3.1.2.2.1.1 Adjunct Lecturer

An Adjunct Lecturer shall demonstrate competence in the subject matter of the appropriate academic discipline or professional field and superior abilities as a teacher.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.1.2.2.1.2 Adjunct Professor Ranks

On occasion, and with the approval of the dean and Provost, an adjunct appointment may be made at the rank of Adjunct Assistant Professor, Adjunct Associate Professor, or Adjunct Professor to recognize qualifications in an academic discipline or professional field that are equivalent to those for tenured and tenure-track appointments at the respective ranks.

With approval of the dean and Provost, a faculty member holding the rank of Adjunct Professor may be appointed with a different title such as Clinical Professor, Professor of

the Practice, or Dean's Executive Professor, provided such a title is more descriptive of the faculty member's role and is consistent with general practice in the discipline or field.

Revisions endorsed by Faculty Senate, Spring 2014
Revisions approved by Board of Trustees, June 6, 2014

3.1.2.2.2 Research Professor

A Research Professor holds an appointment primarily to engage in research that advances the goals of a department and contributes to its overall academic quality. Research Professors are appointed in recognition of their research accomplishments, ability to obtain external funding, and willingness to play an active role in the department as determined by the department and the dean.

The qualifications for appointment as a Research Professor shall be commensurate with the qualifications and levels of accomplishment in research as those for a tenured Professor.

A Research Professor may engage in teaching as assigned. Appointment as a Research Professor must be made independently of employment through a particular grant or sponsored project.

Revisions endorsed by Faculty Senate, Spring 2104
Revisions approved by Board of Trustees, June 6, 2014

3.1.2.2.3 Appointments-in-Residence

With the approval of the dean and Provost, distinguished artists, scholars, scientists, engineers, executives, statespersons, and others may be granted appointments-in-residence from time to time to enrich the life of the University community.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.1.2.3 Faculty with Other Appointments

Other faculty appointments may be made in the following categories.

3.1.2.3.1 Visiting Faculty

Appointments in the respective faculty ranks are held by persons on leave from other professional employment. Such appointments are usually for one year and in no case for more than three years.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.1.2.3.2 Postdoctoral Fellows

A postdoctoral fellow holds an academic year appointment primarily to engage in research. During the period of the appointment, the fellow shall work under the direction of a tenured or tenure-track faculty mentor to receive advanced training and develop a research and publication record. Fellows shall not teach more than four courses in one academic year. The appointment is usually for one year and in no case more than three.

Endorsed by Faculty Senate, January 2012
Approved by Board of Trustees, February 10, 2012

3.1.2.3.3 Professor Emeritus or Emerita

A tenured Associate Professor or full Professor of Santa Clara University, upon retirement from outstanding service at the University, is eligible for the title of Professor Emeritus or Emerita. The title is awarded by the President of the University in consultation with the Provost, with the retiree's dean and department chair, and with the tenured members of the retiree's department.

3.1.2.3.4 Senior Lecturer Emeritus or Emerita

A Senior Lecturer of Santa Clara University, upon retirement from outstanding service at the University, is eligible for the title of Senior Lecturer Emeritus or Emerita. The title is awarded by the President of the University in consultation with the Provost, with the retiree's dean and department chair, and with the tenured and tenure-track members and senior lecturers of the retiree's department.

Endorsed by Faculty Senate, May 29, 2015
Approved by Board of Trustees, June 15, 2015

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.2**

3.2 Recruitment of Faculty

3.2.1 Equal Employment Opportunity and Affirmative Action

Santa Clara University is an equal opportunity and affirmative action employer. The University seeks applications from qualified women, persons of color, and members of other groups historically under-represented in academia. The University will reasonably accommodate an otherwise qualified individual with a disability.

3.2.2 Appointment Procedures

3.2.2.1 Tenure-Track and Tenured Faculty

Functions of the various parties in the search to fill a tenure-track or tenured faculty position are as follows:

1. The Provost and dean authorize the search in light of the needs of the department and the University, after reviewing the selection criteria proposed by the department and the availability of resources.
2. The Provost and dean approve the successful candidate and the terms of the appointment before an offer is made.
3. Except in the School of Law and the Jesuit School of Theology, the tenure-track and tenured faculty in the academic department(s) or other unit(s) are responsible for:
 - a. defining the criteria for selecting the faculty member;
 - b. identifying the academic specialization(s) being sought;
 - c. evaluating and ranking the candidates; and
 - d. making recommendations for the hire.

Non-tenure-track faculty do not participate in ranking candidates or making recommendations for the hire. Searches shall be conducted in accordance with procedures current at the time of the search.

Initial appointment may be made at any rank for which a candidate is qualified. A teaching scholar with an established reputation who has been tenured at another institution and whose presence on the Santa Clara faculty is particularly desired may be

offered a tenured appointment if, in the judgment of the search committee, departmental faculty, and dean, and of the Provost and the President of the University, such an appointment is warranted.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.2.2.2 Non-Tenure-Track Faculty

Searches to fill all positions with an appointment of one academic year or longer must be authorized by the dean and the Provost. Such searches shall be conducted in accordance with a plan appropriate to the nature of the appointment, developed by the department chair in consultation with the faculty of the department and approved by the dean.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.2.2.3 Courtesy and Joint Appointments

An appointment “by courtesy” may be made by a department for a full-time faculty member in another department under the following conditions:

The faculty member possesses significant qualifications for appointment in the department offering a courtesy appointment.

The faculty member is significantly involved in the teaching or scholarly or creative activities of the department offering the courtesy appointment.

The courtesy appointment is approved by the senior faculty of the courtesy department, by the chairs and dean(s) of both the primary and the courtesy department and school, and by the Provost.

The courtesy appointment is made at the same rank as the regular appointment specified in the Letter of Appointment, is held by the faculty member for a one-year term, and is renewable each year.

The courtesy department is not necessarily required to extend voting privileges, funds, space, or other support to the faculty member.

A joint appointment (as distinct from a courtesy appointment) may be made when a faculty member makes a major contribution in terms of time, effort, and programmatic need to more than one department. This contribution should be on a continuing basis and should be sufficiently significant for each department to make a financial commitment and extend voting privileges to the faculty member. Appointment procedures are the same as for courtesy appointments, with the exception that the senior faculty of each department must approve a joint appointment. Prior to the commencement of every joint appointment, the faculty member’s responsibilities to each department and the procedures to be followed for periodic evaluation and evaluation for promotion and tenure must be

agreed to in writing by the faculty member, chairs of the involved departments, the dean, and the Provost.

3.2.3 Letters of Appointment

Every full-time member of the faculty holds an annual Letter of Appointment stating his or her academic rank for the year of the appointment, together with salary and estimated total compensation. The Letter of Appointment, in duplicate, is sent annually to every member of the faculty who is to be appointed or reappointed the following academic year. The appointee shall signify acceptance by signing and returning one copy within two weeks of the date of the letter.

The President signs letters for faculty with appointments of a full academic year in the Jesuit School of Theology. The Provost signs letters for all other faculty with appointments of a full academic year.

Part-time faculty receive a Letter of Appointment signed by the dean.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.2.4 Personnel File

Each academic dean shall maintain an accurate and timely record of the qualifications of every member of his or her faculty. The record should contain a summary of the faculty member's career, a list of degrees and other awards, a summary of teaching and related experience, a list of publications and research, a statement of current activities and plans, Faculty Activities Reports, formal evaluations and any responses thereto, and other information deemed relevant by the faculty member or the dean.

Faculty members have the responsibility of providing the academic dean with any material that they deem to be an appropriate part of their academic record.

A faculty member may inspect his or her own personnel file as maintained by the academic dean after reasonable notice to the dean.

**SANTA CLARA UNIVERSITY
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SECTION 3.3**

3.3 Periodic Evaluation of Faculty

The performance of each full-time faculty member must be evaluated in writing on a regular basis by the department chair (or dean, in those units not organized by departments).

The performance of probationary tenure-track faculty must be evaluated in writing every year. The performance of tenured faculty may be evaluated on different cycles, as determined in each college or school by its dean with the agreement of the faculty of the college or school and with the approval of the Provost.

Non-tenure-track faculty must be evaluated in writing as follows: annually for those holding renewable-term appointments; on a cycle determined by the dean with approval of the Provost for Senior Lecturers; and prior to reappointment for adjunct faculty holding multi-year term appointments. Adjunct faculty who have held consecutive fixed-term academic year appointments must be evaluated in writing at least every three years.

The basis for the evaluation of tenured and tenure-track faculty shall be performance in the areas of teaching, scholarship or creative work, and service. Other faculty shall be evaluated in accordance with the responsibilities for which they were hired. The sources of information for the evaluation include the Faculty Activities Report, student evaluations, publications, and other pertinent information.

The department chair (or dean in appropriate cases) shall provide the written evaluation to the individual faculty member, and a copy of this evaluation shall become a part of the faculty member's official personnel file (see 3.2.4). A faculty member may provide a written response to the evaluation, and any such response shall also become part of the file. Favorable evaluations and optimistic projections do not bind the University to grant tenure.

*Endorsed by Faculty Senate, Spring 2014
Approved by Board of Trustees, June 6, 2014*

3.3.1 Mid-Probationary Review

A probationary faculty member shall receive an especially thorough evaluation by the tenured faculty of his or her department after completing approximately half of the probationary period, at a time to be determined by the department chair in consultation with the dean. The written evaluation shall include an assessment of the faculty member's performance and development in each of the three categories of review.

The mid-probationary review is intended to be developmental and should ordinarily culminate in an advisory letter expressing the views of the tenured faculty as to what the

candidate might do in the remainder of the probationary period to enhance his or her candidacy for tenure. However, in those instances where it is evident that a candidate's prospects for meeting tenure expectations are remote, the mid-probationary review may culminate in a recommendation of non-retention addressed to the dean. A favorable mid-probationary review does not bind the University to grant tenure. Tenure track faculty in the Jesuit School of Theology are subject to a different evaluation procedure.

Revisions endorsed by Faculty Senate, October 2010

Revisions approved by Board of Trustees, October 15, 2010

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.4**

3.4 Policies and Procedures on Promotion and Tenure

The policies and procedures in Section 3.4 apply only to faculty seeking tenure or promotion to Associate Professor or Professor.

While subject to the same general standards for promotion and tenure as other faculty members, faculty in the School of Law and the Jesuit School of Theology are subject to specific procedures for promotion and tenure that supersede some procedures outlined in this section.

*Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010*

3.4.1 Probationary Status

Santa Clara University adheres with certain exceptions to the provisions on tenure of the 1940 Statement of Principles on Academic Freedom and Tenure (with the 1940 Interpretations and the 1970 Interpretative Comments) of the American Association of University Professors and the Association of American Colleges; it also adheres to the Standards of Notice of Nonreappointment of the AAUP as published in the AAUP Bulletin of Autumn 1964. In the following three points Santa Clara University policy differs from that articulated in the AAUP 1940 Statement of Principles on Academic Freedom a.2 and the 1970 Interpretive Comments #5:

1. that the period of probation for tenure for all members of the faculty, irrespective of whether they have previously taught at other colleges or universities and of the length of such previous service, shall be seven years, unless a shorter time shall be agreed upon in writing by the faculty member and the University;
2. that only persons appointed to the positions of Professor, Associate Professor, or Assistant Professor (including Acting Assistant Professor) shall be eligible for tenure or consideration for tenure; and
3. that only service in the positions of Professor, Associate Professor, or Assistant Professor (including Acting Assistant Professor) shall be counted as probationary service for tenure. The probationary period begins with the fall term of the first full-time appointment for a full academic year.

The 1940 Statement of Principles on Academic Freedom and Tenure, 1940 Interpretations and 1970 Interpretive Comments, and the Standards of Notice of Nonreappointment are given in Appendix B of this Handbook.

3.4.1.1 Extensions of the Probationary Period

Extensions of the probationary period for tenure fall into two categories, routine and discretionary, described below. For both routine and discretionary extensions of the probationary period, the faculty member must submit a Tenure Clock Extension Form to the Provost as soon as possible after the qualifying event or circumstance, but in no case later than September 15 of the penultimate year of the probationary period. If the Provost has not been notified in this manner, the probationary period remains unchanged.

Categories for extensions are as follows:

1. Routine Extensions

A one-year extension of the probationary period will be granted routinely for the following reasons:

- a. the birth or adoption of a child; or
- b. the death of the faculty member's spouse, registered domestic partner, or child.

2. Discretionary Extensions

A one-year extension of the probationary period may be granted on a discretionary basis if requested by a faculty member for circumstances that significantly impede progress toward tenure, such as:

- a. a serious health condition of the faculty member; or
- b. a serious health condition of the faculty member's child, spouse, registered domestic partner, or parent, for whom the faculty member is required to provide significant caregiving; or
- c. other extraordinary circumstances beyond the control of the faculty member.

Extensions of the probationary period for any reason will normally be limited to a total of two years.

A faculty member who is granted an extension of the probationary period will be permitted to apply for tenure before the end of the extended probationary period, as allowed in 3.4.3.2.

Tenure candidates who have been granted an extension of the probationary period will be reviewed under the same academic standards as a candidate who has not had an extension.

3.4.2 Standards for Promotion and Tenure

Standards for promotion and for tenure must be broad enough to cover differences in the nature and purposes of different academic disciplines and departments. In general, advancement in rank and the conferring of tenure are based upon the recognition by a candidate's peers of academic and professional achievement and upon their judgment that such achievement will continue.

In addition to the degree requirements specified in 3.1.1, the University evaluates candidates for promotion and tenure under three criteria: (1) teaching, (2) scholarly or artistic work and other professional accomplishments, and (3) service to the University, the profession, and the community. Teaching and scholarly or artistic work are the most important of these, and candidates for promotion and tenure are required to demonstrate superior accomplishment in both.

Teaching is to be judged in a teacher's total effect upon the education of his or her students. Teaching includes not only classroom instruction, but also academic advising and curriculum development. Effective teaching requires, at a minimum, competence in the subject and in skills of presenting it, and professionalism in conduct towards students. Academic advising is an extension of teaching. It is an expression of the University's concern for the development of the whole person and includes advising on courses and academic programs, on academic life generally, and on career opportunities. Curriculum development includes both contributions to departmental and University curricula, such as the development of new courses or significant modification of existing ones, and the creation of pedagogical materials that may be of use to other teachers. Those entrusted with evaluating a candidate's teaching are to consider all evidence of achievement in each of the three components. The candidate's course materials form part of this evidence. The evidence also includes, but is not necessarily restricted to, the testimony of the candidate's colleagues, students, chair and other academic officers about the following: the candidate's command of the subject; the effectiveness of the candidate's presentation, whether in lectures, discussion, or tutorial; the quality and rigor of the candidate's courses; and the respect for and stimulation to further study of the subject that is generated among the candidate's students. Any other factors that contribute to the candidate's effect upon the education of his or her students shall also be taken into account.

Santa Clara is committed to excellence in scholarship and artistic creativity, which are critical both for their contribution to knowledge or the arts and for their enrichment of teaching. Scholarly work is defined as scholarly or scientific articles published in learned or professional journals; scholarly or scientific books; textbooks distinguished for the originality and value of their content or method; and any intensive study of the kind recognized as research in the various academic disciplines. Creative work is defined as recognized accomplishment or significant production in the arts of painting, sculpture, music, drama, fiction, poetry, dance, journalism, or the like. Since the form and nature of contributions differ greatly by discipline, the most important element in evaluation of the

scholarly or creative work of a candidate for promotion or tenure is the judgment of others in the field, particularly of those with a strong record of accomplishment in the candidate's field. Evaluations of a candidate's publications or artistic creations or performance by scholars, artists, or other experts outside Santa Clara are an important consideration for promotion or tenure.

Service is activity other than teaching and scholarship or artistic creativity that fosters and advances the missions and goals of the department, the college or school, the University, or the profession. It may consist of the fulfilling of formal responsibilities, either individually or with others, as on committees or editorial boards and in offices held, or more generally and informally of contributions to the routine functioning of a department. Community service performed in virtue of a faculty member's professional expertise or association with the University or its mission also falls into this category. The service expected of probationary faculty will be appropriate to their expertise and experience and will respect their need to devote most of their energies to teaching and scholarly or artistic work.

Because the nature of teaching, scholarship or artistic creativity, and service differs in some respects among academic disciplines, the faculty of the college, schools, and division develop, adopt, and publish their respective clarifications of the three criteria. Candidates for tenure or promotion are referred to these publications, as amended from time to time, for a detailed explanation of the standards and procedures by which they will be evaluated.

It is the responsibility of a candidate to demonstrate superior, not merely competent, performance in the criteria listed. The interpretation of all criteria and the judgment of whether the candidate meets them is left to the persons and committees specifically charged in this Handbook or in the Constitution of the School of Law or the Statutes of the Jesuit School of Theology with the evaluation of candidates.

Collegiality is not a distinct capacity to be assessed independently of the traditional triumvirate of scholarship, teaching, and service. It is rather a quality whose value is expressed in the successful execution of these three functions. Collegiality means that faculty members cooperate with one another in sharing the common burdens related to discharging their responsibilities of teaching, scholarship or creative work, and service, and do so in a conscientious and professional manner. Collegiality is not the same as conformity or intellectual agreement and may not be interpreted in a way that violates the principles of academic freedom. In those rare instances in which lack of collegiality becomes an issue in the evaluation of faculty for promotion and tenure, it may be considered only insofar as it has a negative effect on the functioning of the department, college or school, or University.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.4.2.1 Stipulations Concerning Promotion and Tenure

No individual may obtain tenure by length of service with the University, or in any way other than as explicitly set forth in this Handbook.

The University does not limit by quota the percentage of tenured faculty either in individual departments or in the University as a whole. Yet, as the percentage of tenured faculty increases, the application of criteria inevitably becomes more rigorous.

It is the policy of the University that when it confers tenure upon a candidate, it will also promote to the rank of Associate Professor unless the candidate already holds that or superior rank.

3.4.2.2 Promotion to Professor

The University will ordinarily not promote to the rank of Professor earlier than six years beyond promotion to the rank of Associate Professor. Length of service does not justify promotion to the rank of Professor.

The University shall hold to especially high standards for promotion to the rank of Professor. It is expected that candidates for promotion to Professor shall have distinguished themselves in teaching, in scholarship or artistic creativity, or preferably in both, and that they shall have served the University, their profession, or the community in proportion to their experience, their competencies, and their seniority. They shall have demonstrated achievement of high quality in all three Faculty Handbook criteria in addition to what they had attained when tenured or appointed to the rank of Associate Professor, whichever is more recent.

These standards apply to all candidates for promotion to Professor irrespective of school, college, or division. Within these stipulations, candidates must also meet the special standards of their school, college, or division. They shall otherwise be evaluated for promotion by the same procedures as govern their evaluation for tenure and for promotion to Associate Professor.

3.4.3 Application for Promotion and for Tenure

Petitions for tenure must be submitted no later than the penultimate year of the probationary period as defined in 3.4.1 and will not be accepted or considered subsequent to that year.

Endorsed by Faculty Senate, September 2004
Approved by Board of Trustees, May 20, 2005

3.4.3.1 Application Procedures

Procedures and deadlines for preparation, submission, and review of petitions for promotion and for tenure and of materials related to such petitions are announced annually by the Provost.

Endorsed by Faculty Senate, September 2004

Approved by Board of Trustees, May 20, 2005

3.4.3.2 Early Application for Tenure

Faculty members ordinarily are not encouraged to apply for tenure before the penultimate year of the probationary period. Early tenure requires evidence that the candidate has met the normal standards for tenure as specified in 3.4.2. A faculty member who wishes to apply before the penultimate year should consult with senior members of his or her department to determine if an early application is advisable.

If an early application for tenure is denied, the faculty member may not reapply until the penultimate year of the probationary period.

Endorsed by Faculty Senate, September 2004

Approved by Board of Trustees, May 20, 2005

3.4.4. Rights and Responsibilities of Candidates for Promotion and for Tenure and of Persons and Bodies Charged with their Evaluation

3.4.4.1 The Candidate

It is the responsibility of a candidate for tenure or promotion to become informed about the rules and regulations concerning rank and tenure contained in the Faculty Handbook, to obtain from the Provost the current University and college or school guidelines, and to follow all the procedures stipulated. It is incumbent on the candidate to demonstrate that he or she has met all the criteria for tenure and/or promotion and to provide requisite documentation, in the form requested, within the deadlines stipulated.

In submitting an application for tenure or promotion, the candidate may name two outside referees of choice to be contacted for an evaluation of the candidate's scholarship or artistic work and may select key publications or works to be sent to outside referees. The candidate may request that, for identified valid cause, certain persons or groups of persons *not* be asked to serve as referees.

3.4.4.2 Tenured Faculty in the Candidate's Department

The chair shall invite all tenured members of the department to participate in a departmental review of the strengths and weaknesses of a candidate for promotion or

tenure. Each tenured faculty member is expected to read the candidate's file, participate in the departmental discussion, and submit an evaluation letter that includes a numerical score. A tenured faculty member on sabbatical or other leave may choose not to participate in the rank and tenure process. A faculty member who chooses not to participate shall not be involved in any part of the process.

The tenured faculty, acting collectively or through the chair, shall identify two outside referees to be contacted for an evaluation of the candidate's scholarly or artistic work.

The chair shall schedule a meeting of the tenured faculty to discuss the strengths and weaknesses of the candidate's petition. This meeting should be scheduled so that all tenured faculty who are not on sabbatical or other leave are able to participate. A written summary of the departmental discussion will be signed by all participants.

Each tenured faculty member who participates in the departmental discussion shall write a letter of evaluation that includes a recommendation with a numerical score. A tenured faculty member who is unable for good reason to participate in the departmental discussion may write such a letter if he or she has reviewed the candidate's file. In this case, the letter must explain why the faculty member could not participate in the departmental discussion.

All participating faculty shall submit their evaluation letters to the department chair. If there is a compelling reason to seek an exception to this rule, the faculty member must have approval of the Provost.

In addition to writing an individual letter of evaluation, the department chair or another faculty member designated by the chair and approved by the Dean shall write a contextual summary letter. This letter shall summarize the individual faculty letters and provide a context to the candidate's petition and to the faculty letters. It shall contain the numerical evaluations found in the individual letters. This letter may include information about the field of research or creative endeavor, disciplinary practices of evaluation and publishing, or other items of relevance that may not be known outside the discipline. The contextual summary letter shall not be reviewed by other members of the department as part of the departmental deliberation.

The chair shall forward to the candidate's dean the petition, supporting documentation and other material, the summary of the departmental discussion, and all evaluations and recommendations that have been received from tenured members of the department, together with his or her own recommendation.

Revisions endorsed by Faculty Senate, January 2012
Revisions approved by Board of Trustees, February 10, 2012

3.4.4.3 The Jesuit Service Committee

Any Jesuit who is a candidate for promotion or tenure may, at his own discretion request an evaluation of his service as a Jesuit and the ways in which this service bears on his

performance in the three areas of evaluation for rank and tenure. In such cases the Provost in consultation with the President shall appoint a committee of three tenured Jesuit members of the faculty, one of whom must be from JST if the candidate is JST faculty, excluding University administrators, to evaluate this component of the candidate's petition. The committee's evaluation shall be submitted to the candidate's dean for inclusion in the candidate's file; it shall be considered by the college or school committee and later parties to the review.

Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010

3.4.4.4 The College or School Rank and Tenure Committee

The candidate's college or school Rank and Tenure Committee solicits and considers additional outside evaluations of the candidate's scholarly or artistic contributions, and may select additional material to be evaluated by the outside referees. The college or school committee thoroughly reviews all aspects of the candidate's petition. Informed by this review, its members cast secret ballots indicating their judgment of the strength of the petition. Unless it receives significant and relevant new information, the committee shall cast ballots only once. The committee prepares a report of its evaluation and recommendation that reflects and includes the results of the balloting.

Rank and Tenure Committee members from a candidate's department may participate in the committee's discussion of the candidate's case, but they cast a ballot only at the department level.

Endorsed by the Faculty Senate, June 3, 2008
Approved by the Board of Trustees, June 6, 2008

3.4.4.5 The Candidate's Dean

Taking into account all of the information and recommendations entered into the file to that point and drawing on such other information as may be known to him or her, the dean of the candidate's school or college adds an independent evaluation and recommendation to the candidate's file.

3.4.4.6 The University Rank and Tenure Committee

The University Rank and Tenure Committee reviews all of the information and recommendations entered into a candidate's file to that point and makes whatever additional investigation it deems necessary. Before the University Rank and Tenure Committee reaches its final judgment on a candidate's petition, the committee's members from each school and college meet with their respective school or college rank and tenure committee to clarify any matters on which there may be questions or issues of interpretation. Taking into account all of the information available, each member of the University Rank and Tenure Committee casts a secret ballot indicating his or her judgment of the strength of the petition. Unless it receives significant and relevant new

information, the committee shall cast ballots only once. The committee prepares a report of its evaluation and recommendation that reflects and includes the results of the balloting. In the course of its review of all petitions submitted to it, the University Rank and Tenure Committee takes all reasonable care to ensure that evaluations have been conducted thoroughly and consistently and in accordance with operative procedures, and that standards and procedures have been applied consistently by each college or school committee.

Endorsed by the Faculty Senate, June 3, 2008
Approved by the Board of Trustees, June 6, 2008

3.4.4.7 The Provost

The Provost reviews all petitions and makes his or her own recommendations.

3.4.4.8 The President

The decision on every candidate's petition shall be made by the President in consultation with the Provost after consideration of the recommendations made to him and of the needs of the University at the time he makes the decision.

3.4.4.9 Conflict of Interest in Evaluation for Promotion and Tenure

Faculty members who participate in the evaluation of candidates for promotion and tenure must strive to avoid any conflict of interest, real or perceived, in order to ensure a fair and objective evaluation.

If a familial, romantic, or financial relationship exists or has existed between two faculty members, neither shall participate in the evaluation of the other for purposes of tenure or promotion. Specifically:

- a. One shall not stand for election to a Rank and Tenure Committee knowing that the other would be considered during his or her period of service on the committee.
- b. One in a position to evaluate the candidacy of the other at any level of the review process shall recuse himself or herself from both discussion and voting in that case.
- c. A candidate for tenure or promotion is responsible for asking the other party to recuse himself or herself from the review process and also for reporting the perceived conflict to the Dean (if the conflict exists at the level of the department or the College committee) or the Provost (if the conflict exists at the level of the Dean or the University committee).

A "financial relationship" is a relationship between two faculty members that could allow one to significantly benefit or suffer financially, either directly or indirectly, from a

decision on the promotion or tenure of the other.

Violations of these provisions will be governed by procedures specified in Section 3.9. (Sanction and Dismissal) of the Faculty Handbook.

Significant scholarly collaboration, such as co-authorship of publications or supervision of a candidate's graduate work, also presents a potential conflict of interest. If two faculty members have engaged in significant scholarly collaboration and one serves on a Rank and Tenure Committee that evaluates the other, the committee member shall recuse himself or herself from consideration of the candidate's application. When there is a question as to what constitutes significant scholarly collaboration, the committee member shall consult with the chair and other members of the Rank and Tenure Committee and the chair shall notify the Provost.

Before recusal, the significant collaborator may present a written evaluation of the candidate's professional qualifications to the committee. If necessary, the committee may request further information from the recused member.

This procedure allows full and frank discussion of the application. It also guarantees the confidentiality of outside letters that may address the quality of the recused committee member's work.

Candidates and those charged with their evaluation for promotion or tenure shall consult with the Provost to resolve questions of the applicability and interpretation of this policy when necessary.

Recommended by the Faculty Affairs Committee, May 2, 2005

Endorsed by the Faculty Senate, June 2005

Approved by the Board of Trustees, January 20, 2006

3.4.5 Transmission of Materials and Recommendations through the Review Process

A member of the faculty seeking promotion or tenure or both shall submit his or her petition and supporting documentation to his or her department chair, who will make it available to the tenured members of the department for their review. The chair shall forward all materials received from the candidate, along with the summary of the department meeting on the petition, his or her own recommendation, and all recommendations received from tenured members of the department, to the candidate's dean. The file shall then be reviewed in turn by the following academic officers and committees, except where one does not exist in the line of transmittal for a specific candidate: the college, school, or division Committee on Rank and Tenure, the dean, the University Committee on Rank and Tenure, and the Provost.

Requests for letters of evaluation from outside referees named by the candidate, the candidate's department, and the candidate's college or school Rank and Tenure Committee shall be generated in the office of the candidate's dean. Letters received from these referees shall be held in the office of the candidate's dean and consulted there by

appropriate parties in the review up to the level of dean, after which they shall be forwarded with the candidate's file to the Provost for consideration by the University Rank and Tenure Committee and later parties to the review.

In the transmittal of files through the reviewing procedure, college or school committees shall receive them from and return them to their deans; the University committee shall receive them from and return them to the Provost.

Materials entering the process after it has begun shall be transmitted directly to the candidate's dean or, if the evaluations have proceeded beyond the dean, to the Provost for further transmittal to whatever person or committee is currently evaluating the candidate to whom they pertain. Such late materials need not be reviewed by the authors of completed evaluations unless, in the opinion of the University committee or the Provost, they ought to be.

The President shall meet with the University committee and the appropriate dean before announcing his decision. The President communicates his decision on each candidate's petition to the candidate in a letter.

Revised by vote of the Faculty Senate in Fall 2002 and the Board of Trustees on February 14, 2003.

3.4.6 Confidentiality

Deliberations and recommendations by persons or groups charged in this Handbook with the evaluation of candidates shall have confidential status and shall not be divulged to persons not so charged. Evaluative material received from others, whether solicited or volunteered, shall likewise have confidential status and shall not be divulged to persons outside the review process.

3.4.7 Inception of Tenured Status

The protections of tenure commence with the date of the President's letter of notification. For all other purposes, tenure commences with the beginning of the subsequent academic year.

3.4.8 Reconsideration

When a decision not to grant tenure or promotion has been reached, the faculty member concerned will be informed of that decision in writing. On request, the Provost shall give unsuccessful candidates the fullest and frankest statement of reasons that is consistent with the confidentiality of the specific recommendations and votes of committees and individuals who have participated in the evaluations.

Whenever a faculty member receives in writing an adverse decision concerning his or her application for promotion or tenure, the faculty member has 30 calendar days to file with the President of the University a petition for reconsideration by the President. The

petition should be submitted in writing and list the reasons for the request for reconsideration. The President shall respond within 30 days of receipt of the petition.

Requests for reconsideration of a denial of tenure or of promotion are restricted to the following causes:

1. the existence of significant and relevant new material that has become available since the appellant's petition for tenure and/or promotion was considered by the rank and tenure committees and other evaluators;
2. significant inconsistency in the application of standards or procedures between the appellant's evaluation and others of the same year.

Upon receiving a valid request to reconsider a denial of tenure or promotion, the President shall ask for recommendations on whether to reverse or to reaffirm the decision from

1. the appellant's college or school Committee,
2. the University committee,
3. the appellant's dean,
4. the Provost, and
5. two senior Santa Clara University tenured faculty who are not members of the appellant's department and have not been members of any committee that evaluated the appellant.

For an appellant from the Jesuit School of Theology the President shall ask for recommendations on whether to reverse or to reaffirm the decision from the appellant's school Committee, the appellant's dean, the Provost, and two tenured members of the Jesuit School of Theology faculty who are not on the Appointment, Rank, and Tenure Committee of the School.

All of these persons and committees shall make their recommendations directly to the President, who, at his discretion, may discuss the case with any or all of them or with anyone else, including the appellant. The President shall then form and communicate his decision, which shall be final, in writing to the appellant.

The burden of proof of the allegation or allegations on which a request for reconsideration is based rests with the appellant.

(In cases where a faculty member alleges a violation of academic freedom or unlawful discrimination in a denial of tenure or promotion, the Faculty Judicial Board shall have jurisdiction (see Section 3.10.2.2 (2) and (6) and 3.10.2.3).

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.4A**

3.4A Policies and Procedures for Reappointment and Promotion of Non-Tenure-Track Faculty

Policies and procedures for reappointment of faculty holding renewable-term positions in the School of Law are set by the School of Law with approval of the Provost.

Policies and procedures for reappointment of a Lecturer to another renewable-term appointment appear in 3.4A.1 and 3.4A.3 below.

Policies and procedures for promotion to Senior Lecturer appear in 3.4A.2 and 3.4A.3 below.

Policies and procedures for promotion of faculty in adjunct professor ranks appear in 3.4A.4 below.

*Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010*

3.4A.1 Reappointment of Lecturers

3.4A.1.1 Standards for Reappointment of Lecturers

Standards for reappointment of Lecturers must be broad enough to accommodate differences in academic disciplines and fields, the needs of different departments, and the nature of the specific appointment.

In addition to meeting the requirements set in 3.1.2.1.2, Lecturers seeking reappointment to another renewable term must demonstrate superior performance in teaching, in service, and in professional activity that is appropriate to the academic discipline or professional field and that contributes to their primary responsibility for teaching.

Teaching is to be judged in a teacher's total effect upon the education of his or her students. Teaching includes not only classroom instruction, but also academic advising and curriculum development. Effective teaching requires, at a minimum, competence in the subject and in skills of presenting it, and professionalism in conduct towards students. Academic advising is an extension of teaching. It is an expression of the University's concern for the development of the whole person and includes advising on courses and academic programs, on academic life generally, and on career opportunities. Curriculum development includes both contributions to departmental and University curricula, such as the development of new courses or significant modification of existing ones, and the creation of pedagogical materials that may be of use to other teachers. Those entrusted with evaluating a candidate's teaching are to consider all evidence of achievement in

each of the three components. The candidate's course materials form part of this evidence. The evidence also includes, but is not necessarily restricted to, the testimony of the candidate's colleagues, students, chair and other academic officers about the following: the candidate's command of the subject; the effectiveness of the candidate's presentation, whether in lectures, discussion, or tutorial; the quality and rigor of the candidate's courses; and the respect for and stimulation to further study of the subject that is generated among the candidate's students. Any other factors that contribute to the candidate's effect upon the education of his or her students shall also be taken into account.

Service is work other than teaching and professional activity that fosters and advances the missions and goals of the department, the college or school, or the University. It may also include service to the profession, such as participation on committees of a professional organization, and service to the community performed in virtue of a Lecturer's professional expertise or association with the University. The service expected of Lecturers will be appropriate to their expertise and experience.

Professional activity refers to scholarly or creative work, professional practice, or other active engagement in a discipline or field that enables a Lecturer to remain current in that area and vital as a teacher. Examples of professional activity include attendance or presentations at conferences, occasional publications that contribute to scholarship or pedagogy in the field, creative work in the arts, and practice in a professional field. Lecturers shall not be held to the same standards of scholarship as tenure-track faculty.

It is the responsibility of the candidate to demonstrate superior, not merely competent, performance in the criteria described above. The interpretation of all criteria and the judgment of whether the candidate meets them is left to the persons and committees specifically charged in this Handbook or in the Constitution of the School of Law or the Statutes of the Jesuit School of Theology with the evaluation of candidates.

Collegiality is not a distinct capacity to be assessed independently of the three standards described above. It is rather a quality whose value is expressed in the successful execution of these three functions. Collegiality means that faculty members cooperate with one another in sharing the common burdens related to discharging their responsibilities, and do so in a conscientious and professional manner. Collegiality is not the same as conformity or intellectual agreement and may not be interpreted in a way that violates the principles of academic freedom. In those rare instances in which lack of collegiality becomes an issue in the evaluation of faculty for reappointment or promotion, it may be considered only insofar as it has a negative effect on the functioning of the department, college or school, or University.

Endorsed by Faculty Senate, Spring 2010

Approved by Board of Trustees, June 4, 2010

3.4A.1.2 Applications for Reappointment of Lecturers

Reappointment is contingent on superior performance, persistent programmatic need, and the availability of funds. The presence of persistent programmatic need and the anticipated availability of funds must be confirmed before an application for reappointment is submitted. A Lecturer in the final year of a term is notified in writing by the dean whether there is persistent programmatic need and anticipated availability of funds for the position.

If there is persistent programmatic need and anticipated availability of funds, then the Lecturer may submit to the department an application for reappointment that follows University guidelines available from the dean.

Decisions about the presence of persistent programmatic need and the availability of funds are not subject to reconsideration.

Revisions endorsed by Faculty Senate, December 2012

Revisions approved by Board of Trustees, February 8, 2013

3.4A.1.3 Procedures for Review of Applications for Reappointment of Lecturers

Each department shall review applications for reappointment of Lecturers in accordance with procedures set by the dean. All tenured faculty and Senior Lecturers shall be eligible to participate in the review of applications. With the approval of the dean, faculty in a large department who are eligible to participate may elect a committee of eligible faculty to conduct the review on behalf of the whole department.

The chair shall convey the recommendation of the department, along with a report explaining that recommendation, to the dean. After reviewing the departmental recommendation, the dean shall make the final decision and inform the candidate of that decision in writing.

Revisions endorsed by Faculty Senate, December 2012

Revisions approved by Board of Trustees, February 8, 2013

3.4A.1.4 Reconsideration of a Decision Not to Reappoint a Lecturer

A Lecturer who has been denied reappointment by the dean will be informed of that decision in writing; the faculty member will be advised upon request of the reasons that contributed to the dean's decision.

Whenever a Lecturer, who is in his or her second term or any subsequent term as a Lecturer, receives in writing a negative decision by the dean concerning his or her application for reappointment, the Lecturer has 30 calendar days to file with the dean a petition for reconsideration by the dean. The petition shall be submitted in writing and list the reasons for the request for reconsideration. The dean shall respond within 30 days of receipt of the petition.

Requests for reconsideration of a denial of reappointment are restricted to the following grounds:

1. the existence of significant and relevant new material that has become available since the Lecturer's application for reappointment was considered.
2. significant inconsistency in the application of standards or procedures between the Lecturer's evaluation and others within the same college or school and during the same year.

Upon receiving a valid request for reconsideration of a decision not to reappoint, the dean shall ask for recommendations on whether to reverse or to reaffirm the decision from the appropriate department or program and the Lecturer's chair or program director.

The department and chair shall make their recommendations directly to the dean, who, at his or her discretion, may discuss the case with any or all of them or with anyone else, including the Lecturer. The dean shall then form and communicate his or her decision, which shall be final, in writing to the Lecturer.

The burden of proof of the allegation or allegations on which a request for reconsideration is based rests with the Lecturer.

Endorsed by Faculty Senate, December 2012
Approved by Board of Trustees, February 8, 2013

3.4A.2 Promotion to Senior Lecturer

3.4A.2.1 Standards for Promotion to Senior Lecturer

Standards for promotion to Senior Lecturer must be broad enough to accommodate differences in academic disciplines and fields, the needs of different departments, and the nature of the specific appointment.

Promotion to Senior Lecturer is not automatically granted for length of service; it is a recognition of an exemplary record of achievement. In addition to meeting the requirements set in 3.1.2.1.3, candidates shall be expected to demonstrate a record of extraordinary teaching and to meet or exceed the standards for reappointment of Lecturers as described in 3.4A.1.1.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.4A.2.2 Applications for Promotion to Senior Lecturer

Promotion to Senior Lecturer is contingent on an exemplary record of achievement, persistent programmatic need, and the availability of funds. The presence of persistent programmatic need and the anticipated availability of funds must be confirmed before an application for promotion to Senior Lecturer is submitted. A Lecturer is notified in writing by the dean whether there is persistent programmatic need and anticipated availability of funds for the position.

If there is persistent programmatic need and anticipated availability of funds, then the Lecturer who is eligible to apply may submit to the department an application for promotion that follows University guidelines available from the dean.

Decisions about the presence of persistent programmatic need and the availability of funds are not subject to reconsideration.

Revisions endorsed by Faculty Senate, December 2012

Revisions approved by Board of Trustees, February 8, 2013

3.4A.2.3 Procedures for Review of Applications for Promotion to Senior Lecturer

Each department shall review applications for promotion to Senior Lecturer in accordance with procedures set by the dean. All tenured faculty and Senior Lecturers shall be eligible to participate in the review of applications. With the approval of the dean, faculty in a large department who are eligible to participate may elect a committee of eligible faculty to conduct the review on behalf of the whole department.

If the recommendation of the department is negative, the chair shall convey that recommendation along with a report explaining it to the dean. The dean shall notify the candidate of the negative decision in writing; the faculty member will be advised upon request of the reasons that contributed to the decision. This decision is not subject to appeal.

If the recommendation of the department is positive, the chair shall convey that recommendation along with a report explaining it to a Committee on Promotion to Senior Lecturer which has been elected by eligible faculty in the college or school. This committee shall be different from the college or school Rank and Tenure Committee. It shall consist of three tenured faculty members and two Senior Lecturers. If fewer than two Senior Lecturers in the college or school are eligible to serve, the committee shall consist of the three tenured faculty members and either one or no Senior Lecturer.

The college or school Committee on Promotion to Senior Lecturer shall thoroughly review all aspects of the candidate's application and the report of the department. Informed by this review, its members shall cast secret ballots indicating their judgment of the strength of the application. Committee members from a candidate's department who have voted on the application at the department level may participate in the committee's discussion but may not cast a ballot in the committee.

The committee shall prepare a report of its evaluation and recommendation that reflects and includes the results of the balloting. It shall submit this report to the dean, who shall make a recommendation to the Provost. The Provost shall make the final decision after consideration of the recommendations made and of the needs of the University.

Revisions endorsed by Faculty Senate, January 2012
Revisions approved by Board of Trustees, February 10, 2012

3.4A.2.4 Reconsideration of a Decision Not to Promote to Senior Lecturer

A Lecturer who has been denied promotion to Senior Lecturer by the Provost will be informed of that decision in writing; the faculty member will be advised upon request of the reasons that contributed to the decision.

Whenever a Lecturer receives in writing a negative decision by the Provost concerning his or her application for promotion to Senior Lecturer, the Lecturer has 30 calendar days to file with the Provost a petition for reconsideration by the Provost. The petition shall be submitted in writing and list the reasons for the request for reconsideration. The Provost shall respond within 30 days of receipt of the petition.

Requests for reconsideration of a denial of promotion are restricted to the following grounds:

1. the existence of significant and relevant new material that has become available since the Lecturer's application for promotion was considered.
2. significant inconsistency in the application of standards or procedures between the Lecturer's evaluation and others within the same college or school and during the same year.

Upon receiving a valid request to reconsider a denial of promotion, the Provost shall ask for recommendations on whether to reverse or to reaffirm the decision from the appropriate college or school committee and the Lecturer's dean.

The committee and dean shall make their recommendations directly to the Provost, who, at his or her discretion, may discuss the case with any or all of them or with anyone else, including the appellant. The Provost shall then form and communicate his or her decision, which shall be final, in writing to the Lecturer.

The burden of proof of the allegation or allegations on which a request for reconsideration is based rests with the appellant.

Revisions endorsed by Faculty Senate, December 2012
Revisions approved by Board of Trustees, February 8, 2013

3.4A.2.5 Reapplication for Promotion to Senior Lecturer

A Lecturer who has been denied promotion to Senior Lecturer must wait three years before reapplying for promotion.

*Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010*

3.4A.3 Other Policies and Procedures for Reappointment and Promotion of Lecturers

3.4A.3.1 Rights and Responsibilities of Candidates

It is the responsibility of a Lecturer applying for reappointment or for promotion to Senior Lecturer to become informed about the pertinent rules and regulations contained in the Faculty Handbook, to obtain from the dean the current University and college or school guidelines, and to follow all the procedures stipulated. It is incumbent on the candidate to demonstrate that he or she has met all the criteria for reappointment or promotion and to provide requisite documentation, in the form requested, within the deadlines stipulated.

*Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010*

3.4A.3.2 Conflict of Interest in Evaluation

Faculty members who participate in the evaluation of candidates for reappointment or promotion must strive to avoid any conflict of interest, real or perceived, in order to ensure a fair and objective evaluation.

If a familial, romantic, or financial relationship exists or has existed between two faculty members, neither shall participate in the evaluation of the other for purposes of reappointment or promotion. Specifically:

- a. One shall not stand for election to a Committee on Promotion to Senior Lecturer knowing that the other would be considered during his or her period of service on the committee.
- b. One in a position to evaluate the candidacy of the other at any level of the review process shall recuse himself or herself from both discussion and voting in that case.
- c. A candidate for promotion is responsible for asking the other party to recuse himself or herself from the review process and also for reporting the perceived conflict to the dean.

A “financial relationship” is a relationship between two faculty members that could allow one to significantly benefit or suffer financially, either directly or indirectly, from a decision on the reappointment or promotion of the other. Violations of these provisions

will be governed by procedures specified in Section 3.9. (Sanction and Dismissal) of the Faculty Handbook.

Candidates and those charged with their evaluation for reappointment or promotion shall consult with the Provost to resolve questions of the applicability and interpretation of this policy when necessary.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.4A.3.3 Confidentiality

Deliberations and recommendations by persons or groups charged in this Handbook with the evaluation of candidates shall have confidential status and shall not be divulged to persons not so charged. Evaluative material received from others, whether solicited or volunteered, shall likewise have confidential status and shall not be divulged to persons outside the review process.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.4A.3.4 Inception of New Appointment Status

Reappointment or promotion commences with the beginning of the subsequent academic year.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.4A.4 Policies and Procedures for Promotion of Faculty in Adjunct Professor Ranks

Policies and procedures for promotion of faculty in the adjunct professor ranks defined in 3.1.2.2.1.2 are determined by the dean of each College or School in consultation with the faculty.

Standards for promotion must be broad enough to accommodate differences in academic disciplines and fields, the needs of different departments, and the nature of the specific appointment as specified in the Letter of Appointment. In general, faculty in adjunct professor ranks shall demonstrate the same level of excellence expected of tenure-track faculty holding the same rank, except that they shall not be held to the same performance expectations as tenure-track faculty in functions that are not central to their appointment.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.5**

3.5 Policies and Procedures on Termination of Employment

3.5.1 Retirement

Retirement is a voluntary termination of University rights and obligations by a faculty member after a career of academic service at Santa Clara University. A faculty member relinquishes tenure upon retirement.

A tenured faculty member and a faculty member with a renewable-term or continuing appointment as defined in Section 3.1.2.1, is ordinarily eligible to retire after 10 years of service at Santa Clara University and after reaching the age of 55.

A faculty member must ordinarily notify the department chair, dean, and Provost one full academic year before the academic year in which retirement is to begin.

*Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010*

3.5.1.1 Privileges of Retired Faculty

The privileges offered to retired faculty are not contractual and are subject to change by the University. Those offered to all retired faculty include:

1. A University identification (“Access”) card, thereby ensuring eligibility for
 - a. Admission and borrowing privileges from libraries, including, for faculty retired from the Jesuit School of Theology, the Graduate Theological Union Library
 - b. Use of the Malley Fitness Center and swimming pool
 - c. Price reductions on lectures, theater, sporting, and other university events, and on purchases in the university Campus Store
2. Eligibility for a university email address and related privileges
3. Eligibility for complimentary parking permit
4. Eligibility to walk in graduation ceremonies

Privileges extended to Emeriti faculty members may also include:

5. Listing of name and title in school publications
6. Invitations to general University functions
7. Attendance at faculty meetings (without voting privileges)
8. Departmental mail box privileges

When considered necessary or beneficial, other privileges may be granted to a particular retired faculty member with the approval of the Provost.

Revisions endorsed by Faculty Senate, May 29, 2015
Revisions approved by Board of Trustees, June 5, 2015

3.5.1.2 Academic Service by Retired Faculty

A retired member of the faculty may be hired on an adjunct appointment.

Revisions endorsed by Faculty Senate, January 2012
Revisions approved by Board of Trustees, February 10, 2012

3.5.1.3 Phased Retirement

Phased retirement is a condition of employment under which a tenured faculty member or Senior Lecturer agrees to a reduction in University responsibilities with a corresponding decrease in salary. The agreement, which should be regarded by all parties as permanent and binding, shall specify a date for full retirement. The period of phased retirement will ordinarily not be longer than five years.

A tenured faculty member or Senior Lecturer is eligible to apply for phased retirement after seven years of service at Santa Clara University, but usually not earlier than age 55, under the conditions specified below.

Each agreement will be negotiated on an individual basis, taking into consideration teaching, scholarship, and service desiderata from the perspective of the individual faculty member and the University. Compensation will not be linked to any predetermined fraction of teaching load, but will be proportional to the level and distribution of responsibilities for teaching, scholarship, and service specified in the agreement.

The base salary used in the computation will be the salary of the academic year before phased retirement is to begin. The salary thus determined will be subject to increase during phased retirement according to the rate of increase determined by the administration from year to year for similar ranks and using the same performance evaluation criteria.

During phased retirement, the University will continue to provide the faculty member with office space and benefits as specified in 3.8.2.2. Phased retirement does not affect tenure, rank, membership in the Faculty Senate, or any faculty privileges.

A faculty member must apply to the department chair one full academic year before the phased retirement is to begin. The chair will forward the application together with a recommendation to the dean of the school or college. The dean will forward the application together with a recommendation to the Provost who will make the final decision and inform the applicant within 60 days of receipt of the application by the Provost.

Revised by vote of the Faculty Senate in April 2002 and the Board of Trustees on May 9, 2002.

3.5.2 Resignation

A faculty member who decides to resign from the University for any reason or who concludes an agreement to accept an appointment elsewhere is obligated to notify the University immediately.

A faculty member who has signed and returned to the President the Letter of Appointment for the coming year shall be permitted to resign from the University, without obligation, within thirty days of signing; thereafter, the faculty member shall fulfill the agreement.

3.5.3 Non-Reappointment

3.5.3.1 Probationary Faculty Members

The University may elect at any time not to reappoint any probationary member of the faculty, provided written notice is given in accordance with following timetable:

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. After two or more years, not later than August 31 of the calendar year in which the final one-year appointment begins.

When a decision not to renew an appointment has been reached, the faculty member concerned will be informed of that decision in writing by the body or individual making

that decision; the faculty member will be advised upon request of the reasons that contributed to the decision.

3.5.3.2 Senior Lecturers

The University may elect at any time not to reappoint a Senior Lecturer, provided written notice of the decision not to reappoint is given not later than August 31 of the calendar year in which the final one-year appointment begins.

Grounds for non-reappointment include unsatisfactory performance, lack of persistent programmatic need, or lack of available funds.

When a decision not to renew an appointment has been reached, the faculty member concerned will be informed in writing of that decision and the reasons for it by the body or individual making that decision.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.5.3.3 Other Non-Tenure-Track Faculty

With the exception of Senior Lecturers as outlined in 3.5.3.2, the University may elect at any time not to reappoint non-tenure-track faculty as follows:

1. The University may elect not to reappoint a non-tenure-track faculty member who holds an appointment with a term of more than one year, even when that term includes one or more additional years beyond the effective date of non-reappointment, provided written notice of the decision not to reappoint is given at least three months before the end of the terminal academic year. Such decisions may be made based on performance, availability of funds, or programmatic need.
2. Non-tenure-track faculty appointments of one academic year or less are made with no expectation of reappointment. Thus no notice of non-reappointment is necessary.

3.5.4 Cancellation of a Letter of Appointment

On thirty (30) days notice, the University may cancel a letter of appointment currently in effect and be excused from further obligation under such a letter in the event of substantial damage to the University properties by reason of war or by reason of fire, flood, earthquake, or other act of God, or in the event of substantial and sudden decrease in student body at the University as a result of any of the foregoing described contingencies or of any other circumstances beyond the University's control.

3.5.5 Termination of Contract

In contrast to the situations mentioned in 3.5.4 in which the letter of appointment may be cancelled, the contract of faculty members may be terminated under certain conditions as outlined in the remainder of 3.5.5.

3.5.5.1 Financial Exigency

Termination of an appointment with tenure, or of any appointment before the end of the specified term, may occur because of a demonstrably *bona fide* financial exigency, that is, an imminent financial crisis that, in the judgment of the Board of Trustees, threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means without fundamental harm to the University.

Before any termination of tenured appointments pursuant to this section is implemented, the University should pursue all feasible alternatives. Such alternatives may include, but are not limited to, the following:

1. A temporary freeze on hiring administrators, faculty, and staff.
2. A temporary freeze on all administrative, faculty and staff salaries.
3. Reduction of administrative and service programs with corresponding reduction in personnel and services.
4. Encouragement of voluntary early retirement, including phased retirement, of faculty.
5. Encouragement of temporary change from full-time to part-time service for administrators, faculty, and staff.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.5.5.2 Partial Exigency

Termination of an appointment with tenure, or of any appointment before the end of the specified term, may occur because of a state of partial exigency, that is, a significant drop in enrollment in a particular school or department, whether unprecedented or steady, or a loss of income from other sources, such that, in the judgment of the Board of Trustees, the loss of income should not be supported by other parts of the University as a matter of long-range policy.

Before any termination of tenured appointments pursuant to this section is implemented, the University should pursue all feasible alternatives within the affected school or department, and may also pursue other feasible alternatives. Such alternatives may include, but are not limited to, the following:

1. Encouragement of voluntary early retirement, including phased retirement, of faculty within the affected school or department.
2. Encouragement of temporary change from full-time to part-time service for administrators, faculty and staff within the affected school or department.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.5.5.3 Policy Pertaining to Both Types of Exigency

In making decisions on whether teaching and research programs are to be curtailed, financial considerations should not be allowed to obscure the fact that instruction and research constitute the essential reason for the existence of the University. The faculty should participate at the department, college or school, and institution-wide levels, in key decisions as to the future of the institution and of specific academic programs within the institution.

In the proposals for implementation of a determination of financial exigency, the University shall make *bona fide* efforts to protect its program of affirmative action and shall give due regard to seniority.

In the event that the University is faced by financial problems that cannot be solved by the alternatives listed in 3.5.5.1 or 3.5.5.2, the University will ordinarily turn to the following remedies in the order listed:

1. non-reappointment of non-tenured faculty members;
2. termination of non-tenured faculty members effective during their period of appointment;
3. termination of tenured appointments.

Moreover, decisions regarding curtailment of programs and departments must always take into account the areas deemed central to the Jesuit nature of the University as determined by the Board of Trustees.

3.5.5.3.1 Non-Tenured Faculty Members

The non-reappointment of non-tenured faculty, to the extent possible, must comply with the procedures outlined in 3.5.3.1, 3.5.3.2, and 3.5.3.3.

In the case of the termination of non-tenured faculty effective during the period of their appointment, the same procedures as for termination of tenured faculty must be followed.

In cases covered by the preceding two paragraphs, the place of the probationary faculty member or the Senior Lecturer concerned must not be filled by a replacement within a period of two years, unless the released faculty member has first been offered reinstatement and a reasonable time in which to accept or decline.

Endorsed by Faculty Senate, Spring 2010

Approved by Board of Trustees, June 4, 2010

3.5.5.3.2 Termination of Tenured Faculty by Reason of Financial Exigency

Termination of an appointment with tenure may occur because of a demonstrably bona fide financial exigency as defined in 3.5.5.1 or 3.5.5.2.

Only the Board of Trustees can declare a state of financial exigency.

Procedures:

If the University administration believes that the financial situation is so serious as to suggest termination of tenured faculty, it shall take action through the following procedures:

The President of the University shall call into session a Financial Exigency Committee (FEC) which shall include, in addition to the President himself (as chair), the Provost, the Vice President for Administration and Finance, the academic deans, the President of the Faculty Senate and six tenured faculty members with relevant competency selected by the University Coordinating Committee. The faculty members shall be selected as follows: one each from the School of Business, the School of Engineering, the School of Law, and the School of Education, Counseling Psychology and Pastoral Ministries, and two from the College of Arts and Sciences.

The Financial Exigency Committee shall promptly consider whether or not the financial situation warrants a declaration of Financial Exigency as defined in 3.5.5.1 or a declaration of Partial Exigency as defined in 3.5.5.2. This committee shall also consider possible means to alleviate the imminent crisis. The President shall convey the report (and any minority report) of the Financial Exigency Committee to the Board of Trustees.

The school and college representatives on the Financial Exigency Committee will also communicate the committee's deliberations to the Faculty Senate in appropriate detail.

After reviewing the report (or reports) and hearing from committee representatives, the Board shall make its determination after final discussion and voting in closed session.

The President will convey the determination of the Board through the dean to the chair of any affected department. If tenured faculty positions are to be eliminated, the chair will call a departmental meeting of all full-time tenured faculty members and will ask for recommendations by secret ballot of the faculty member(s) to be terminated. The ballots together with the recommendations of the chairs will be sent to the Provost. If tenured

faculty positions are to be eliminated in the School of Law or the Jesuit School of Theology, its dean or President will follow procedures analogous to those just described.

The Provost will record the ballots in the presence of the President of the Faculty Senate. In consultation with the Provost, the President will make final decisions, after taking into account the results of the balloting and the needs of the University. Such decisions will be conveyed to the faculty member(s) by the dean of the respective school or college.

Safeguards:

The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in the extraordinary circumstances where a serious distortion of the academic program would otherwise result. In all cases of termination of a tenured appointment because of financial exigency, 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 first been offered reinstatement and a reasonable time in which to accept or decline.

If the institution because of financial exigency terminates tenured appointments:

1. in the case of financial exigency of the University as a whole, it will not at the same time make any new appointments except where a serious distortion in the academic program would otherwise result. Provision should be made for severance salary equitably adjusted to the faculty member's length of service.
2. in the case of partial exigency, before the administration issues notice to a faculty member of its intention to terminate an appointment, the institution must make every effort to place the faculty member concerned in another suitable position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. Such financial arrangements will be negotiated by the faculty member and the Provost. If no position is available within the institution, with or without retraining, the faculty member's appointment may then be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of service.

A faculty member who has received notice of termination has a right to appropriate hearing by the Faculty Judicial Board according to 3.10.2 only as to whether the safeguards noted here have been followed.

Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010

3.5.5.4 Changes in the Educational Program

Termination of any appointment with tenure, or of any appointment before the end of its specified term, may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply:

1. The decision for formal discontinuance of a program or department of instruction will be based primarily upon educational considerations. The President and the Provost will make the decision after considering the recommendations of the Committee on Academic Affairs.
2. Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. Such arrangements will be negotiated by the faculty member and the Provost. If no position is available within the institution, with or without retraining, the faculty member's appointment may then be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of service.
3. In the case of formal discontinuance of a program or department of instruction, the place of the faculty member, should the program or department be restored within three years, will not be filled unless the released faculty member has first been offered reinstatement and a reasonable time in which to accept or decline.
4. A faculty member who has received notice of termination under this section has a right to appropriate hearing by the Faculty Judicial Board according to 3.10.2 only as to whether the safeguards noted here have been followed.

Endorsed by Faculty Senate, Spring 2010

Approved by Board of Trustees, June 4, 2010

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.6**

3.6 Faculty Rights and Responsibilities

3.6.1 Academic Freedom

All faculty are entitled to the exercise of academic freedom.

The University's policy on academic freedom is that of the 1940 Statement on Academic Freedom and Tenure with 1970 Interpretive Comments, adopted by the American Association of University Professors and the Association of American Colleges, with no limitations imposed by the specific aims of the University. The statement, as revised by the two associations in 1989 and 1990 to delete gender-specific references, is given in Appendix B of this Handbook.

Faculty in the Jesuit School of Theology are subject to a separate academic freedom policy.

*Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010*

3.6.2 General Faculty Responsibilities

Members of the academic profession have responsibilities in the intellectual development of their students, in the advancement of knowledge in their disciplines, and in the improvement of society. As faculty at this University, they also have an obligation to support its general well-being, to advance its mission as expressed in 1.3.2, and to work toward the fulfillment of its stated goals. Although their duties are to some extent prescribed by the institution, they have considerable independence in ordering their work toward the fulfillment of their responsibilities.

General responsibilities of faculty at Santa Clara University fall into four major categories:

1. All faculty members are expected to accord the University their professional loyalty and arrange outside activities and obligations in a way that will not interfere with this commitment.

The acceptance of a full-time faculty appointment requires a commitment that is full-time in the most inclusive sense during the period of service specified in the Letter of Appointment. A part-time appointment requires a commitment commensurate with the responsibilities specified in the Letter of Appointment.

2. All faculty members are expected to demonstrate competence in carrying out their core responsibilities as defined in Section 3.1 or in writing by the dean or Provost.
3. All faculty members are expected to exhibit ethical behavior consistent with established norms of the academic profession.

As members of the academic profession, who have responsibility for the advancement of knowledge and the intellectual formation of others, and who have uncommon visibility as role models and spokespersons, faculty must adhere to especially rigorous standards of intellectual honesty, judgment, fairness, and restraint in the practice of their disciplines and in their dealings with students, colleagues, and the community.

The statement on professional ethics adopted by the American Association of University Professors in 1966 and revised in 1987 provides an excellent summary of the major general obligations incumbent on faculty in virtue of their position. It appears in Appendix D.

4. All faculty members are expected to adhere to official policies and procedures as outlined in the Faculty Handbook and as may be promulgated from time to time by officers of the University acting within the scope of their authority.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.6.3 Specific Functions

In addition to the general responsibilities outlined in section 3.6.2, full-time faculty are expected to perform specific functions in the areas of teaching, scholarly or creative work, and service. Specific functions of part-time faculty are outlined in writing by the dean or Provost.

3.6.3.1 Specific Functions Related to Teaching

Full-time faculty with teaching responsibilities perform specific functions related to teaching that include but are not necessarily limited to the following:

1. Teaching courses as assigned.

Except in the School of Law and the Jesuit School of Theology, the official teaching load for tenured and tenure-track faculty is seven courses of conventional unit value per year, or the equivalent, as determined by the dean. This load will ordinarily be adjusted for department chairs and directors of special academic programs, for persons engaged in intensive research, and for those who may be carrying an unusually heavy burden of committee or administrative work. Such adjustments are made by the Provost upon the recommendation of the dean.

The full-time-equivalent teaching load for faculty with renewable-term or continuing appointments (see 3.1.2.1) is seven courses of conventional unit value per year on the quarter system or five on the semester system. The full-time-equivalent teaching load for faculty with fixed-term appointments (see 3.1.2.2) is nine courses of conventional unit value per year on the quarter system or six on the semester system.

Department chairs and deans are expected to assign courses so that a faculty member on academic year appointment with a teaching load of five or more courses has teaching responsibilities in each term of the academic year. In order to promote the professional development of the faculty member or to meet the needs of the department, flexible course scheduling may be requested in special circumstances for a term without teaching responsibilities.

At the request of the chair and dean, a faculty member teaching in a year-round graduate program may agree to fulfill his or her teaching responsibilities by substituting the summer term for one quarter during the regular academic year. Such an assignment is to be noted in the Letter of Appointment. The dean will determine equitable service expectations and convey these expectations in writing to the faculty member. This option is not available in the Law School.

2. Demonstrating a command of their discipline and skill in presenting it effectively in the context of an integrated education.
3. Using appropriate measures of student performance, providing timely feedback to students, and assigning grades that are an accurate and fair evaluation of student work.
4. Posting and maintaining regular office hours at times reasonably convenient to students.
5. Serving as an advisor to assigned students and providing informed advice.
6. Developing courses for which they are responsible and contributing to general curriculum development in the relevant degree programs.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.6.3.2 Specific Functions Related to Scholarly or Creative Work, or Professional Activity

Full-time faculty engage in a level of scholarly or creative work, or professional activity, that is appropriate to their position as defined in Section 3.1.

Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010

3.6.3.3 Specific Functions Related to Service

Full-time faculty perform specific functions related to service. These include but are not necessarily limited to fostering and advancing the mission and goals of the department, the University, or the profession through contributions other than teaching and scholarship or creative work such as service on committees, participation in professional organizations and activities, and community service performed in virtue of their professional expertise or association with the University.

3.6.3.4 Modified Duties

When a faculty member is granted a partial leave of any kind, he or she is expected to work during the portion of the term not covered by the leave. If a modification of the faculty member's duties is required due to the nature and timing of the leave, then the faculty member shall work with the chair and the dean to draft a memorandum of understanding that outlines the modified duties. This memorandum of understanding shall be signed by the faculty member, chair, dean, and Provost.

During the period of modified duties, the faculty member will be afforded flexibility in meeting responsibilities including telecommuting options as appropriate to the circumstances of the faculty member and the needs of the University.

Revisions endorsed by the Faculty Senate, April 2013
Revisions approved by the Board of Trustees, June 7, 2013

3.6.4 Period of Service

The period of service for full-time faculty is the nine-month academic year unless otherwise specified in the Letter of Appointment or by written agreement with the Provost upon the recommendation of the dean. Except in the School of Law and the Jesuit School of Theology, for which the academic year is the middle of August to the middle of May, the academic year lasts from approximately the middle of September to approximately the middle of June. The date when members of the Faculty are to return to campus or to be on call for activities related to the start of the academic year in September is announced annually by the Provost. This date ordinarily follows the preceding June commencement ceremony by three months.

Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010

3.6.5 Conflict of Interest

A conflict of interest exists when a faculty member's ability to discharge University responsibilities and functions in an ethical manner is compromised because of other professional or personal interests.

Faculty members must be sensitive to situations in which there is a potential for conflict of interest and actively avoid such a conflict. Such conflicts may arise when a faculty

member serves in any administrative or service capacity that provides an opportunity to evaluate a family member or a colleague whom he or she cannot judge fairly. It may also arise when a faculty member is a consultant for, or has some other financial interest in, a business venture that is related to his or her own research or teaching.

Such situations pose the danger that basic standards of fairness, academic principles, or educational priorities will or may appear to be distorted by the opportunity for special advantage on the part of a faculty member, an academic unit in which he or she works, or even the University itself.

3.6.6 Grading

The awarding of course grades is the exclusive responsibility of the teacher of the course. No member of the faculty or of the administrative staff of the University may solicit a teacher or apply pressure to award a particular grade or change a grade once given. After a grade has been filed with the Registrar, it shall not be changed except to correct a computational error or an error in transcription or other procedural error, or to comply with policies and procedures contained in Appendix E (Policies and Procedures on Student Appeals of Grades) or Appendix F (Policy on Unlawful Harassment and Unlawful Discrimination).

A grade should be an accurate, fair, and timely evaluation of a student's work and should not be affected by irrelevant or extraneous factors.

Procedures to be followed for the timely filing or changing of grades are determined by the Registrar.

3.6.7 Unlawful Harassment and Unlawful Discrimination

Any behavior constituting unlawful harassment or unlawful discrimination toward any individual in the course of any University-administered program, job, or activity is prohibited. The University does not tolerate unlawful harassment or unlawful discrimination and will take prompt and effective corrective action including, where appropriate, disciplinary action up to and including dismissal or expulsion. This University policy applies to all University staff, students, and faculty, and all other individuals engaged in University activities.

The full text of this University policy is set forth in Appendix F and is incorporated here by this reference.

3.6.8 Consensual Relations Between Employees and Students

In addition to prohibiting sexual harassment under the Policy on Unlawful Harassment and Unlawful Discrimination (Section 3.6.7), the University prohibits any consensual dating, romantic, or sexual relationship between an employee and a student over whom that employee has any instructional, supervisory, advising, or evaluative responsibility.

Such a relationship is fraught with problems, including the potential for exploitation, favoritism, and conflict of interest. The appearance of impropriety or unfairness may also adversely affect the learning and work environment for other students and employees.

This policy applies to faculty, staff, and student employees. Employees who violate this policy are subject to sanctions for misconduct under the policies of the Faculty Handbook, Staff Manual, or Student Employment Handbook, as appropriate to their employment status.

Employees or students with questions about this policy should contact the Office of Affirmative Action or the Department of Human Resources.

Endorsed by Faculty Senate, Spring 2006
Approved by Board of Trustees, May 19, 2006

3.6.9 Use of University Name and Seal

The University's name and seal are registered trade marks with the United States Patent Office and are fully protected under the law from unauthorized use. Unless the President has given prior explicit approval, no member of the faculty shall use the University's name or seal to seek proprietary gain, to issue any opinion about the merit or credit of a business undertaking, or to sponsor or oppose any organization or cause.

Faculty members may identify themselves as members of the University. Unless authorized to speak on behalf of the University, however, they should exert every reasonable effort when they make public statements to indicate that they speak as individuals rather than on behalf of the University.

3.6.10 Miscellaneous University Policies

Faculty are subject to policies relating to a smoke-free environment, a drug-free school and workplace, operation of motor vehicles, public safety inspections, and workplace violence and threats of harm. These policies appear in sections 702-706 of the Santa Clara University Staff Policy Manual (<http://www.scu.edu/hr/policy/>) which, as they may be amended from time to time, are incorporated herein by this reference.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.7**

3.7 Faculty Development and Research

3.7.1 Sabbatical Leave

A sabbatical leave is awarded for the intellectual and academic enrichment of the faculty member and for the benefit of the University through improved teaching and scholarship. Projects suitable for a sabbatical leave include research or creative work leading to a product appropriate to the discipline, such as a publication or work of art, or curricular or pedagogical development that will enhance the curriculum of the department or University.

A sabbatical leave will not be granted for routine course preparation, respite from usual duties at the University, or the improvement of one's financial circumstances through remuneration for teaching, research, or any other employment outside the University. A leave of absence is appropriate to satisfy exigencies of a personal nature.

Faculty members granted sabbatical leave are expected to return to the University at the expiration of the leave for a period of at least one year following the sabbatical leave. The period of sabbatical leave counts as service at the University for purposes of advancement in rank and salary.

Faculty in the School of Law and the Jesuit School of Theology are subject to a separate sabbatical policy which supersedes the provisions in 3.7.1 through 3.7.1.5 of this Handbook.

*Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010*

3.7.1.1 Eligibility

Only tenured faculty and Senior Lecturers are eligible for sabbatical leave.

A tenured faculty member who at the beginning of the proposed leave will have completed at least nine quarters of full-time service since initial tenure-track appointment is eligible to apply for a sabbatical leave subject to the provisions of 3.7.1.3.

A Senior Lecturer who at the beginning of the proposed leave will have completed at least 9 quarters of full-time service since initial appointment as Senior Lecturer is eligible to apply for a sabbatical leave.

A sabbatical leave or other leave of absence, except for a Junior Faculty Development Leave, is not considered full-time service to the University for purposes of determining sabbatical eligibility.

Sabbatical leaves should be taken during a single academic year and will ordinarily not be awarded more frequently than every three years. Exceptions may be permitted in special cases with the approval of the chair, dean, and Provost. To be considered for a sabbatical extending over more than a single academic year, the candidate must present a strong rationale for why this is necessary, and the Provost must be assured that the arrangement would not place undue burdens on students or colleagues.

Revisions approved by the Board of Trustees, January 2012
Revisions endorsed by the Faculty Senate, February 10, 2012

3.7.1.2 Application Policy and Procedures

By the first Monday in October of the year prior to that in which the sabbatical leave is to occur, the applicant shall submit to the chair of his or her department a sabbatical proposal, formulated according to current guidelines, which describes the nature of the sabbatical project, the means by which it will be carried out, and the anticipated benefits from the sabbatical project for the University, the applicant's profession, and the applicant's own future teaching and scholarship.

The sabbatical proposal is reviewed, evaluated, and passed on with a recommendation for acceptance or rejection by the applicant's department chair, college or school dean, a Sabbatical Review Committee appointed by the Provost, and the Provost in turn. The Sabbatical Review Committee may request modifications in the proposal before making its recommendation to the Provost who may also request additional information. Sabbatical leaves are granted by the Provost.

Approved by the Board of Trustees, May 20, 2005
Endorsed by the Faculty Senate, June 2005

3.7.1.3 Remuneration

Although a faculty member's Letter of Appointment for the year in which a sabbatical leave has been awarded states base salary and estimated total compensation, actual salary for the year of sabbatical leave is determined as follows.

For each quarter of full-time employment, up to a maximum of three quarters per academic year, an eligible faculty member accrues 1/27 of his or her base pay for sabbatical leave. For example, after nine quarters of regular service, a tenured faculty member or Senior Lecturer is eligible for one quarter of sabbatical leave at 100% of base annual salary; after 18 quarters of regular service, a tenured faculty member or Senior Lecturer is eligible for two quarters of sabbatical leave at 100% of base annual salary; and after 27 quarters of regular service, a tenured faculty member or Senior Lecturer is eligible for three quarters of sabbatical leave at 100% of salary.

After 18 quarters and up to 27 quarters of full-time service, a faculty member eligible for sabbatical may take a three-quarter sabbatical leave at a reduced salary if the accrued service is insufficient to permit a sabbatical leave at full pay. For example, after 18 quarters of regular service, a full year of sabbatical leave will be remunerated at 18/27 or 66.7% of base annual salary; after 21 quarters of regular service, a full year of sabbatical leave will be remunerated at 21/27 or 77.8% of base annual salary.

Any quarters of accrued service that are not utilized for a sabbatical leave may be credited to a subsequent sabbatical leave. There will be no additional accrual of sabbatical time after 27 quarters of service unless the faculty member has had to delay a sabbatical leave in the interest of the department, college, or University. In such cases, with the written approval of the Provost, any additional quarters will be credited to a subsequent sabbatical leave. Sabbatical salary may not exceed 100% of the faculty member's regular salary.

Contributions to the retirement plan, by both the University and the faculty member, are based on the salary actually paid; all other benefits are continued as usual.

It is the obligation of the recipient of a sabbatical leave to clarify with his or her dean or with the Provost any matter pertaining to the leave which may not be included in this Handbook. Such clarifications are to be made in writing with copies to the recipient's department chair, the dean, and the Provost.

Revisions approved by the Board of Trustees, January 2012
Revisions endorsed by the Faculty Senate, February 10, 2012

3.7.1.4 Reports on Sabbaticals

Not later than ninety days following return to the University, a faculty member granted sabbatical leave shall submit a detailed report on his or her activities and accomplishments during the leave to the school or college dean, with copies to the Provost and department chair. Reports from prior sabbaticals must be included as part of future petitions for sabbatical leave.

Approved by the Board of Trustees, May 20, 2005
Endorsed by the Faculty Senate, June 2005

3.7.1.5 Unused Sabbatical Time

Any quarters of accrued service that have not been utilized for a sabbatical leave will be forfeited when a faculty member ends employment with the University.

3.7.2 Junior Faculty Development Leaves

Junior Faculty Development Leaves are intended to support the professional development of tenure-track faculty in preparation for their application for tenure and promotion.

Following a mid-probationary review resulting in a recommendation for continuation through the probationary period, a tenure-track faculty member is eligible for a leave of one quarter at full salary to advance his or her scholarship or teaching as appropriate to each case. This leave is to be completed no later than the penultimate year before the faculty member petitions for tenure and promotion.

Tenure-track faculty in the Jesuit School of Theology are eligible to apply for a one-semester leave to support research. Junior Faculty Development Leaves are not available in the School of Law.

Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010

3.7.3 Leaves of Absence

At the discretion of the Provost, any member of the faculty may be granted a leave of absence of up to one year's duration for *bona fide* emergency or for other personal reasons, such as to engage in public service, in formal study, in research, in teaching at another institution, or in caring for a family member. A partial leave of absence may also be granted.

A leave of absence may be extended beyond one year only for extraordinary reasons and under conditions to be agreed upon in writing by the faculty member and the Provost. If the faculty member is untenured, a leave of absence shall not constitute an interruption in the faculty member's probationary service for tenure, unless a written agreement between the faculty member and the Provost states otherwise.

A faculty member on leave of absence does not receive a Letter of Appointment for the period of the leave. Except for life insurance and medical insurance, which the University shall maintain in force, the faculty member shall receive no salary or other benefits during the period of leave, nor shall the faculty member accrue eligibility towards sabbatical, faculty tuition remission, or phased retirement.

A faculty member on a partial leave of absence does receive a Letter of Appointment for the period of the partial leave. Except for life insurance and medical insurance, which the University shall maintain in force, the faculty member shall receive salary and other benefits during the period of leave that are proportional to the partial leave.

A faculty member on leave of absence who decides not to return to the University shall observe the principles of notification of the University that are given 3.5.2.

Revisions endorsed by Faculty Senate, Spring 2014
Revisions approved by Board of Trustees, June 6, 2014

3.7.3.1 Limit on Leaves

The total time spent on leave ordinarily should not exceed six quarters or four semesters in seven years for any member of the faculty. In this calculation, partial leaves will be prorated. Sabbatical leaves, junior faculty development leaves and phased retirements do not count toward this leave limit calculation.

Exceptions to these limitations may be approved by the Provost in consultation with the department chair and dean in certain special circumstances, such as when the following types of leave are involved: short term disability, long term disability, pregnancy disability, family and medical, workers compensation, or government service.

3.7.3.2 Reduced-time Appointments

At the discretion of the Provost, any member of the faculty may be granted a reduced-time appointment of no less than 50% for up to four years in cases where all leave options have been exhausted and the leave limit has been reached. Exceptions to these limitations may be approved by the Provost in consultation with the department chair and dean.

A faculty member on a reduced-time appointment does receive a Letter of Appointment. Except for life insurance and medical insurance, which the University shall maintain in force, the faculty member shall receive salary and other benefits during the period of the reduced-time appointment that are proportional to the partial appointment.

3.7.4 External Funding

3.7.4.1 Sponsored Projects

A sponsored project is any externally funded activity which is subject to an agreement that is binding on the University and that includes any of the following conditions:

1. It commits the University to a specific plan of research or scholarly inquiry.
2. It makes a specific commitment regarding the level of personnel effort, items of output, or achievement of specific performance targets.
3. It requires both adherence to a line item budget and either a detailed fiscal report or an external audit of the project.
4. It requires that any unexpended funds be returned to the sponsor at the end of the project period.

5. It provides for the disposition of either tangible property (e.g., equipment, records, or technical reports) or intangible property (e.g., patents or copyrights) that may result from the activity.

Proposals including any of the above conditions must be reviewed by the Sponsored Projects Office before submission unless they are for student financial aid (see University Financial Aid Office), endowment funds (see University Development Office), or construction projects (see University Development Office and Facilities Planning and Projects Office).

Unrestricted gifts from private parties, or those restricted only to a general area without any of the conditions above, are not considered to be sponsored projects and should be processed through the University Development Office.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.4.2 Other Fund Raising

All requests for external funds, except those that fall within the category of sponsored projects as defined in 3.7.4.1, must be coordinated with the University Development Office.

3.7.4.3 Consulting and Other Paid Professional Activity

Consulting is defined as professional activity related to a person's field or discipline in which a fee-for-service or equivalent relationship with a third party exists. This definition is intended to encompass many different kinds of activities. Whether one runs a private practice, operates as an independent contractor, works as a paid employee, or serves as a company director, one is acting as consultant if three conditions hold: one uses one's *professional capabilities* in return for some *form of remuneration* provided by a *party other than the University*.

Faculty members need not obtain prior approval for consulting as long as they meet their full obligations to the University and comply with the guidelines presented below. Exceptions to these guidelines must be approved in writing by both the appropriate dean and the Provost. The Provost will consider granting exceptions to the consulting time limits for Adjunct Faculty because the contribution of such faculty to the University may be based in significant measure on the professional expertise and recognition they derive from continued outside employment.

The maximum amount of consulting permitted for full-time faculty members is one day per seven-day week during the period of employment specified in the Letter of Appointment. When consulting is done by the hour rather than the day, eight consulting hours equal one consulting day.

For part-time faculty members who hold appointments for the full academic year, the one-day limit is prorated using the formula $F + 6(1 - F)$, where F is the fraction of full-time duty and 6 is the maximum number of days per week that are likely to be devoted to consulting during the period not covered by University work.

Faculty members who are appointed only for one academic term are not subject to time limits on consulting.

Faculty members whose period of appointment is the academic year are not subject to time limits on consulting during the summer recess unless they receive from the University a salary supplement for work performed during the summer. If the supplement is less than $\frac{3}{9}$ of base salary, the one-day limit applies only to the actual period of employment by the University.

Faculty members on sabbatical leave at full pay may consult up to one day per week. For those on sabbatical at less than full pay, the one-day limit is prorated according to the formula given above for part-time employment. Faculty members on leave without salary are not subject to time limits on consulting.

Averaging of consulting time within a single quarter is permitted at the discretion of the faculty member, but averaging across quarters requires prior written approval by the dean. Quarters of less than full-time service may not be averaged with quarters of full-time service.

University resources--including personnel, facilities, equipment, materials, and services--shall not be used in connection with consulting except in a purely incidental way.

Except in cases where disclosure would violate professional privilege, every faculty member must describe his or her consulting activities upon request from the dean or the Provost. Requested information may include the names of companies or organizations for which the faculty member has consulted, the general nature of each consulting agreement, the number of days devoted to each consulting agreement, and any financial interest in the company or organization that might result in a conflict of interest with University responsibilities. No faculty member will be required to disclose actual income from consulting activities.

Three activities related to faculty responsibilities are specifically excluded from the limits of the consulting policy:

1. Scholarship. This includes scholarly and creative productions as described in 3.4.2.
2. Professional Service. This includes service on editorial boards, peer review panels, committees of professional organizations, advisory groups at other universities, government boards, and similar bodies.

3. Sponsored Projects. These include all grants and contracts administered by the University.

Any question about whether an activity constitutes consulting under this policy should be resolved in advance with the appropriate dean. Teaching appointments at other institutions are covered in a separate policy.

Revisions endorsed by Faculty Senate, January 2012
Revisions approved by Board of Trustees, February 10, 2012

3.7.4.4 Teaching Appointments at Other Institutions

Full-time appointments at Santa Clara University involve a commitment that is full-time in the most inclusive sense (3.6.2), therefore, faculty with such appointments must have written approval prior to accepting appointments at other institutions. Tenured and tenure-track faculty and Senior Lecturers must have the written approval of the dean and Provost; Lecturers must have written approval of the dean; and faculty with fixed-term appointments must have written approval of the chair. Part-time faculty do not need to request approval for teaching at other institutions.

Endorsed by Faculty Senate, January 2012
Approved by Board of Trustees, February 10, 2012

3.7.5 Patents

The University expands the boundaries of knowledge and insight through research, artistic expression, and other forms of scholarship. Inventions may emerge from basic and applied research endeavors. Patenting an invention is often an essential step to fully realizing societal benefits emerging from new knowledge and technologies. Through this patent policy, the University seeks to encourage the development of new inventions and patents and to recognize that it is primarily through discovering, communicating, and applying knowledge that the University exercises institutional responsibility as a voice of reason and conscience in society.

An “invention” is defined by the U.S. Patent and Trademark Office as any art or process (way of doing or making things), machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

For the purposes of this policy, an “inventor” is defined as any full- or part-time University faculty, staff, students, postdoctoral fellows and others who use University funds, facilities or other resources, or participate in University-administered research, and who contribute to the conception of an invention using any University resources.

Three types of inventions are defined in this policy as follows:

- 1) An *incidental invention* means an invention that is conceived or reduced to practice in whole or in part making an incidental use of space, facilities, materials or other

resources provided by or through the University. Use of an office, the library, and desktop computer is considered to be the incidental use of space, facilities, materials or other resources.

- 2) A *supported invention* is an invention conceived or reduced to practice in whole or in part
 - with use of direct or indirect financial support from the University, including support or funding from an external sponsor awarded to or administered by the University; or
 - with use (other than incidental use) of space, facilities, materials or other resources provided by or through the University.
- 3) An *assigned invention* is an invention conceived or reduced to practice in whole or in part as a result of activities related to the inventor's assigned employment responsibilities.

3.7.5.1 Disclosure

Inventors are required to complete and to submit an invention disclosure to the Office of Research Initiatives for any type of invention. Well before submitting a disclosure, inventors may notify the Office of Research Initiatives of potential invention development so that the Office of Research Initiatives can assist in readying the potential invention for patent application.

3.7.5.2 Ownership

Upon review of the disclosure, the Office of Research Initiatives will determine whether the invention shall be classified as an incidental, supported, or assigned invention. Ownership will be determined as follows.

Ownership of an incidental invention shall remain with its inventor, subject to any rights owned by the University as required by this policy or voluntarily assigned by the inventor to the University.

The University owns supported inventions and assigned inventions. In addition, each inventor agrees to confirm in writing the inventor's assignment to the University of all of his or her right, title, and interest in each supported or assigned invention.

Supported inventions that involve an external sponsor are owned by the University unless otherwise agreed by the University in a separate written third-party agreement between the University and a sponsor. Such a separate agreement may provide some or all rights in the supported invention to the third party.

The University ordinarily waives its rights to inventions by student inventors developed as part of normal educational activities except when the invention:

- 1) is a supported invention;
- 2) results from a student's employment with the University;
- 3) involves faculty and/or staff contributions including faculty-mentored academic year or summer research (e.g. undergraduate research projects, thesis research, and faculty-mentored independent projects);
- 4) is by a student who is also an employee of an entity sponsoring the work; or
- 5) is part of a larger University work or specifically commissioned by the University.

3.7.5.3 Release of Inventions

An inventor may request release of a University-owned invention at any time. The University may agree to a release and, in such case, will assign in writing all interest which it holds or has the right to hold in the invention to the inventor. In addition, when the University, through the Office of Research Initiatives, determines that it will not file a patent for a University-owned invention, the invention will be released to the inventor.

3.7.5.4 University Rights in Incidental Inventions

In recognition of the contribution the University community as a whole makes in support of innovation at the University, as of the time University employment begins, inventors grant to the University an irrevocable, perpetual, non-exclusive, royalty free, world-wide right to use an incidental invention in the University's non-profit educational and research activities.

3.7.5.5 Inventor Rights in Inventions owned by the University

In recognition of the need of the inventor to be able to use an invention in the inventor's University-related educational and research activities, the University agrees, to the extent permitted by any agreements, patent and licensing restrictions, or other obligations, to grant to the inventor an irrevocable, perpetual, non-exclusive, royalty free, world-wide right to use the invention in the inventor's non-profit teaching and research activities.

3.7.5.6 Filing and Prosecuting Patent Applications and Licensing

The University, through the Office of Research Initiatives, shall have the sole right, but not the obligation, to prepare, file, prosecute and maintain patent applications and patents worldwide with respect to University-owned inventions. Through mutual written consent, inventors of an incidental invention may assign ownership to the University so that a patent may be pursued by the University with royalties distributed as described in this policy.

3.7.5.7 Royalty Sharing

Where royalties are generated as a consequence of licensing an invention owned by the University, net royalties received by the University will be determined as net of direct

and indirect expenses incurred in securing and managing the patent. Of these net royalties, the University will pay 50 percent to the inventors and the remaining 50 percent will be allocated to a separate University fund to support research and related activities unless otherwise agreed to in writing. An agreement with a sponsor that allocates royalties between the sponsor and the University may be entered into with the approval of the Office of Research Initiatives.

3.7.5.8 Start-up Ventures

To fully realize societal benefits emerging from new knowledge and technologies, a patented invention may be commercialized through a start-up venture. If an inventor is interested in launching a start-up venture that involves an invention owned in whole or in part by the University, then the University will work with inventors to develop licensing terms that are mutually beneficial. Inventors interested in a start-up venture should contact the Office of Research Initiatives.

*Endorsed by Faculty Senate, Spring 2010
Approved by Board of Trustees, June 4, 2010*

3.7.6 Copyrights

3.7.6.1 General Description

Copyright is a form of protection provided by federal law to the owners of "original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device."

Copyright protection does not extend to an idea or concept. It extends only to the work in which it is embodied.

Subject to various exceptions and limitations, a copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute copies, and display or perform the work publicly. It is illegal to violate any of the rights provided by law to the owner of copyright.

3.7.6.2 Fair Use of Copyrighted Works

Making copies of copyrighted materials is permitted only when written permission is obtained from the copyright holder or the copying falls within the doctrine of "fair use," which allows for the limited use of copyrighted materials for personal use or educational purposes without prior permission.

The University interprets fair use in accordance with the guidelines presented in the American Library Association's "Model Policy Concerning College and University Photocopying for Classroom, Research, and Library Reserve Use," which is reprinted in Appendix G.

3.7.6.3 Software Copying

No University employee or student shall make or use illegal copies or adaptations of computer software.

Purchasers of copyrighted computer software may make archival copies to back up the software and protect their investment from loss. The generally accepted rule of thumb is that the software may be used by any number of people and may be moved from one location to another so long as there is no possibility that it will be used by two different people in two different places at the same time.

All license agreements for software acquired by the University shall be signed by the Chief Information Officer or his delegate. All reasonable precautions shall be taken to secure software from illegal copying or theft. All software acquired by the University shall meet one or more of the following conditions:

1. It is in the public domain.
2. The Chief Information Officer or his delegate has signed a proper licensing agreement for it.
3. It has been donated to the University and a *bona fide* written record of contribution exists.
4. It has been purchased by the University and a *bona fide* record of purchase exists.
5. It has been purchased by a user and a *bona fide* record of purchase exists which can be produced by the user upon demand.
6. It is being reviewed or demonstrated by users in order to reach a decision about future purchase, request for contribution, or licensing.
7. It has been written or developed by the University for use in University equipment.

Violations of this policy may result in loss of computer privileges and in other disciplinary action.

3.7.6.4 Copyright Ownership

When a University employee is the creator of a copyrightable work, all rights in copyright shall remain with the creator except in the following circumstances:

1. *The work is a work-for-hire by the University.* A work-for-hire is defined as a work prepared by an employee within the scope of his or her employment. Works of scholarship and works prepared for classroom use shall not be included in this

- category. The University shall own all rights in a work-for-hire unless the Provost or cognizant Vice President has relinquished them in writing.
2. *The work has been commissioned by the University.* The University shall own all rights in a work it has commissioned provided that the parties so agree in writing.
 3. *The work has been developed in the course of or pursuant to a sponsored project or other agreement between the University and a third party.* The terms of the applicable third-party agreement shall govern the disposition of rights in copyright.
 4. *The work is covered by other terms specified in a written agreement between the author and the University.* In cases where the work has been developed with monetary support from the University but is not covered by points 1 through 3 above, the University may require a written agreement specifying the disposition of rights in copyright.

A copyright notice is necessary to protect the rights of the owner. The following notice should be placed on copyrightable materials if they are owned by the University under this policy:

Copyright (or (c)) (year) The President and Board of Trustees of Santa Clara College
Owners of computer software developed through the use of University resources shall grant the University a royalty-free license in perpetuity to use such software.

Any creator who wishes to request an exception to this policy or to challenge a copyright decision by the University may appeal to the Provost. The Provost will appoint an ad hoc committee of three members mutually acceptable to the creator and the Provost, including at least one faculty member and one member of the administration. The committee will prepare a report of its findings and make a recommendation to the Provost. The decision of the Provost, which is to be explained in writing, will be final.

University employees who are engaged in consulting work are responsible for ensuring that clauses in their agreements are not in conflict with this copyright policy or with the rights of other parties.

3.7.7 Responsible Conduct of Research

The University is committed to the responsible conduct of research and shall not tolerate misconduct in research. It has formal procedures to investigate and impose sanctions for actions that undermine the integrity of scholarly activity. "Misconduct in research" includes, but is not necessarily limited to, plagiarism; fabrication or falsification of evidence or data; unauthorized use of privileged information; and deliberate and

substantial violation of federal, state, or University regulations relating to the conduct of research. It does not include honest error or honest differences in interpretation of data.

The full Policy on Misconduct in Research is set forth in Appendix H and is incorporated here by this reference. Information on the responsible conduct of research and associated federal regulations may be obtained from the Office of Research Compliance and Integrity.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.7.1 Financial Conflict of Interest

Any actual or apparent conflicts of interest between externally sponsored University research obligations and outside financial interests or other obligations are to be avoided. The design, conduct, or reporting of research or other projects funded by external sponsors must not be biased by any conflicting financial interest. To meet federal regulations regarding such conflicts, Santa Clara University requires that every investigator disclose to the University any significant financial interests, including those of his or her spouse or dependent children, that would reasonably appear to be affected by the research or instructional activity funded by external sponsors. The full University “Policy on Financial Conflict of Interest for Externally Sponsored Projects” and disclosure procedures may be obtained from the Sponsored Projects Office.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.7.2 Human Subjects (Institutional Review Board)

Santa Clara University is committed to a policy of safeguarding the rights and welfare of all human subjects in research. The University accepts the principles set forth by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in its report, *Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (commonly known as the Belmont Report). The commitment to these principles includes recognition of the necessity for review of a research project independent of the investigator to ensure optimum protection of human subjects involved in that project, as required by federal regulations. This commitment extends beyond the requirements of federal regulations, however, and is not affected by the sources of research funding.

To fulfill its commitment and responsibilities, Santa Clara University has established an Institutional Review Board. This panel of University experts and citizens determines whether human subjects have volunteered for a research endeavor with informed consent as defined by University procedures and policy, and whether risks to the subject or research are outweighed by the potential benefits to be gained from the research endeavor. Evaluation of risk involves weighing the potential for injury to the subject by

reason of direct application of an experimental procedure or circumstance, or by reason of the subject's exclusion from ordinary standards of practice and welfare. The rights of subjects regarding confidentiality and access to professional care and counsel are included in deliberations, so that human dignity, rights, and physical, behavioral, and social welfare are protected.

The University's full "Policy on the Use of Human Subjects in Research," which includes specific procedures and implementation guidelines, may be obtained from the Office of Research Compliance and Integrity.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.7.3 Environmental Health and Safety

Santa Clara University is committed to providing a safe and healthy environment. Under no circumstances shall campus safety be ignored or diminished in importance in favor of other priorities. Safety and health issues on campus, and in every research facility, shall receive a high priority and all environmental health and safety hazards that are discovered shall be addressed and corrected without delay. It shall be the responsibility of all faculty to ensure that their respective work areas are safe and that their employees and students are properly trained and briefed on the hazards of the workplace. It is the responsibility of faculty to follow safe work practices within their respective work areas and comply with applicable environmental health and safety regulations of local, state, and federal regulatory and accrediting agencies.

Further information about applicable regulations may be obtained from the Environmental Health and Safety Director.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.7.3.1 Biosafety

Santa Clara University is guided by state and federal regulations governing safe use, transport, and disposal of biohazardous materials. Faculty, as well as any employees and students under their supervision, who conduct research involving potentially biohazardous materials shall adhere to all applicable local, state, and federal regulations. The Biosafety Committee reviews and approves the use of potentially biohazardous materials for research and instructional purposes. The Biosafety Committee works with the Biosafety Officer to ensure that all biohazardous materials used in teaching and research are obtained, used, stored, transferred, and destroyed properly. It is the responsibility of the investigator to initiate a review and seek approval from the Biosafety Committee and the Biosafety Officer prior to using biohazardous materials for any purpose.

Further information about applicable regulations and biosafety review procedures may be obtained from the Office of Research Compliance and Integrity. The Biosafety Officer may be contacted through the Environmental Health and Safety Office.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.7.3.2 Radiation Safety

Santa Clara University is guided by state and federal regulations governing safe use, transport, and disposal of radioactive materials, radiation-generating equipment, and lasers. Faculty, as well as any employees and students under their supervision, who conduct research involving radioactive materials, radiation-generating equipment, and lasers shall adhere to all applicable local, state and federal regulations. The Radiation Safety Committee works with the Radiation Safety Officer to ensure that all ionizing and non-ionizing radiation hazards used in research and instruction are obtained, used, stored, transferred, and disposed of properly. The Radiation Safety Committee reviews and approves the use of radioactive materials, radiation-generating equipment, and lasers for research and instructional purposes. It is the responsibility of the investigator to initiate a review and seek approval from the Radiation Safety Committee and Radiation Safety Officer prior to using regulated radioactive materials, radiation-generating equipment, and lasers for any purpose.

Information on the radiation safety review procedures may be obtained from the Office of Research Compliance and Integrity. The Radiation Safety Officer may be contacted through the Environmental Health and Safety Office.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.7.4 Animal Care and Use

Santa Clara University is committed to the humane treatment of laboratory animals in research and instruction. The University is guided by federal regulations and ethical principles intended to ensure the humane care and use of animals in research and instruction. All research and instruction involving vertebrate animals conducted or authorized under the jurisdiction of Santa Clara University is subject to review by the Institutional Animal Care and Use Committee (IACUC). This review must be conducted and approval granted before a project may be started. IACUC responsibilities include ensuring appropriate transportation, care, and use of all laboratory animals in accordance with the Animal Welfare Act and other applicable federal laws, guidelines, and policies; determining whether the number and species of animals selected for research are appropriate for use in the proposed procedures; determining whether the research protocol includes appropriate procedures for minimizing discomfort, distress, and pain in laboratory animals; determining whether proposed living conditions are appropriate for the species involved in the study; and evaluating the importance of knowledge to be gained by the research endeavor.

Further information about applicable regulations and IACUC review procedures may be obtained from the Office of Research Compliance and Integrity.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.8 Free and Open Inquiry

To ensure that research conducted at Santa Clara is consistent with the principle of free and open inquiry, the University shall not accept grants or contracts for any research whose methods or results require the prior approval of a sponsor.

In no case shall the University give a sponsor the right to prevent publication or require modification of data or conclusions. The University may agree, however, to provide advance copies of publications to sponsors for their comment. Upon demonstration of compelling reasons, it may also agree to defer publication for a period of up to six months from the date copies are provided. Any extension of this period must be approved in writing by the Provost.

Sponsors of research projects may occasionally give the University access to proprietary or classified information. The University will accept such information only under strict conditions.

While the University will make all reasonable efforts to maintain the confidentiality of proprietary or classified information, it cannot accept financial liability for inadvertent disclosure of such information.

In addition, Santa Clara University shall typically not accept grants or contracts that impose access, dissemination, or participation restrictions on the conduct, products, or results of its research.

Additional information may be obtained from the Sponsored Projects Office.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.7.8.1 Export Controls

Santa Clara University shall comply fully and completely with United States export control laws and regulations including the Export Administration Regulations (EAR) maintained by the U.S. Department of Commerce, trade and economic sanctions maintained by the Treasury Department's Office of Foreign Assets Control (OFAC), and the International Traffic in Arms Regulations (ITAR) maintained by the Department of State. Research at Santa Clara is often considered "fundamental research" as defined by the relevant regulations and, therefore, is excluded from United States export controls. In some cases, United States export controls could apply if research or elements of a

research project are sent overseas (including email or via download), discussed with persons outside of the United States, or discussed with foreign nationals in the United States. Export controls may also apply when research involves collaborating with a foreign university or corporation or when foreign national students located in the United States are working on the project. Criminal penalties for unlawful export or for the disclosure of export-controlled information are applied to individual researchers, and are significant. The Office of Research Compliance and Integrity will assist faculty with any export control questions and facilitate the development of management plans as needed.

Endorsed by Faculty Senate, Spring 2011

Approved by Board of Trustees, June 3, 2011

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.8**

3.8 Compensation

Santa Clara University is committed to recruiting, retaining, and rewarding faculty who advance its mission by excelling as teaching scholars. Thus, the University shall maintain compensation policies that are designed to achieve this end.

Compensation comprises salary and other benefits described or referred to below.

3.8.1 Salary

The University strives to assure that faculty salaries are competitive with those of faculty at the same ranks in related disciplines at institutions with which it competes. It also strives to eliminate any internal salary disparities that cannot be reasonably explained by market comparisons, years in rank, and performance over time.

The achievement of these salary goals is a high priority that will be balanced with other priorities within the financial resources of the University. Progress is monitored by the Provost's Office and the Faculty Affairs Committee on the basis of periodic salary studies conducted in accordance with implementation guidelines established by the Faculty Affairs Committee.

Salary for each period of appointment shall be as specified in a faculty member's Letter of Appointment.

3.8.2 Benefits

3.8.2.1 Benefits for All Faculty

All faculty shall receive each of the following benefits:

- Benefits mandated by law to the extent eligibility criteria are met (e.g., Social Security, Worker's Compensation, Unemployment Insurance; Short Term Disability; Pregnancy Disability; and Family and Medical Leave);
- Access to designated University facilities and related privileges and eligibility for membership in Adobe Lodge;
- Release from faculty obligations with no loss of pay to the extent necessary to perform jury duty or to testify as a witness when subpoenaed, provided that the faculty member has made every reasonable effort to schedule such activity when it will not interfere with teaching responsibilities. A faculty member assigned to

jury duty for a protracted case must notify his or her department chair or other supervisor promptly so that appropriate plans can be made.

These and other faculty benefits are described and explained in sections 601, 603, 610, 615, 618, 620, and 622 of the Santa Clara University Staff Policy Manual (viewable at <http://www.scu.edu/hr/policy/>). Those sections, as they may be amended from time to time, apply to faculty and are incorporated herein by this reference. There shall be no major reductions in these benefits absent appropriate prior consultation with representatives of the faculty.

Endorsed by Faculty Senate, September 2004
Approved by Board of Trustees, May 20, 2005

3.8.2.2 Benefits for Faculty on Academic Year Appointments of at Least 50% Time

Except as provided in 3.8.2.3, all faculty holding an academic year appointment equivalent to at least 50% of a full-time academic year appointment shall be entitled to the following benefits in addition to those identified in 3.8.2.1 to the extent eligibility criteria are met:

- Health care benefits;
- Long term disability income benefits;
- Term life insurance and accidental death or dismemberment insurance;
- Pre-tax deduction of eligible health care premiums and flexible spending accounts to tax shelter eligible medical and/or dependent care expenses;
- Retirement and supplemental retirement plan;
- Tuition remission at Santa Clara University, through FACHEX, and through the Tuition Exchange Program;

These benefits are described and explained in sections 602, 604 - 609, and 614 of the Santa Clara University Staff Policy Manual (viewable at <http://www.scu.edu/hr/policy/>). Those sections, as they may be amended from time to time, apply to faculty and are incorporated herein by this reference. There shall be no major reductions in these benefits absent appropriate prior consultation with representatives of the faculty.

For purposes of calculating eligibility for benefits under this subsection, the official full-time course load for tenured and tenure-track faculty is seven courses of conventional unit value per year, or the equivalent, except in the School of Law and the Jesuit School of Theology. Therefore, except in the School of Law and the Jesuit School of Theology,

teaching four such courses per year or the equivalent shall establish their eligibility for the benefits enumerated in this subsection.

Except in the School of Law and the Jesuit School of Theology, renewable-term and continuing faculty teaching four courses per year or the equivalent, and fixed-term faculty teaching five courses per year or the equivalent, will be eligible for the benefits enumerated in this subsection.

Faculty with Other Appointments as defined in Section 3.1.2.3 are not eligible for the defined contribution retirement plan.

Revisions endorsed by Faculty Senate, January 2012

Revisions approved by Board of Trustees, February 10, 2012

3.8.2.3 Benefits During Leave or Phased Retirement

Benefits available to faculty during approved leaves of absence shall be those specified in 3.7.3. Benefits available to faculty during phased retirement, even if they hold an appointment of less than 50% time, shall be those specified in 3.8.2.2.

Except in the School of Law and the Jesuit School of Theology, renewable-term and continuing faculty teaching four courses per year or the equivalent, and fixed-term faculty teaching five courses per year or the equivalent, will be eligible for the benefits enumerated in this subsection.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.9**

3.9 Sanction and Dismissal

3.9.1 Right to Sanction or Dismiss

The University may sanction the misconduct of any member of the faculty. Misconduct consists of behavior inconsistent with commonly accepted norms of academic integrity and professional conduct for members of a university faculty, including norms articulated in this Handbook. Sanctions may consist of dismissal from the faculty, suspension from the faculty without pay, temporary or indefinite reduction in salary, loss of tenure, reduction in rank, public or private censure or reproof, or other appropriate sanctions imposed either individually or in combination.

In addition, the University may dismiss and terminate the tenure of a tenured member of the faculty and may dismiss any other member of the faculty for cause directly and substantially diminishing the fitness of the faculty member in his or her professional capacity as teacher or scholar (hereafter “for cause”).

The threat of or imposition of sanctions for misconduct or dismissal for cause shall not be used for the purpose of restraining faculty members in the exercise of academic freedom or of their legal rights.

3.9.2 Procedures for the Imposition of Sanctions and for Dismissal

3.9.2.1 Sanctions for Misconduct Other than the Sanction of Dismissal

When, in the judgment of the Provost, reason exists to impose upon a faculty member a sanction other than dismissal, the Provost shall first privately discuss with the faculty member the causes justifying sanction.

Absent an agreed settlement of the matter or a decision by the Provost not to proceed, the Provost shall pursue one of the two following alternatives:

1. The Provost notifies the faculty member in writing of the nature of the misconduct and the sanction. The faculty member shall be entitled to prompt reconsideration of the matter by the Faculty Judicial Board; or
2. With the written consent of the faculty member, the Provost may elect to refer the matter directly to the Faculty Judicial Board for action in the first instance.

In either case, the Faculty Judicial Board shall follow the procedures described in 3.10.2.3 to reach a determination of fact and, if appropriate, a recommendation for sanction.

3.9.2.2 Dismissal of Tenured Faculty Member

When, in the judgment of the Provost, reason exists to dismiss and terminate the tenure of a tenured faculty member, either for misconduct or for cause, the Provost shall first discuss the matter privately with the faculty member, giving the reason(s) for the Provost's judgment.

Absent an agreed settlement of the matter or a decision by the Provost not to proceed, the Provost shall pursue one of the two following alternatives:

1. The Provost renders a decision to dismiss and terminate tenure. In such case the Provost shall provide to the faculty member a written notification of the dismissal and termination of tenure. The notification shall specify the reason for dismissal and termination of tenure and shall specify a date on which the dismissal and termination of tenure shall take effect. Except in the case of gross misconduct, the date shall be no earlier than one year from the date the Provost sends the notification to the faculty member. The faculty member shall be entitled to prompt reconsideration of the matter by the Faculty Judicial Board.
2. With the written consent of the faculty member, the Provost may elect to refer the matter directly to the Faculty Judicial Board for action in the first instance. In such case the Provost shall provide to the faculty member a written notification of dismissal and termination of tenure. The notification shall specify the reason for dismissal and termination of tenure and shall specify a date on which the dismissal and termination of tenure shall take effect. Except in the case of gross misconduct, the date shall be no earlier than one year from the date the Provost sends the notification to the faculty member. However, the dismissal and termination of tenure shall take effect only if the Faculty Judicial Board finds reason for dismissal and termination of tenure.

The Faculty Judicial Board shall follow the procedures described in 3.10.2.3. Salary for the period on notice shall be the same as that given in the last preceding letter of appointment. Suspension during the proceedings or during the period on notice is justified only if, in the judgment of the Provost, immediate harm is threatened to the faculty member or to others by the faculty member's continuation in an active capacity. Unless legal considerations forbid, any such suspension shall be with pay.

3.9.2.3 Dismissal of Untenured Faculty Member

When, in the judgment of the Provost, reason exists to dismiss any member of the faculty other than a tenured faculty member for misconduct or for cause, the Provost shall first discuss the matter privately with the faculty member, giving the reason for dismissal.

Absent an agreed settlement of the matter or a decision by the Provost not to proceed, the Provost may dismiss the faculty member with such advance written notification and severance pay as is appropriate to the circumstances of the case, provided, however, that notification shall be given at least thirty days in advance of the effective date of dismissal. The faculty member shall be entitled to prompt reconsideration of the matter by the Faculty Judicial Board.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.10**

3.10 Composition, Jurisdiction, and Procedures of Grievance Committees and Faculty Judicial Board

3.10.1 College and School Grievance Committees

3.10.1.1 Faculty Grievances

Except as provided in 3.10.1.3, any member of the faculty has a right to submit a grievance to the appropriate grievance committee in any matter relating to his or her status or work in the University.

3.10.1.2 Composition

Each school shall have one Grievance Committee and the College of Arts and Sciences shall have two, one for the departments offering the degree of Bachelor of Arts and one for the departments (except the Department of Economics) offering the degree of Bachelor of Science.

Except in the School of Education and Counseling Psychology and the Jesuit School of Theology, each committee shall consist of five tenured members of the faculty of its respective constituency who shall be elected by the entire faculty of that constituency. Grievance committees in the School of Education and Counseling Psychology and the Jesuit School of Theology shall consist of three tenured members. Chairs of departments are not eligible for membership. The term of office is three years. No member shall serve two consecutive terms, except that a member hearing a pending grievance shall continue to hear and participate in the resolution of that grievance. Elections to each committee shall be staggered so as to ensure continuity of the committee.

Although each committee shall consist of five members, a quorum of three shall be sufficient to hear and adjudicate a grievance. Members shall be excused from sitting on any case in which they are named in the petitioner's allegation, which requires review of a decision or an action for which they were responsible either exclusively or with others, or which entails any other conflict of interest. They may also be excused because of an absence or leave from the University. If more than two members must be excused from a case, the President of the Faculty Senate shall appoint for the duration of the case a sufficient number of members for a quorum. In so doing, the President of the Faculty Senate shall make a reasonable effort to appoint members acceptable to all parties in the grievance. Each committee shall elect its own chair. Where only four of the five elected members of a committee hear a grievance, a tie vote shall send the matter to the Faculty Judicial Board.

*Revisions endorsed by Faculty Senate, October 2010
Revisions approved by Board of Trustees, October 15, 2010*

3.10.1.3 Jurisdiction

A Grievance Committee has jurisdiction to hear the grievance of any faculty member of the school or the departments of the college for which the Grievance Committee is established, except that a Grievance Committee does not have jurisdiction to hear a grievance of any of the following:

- a) Dismissal of a faculty member pursuant to 3.9;
- b) Sanctions other than dismissal imposed pursuant to 3.9;
- c) Cases involving alleged unlawful discrimination or sexual harassment by or against a faculty member pursuant to the Policy on Unlawful Harassment and Unlawful Discrimination, cases involving alleged misconduct in research by a faculty member pursuant to the Policy on Misconduct in Research, or any other matter for which different procedures are provided;
- d) Termination on account of financial exigency or changes in educational program pursuant to 3.5.5;
- e) A denial of promotion to Associate or Full Professor, or a denial of tenure, pursuant to 3.4.8;
- f) A decision not to reappoint a tenure-track faculty member pursuant to Section 3.5.3;
- g) A denial of promotion to Senior Lecturer or a decision not to reappoint a non-tenure track faculty member on fixed-term, renewable, or continuing appointment pursuant to Section 3.4A;
- h) Any grievance asserted by a person who is no longer employed by the University.

Endorsed by Faculty Senate, Spring 2011
Approved by Board of Trustees, June 3, 2011

3.10.1.4 Procedures

A faculty member shall initiate a grievance by petitioning the appropriate Grievance Committee. The petition shall set forth clearly and in specific detail the nature of the grievance, shall state the name or the office of each person against whom the grievance is being lodged, and shall summarize supporting evidence and other pertinent information. Petitions shall be submitted directly to any member or members of the Grievance Committee, who shall then convene the committee. A petition must be submitted to a member of the appropriate Grievance Committee within 30 days of the petitioner's learning of the incident leading to the grievance, except in cases of chronic or long standing conditions, in which case a petition must be submitted in a timely fashion. In this latter instance, the Grievance Committee will be the sole judge of whether or not a

petition is timely. The Grievance Committee shall promptly deliver a copy of the petition to both the Provost and the party charged in the grievance.

The Grievance Committee shall establish whatever procedures it deems appropriate for the consideration of particular petitions. The procedures shall be concluded in a reasonable period usually not beyond 90 working days following receipt of the grievance.

All meetings of a Grievance Committee will be conducted in private unless all parties agree in writing that a meeting may be public. The nature of a matter before a Grievance Committee, the identity of the parties, evidence received by a Grievance Committee, deliberations of a Grievance Committee, and conclusions and recommendations of a Grievance Committee shall be kept in confidence by those in attendance at any meeting of the Grievance Committee except: (a) as is necessary for administrative or secretarial assistance, in which case the assistant(s) shall preserve confidentiality; (b) as is necessary to communicate to the parties, to the Faculty Judicial Board, the Provost, the President, the Board of Trustees, or legal counsel to the University; (c) as may be shared in a relationship for which the law provides an evidentiary privilege; (d) as is compelled by legal process. The Faculty Judicial Board, the Provost and the President or their delegates, and the Board of Trustees are also bound by the same duty of confidentiality except to the extent that disclosure is essential to the discharge of official University responsibilities. If disclosure is essential to the discharge of official University responsibilities, the person or persons authorizing or making such disclosure shall exercise appropriate discretion in sharing or publicizing information concerning any matter heard by the Grievance Committee.

A Grievance Committee shall first determine whether the allegations of a grievance merit investigation, deliberation, or action. If the committee concludes that the grievance does not merit investigation, deliberation, or action, it shall dismiss the petition and so notify the faculty member. Otherwise, if appropriate and possible, it shall attempt to mediate a settlement of the grievance. If settlement is not appropriate or possible, or if a settlement is not reached, the committee shall undertake such investigation and deliberation as it deems appropriate. If it thereafter determines that evidence does not support the allegations of the grievance, it shall dismiss the petition and so notify the faculty member, unless it determines and recommends additional consideration by the Faculty Judicial Board. If it determines that the evidence does support the allegations of the grievance and that the grievance merits action, it shall report its findings and its recommendations for action to the faculty member and to other appropriate parties, with a copy to the Provost or President, if appropriate. Its recommendations may include a recommendation that the grievance be considered by the Faculty Judicial Board.

In its investigation, deliberation, conclusions, and recommendations, a Grievance Committee shall at all times seek a just and equitable result.

Revisions endorsed by Faculty Senate, December 2012
Revisions approved by Board of Trustees, February 8, 2013

3.10.2 Faculty Judicial Board

3.10.2.1 Composition

The faculty of the Schools of Business, Engineering, and Law shall each elect to the Faculty Judicial Board two representatives from among their tenured members. The faculty of the School of Education and Counseling Psychology and the Jesuit School of Theology shall each elect one representative from among their tenured members. The faculty of the College of Arts and Sciences shall elect four representatives from among their tenured members, including two from the departments offering the Bachelor of Arts degree and two from the departments (except Economics) offering the Bachelor of Science degree. The term of office is three years. No member shall serve two consecutive terms, except that a member hearing a pending matter shall continue to hear and participate in the resolution of that grievance. Elections to each committee shall be staggered so as to ensure continuity of the committee.

Revisions endorsed by Faculty Senate, October 2010

Revisions approved by Board of Trustees, October 15, 2010

3.10.2.2 Jurisdiction

The Faculty Judicial Board has jurisdiction:

1. Upon the request or a tie vote of a college or school Grievance Committee in any case involving a faculty grievance;
2. In cases where a faculty member alleges violation of academic freedom in a denial of tenure or promotion, where a probationary faculty member alleges that a decision not to reappoint is based substantially upon a violation of academic freedom, or where a Lecturer alleges that a negative decision regarding an application for reappointment or promotion is based substantially upon a violation of academic freedom;
3. In cases of sanctions for misconduct, as provided in 3.9;
4. In cases of dismissal for cause, as provided in 3.9.1;
5. In cases designated in the Policy on Unlawful Harassment and Unlawful Discrimination;
6. In cases in which a faculty member claims unlawful discrimination in the denial of promotion in rank or in the denial of tenure;
7. In cases of alleged misconduct in research, as provided in the Policy on Misconduct in Research.
8. In cases of termination based on financial exigency or change in educational program, as provided in 3.5.5;

9. In cases of non-reappointment of a Senior Lecturer, as provided in 3.5.3.2.

10. In such other extraordinary cases as the Provost may refer.

Revisions endorsed by Faculty Senate, December 2012

Revisions approved by Board of Trustees, February 8, 2013

3.10.2.3 Procedures

A faculty member shall invoke the jurisdiction of the Faculty Judicial Board by means of a petition that sets forth clearly and in specific detail the nature of the case, the name or the office of each person against whom any grievance is being lodged, and a summary of supporting evidence and other pertinent information. Such petitions shall be submitted directly to any member or members of the Faculty Judicial Board, who shall then promptly convene the Board. Such a petition must be submitted to a member of the Faculty Judicial Board within 30 days of the petitioner's learning of the relevant precipitating event except in cases of chronic or long standing conditions, in which case a petition must be submitted in a timely fashion. In this latter instance, the Faculty Judicial Board will be the sole judge of whether or not a petition is timely. The Faculty Judicial Board shall promptly deliver a copy of the petition to both the Provost and any named party.

Upon submission of a matter to the Faculty Judicial Board, the Board shall establish a hearing committee of five of its own members. No member of a hearing committee will have a conflict of interest in the matter to be heard.

The hearing committee shall hear the matter and proceed according to the following guidelines (numbered 1-13). The hearing committee shall establish any required procedures not specified by the guidelines listed here, after reasonable attempt to secure agreement to such procedures from all parties.

1. The following persons are parties to a matter before the hearing committee: (a) a faculty member whose grievance has been referred by a Grievance Committee and any person against whom such grievance has been filed; (b) a faculty member whose matter is before the hearing committee pursuant to the jurisdiction given the Faculty Judicial Board in 3.10.2.2; (c) any person who has made an allegation of sexual harassment or discrimination under consideration; (d) the University, represented by a person designated by the Provost; (e) such other persons as the hearing committee deems appropriate to designate.
2. Parties are entitled to attend any meeting of the hearing committee at which it receives evidence. Absent compelling reason for more expeditious action, the hearing committee shall serve notice of any meeting at which evidence will be received upon the parties at least ten days prior to such meeting, unless such persons otherwise agree. Any party may present evidence and argument to the

- hearing committee. In reaching its conclusions and recommendations, the hearing committee shall consider only such evidence as has been received at a meeting of the hearing committee, including any evidence gathered by a member of the hearing committee and reported at a meeting.
3. All meetings of the hearing committee in cases of allegations of sexual harassment will be conducted in private. All meetings of the hearing committee in any other matter will be conducted in private unless all parties agree in writing that a meeting may be public. The nature of a matter before the hearing committee, the identity of the parties, evidence received by the hearing committee, deliberations of the hearing committee, and conclusions and recommendations of the hearing committee shall be kept in confidence by those in attendance at any meeting of the hearing committee except: (a) as is necessary for administrative or secretarial assistance, in which case the assistant(s) shall preserve confidentiality; (b) as is necessary to communicate to the parties, to the Faculty Judicial Board, the Provost, the President, the Board of Trustees, or legal counsel to the University; (c) as may be shared in a relationship for which the law provides an evidentiary privilege; (d) as is compelled by legal process. The Faculty Judicial Board, the Provost and the President or their delegates, and the Board of Trustees are also bound by the same duty of confidentiality except to the extent that disclosure is essential to the discharge of official University responsibilities. If disclosure is essential to the discharge of official University responsibilities, the person or persons authorizing or making such disclosure shall exercise appropriate discretion in sharing or publicizing information concerning any matter heard by the hearing committee.
 4. During the proceedings, each party may be represented at his or her own expense by legal counsel of choice, and a member of the faculty, at his or her own expense, may also be accompanied and advised by an academic advisor of choice.
 5. At the request of any of the parties or the hearing committee, a representative of a responsible educational association will be permitted to attend the proceedings as an observer, provided that in the case of private hearing this is agreeable to all parties. The hearing committee shall decide which association is appropriate. The hearing committee shall have the discretion to exclude an observer from deliberations of the committee.
 6. The hearing committee shall arrange for recording at University expense of all meetings at which evidence is received. The chair of the hearing committee shall keep the recording until final disposition of the matter by the hearing committee at which time the chair of the hearing committee shall deliver the recording to the Provost or, if the Provost is a party to the case, to the President of the University. Upon request, the person in possession of the recording shall make a copy of the recording available to any party, or legal counsel to any party, at University expense. Any party to the case who wishes a transcription of the recording may provide for it at his or her own expense.

7. The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence it believes is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
8. The hearing committee will make every effort to proceed with reasonable speed but will grant adjournments to enable any of the parties to investigate evidence about which a valid claim of surprise is made.
9. Each party will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the University will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.
10. Each party will have the right to confront and cross-examine all witnesses who appear. Where a witness cannot or will not appear, but the committee determines that the interests of justice require evidence from the witness, the committee will identify the witness, attempt to obtain the evidence, disclose to the parties the evidence obtained, and, if possible, provide for interrogatories.
11. The findings of fact, the conclusions, and the recommendations of the hearing committee will be based solely on evidence received by the hearing committee and deliberations of the hearing committee. In its investigation, deliberation, conclusions, and recommendations, the hearing committee shall at all times seek a just and equitable result.
12. The burden of persuasion in matters before the hearing committee shall be satisfied only by a preponderance of the evidence. In cases governed by 3.9 (Misconduct and Diminished Fitness) the burden rests upon the University. In all other cases, the burden rests upon the party invoking the jurisdiction of the Faculty Judicial Board.
13. The hearing committee shall prepare a written report of its findings, conclusions, and recommendations. If the committee is not unanimous, it shall prepare a majority and minority report. The hearing committee shall submit its report(s) to and thereafter discuss the report(s) with the Faculty Judicial Board as a whole. The hearing committee will then make such revisions and modifications to its report(s) as it deems appropriate. The hearing committee will then present its final report(s) to the parties, the Provost, and the President of the University. In the case of both a majority and minority report, the majority report shall constitute the decision of the committee.

The nature and effect of decisions of the hearing committee shall be as follows:

1. In a case where a probationary faculty member alleges that a decision not to reappoint was based substantially upon a violation of academic freedom, and in a case where a faculty member alleges that denial of tenure or promotion was based substantially upon a violation of academic freedom, the case will be closed should the hearing committee decide that the allegation is not substantiated. Should the hearing committee decide that the allegation has been substantiated, the hearing committee will recommend ameliorative action. Upon receiving such a recommendation, the Provost, in consultation with the hearing committee and with the President of the University, shall then specify the manner in which the matter shall be reconsidered and a final decision made. Following such decision, there shall be no further right of review.
2. Except as provided in item 6 below, in cases of dismissal and termination of tenure of a tenured faculty member for misconduct or cause (3.9), or pursuant to the Policy on Misconduct in Research, should the hearing committee decide that cause for dismissal and termination of tenure exists, the faculty member shall be dismissed and tenure terminated on the date given in the Provost's original written notification and the faculty member shall have no further right of review. Should the hearing committee decide that cause exists for some action other than dismissal and termination of tenure, the Provost shall implement the decision of the hearing committee except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final. Should the hearing committee decide that cause for dismissal and termination of tenure does not exist and that there is no cause for any other action, the matter shall be closed and the determination of the hearing committee shall bind the University as to the cause or causes specified in the Provost's written notification, except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final.
3. Except as provided in item 6 below, in cases of dismissal of a probationary faculty member for misconduct or cause (3.9), or pursuant to the Policy on Misconduct in Research, should the hearing committee decide that cause for dismissal exists, the committee shall affirm the dismissal and the faculty member shall have no further right of review. Should the hearing committee decide that cause exists for some action other than dismissal, the Provost shall implement the decision of the hearing committee (which may include a recommendation of reinstatement and back pay subsequent to the effective date of the dismissal) except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final. Should the hearing committee decide that cause for dismissal does not exist and that there is no cause for any other action, the matter shall be closed and the decision of the hearing committee shall bind the University as to the cause or

- causes specified in the Provost's written notification, except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final.
4. Except as provided in item 6 below, in cases of sanction, other than the sanction of dismissal, for misconduct covered by 3.9, or pursuant to the Policy on Misconduct in Research:
 - a. Where the Provost has decided to impose a sanction: Should the hearing committee decide that misconduct occurred and that a sanction imposed by the Provost for such misconduct is appropriate, the case shall be closed. Should the hearing committee decide that misconduct occurred but that a sanction other than that imposed by the Provost should be imposed, the Provost shall impose the sanction specified by the hearing committee, except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final. Should the hearing committee decide that misconduct did not occur or that the misconduct warrants no sanction, the case will be closed, except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final.
 - b. Where the Provost has referred the matter to the Faculty Judicial Board for initial decision: Should the hearing committee decide that misconduct occurred and recommends imposition of a specified sanction, the Provost shall impose that sanction, except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final. Should the hearing committee decide that misconduct did not occur or that the misconduct warrants no sanction, the case will be closed, except that for reasons deemed compelling by the Provost, the Provost, through the President, may seek review of the decision of the hearing committee by the Board of Trustees in which case the decision of the Board of Trustees shall be final.
 5. In any case where a faculty member seeks review of termination based on financial exigency or change in educational program, should the hearing committee decide that safeguards specified in 3.5.5 have been observed, the case shall be closed and the faculty member shall have no further right of review. Should the hearing committee decide that not all safeguards specified in 3.5.5 have been observed, the hearing committee will recommend ameliorative action. Upon receiving such a recommendation, the Provost, in consultation with the hearing committee and with the President of the University, shall then specify the

manner in which the matter shall be reconsidered and a decision made. Following such decision, there shall be no further right of review.

6. In any case heard by the hearing committee pursuant to the Policy on Unlawful Harassment and Unlawful Discrimination, including any case involving dismissal and termination of tenure of a tenured faculty member, dismissal of a probationary faculty member, or other sanction, the effect of the hearing committee's decision shall be as provided in the last paragraph of section III.F of the Policy on Unlawful Harassment and Unlawful Discrimination.
7. In any case other than those mentioned in 1–6, above, should the hearing committee decide that the case is not substantiated, the case will be closed. Should the hearing committee decide that the case is substantiated, the hearing committee will make a recommendation to the Provost, but the recommendation shall not be binding upon the Provost or the University. Should the Provost reject the recommendation of the hearing committee, the Provost shall transmit the reasons for rejection of the recommendation to the hearing committee and there shall be no further right of review.

Revised by vote of the Faculty Senate in April 2003 and the Board of Trustees on May 9, 2003.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.11**

3.11 Revisions of the Faculty Handbook

Any revisions of Chapter 3, the contractual section of this Handbook, must be reviewed by the Faculty Senate and approved by both the President and the Board of Trustees.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 4.1**

4.1 Academic Staff

Academic Staff assist in fulfilling the University's core teaching, research, and service functions. There are four types of academic staff: Research Staff, Librarians, Instructors, and Academic Advisors. Policies pertaining to the appointment of academic staff are described in this section and in the University Staff Policy Manual.

4.1.1 Research Staff

Research Staff perform, direct, or supervise research; manage business operations related to a specific research project or group of research projects; and execute other related duties as required.

There are three categories of staff within this series: Research Assistant, Research Associate, and Senior Research Associate. Differences among categories are based on the complexity of duties and level of responsibility. Research Assistant positions may require specialized knowledge of a field or of a specific discipline. However, they do not require the ability to independently design, conduct, and interpret research as is required of Research Associates and Senior Research Associates.

Research Staff work under the supervision of one or more faculty. Research staff may assist in teaching activities by discussing research procedures with students, demonstrating research procedures, and providing technical supervision.

4.1.1.1 Research Assistant

Under the supervision of a more experienced researcher, Research Assistants perform research tasks and assist with research. Responsibilities may include conducting literature searches; collecting, preparing, or mounting specimens; running reactions or assays; conducting interviews; administering surveys; running experimental trials or simulations; recording and entering data; and preparing graphs or other summaries of data.

Research Assistants may be assigned limited management responsibility for a laboratory or project. This type of responsibility typically includes ordering supplies and equipment and ensuring proper operation and maintenance of laboratory equipment.

The minimum qualifications are a bachelor's degree or higher; three to five years of research or equivalent experience including courses in a relevant discipline; and knowledge and abilities essential to successful performance of the duties assigned to the position.

4.1.1.2 Research Associate

Research Associates conduct research, perform technical duties, and supervise students or staff in a research setting. Associates typically consult with academic supervisors on the nature and general plan of the research and may help design projects and proposals; coordinate the physical preparation for and scheduling of experiments; conduct research, experiments, and simulations; analyze data; and contribute to reports, journal articles, and presentations.

The minimum qualifications are a master's degree or higher; three to five years of research or equivalent experience including courses in a relevant discipline; and knowledge and abilities essential to successful performance of the duties assigned to the position.

4.1.1.3 Senior Research Associate

The title of Senior Research Associate is typically reserved for those with a high degree of experience and training in research and who have demonstrated significant achievements in the form of publications, patents, or other measures of research accomplishment.

Senior Research Associates independently design and implement major or multi-disciplinary research projects. Senior Associates typically consult with an academic supervisor or other researchers on the nature and overall objectives of the research project; contribute significant original or innovative ideas of major methodological significance to the research; exercise independent judgment, initiative, and resourcefulness in making decisions about the research; and write articles for publication in scientific journals or for presentations at conferences or symposiums.

Additionally, Senior Research Associates may perform business management duties, such as preparing budget estimates; maintaining expenditure control over approved budgets; and directing the work of Research Assistants and related administrative staff. Senior Associates may participate in research facility planning and space utilization projects and may design or supervise the construction of complex and technical installations.

The minimum qualifications are a master's degree or higher; five years of research or equivalent experience including courses in a relevant discipline; and knowledge and abilities essential to successful performance of the duties assigned to the position.

4.1.2 Librarians

Librarians are academic staff whose primary responsibility is to provide library and information services in the libraries of the University. The ranks of librarian are Assistant Librarian, Senior Assistant Librarian, Associate Librarian, and Librarian.

Policies pertaining to the appointment of librarians are described in the University Staff Policy Manual and the academic staff policies for librarians.

4.1.3 Instructional Staff ¹

Instructional Staff engage in teaching and instruction in a laboratory, studio, field, clinical, or professional setting. These staff members may provide training in scientific, technical, or artistic methodologies or coordinate and supervise required practicums or internships. Instructors may assign grades that are an accurate and fair evaluation of student work. Instructional Staff work under the direction of the faculty of a department or program.

There are two categories of staff within this series: Instructor and Senior Instructor. Differences among categories are based the complexity of duties, level of responsibility, and professional qualifications.

4.1.3.1 Instructor

Instructors shall demonstrate competence in the subject matter of the appropriate academic discipline or professional field and superior abilities as an instructor. The minimum educational requirement is a master's degree or higher. In certain disciplines, practical experience may serve as equivalent preparation.

4.1.3.2 Senior Instructor

Senior Instructors shall demonstrate a mastery of the subject matter of the appropriate academic discipline or professional field, superior abilities as an instructor, and an ability to work independently to develop and facilitate instructional activities. The minimum educational requirement is the doctorate or other appropriate terminal degree. In certain disciplines, practical experience may serve as equivalent preparation.

4.1.4 Academic Advisors

Academic Advisors assist students in understanding University academic policies and procedures. Advisors provide information and counsel related to the core curriculum, degree requirements, academic program policies, registration policies and procedures, academic credit and grading policies, academic integrity expectations, and other policies and procedures associated with a student's program of study.

The minimum educational requirements are a master's degree; three to five years of experience in an advising related capacity; and knowledge and abilities essential to successful performance of the duties assigned to the position.

¹ Legal Analysis, Research, and Writing Instructors in the School of Law are defined as Faculty in Chapter Three of the Faculty Handbook.

**SANTA CLARA UNIVERSITY
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SECTION 4.2**

4.2. Military Science Personnel

Military Science personnel serve at the University in accordance with the agreement between the University and the Department of Defense governing the Army Reserve Officers Training Corps (ROTC) program at the University. Military Science personnel receive courtesy appointments at the University as provided in the agreement. In military matters and for the military training of students enrolled in the ROTC program, Military Science personnel are responsible to the Department of Defense; and in academic matters pertaining to the ROTC program, they are responsible to the Provost of the University.

Military Science personnel are not governed by the University policies pertaining to faculty, academic staff, or staff nor do they enjoy the financial rights, privileges, and benefits of the faculty, academic staff, or staff except as provided herein or in the agreement between the University and the Department of Defense. Salaries and benefits for Military Science personnel are the responsibility of the Department of Defense. Military Science personnel are eligible for the special services and programs outlined in section 610 of the University Staff Policy Manual.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX A**

PREAMBLE

The Faculty Senate of Santa Clara University (hereinafter, the "Senate") is established in order to develop and express the opinion of the faculty on academic and professional matters, to make the collective experience and knowledge of the faculty available to the University President, and to facilitate the participation of the faculty in forming the policies of the University. It shall be governed by these **Bylaws**.

In these Bylaws, the "college" shall include "school" where appropriate.

THE FACULTY SENATE

- I. **MEMBERSHIP.** [faculty ballot: May 1995] The Faculty Senate shall consist of:
- A. All tenured and tenure-track faculty (cf. Faculty Handbook, Section 3.1.1.) except for administrators at or above the level of dean of a college.
 - B. All faculty with renewable-term or continuing appointments.
 - C. All other faculty on greater than half-time appointments who receive an academic year contract, **except** visiting faculty.
- II. **OFFICERS AND THEIR DUTIES.** The officers of the Faculty Senate shall consist of the President, President-Elect, and Past-President.
- A. **PRESIDENT.** The President shall take office after service as President-Elect for one year. The President shall hold office for one year. He or she shall preside at all meetings of the Senate and of its Council. He or she may invite any person to meetings of the Senate. The President also serves ex officio as a member of the University Coordinating Committee. The Faculty Senate President receives appropriate compensation for his or her service according to recent practice.¹ The duties of the President include regular consultation with the University Provost in accordance with recent established practice.²
 - B. **PRESIDENT-ELECT.** The President-Elect shall be elected by the Senate from among the members of the Senate. The President-Elect shall succeed to the presidency following one year of service as President-Elect. The President-Elect performs the duties specified in section III of the Election Rules and Procedures. The President-Elect also serves ex officio as a member of the University Budget Council.

¹ In April 2014, Provost Dennis Jacobs agreed to a two-course remission per academic year for 2014-15 and 2015-16.

² In recent practice the President of the Faculty Senate meets with the Provost two weeks before each meeting of the Faculty Senate Council. The President of the Faculty Senate meets with the President of the University once in the Fall quarter. These meetings may be extended to involve the full Executive Committee.

C. PAST-PRESIDENT. The Past-President shall function in an advisory capacity to the President and President-Elect.

D. SUCCESSION

1. PRESIDENTIAL SUCCESSION. If the President is unable to complete their term, the President-Elect shall serve the remainder of the term and the following year as President.

2. PRESIDENT-ELECT SUCCESSION. If a vacancy occurs during the time between the election of the President-Elect and her or his inauguration as President, the position will be filled by the runner-up in the election or by the faculty member who received the second highest number of votes in the most recently contested election.

If vacancies occur in the positions of both the President and President-Elect, a faculty at-large special election will be held to fill both unexpired terms. The Past-President will serve as Interim President until the outcome of the special election is determined.

3. PAST-PRESIDENT SUCCESSION. If the Past-President is unable to complete her or his term or serve in this capacity, the President, with advice from the Faculty Senate Council, will appoint as Past-President a faculty member who has previously served as President or has been an active member of the Faculty Senate Council.

III. EXECUTIVE COMMITTEE AND ITS DUTIES. The Executive Committee of the Faculty Senate shall consist of the President, President-Elect, one tenure-stream member selected by the Faculty Senate Council, and one non-tenure-stream member selected by the Faculty Senate Council. The Executive Committee will help the Faculty Senate President provide leadership and oversight, and when necessary, meet with the University's President, Provost, and others to advance faculty concerns.

A. EXECUTIVE COMMITTEE MEMBERS SELECTED BY THE FACULTY SENATE COUNCIL. These two positions will each have two-year terms. The tenure-stream member will be selected in the spring of odd numbered years. The non-tenure-stream member will be selected in the spring of even numbered years. Should either of these members be unable to complete their term, the Faculty Senate Council will select a replacement to finish the term.

IV. ADMINISTRATIVE ASSISTANT. The administrative assistant shall maintain lists of Senate members eligible for various elections and offices, and distribute sample ballots for each election via email. The President-Elect oversees the election for all Senate votes. The administrative assistant takes minutes of each Faculty Senate Council meeting and distributes a report of each meeting to all members of the Senate Council. Approved minutes of Council meetings are posted on the Faculty Senate website by the administrative assistant. The administrative assistant also receives and posts summaries of meetings and reports from the University Policy Committees. The administrative assistant shall maintain the official complete text of the Senate Bylaws, including such amendments as may be adopted.

V. **FACULTY SENATE COUNCIL.** The Council shall consist of the President, the President-Elect, the Past-President, and representatives of the College of Arts and Sciences, the Leavey School of Business, the School of Engineering, the School of Law, the School of Education and Counseling Psychology, and the Jesuit School of Theology.

A. **REPRESENTATIVES.**

1. Each academic department shall send a representative, with the following exceptions:

- a. In the School of Engineering: Applied Mathematics, Civil Engineering, and Engineering Management combine to send one representative;
- b. The School of Law has three representatives;
- c. The Jesuit School of Theology has one representative.

2. Academic programs with one or more full time appointments (Ethnic Studies, Liberal Studies, Public Health, and Women's and Gender Studies) shall have representation.

3. At-large Representatives: There will be two at-large representatives elected by and from the tenure-stream Faculty Senate members, with no more than one of the two elected from any one school or college. There will also be two at-large representatives elected by and from the non-tenure-stream Faculty Senate members, with no more than one of the two elected from any one school or college. Members elected to these positions must agree to serve in these positions. If they do not agree to serve, the candidate(s) with the next highest votes will, in accordance with the Faculty Senate Election Rules and Procedures, Section VIII, be considered instead.

B. **TERMS.** Terms on the Council shall normally be for two years, but the representatives may serve as long as their constituency so chooses.

1. **Staggering of terms:** To maintain continuity, representatives chosen from departments, schools, and programs beginning with A-L (e.g., Anthropology, the School of Law, etc.) should select their representatives in odd numbered years, while representatives chosen from departments, schools, and programs beginning with M-Z (e.g., Mathematics and Computer Science, Women's and Gender Studies, etc.) should select their representatives in even numbered years. Similarly, to stagger terms, only one of the two at-large tenure-stream representatives and one of the two at-large, non-tenure-stream representatives should be elected each year.

C. **ALTERNATIVE REPRESENTATIVE.** Any representative who must be absent from Council meetings should send an alternative representative from his or her constituency.

D. **DUTIES:** Representatives are to familiarize their departments with the work of the Council, and to bring to the Council such issues as referred to them by their constituents.

VI. **RULES OF PROCEDURE.** In all questions of procedure, the latest edition of Roberts Rules of Order shall govern except as otherwise set forth in these Bylaws.

A. PARLIAMENTARIAN. The President may appoint a parliamentarian, who shall hold office at the discretion of the President and who shall advise the President, at the President's request, on matters of parliamentary procedure.

B. SPECIAL RULES. To regulate its activities in any matter not prescribed in these Bylaws, the full Senate membership shall enact special rules.

VII. COUNCIL MEETINGS.

A. QUORUM. A majority of the Council membership, which consists of the representatives and the members of the Executive Committee, shall constitute a quorum.

B. FREQUENCY. The Council shall meet monthly during the academic year at fixed dates and times, and at such place as it shall determine. Council members shall arrange their schedules as necessary to attend. The Senate President or one-third of the Council may call a special meeting of the Council on whatever other occasion may be necessary. The Senate President or one-third of the faculty may call a meeting of the Senate.

C. AGENDA. The President, President-Elect, and immediate Past President shall form a committee to prepare the agenda for Council meetings. Any member of the Senate may propose items for the Council agenda.

D. OPEN MEETINGS. All members of the Senate shall be informed in advance of the time and place of Council meetings and of the Council's agenda. Meetings of the Council are open to all members of the Senate who may speak to matters on the agenda, or introduce new business, when recognized by the President. If the President chooses not to recognize such member, the President may be overruled by a majority of the Council members present.

E. VOTING. The voting members at Council meetings shall consist of its Officers, members of the Executive Committee, and the Representatives. The President of the Senate may vote only in the case of a tie.

F. PRESIDING OFFICER. The President of the Senate shall preside at the meetings of the Council. In the absence of the President, the Past-President shall act as President; in the absence of both, the President-Elect shall act as President; in the absence of all three, a majority of the Council shall elect a Council member to act as President for the meeting.

G. REFERRAL TO THE FULL SENATE. Any matter before the Council for a vote must be submitted to a vote of the full Senate membership at the request of one-third of the Council members.

VIII. POWERS OF THE COUNCIL. The Council shall discuss and express its opinion on any matter of interest to it. The Council may, at its discretion and through its officers, express itself directly to the University President or to other persons or bodies. The powers of the Council shall also include

A. Considering for the faculty any proposal submitted to it by the University administration and determining whether to approve or disapprove such proposal, or to refer it to the Senate, with or without recommendation, for a vote of the full Senate membership in formal meeting or by ballot. Any such proposal failing to win the approval of two-thirds of the Council members present must be referred to the Senate. Any act, decision, or recommendation of the Council must be submitted to a vote of the Senate if so requested by one-fifth of the full Senate membership.

B. Planning the agenda of plenary meetings of the Senate.

C. Making recommendations to the Senate.

D. Interpreting membership criteria.

XI. COMMITTEES. The Senate, the Council, and the President may establish ad hoc committees. The President with the approval of the Council shall appoint the members of such committees. All such committees shall report periodically to the Senate Council.

X. POWERS OF THE SENATE

A. The Senate shall discuss and express its opinion on any matter of interest to it. The Senate is the general deliberative body of the faculty. The Senate may, at its discretion and through its officers, express itself directly to the University President or to other persons or bodies. Faculty collaborate with others in developing and recommending university policy through the University Policy Committees.

B. Official faculty opinion on any issue consists of conclusions, recommendations, or other statements that have been approved by a vote of the full Senate membership at a meeting for which there is a quorum under Section XI or by ballot. The officers of the Senate and faculty members of ad hoc committees may provide advice and counsel to other members of the university community about matters of critical concern, but such counsel does not constitute official faculty opinion unless voted on by the Senate.

XI. MEETINGS OF THE SENATE AND QUORUM.

A. The Senate shall meet at least once each academic year. Special meetings may be called by the President, by a majority of the Council, or by petition of one-fifth of the full Senate membership.

B. For the purpose of these Bylaws, the term "majority of the Senate" shall mean "majority of the quorum."

C. At any meeting of the Senate for which notice and an agenda have been distributed to the faculty at least 10 days in advance of the date of the meeting, those members present shall constitute a quorum.

D. For action on subjects that are not on the agenda or reasonably to be implied therefrom, and at any meeting of the Senate for which notice and an agenda have not been distributed to the faculty at least ten days in advance of the meeting, one-third of the full Senate shall constitute a quorum.

XII. ELECTIONS

A. GENERAL. The Council shall adopt, and from time to time revise as necessary, Election Rules and Procedures that are consistent with these Bylaws and with the other provisions of the Faculty Handbook and which shall govern the conduct of all faculty elections. Adoption and revision of such Election Rules and Procedures shall be with the advice and consent of the Senate.

B. UNIVERSITY ELECTIONS. Elections are governed by a supplement to these Bylaws: Election Rules and Procedures. Elections shall be held by electronic ballot. Elections of the President-Elect and representatives on the Council shall be held before the end of the spring term in each academic year. Council representatives begin their term on June 1. Officers shall assume office on July 1.³

1. Special elections to fill offices vacated during a term shall be held as soon as practicable following the occurrence of vacancies.
2. Only those who are tenured or eligible for tenure shall be eligible to vote on any ballot dealing with tenure or promotion.

XIII. AMENDMENTS. These Bylaws may be amended by two-thirds majority vote of the Senate. A motion to amend must appear in specific form on the agenda of, and be introduced at, either a meeting of the Senate or a meeting of the Council preceding a balloting or meeting in which it is voted upon.

XIV. WEB SITE. These Bylaws are found at <http://www.scu.edu/provost/policy/handbook> and <http://www.scu.edu/governance/facultysenate>.

Amended: May 2, 2011
 June 11, 2014
 April 2015

³By unanimous vote of the Council at its April 14, 2005 meeting.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX A SUPPLEMENT**

FACULTY SENATE ELECTIONS RULES AND PROCEDURES

I. INTRODUCTION

In these Rules and Procedures, the word “college” shall include “school” where appropriate.

The following rules and procedures shall govern the elections of members of the Faculty Senate to various committees and positions in the University as indicated in Section II just below. The rules and procedures herein regarding college or University Rank and Tenure or Promotion to Senior Lecturer committees do not apply to the School of Law and the Jesuit School of Theology.

II. ELECTIONS TO BE HELD AND TERMS OF SERVICE
(See also VI. Sequence of Elections)

A. Executive Committee

1. The President-Elect/President/Past President of the Faculty Senate: 3 years,
with only years 1 and 2 being on the Executive Committee
(Year 1: President-Elect, Year 2: President, Year 3: Past President)
Term: July 1 – June 30
2. Officers selected by the Faculty Senate Council: 2 years
Term: July 1 – June 30

B. Committees of the Faculty Senate

1. University and college rank and tenure committees: 3 years
Term: June 1 – May 31
2. Promotion to Senior Lecturer committees: 3 years
Term: June 1 – May 31
3. Faculty Judicial Board: 3 years
Term: June 1 – May 31
4. College grievance committees: 3 years
Term: June 1 – May 31

C. Representatives to the Faculty Senate Council: normally 2 years
Term: July 1 – June 30

D. Other committees and positions whose election is entrusted to the Faculty Senate.

1. University Coordinating Committee. This is not a Faculty Senate Committee but a committee of the University governance system. Two **tenured** faculty members are elected for staggered terms of two academic years. The President of the Faculty Senate is the third faculty member of this committee.

Term: July 1 – June 30

2. Faculty Core Committees. These committees oversee the component requirements of the 2009 Core Curriculum. The committees are composed of a liaison or liaisons from the Core Curriculum Implementation Team, consultants as appropriate, and faculty members elected for staggered terms of three academic years. Guidelines are available via www.scu.edu/provost/ugst/core/faculty-resources/core-committees/ for membership on specific Faculty Core Committees.

Term: September 1 – June 15

E. Special elections as required by the Faculty Senate.

1. To fill unexpected vacancies
2. For issues requiring Faculty Senate advice or approval

III. RESPONSIBILITY FOR CONDUCTING ELECTIONS

It is the responsibility of the President-Elect to see that the positions of officers of the Faculty Senate, of members of elected committees, and of representatives to the Faculty Senate Council (hereinafter referred to as the “Council”) are duly filled with properly elected members. For election of Council representatives, see Section IX.B. The President-Elect is also responsible for overseeing all other elections, which will normally be conducted by the Faculty Senate administrative assistant with the advice and assistance of the President-Elect. The President-Elect is responsible for reporting election results (see also Section IX.A). The administrative assistant shall keep a permanent record of all elections for which the President-Elect is responsible, and shall retain all election results and any documents connected with the elections for three years.

At the beginning of each academic year, the President-Elect shall review with the administrative assistant (1) these rules and procedures, (2) the synopsis of qualifications in Section V, (3) the membership of elected committees to determine whether, due to administrative changes or other circumstances, any members have become ineligible or unable to serve, and (4) a list of the elections (regular or special) that shall be required during the academic year, with a notation concerning the time and sequencing of such elections. Elections to fill the remainder of unexpired terms should be held as soon as is convenient unless, in the judgment of the President-Elect, the President of the Faculty Senate, and the chair of the relevant committee, because of the work schedule and nature of the committee, the election for the replacement can be delayed and then held jointly with the next regularly scheduled election for members of that same committee.

The President-Elect and administrative assistant shall also confer with the President of the Faculty Senate to review the number of members of the Faculty Senate, and then, if necessary, to authorize additional representatives to the Council following the formula found in the Faculty Senate Bylaws, Section V.A. The President-Elect can then authorize the election for the new representative.

IV. ELIGIBLE VOTERS

A. General Eligibility Stipulations:

1. Faculty on leave or on sabbatical are eligible to vote.
2. Faculty on phased retirement are eligible to vote.
3. Emeriti, emeritae, and other retired faculty may **not** vote.

B. For Specific Offices and Committees:

1. In the elections of the President-Elect of the Faculty Senate and of the **tenured** faculty members to the University Coordinating Committee, **all members of the Faculty Senate** may vote.
2. In the elections for the Faculty Judicial Board and the college grievance committees, only those Faculty Senate members **of the appropriate college or departments** may vote.
3. In the elections of members of the University or college committees on rank and tenure, or in any election affecting procedures or criteria for tenure or promotion to Associate or full Professor, only those Faculty Senate members who are **tenured** or **eligible for tenure** may vote.
 - a. In the election of the at-large representative to the University Rank and Tenure Committee, all **tenured** or **tenure track** members of the Faculty Senate may vote.
 - b. In the elections of college representatives to the University Rank and Tenure Committee and of members of college rank and tenure committees, only those **tenured** or **tenure track** Faculty Senate members of the appropriate college or departments may vote.
4. In the elections of members to the college committees on Promotion to Senior Lecturer, all **tenured and tenure-track** faculty **and senior lecturers** of the appropriate college may vote.
5. For the election of members to Faculty Core Committees, see the Core Committee Processes developed by the Core Curriculum Implementation Team.

6. The election of representatives to the Faculty Senate Council may be conducted as each unit may determine, given they conform to Faculty Senate Bylaws, Section V.A and below, Section X.B.

V. ELIGIBILITY TO SERVE

Eligibility for service in the elected positions is described in and determined by the Faculty Handbook. A college may also elect to impose additional qualifications for elected committees, a record of which shall be kept by the administrative assistant and inserted into these election rules. Such additional qualifications shall be ratified or changed only by those members of the college served by said committee.

A. Restrictions on Service.

1. General.

a) No member of a Faculty Senate elected committee may serve two consecutive full terms.

b) Election to any Faculty Senate committee precludes eligibility for election to any other elected Faculty Senate committee except a rank and tenure committee [Faculty ballot: May 27, 1998]

2. Rank and Tenure Committees.

a) Limitations on Continuous Service.

(Expressions like “consecutive rank and tenure committee service” as used in this document refer to rank and tenure committee service at all levels, including Promotion to Senior Lecturer committees, whether on the college level alone, the University level, or some combination.) [Faculty ballot March 5, 2013]

Faculty members shall not serve more than four consecutive years in rank and tenure committee service. A faculty member elected to a one-year term is eligible for election to a full three-year term immediately following the one-year term.

On completion of two or more consecutive years of rank and tenure committee service, a faculty member is normally ineligible for further rank and tenure committee service until after a hiatus determined by the following formula:

- Units with 50 or more tenured faculty: 4 years of hiatus.
- Units with 25-49 tenured faculty: 3 years of hiatus.
- Units with fewer than 25 tenured faculty: 3 years of hiatus when possible; otherwise, 2 years of hiatus.

(The term “units” in this formula refers to the configurations of departments that have college or school rank and tenure committees and that have designated seats on the University Rank and Tenure Committee.

In 2009 there were five units: Arts and Humanities, Sciences and Social Sciences, Business, Engineering, and Education and Counseling Psychology.) There is one seat for an at-large member.

In all cases, the President-Elect shall grant an exception to this formula in instances where a full professor is not otherwise available for service on the University committee or where a tenured professor is not otherwise available for service in a designated seat on a college committee. [Faculty ballot: April 1, 2010]

b) Option of Exemption.

A faculty member who has completed a total of 12 years in rank and tenure committee service has the prerogative of being exempted from further rank and tenure committee service. [Faculty ballot: April 1, 2010]

B. Qualification Synopsis. For ease of reference, the following is a synopsis of the qualifications detailed in the Faculty Handbook along with any additional qualifications approved by individual colleges.

1. University Rank and Tenure Committee:

Subject to the restrictions noted in Section V.A above,

a) At-large member: All **tenured full professors** of the university are eligible (Faculty Handbook, Section 2.11.1).

b) College Representative(s): All **tenured full professors** of the college are eligible (Faculty Handbook, Section 2.11.1).

c) No more than one faculty member from any department may serve on the University Rank and Tenure Committee at the same time. [Faculty ballot: May 2, 2005]

2. College Rank and Tenure Committees: All **tenured full professors** and **tenured associate professors** are eligible (Faculty Handbook, Section 2.11.2.1).

a) In the College of Arts and Sciences, the following additional restriction holds:

No more than one faculty member from any department may serve on a College Rank and Tenure Committee at any time.
[Board of Trustees approval: May 10, 1996]

1. A sixth member was elected to the Natural Sciences and Social Sciences Committee in June 2015.

b) In the Leavey School of Business, the following additional restriction holds:

The membership of the committee shall include one representative from each department. [LSB Faculty ballot October 2003]

c) In the School of Engineering, the following additional restriction holds:

There should be at least one member representing each of the following four undergraduate degree programs: Electrical Engineering, Computer Engineering, Civil Engineering, and Mechanical Engineering.

d) In the School of Education and Counseling Psychology, the membership of the committee shall include one representative from Education, one from Counseling Psychology, and one at-large member for two-year terms. [Faculty ballot September 2003]

2. Committees for Promotion to Senior Lecturer: All tenured full professors and associate professors and all senior lecturers are eligible (Faculty Handbook, Section 3.4A.2.3).

a) In the College of Arts and Sciences, the following additional restrictions hold:

Of the three tenured faculty on the committee, one shall be elected from the faculty in those departments (except the Department of Chemistry and Biochemistry) offering the degree of Bachelor of Arts, one from those departments (except the Department of Economics) offering the degree of Bachelor of Science, and one at-large. Of the two senior lecturers, when circumstances permit, one shall be elected from the faculty in departments offering the Bachelor of Arts, one from the faculty in departments offering the Bachelor of Science (with the same exceptions as above).

4. Faculty Judicial Board. All **tenured faculty** other than those already serving on or elected to a rank and tenure committee or a Promotion to Senior Lecturer committee are eligible. (Faculty Handbook, Section 3.10.2.1)

5. College Grievance Committees: All **tenured faculty** in the college, other than department chairs and those already serving on or elected to a rank and tenure committee, Promotion to Senior Lecturer committee, or the Faculty Judicial Board, are eligible. (Faculty Handbook, Section 3.10.1.2)

6. Faculty Senate President-Elect, and representatives to the Council: All members of the Faculty Senate are eligible.

C. Concurrent Service and Eligibility. Election to the rank and tenure committees or the Promotion to Senior Lecturer committees precludes serving on any other elected Faculty Senate committee. If a faculty member who is already serving on another such committee is elected to a rank and tenure committee or to a Promotion to Senior Lecturer Committee, he or she shall

resign from the other committee, and will not be eligible for election to another committee until his or her term on the rank and tenure committee or the Promotion to Senior Lecturer Committee has ended. [Faculty ballot: May 27, 1998]

The faculties of the School of Engineering, the School of Law, and the School of Education and Counseling Psychology may not, in certain instances, be sufficiently large to accommodate the restrictions upon concurrent service just above. In such instances, the restrictions upon concurrent service (but not other restrictions) shall be deemed waived.

D. Ineligibility:

1. Emeriti/ae and Faculty on Phased Retirement.

Faculty who are emeriti/ae, even if they are still teaching, are not eligible for election. Faculty on phased retirement are eligible for election to committees. However, in view of their years of prior service, their names will not be listed on ballots unless they expressly notify the President-Elect that they wish to be listed.

2. Sabbatical and Leave Restrictions.

A faculty member on a year-long sabbatical or leave is ineligible for election for the year of the sabbatical. Faculty on partial-year sabbaticals or leaves are ineligible as candidates for college rank and tenure committees if they will be absent during fall quarter. Faculty on partial-year sabbaticals or leaves are ineligible as candidates for the University Rank and Tenure Committee if they will be absent during winter quarter.

3. Service as Faculty Senate President.

Service as Faculty Senate President or President-Elect precludes serving concurrently on any other elected Faculty Senate committee, including rank and tenure committees unless one voluntarily chooses to do so.

[Faculty ballot: May 27, 1998]

4. Rank and Tenure Committee Members Applying for Promotion.

An associate professor serving on a rank and tenure committee who applies for promotion in rank will resign from the rank and tenure committee.

5. Conflict of Interest.

a) A married couple or domestic partners may not serve on the same rank and tenure committee at the same time. [Faculty ballot: May 2, 2005]
[See Faculty- Handbook, Section 3.6.5 for additional information on Conflict of Interest.]

b) With the exception of the process for reconsideration of a rank and tenure decision (cf. Faculty Handbook, Section 3.4.8), in no case shall an individual participate in any manner in reviewing a decision in which he or she was officially involved in the first place.

6. Orderly Continuity of College Rank and Tenure Committees.

Faculty members already serving on a college rank and tenure committee are not eligible for election to the University Committee during

their term on the college committee; hence, their names will not be placed on the ballot for the University Committee. [Faculty ballot: April 1, 2010]

VI. SEQUENCE OF ELECTIONS CONDUCTED BY THE ADMINISTRATIVE ASSISTANT OF THE FACULTY SENATE

A. University and College Rank and Tenure Committees:

1. First: in every third year or whenever the position is vacant, the at-large representative to the University Rank and Tenure Committee.
2. Second: during any year in which a college is entitled to elect a representative to the University Rank and Tenure Committee, that election shall be held.
3. Third: after the conclusion of the previous two elections, the elections of members of the college rank and tenure committees shall be held.

B. Promotion to Senior Lecturer Committees

C. President-Elect of the Faculty Senate

D. At-Large Faculty Senate Council Representatives

E. Faculty Judicial Board

F. Grievance Committees

G. University Coordinating Committee

H. Faculty Core Committees.

VII. PREPARATION OF BALLOTS

A. Sample Ballots. For all committee elections for which the Faculty Senate administrative assistant conducts the election, a sample ballot shall be distributed electronically to eligible voters at least one week prior to the distribution of the official ballot. Sample ballots shall list all faculty who appear eligible for election, and it shall be the faculty member's responsibility to make corrections. The sample ballot shall also indicate continuing members, terms of service, any exceptions for eligibility to serve, and the date of the election.

B. Nominations for Faculty Senate President-Elect. Ballots for election of the President-Elect of the Faculty Senate shall be prepared on the basis of nominations from the full Faculty Senate and/or by a nominating committee appointed by the current President of the Faculty Senate. Prior to being listed on the ballot, each nominee shall confirm his or her willingness to serve.

VIII. VOTING SYSTEM

All elections for which the Faculty Senate administrative assistant conducts the election shall be based upon a system of approval voting.

Each voter will mark the names of all those candidates of whom the voter approves to fill the vacant position(s). Each such vote of approval will count for one vote in the final tally.

If only one position is vacant, the candidate with the most votes shall be declared the winner. In the event that two or more candidates receive the same number of votes, the winner shall be determined on the basis of a run-off election.

If there is more than one position to be filled, the positions shall be ordered by length of term. The candidate with the highest number of votes shall fill the longest term; the candidate with the next-highest number of votes will fill the position with the next longest term, and so on until all positions are filled.

If two or more candidates receive the same (highest) number of votes for any position, the winner of that position shall be determined on the basis of a run-off election, with the runner-up candidate declared the winner of the next position, if there is another to be filled.

Elections for departmental representatives are discussed below in Section IX.B.

IX. VOTING

A. For all elections conducted by the Faculty Senate administrative assistant:

1. Voting shall be done by electronic ballot, which was initiated May 2007. Ballots must be submitted by the announced time and date to be considered valid.

2. Results of balloting shall be verified by the administrative assistant and reported to the President-Elect who will then first inform those elected.

3. Election results shall then be communicated electronically to all faculty and announced at Council meetings to be reflected in the minutes.

B. For Faculty Senate Council representatives:

1. Elections for representatives to the Faculty Senate Council from each unit entitled to a representative (defined in the Faculty Senate Bylaws, Sections V.A.1 and V.A.2) shall be conducted in accord with the Faculty Senate Bylaws, Section V.B by the department chair, or, if there is no chair, by the current representative. To start the election process, the person conducting the election will poll all members of the Faculty Senate within their unit to see who is willing to serve as representative. If no member is interested, the person conducting the election may appoint a tenured member or a senior lecturer of the unit with their consent. If only one member is interested, that member will serve as representative. If more than one member is interested, the person running the election will set up a process by which all members of the Faculty Senate within the unit will select by secret ballot which willing member is chosen.

2. Elections are to occur before June 1, so that the name of the chosen Faculty Senate Council representative can be forwarded to the President-Elect and administrative assistant by June 1.

X. REVISIONS OF THESE RULES

The Faculty Senate Council may revise as necessary these Election Rules and Procedures. Adoption of such revised rules shall be with the advice and consent of the Faculty Senate (Faculty Senate Bylaws, Section XIII).

XI. WEB SITE. These Election Rules and Procedures are found at <http://www.scu.edu/provost/policy/handbook/> and <http://www.scu.edu/governance/facultysenate.>

Passed: April 16, 1980

Amended: October 22, 1980
 February 4, 1981
 May 15, 1985
 March 11, 1988
 July 10, 2005

Major Revision: May 2011

Amended: June 3, 2014
 April 2015

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX B**

**1940 STATEMENT OF PRINCIPLES ON ACADEMIC FREEDOM AND
TENURE WITH 1970 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 (now the Association of American Colleges and Universities) 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 in 1969. The governing bodies of the two associations, meeting respectively in November 1989 and January 1990, adopted several changes in language in order to remove gender-specific references from the original text.

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure 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 teacher¹ 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. [1]²

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

¹ The word “teacher” as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

² Boldface numbers in brackets refer to Interpretive Comments which follow.

(a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.[2] 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.[3]

(c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.[4]

ACADEMIC TENURE

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,[5] 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 the 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.[6] 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.[7]

3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.[8]
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 and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own 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 the teacher's 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.[9]
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 the teacher's fitness for his or her position, it may proceed to file charges under paragraph 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.

1970 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 adopted 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 professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to students, and in their conduct when resigning from their institution or when undertaking government-sponsored research. Of particular relevance is the Statement on Professional Ethics, adopted in 1966 as Association policy. (A revision, adopted in 1987, may be found in AAUP, Policy Documents and Reports, 9th ed. [Washington, D.C., 2001], 133-34.)

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 teachers to avoid persistently intruding material which has no relation to their 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:

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 the teacher's fitness for his or her position, it may proceed to file charges under paragraph 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 section on Academic Freedom in the 1940 Statement should also be interpreted in keeping with the 1964 "Committee A Statement on Extramural Utterances" (Policy Documents and Reports, 32), 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 or her position. Extramural utterances rarely bear upon the faculty member's fitness for the position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar."

Paragraph 5 of the Statement on Professional Ethics also deals with the nature of the "special obligations" of the teacher. The paragraph reads as follows:

As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of other obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the

impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom. Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary and the tenured teacher, but also to all others, such as part-time faculty 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 the teacher's specific title.*
6. In calling for an agreement "in writing" on the amount of credit given 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 the 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:

- (a) 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.
- (b) 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.

- (c) At least twelve months before the expiration of an appointment after two or more years in the institution.

Other obligations, both of institutions and of 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 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 is justified only if immediate harm to the faculty member or others is threatened by the faculty member's 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.

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.

* For a discussion of this question, see the "Report of the Special Committee on Academic Personnel Ineligible for Tenure," Policy Documents and Reports, 88–91.

** For a more detailed statement on this question, see "On Crediting Prior Service Elsewhere as Part of the Probationary Period," *ibid.*, 100–101.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX D**

STATEMENT ON PROFESSIONAL ETHICS

The statement which follows, a revision of a statement originally adopted in 1966, was approved by the Committee on Professional Ethics of the American Association of University Professors, adopted by the Association's Council in June 1987, and endorsed by the Seventy-third Annual Meeting.

INTRODUCTION

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. The *Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and the Committee on Professional Ethics, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.

THE STATEMENT

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and

judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

2. As teacher, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subjects, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

**SANTA CLARA UNIVERSITY
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APPENDIX E**

POLICIES AND PROCEDURES ON STUDENT APPEALS OF GRADES

On November 15, 1978, the Faculty Senate approved the report of the Ad Hoc Committee on Student Appeals of Grades. In light of the report by the Ad Hoc Committee and the Faculty Senate's vote, the following policies and procedures on student appeals of grades are in effect:

I. Policy Guidelines

A. Grades are not negotiable. There should be no questioning of a faculty member's academic judgment on a grade. In registering for a class, students implicitly agree to allow the faculty member to make a qualitative judgment of their command of the subject matter, which will be expressed as a letter grade. Any questioning or appeal of a grade should therefore be limited to procedure, e.g., to computational errors or failures to follow grading policies set forth in the syllabi.

B. Any system of grade-appeal should protect the rights of faculty members as well as the rights of students.

C. The results of any system of grade-appeal should not be binding upon the faculty member. Any decision to initiate a change of grade should remain the faculty member's.

D. Any procedural complaint regarding a change of grade must be initiated within four weeks of the beginning of the next scheduled term, not including the summer session.

II. Procedure Guidelines

A. A student with a complaint must first discuss the matter with the faculty member.

B. If the matter is not resolved at this level, the student may then take the matter to the chairperson of the department involved. The chairperson will discuss the case with the faculty member and may recommend that the faculty member review the grade. Upon request of the student, the dean will proceed in similar fashion. Should the student request it, the dean will pass the matter on to the Provost.

C. This process of review gives the chairperson, dean, and Provost the right to discuss the matter with the faculty member, and if they think it appropriate, request that the faculty member review the grade. Any recommendations made will not be binding upon the faculty member against whom the complaint is lodged. The decision to change a grade remains with the faculty member.

**SANTA CLARA UNIVERSITY
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APPENDIX F**

**POLICY ON UNLAWFUL HARASSMENT AND UNLAWFUL
DISCRIMINATION**

I. Policy Statement

Santa Clara University is dedicated to:

- an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth;
- being a community enriched by men and women of diverse backgrounds, respectful of difference and enlivened by open dialogue, caring and just towards others, and committed to broad participation in achieving the common good.

Unlawful harassment and unlawful discrimination subvert these University ideals. The University does not tolerate unlawful harassment or unlawful discrimination and will take prompt and effective corrective action including, where appropriate, disciplinary action up to and including dismissal or expulsion.

Any behavior constituting unlawful harassment or unlawful discrimination by any employee or student of the University, or by any other person engaged in a University activity, toward any employee or student of the University, or any other person engaged in a University activity, is prohibited. This prohibition applies to both: (1) behavior, whether on or off campus, in the course of any University administered class, program, job, or activity; and (2) behavior in any other context, whether on or off campus, if at the time of the behavior the person engaging in the behavior knows that the other person is an employee or student of the University or a person engaged in a University activity.

II. Nature of prohibited conduct

Unlawful harassment and unlawful discrimination are defined and prohibited by federal and California law, as amended from time to time.

A. Unlawful harassment

Harassment is conduct that has the natural effect of demeaning, ridiculing, insulting, stigmatizing, frightening, intimidating, or impeding the work or movement of a person to whom the conduct is directed. The form of conduct may be verbal (either oral or written words or symbols), such as epithets, insults, and derogatory comments. The form of conduct may be physical, such as assault or

battery, impeding or blocking movement, or any physical interference with normal work or movement. The form of conduct may be visual, such as derogatory posters, cartoons, or drawings.

Unlawful harassment is harassment that refers to or is based upon the protected status of the person or persons being harassed, including race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical or mental disability, medical condition as defined by California law, marital status, citizenship status, or other status protected by law.

Unlawful harassment also includes sexual harassment. Sexual harassment includes any of the following conduct: explicit or implicit requests by one person for sexual favors from another person that condition employment, academic progress, or other University benefit upon the performance of those sexual favors; other unwelcome sexual advances, touching, or propositions; continual verbal expression about an individual's body; sexually degrading words used to describe an individual; the offensive display in the workplace or educational environment of sexual objects or pictures. Sexual harassment also includes other physical, verbal, or visual conduct based on gender when: (1) it has the natural effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, offensive, or abusive environment; or (2) submission to the conduct is an explicit or implicit term or condition of employment, academic progress, or student activity and/or submission to or rejection of the conduct is used as the basis for an employment or academic decision.

B. Unlawful discrimination

Unlawful discrimination consists of some kinds of conduct that deny equal opportunities, privileges, or benefits to individuals based upon race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical or mental disability, medical condition as defined by California law, marital status, citizenship status, or other status protected by law.

1. Adverse decisions regarding conditions of employment, including recruitment, hiring, placement, transfer, promotion, and termination, decisions regarding recruitment, retention, and participation in programs by students, and academic decisions are unlawful if based on the aforementioned characteristics or status.
2. Except to the extent permitted by law (for example, bona fide occupational qualifications) University administration of personnel policies, programs, and activities (such as compensation, promotion, termination, benefits, training, and recreational programs), and University administration of student-related policies, programs, and activities (such as admissions, extracurricular, and recreational

programs or activities), are unlawful if based on the aforementioned characteristics or status.

C. Retaliation

Retaliation by the University, its employees, or its students, against any person who in good faith reports, complains of, files or pursues a complaint about, or requests assistance with respect to unlawful harassment or unlawful discrimination, or against any person who provides evidence as a witness in connection with a claim of unlawful harassment or unlawful discrimination, is prohibited and will be subject to appropriate disciplinary action by the University.

III. Procedures relating to complaints or requests for assistance

A. Application of procedures to faculty, staff, and students

The procedures specified in this policy apply to all faculty and staff. A member of the faculty or staff participating in a University class or other activity as a student shall nonetheless be considered a member of the faculty or staff, respectively, for purposes of applying this policy to conduct allegedly occurring in such class or other activity.

The Judicial Procedures applicable to enforcement of the Student Conduct Code apply to students, except that the procedures specified in this policy apply to the following cases involving students:

1. When a student alleges unlawful harassment or unlawful discrimination by a faculty member or staff member or a faculty member or staff member alleges unlawful harassment or unlawful discrimination by a student.
2. When a student alleges unlawful harassment or unlawful discrimination by another student if the student respondent is an employee of the University and the student complainant is not an employee of the University, unless the Director of Affirmative Action determines that it is more appropriate for the case to be resolved by Judicial Procedures applicable to enforcement of the Student Conduct Code.
3. When a student alleges unlawful harassment or unlawful discrimination by another student if both are employees of the University at the time of the alleged harassment or discrimination and the student complainant is subordinate in the employment relationship to the student respondent, whether or not the complaint is about harassment or discrimination in the workplace.
4. When a student alleges unlawful harassment or unlawful discrimination by another student if both are employees of the University at the time of the alleged harassment or discrimination, if the student complainant is not subordinate in the employment relationship to the student respondent, and if the complaint relates to behavior of the respondent in the workplace.

If there is doubt about whether cases involving students are covered by either of the two preceding paragraphs (numbered 3 and 4), the Director of Affirmative Action shall make a binding decision, not subject to appeal, as to whether the procedures specified in this policy or the Judicial Procedures applicable to enforcement of the Student Conduct Code shall apply. In reaching such a decision, the Director of Affirmative Action shall begin with the presumption that the procedures specified in this policy apply.

For purposes of applying this policy, a student receiving compensation from the University for teaching responsibilities (including tutoring) shall be considered a student employee rather than faculty or staff.

B. Initiation of complaint or request for assistance

Any faculty member, staff member, student, or other person protected by this policy who believes that he or she has been the subject of unlawful harassment or unlawful discrimination may lodge a complaint or request for assistance. A request for assistance may be made even if the person making the request is uncertain whether, or does not believe that, the conduct of another rises to the level of unlawful harassment or unlawful discrimination. To lodge a complaint or request for assistance, the person with a complaint or request for assistance (hereafter "complainant") should submit a complaint or request for assistance as soon as possible following the incident or incidents of alleged harassment or discrimination for which a complaint is filed or assistance is sought. The complainant may submit the complaint or request for assistance to his or her department head or supervisor, other higher-level University officer, or the University Director of Affirmative Action. A complaint against or request for assistance relating to a department head or supervisor, a higher-level University officer, or the Director of Affirmative Action should be submitted to one of the other persons identified in the preceding sentence. The complaint or request ordinarily should be in writing and ordinarily should include the name of the complainant, the date of the complaint or request, details of the incident(s), the name of the person or persons alleged to have engaged in the conduct (the respondent(s)), the names of any witnesses, and a description of the type of remedy or assistance sought. If the complaint or request for assistance is oral, the person to whom the complaint or request for assistance is made should make and preserve notes identifying the facts specified in the previous sentence to the extent related in the conversation.

University supervisors and managers, including academic personnel with managerial authority on behalf of the University, have the following duties: (1) to report promptly to the Director of Affirmative Action any conduct that they observe that they believe may constitute unlawful harassment or unlawful discrimination; and (2) to communicate promptly to the Director of Affirmative Action any report of, complaint of, or request for assistance with respect to unlawful harassment or unlawful discrimination made to them. This duty applies even in cases in which the supervisor or manager is asked to or desires to participate in an attempted informal resolution of a complaint or request for assistance. Failure to comply with these duties may result in disciplinary action by the University.

C. Initial evaluation by Director of Affirmative Action

When a person has filed a complaint or request for assistance, the Director of Affirmative Action shall select the appropriate response from among the following options:

1. If the Director of Affirmative Action determines that alleged conduct does not amount to harassment or discrimination that is unlawful, the Director will not initiate informal or formal resolution of the complaint or request for assistance but may nonetheless attempt to assist the parties in resolving the issues presented or refer them to others on campus for assistance. However, the Director may later initiate informal or formal resolution for sufficient reason, such as by virtue of a subsequent complaint or request for assistance with respect to conduct of the same respondent(s) or when additional information comes to light. If the Director of Affirmative Action determines that alleged conduct does not amount to harassment or discrimination that is unlawful, the Director of Affirmative Action shall so inform the complainant and the respondent of that determination in a writing that specifies the reason for the determination.
2. If the Director of Affirmative Action determines that alleged conduct, if proven, may constitute harassment or discrimination that is unlawful, the Director shall recommend either informal or formal resolution as more fully described below. When deemed necessary for the protection of others or for the general welfare of the University, the Director of Affirmative Action may require formal resolution even if the person making the complaint or request for assistance does not wish to pursue the complaint or request for assistance or wishes only to pursue informal resolution.
3. If the Director of Affirmative Action determines that the conduct complained of requires corrective action through means other than informal or formal resolution, or if the University has knowledge of prior charges of unlawful harassment or unlawful discrimination against the respondent(s), the Director need not begin or may discontinue informal or formal resolution and the University may take other appropriate action.

D. Informal resolution

If the Director of Affirmative Action determines that alleged conduct, if proven, may constitute unlawful harassment or unlawful discrimination, the Director of Affirmative Action may recommend an attempt at informal resolution to be facilitated by the Director of Affirmative Action, by an appropriate supervisor or manager, or by a neutral third party chosen and agreed to by the complainant, the respondent, and the Director of Affirmative Action. However, any party may decline to participate in or to continue to participate in an attempt to informally resolve the problem. Any party may decline to accept a recommended informal resolution of the problem.

One of the goals of the informal resolution process is to encourage and foster early action to prevent and/or correct conduct that the complainant believes is in violation of

University policy. Accordingly, the fact of a respondent's agreement to undertake an informal resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the respondent has violated University policy against unlawful harassment and unlawful discrimination, and the fact of a complainant's agreement to undertake an informal resolution shall not constitute, shall not be used as, and shall not be construed as an admission that the respondent has not violated University policy against unlawful harassment and unlawful discrimination.

The Director of Affirmative Action is an experienced facilitator of informal resolution of these types of matters and the parties are encouraged to accept the Director of Affirmative Action's participation if the Director of Affirmative Action so suggests. The Director of Affirmative Action may also decline to serve as facilitator. If the complainant and respondent desire informal resolution to be facilitated by someone other than the Director of Affirmative Action, the Director of Affirmative Action shall advise them concerning the most appropriate and effective ways to proceed.

If, during informal resolution, the Director of Affirmative Action, a supervisor or manager, or other neutral third person mutually chosen facilitates communication between the complainant and respondent in an attempt to resolve the complaint or request for assistance by agreement, the facilitation process constitutes mediation subject to the protections of confidentiality and against compelled disclosure, and the exceptions to those protections, that are stated in sections 1115 through 1128, inclusive, of the California Evidence Code.

An attempt at informal resolution shall be initiated, if at all, within 10 working days of receipt of the complaint or request for assistance, and should proceed to conclusion (whether successful or unsuccessful) within 20 working days of initiation of the informal resolution process. The facilitator may extend the deadline for informal resolution for one succeeding period of 10 working days if the facilitator reasonably believes that a successful informal resolution is possible within the extended time.

The following are examples of informal resolution:

- discussions that resolve misunderstandings or exchange perceptions
- the complainant concludes that there is no cause, or no further cause, for complaint or assistance
- the respondent reads or listens to a statement made by the complainant
- the respondent apologizes to the complainant
- the respondent agrees to end conduct that is or is perceived by the complainant to be harassing, discriminatory, or otherwise offensive to or unwelcome by the complainant

- the respondent agrees to participate in educational programs aimed at changing behavior that is or is perceived to be harassing, discriminatory, or otherwise offensive to or unwelcome to the complainant.

If the Director of Affirmative Action has not participated in achieving an informal resolution, the parties, the supervisor or manager, or other neutral third person shall inform the Director of Affirmative Action in writing of the results of any attempt at informal resolution within 5 working days of conclusion of those efforts and shall attach any written agreement between the parties.

E. Formal Resolution

If either the complainant, the respondent, or the Director of Affirmative Action does not agree to informal resolution, if an attempt at informal resolution is unsuccessful, or if the Director of Affirmative Action concludes that appropriate informal resolution is not likely to be reached in a timely fashion, the Director of Affirmative Action shall so inform both parties in writing and specify in writing the charges to be investigated through a formal resolution process.

If the Director of Affirmative Action has not previously attempted to facilitate an informal resolution, the Director of Affirmative Action shall initiate a formal investigation within 10 working days of the decision to do so and shall serve as the investigator. If the Director of Affirmative Action has previously attempted to facilitate an informal resolution, the President of the University or his designee (or the Chair of the Board of Trustees if the complaint is against the President) shall promptly name an alternative qualified person to undertake the investigation. The investigator so chosen must be able to and shall initiate the investigation within 10 working days of being named.

Investigation of the complaint or request for assistance will be thorough and proceed to conclusion within 30 working days of the initiation of the investigation. When the investigation is completed, the investigator will promptly report in writing to the appropriate University officer. The report shall include the investigator's evidentiary findings of the occurrence or non-occurrence of the alleged conduct and the investigator's legal conclusion as to whether conduct that occurred amounted to unlawful harassment or unlawful discrimination. The appropriate University officer will then promptly decide upon the resolution, including, if appropriate, a remedy and prompt and effective corrective action.

The appropriate University officer is determined by the role of the parties in the University community (faculty, staff, or student) at the time of the alleged conduct.

1. Except for cases described in paragraph E.2 immediately below

- if the respondent was a faculty member (even if holding an administrative appointment) at the time of the alleged conduct, the appropriate University officer is the Provost
 - if the respondent was a staff member at the time of the alleged conduct, the appropriate University officer is the Assistant Vice President for Human Resources, except that the appropriate University officer is the Provost if the complainant is a student, the respondent is a staff member with a faculty appointment that is not a continuing faculty appointment, and the complaint arises by virtue of the staff member's alleged conduct in the role of instructor
 - if the respondent was a person holding both a staff appointment and a continuing faculty appointment at the time of the alleged conduct, the appropriate University officer is
 - the Assistant Vice President for Human Resources if the complainant was a staff member at the time of the alleged conduct
 - the Provost if the complainant, at the time of the alleged conduct, was a student, a faculty member, or a person holding both a staff appointment and a continuing faculty appointment
 - if the respondent was a student at the time of the alleged conduct, the appropriate University officer is the Assistant Dean of Student Life
2. If the Assistant Vice President for Human Resources is the respondent or is a complainant in a case in which a staff member is a respondent, the appropriate University officer is the Vice President for Administration and Finance. If the Provost or a vice president is the respondent, the appropriate University officer shall be the President. If the President is the respondent, the appropriate University officer is the Chair of the Board of Trustees.
 3. In a case involving multiple respondents with different roles in the University community at the time of the alleged conduct (e.g. one respondent is a faculty member and one respondent is a staff member), the investigator shall report to the appropriate University officer for each respondent. The appropriate University officers shall consult with one another prior to deciding upon a resolution, remedy, or corrective action to assure that any differences in their decisions will be reasonably related to differences in the conduct of the respondents.

Subject to legal constraints on disclosure (e.g. Family Educational Rights and Privacy Act) and to the extent appropriate considering the privacy of individuals involved, the appropriate University officer will inform the complainant and respondent(s) in writing of the evidentiary findings of the investigator and the resolution of the matter, including any remedy or corrective action to be taken. The complainant, respondent, and the University shall act in conformity with the resolution. An appeal shall stay such action

unless the University determines that such action is necessary to prevent additional harm to an aggrieved party or other persons.

F. Appeal of formal resolution

When a formal investigation is concluded, either the complainant or the respondent may appeal the evidentiary findings of the investigator, the remedy or corrective action, if any, ordered by the appropriate University officer, or both. To appeal, the appealing party, whether complainant or respondent, must submit a written appeal to the appropriate appellate decision maker (with a copy to the other party or parties, a copy to the investigator, and a copy to the University officer to whom the investigator reported) within 10 working days of being informed of the findings and resolution.

The appropriate appellate decision maker is identified in paragraphs F.1 through F.5 immediately below.

1. Except for cases described in paragraphs F.2, F.3, and F.4 immediately below,
 - if the appeal is from a decision of the Provost, appeal is to the Hearing Committee of the Faculty Judicial Board
 - if the appeal is from a decision of the Assistant Vice President for Human Resources, appeal is to the Vice President for Administration and Finance
 - if the appeal is from a decision of the Assistant Dean of Student Life, appeal is to the Dean of Student Life

2. Except for cases described in paragraphs F.3 and F.4 immediately below, appeal is to the President in the following cases (in which, at the time of the alleged conduct, the role of the complainant (e.g. staff) and the role of the respondent (e.g. faculty) in the University community differed):
 - From a decision of the Provost if the complainant was either a student or a staff member at the time of the alleged conduct
 - From a decision of the Assistant Vice President for Human Resources if the complainant was either a student or a faculty member at the time of the alleged conduct
 - From a decision of the Assistant Dean of Student Life if, at the time of the alleged conduct, the complainant was either a faculty member, a staff member, or a person holding both a staff appointment and a continuing faculty appointment

Prior to rendering his decision, the President may consult with any person who participated in the formal resolution process, including the complainant and respondent, and with any other person whose advice he deems relevant, and shall consult with the following persons:

- The Vice President for Administration and Finance and a member of the Faculty Judicial Board selected by the President if at the time of the alleged conduct
 - the complainant was a faculty member and the respondent was a staff member, or
 - the complainant was a staff member and the respondent was a faculty member
- The Vice President for Administration and Finance and the Dean of Student Life if at the time of the alleged conduct
 - the complainant was a student and the respondent was a staff member, or
 - the complainant was a staff member and the respondent was a student
- The Dean of Student Life and a member of the Faculty Judicial Board selected by the President if at the time of the alleged conduct
 - the complainant was a student and the respondent was a faculty member or a person holding both a staff appointment and a faculty appointment (whether or not a continuing faculty appointment), or
 - the complainant was a faculty member or a person holding both a staff appointment and a continuing faculty appointment and the respondent was a student

3. An appeal may be taken instead to neutral arbitration only if all of the following conditions are met: both the complainant and the respondent were staff members at the time of the alleged conduct; the complainant did not hold a continuing faculty appointment at the time of the alleged conduct; the complainant and respondent both agree to neutral arbitration. The arbitrator shall be a qualified professional labor/employment arbitrator who is not employed by or affiliated with the University. In cases of agreed referral to a neutral arbitrator, the staff member and the University will promptly choose any arbitrator by mutual agreement. If the staff member and the University are unable to agree on the identity of the arbitrator, the staff member shall request a panel of names from JAMS/Endispute of Santa Clara County. The arbitrator shall be chosen from the panel of names by alternate striking of names, beginning with the staff member, until one is left, who shall serve as arbitrator. The University shall be responsible for the professional fees of the arbitrator, unless the staff member objects, in which case the University and the staff member shall each be responsible for 50% of the professional fees of the arbitrator. The arbitrator will be authorized to award appropriate

remedy under law as to the specific issues submitted; however, the arbitrator shall have no power to add to, subtract from, change, alter, or ignore the provisions of the Staff Policy Manual or any other University policy. The decision of the arbitrator shall be binding upon the complainant and respondent(s) and upon the University.

4. If the Assistant Vice President for Human Resources is the respondent or is a complainant in which a staff member is a respondent, appeal shall be to the President. If the Provost or a vice president is the respondent, appeal shall be to the Chair of the Board of Trustees. If the President is the respondent, appeal shall be to the Board of Trustees.

5. In a case involving multiple respondents with different roles in the University community at the time of the alleged conduct (e.g. one respondent is a faculty member and one respondent is a staff member not holding a faculty appointment) an appeal shall be taken to the appellate decision maker designated above for each respondent involved in an appeal. If, as a consequence, there is more than one appellate decision maker, such decision makers shall consult with one another prior to a decision to assure that any differences in their decisions will be reasonably related to differences in the conduct of the respondents.

Appeals shall be heard. Ordinarily, decisions should be rendered not more than 10 working days after the appellate decision maker has received all evidence and argument. Subject to legal constraints on disclosure (e.g. Family Educational Rights and Privacy Act) and to the extent appropriate considering the privacy of individuals involved, the appellate decision maker shall immediately inform the complainant and respondent of the decision in writing.

If a student covered by these procedures is a respondent, the appeal shall not be subject to the appellate screening mechanisms applied to alleged violations of the Student Conduct Code.

If a person appeals an investigator's evidentiary findings, the appellate decision maker shall affirm the evidentiary findings unless it concludes that those findings were clearly erroneous. If it decides that the investigator's evidentiary findings of the occurrence of conduct found to constitute unlawful harassment or unlawful discrimination were clearly erroneous, it shall so inform the parties in writing, shall dismiss the matter, and no further action shall be taken against the respondent(s). If it decides that the investigator's evidentiary findings of the non-occurrence of alleged conduct were clearly erroneous, it shall so inform the parties in writing, and shall refer the matter for resolution (including remedy and corrective action, if any) by the University officer to whom the investigator reported.

If a person appeals the remedy or corrective action ordered by the appropriate University officer, the appellate decision maker shall affirm the remedy or corrective action unless it finds the remedy or corrective action to be arbitrary or manifestly unreasonable. If it finds the remedy or corrective action to be arbitrary or manifestly unreasonable, it shall decide upon the remedy or corrective action if any.

In either case, its decision shall be final, shall be communicated to the parties in writing, and shall be implemented promptly.

G. Definition of "working days" and extension of deadlines

"Working days" means the weekdays of Monday through Friday except for such days that are University administrative holidays. Any of the deadlines specified in these procedures may be extended by the Director of Affirmative Action (or, in her absence, her designee) if and only to the extent that the Director deems such extension required by exigent circumstances.

H. Compliance

Failure of the respondent(s) to comply with the informal or formal resolution of a complaint or request for assistance and failure of a designated witness to cooperate with a facilitator in an informal resolution or an investigator in a formal resolution of a complaint may result in disciplinary action by the University, including the possibility of dismissal or expulsion.

I. Documentation

For every case in which the Director of Affirmative Action has received notification of a complaint or request for assistance, the Director of Affirmative Action shall maintain a file that includes the complaint or request for assistance and documentation of the resolution of the matter, including any written agreement between the complainant and respondent(s). The Director of Affirmative Action shall maintain such documentation in the Affirmative Action Office.

J. Rank and tenure decisions

Notwithstanding any of the foregoing procedures, a faculty member claiming unlawful discrimination in the denial of promotion in rank or in the denial of tenure shall pursue that complaint with the Faculty Judicial Board, which shall follow the procedures specified in 3.10.2.3 of the Faculty Handbook.

K. Confidentiality

1. The complainant and respondent(s) are strongly encouraged to preserve the confidentiality of information that in any way relates to the existence, nature, and resolution of a complaint or request for assistance, except to the extent that they wish to share such information in communications that are privileged by law (such as lawyer/client or priest/penitent communications). They should be aware of the damage that unproven allegations might cause another as well as the potential of liability for defamation.

2. University personnel and students (other than the complainant and respondent) participating in the resolution of a complaint or request for assistance shall preserve the confidentiality of information that in any way relates to the existence, nature, and resolution of a complaint or request for assistance, except: (a) to the extent necessary to pursue resolution or appeal of a complaint or request for assistance; (b) to the extent that disclosure is required by law; (c) to the extent that disclosure, including disclosure that exculpates, is required by the ordered remedy or corrective action; (d) to the extent that the Director of Affirmative Action reasonably deems disclosure appropriate to effectuate a remedy or corrective action for the benefit of the complainant, other members of the University community, or the University. Failure to maintain confidentiality may result in disciplinary action by the University.

Persons involved in the resolution or appeal of a complaint or request for assistance shall give due consideration to a complainant's request that his or her identity not be disclosed. However, such disclosure may be necessary to resolve the complaint. In such an event, the complainant shall be so notified in advance of the disclosure.

L. Urgent Action

If at any point the Director of Affirmative Action determines that conduct of a respondent is likely to recur and cause harm to others, the University may take reasonable steps to prevent such result prior to the initiation or conclusion of the procedures set forth above.

M. Designee in lieu of Director of Affirmative Action

The President shall designate a qualified disinterested person or persons to fulfill the responsibilities otherwise assigned by this policy to the Director of Affirmative Action if the Director of Affirmative Action is either a complainant or respondent, if the Director of Affirmative action is unable to fulfill responsibilities assigned to her by this policy, or if the President for good cause determines that the Director of Affirmative Action should not fulfill those responsibilities.

IV. Responsibilities

To achieve the goals of this University policy, each member of the University community must understand and accept responsibility for fulfilling the ideals of the University Statement of Purpose and for honoring its Guiding Principles. The President, Provost, vice presidents within their areas, together with vice provosts, deans, program chairs, Director of Affirmative Action, managers, and supervisors, are responsible for promoting progress on the ideal of building a diverse, nondiscriminatory community, initiating creative actions to increase diversity, and promoting an environment of mutual respect. Academic deans (for faculty), the Dean of Student Life (for students), and the Assistant Vice President for Human Resources (for staff) are responsible for monitoring implementation of this policy. The Director of Affirmative Action is responsible for responding to inquiries regarding federal and state laws as well as filing reports required by federal and state law.

As appropriate, the University will make available educational programs concerning unlawful harassment and unlawful discrimination.

The University will offer reasonable accommodation to qualified individuals with disabilities to the extent required by law.

V. Resources

For more information about this policy, including information about the nature of unlawful harassment and unlawful discrimination, contact the Director of Affirmative Action. The Director of Affirmative Action is Conchita Franco Serri. Her office is Benson Center 12. Her phone number is 408/554-4113.

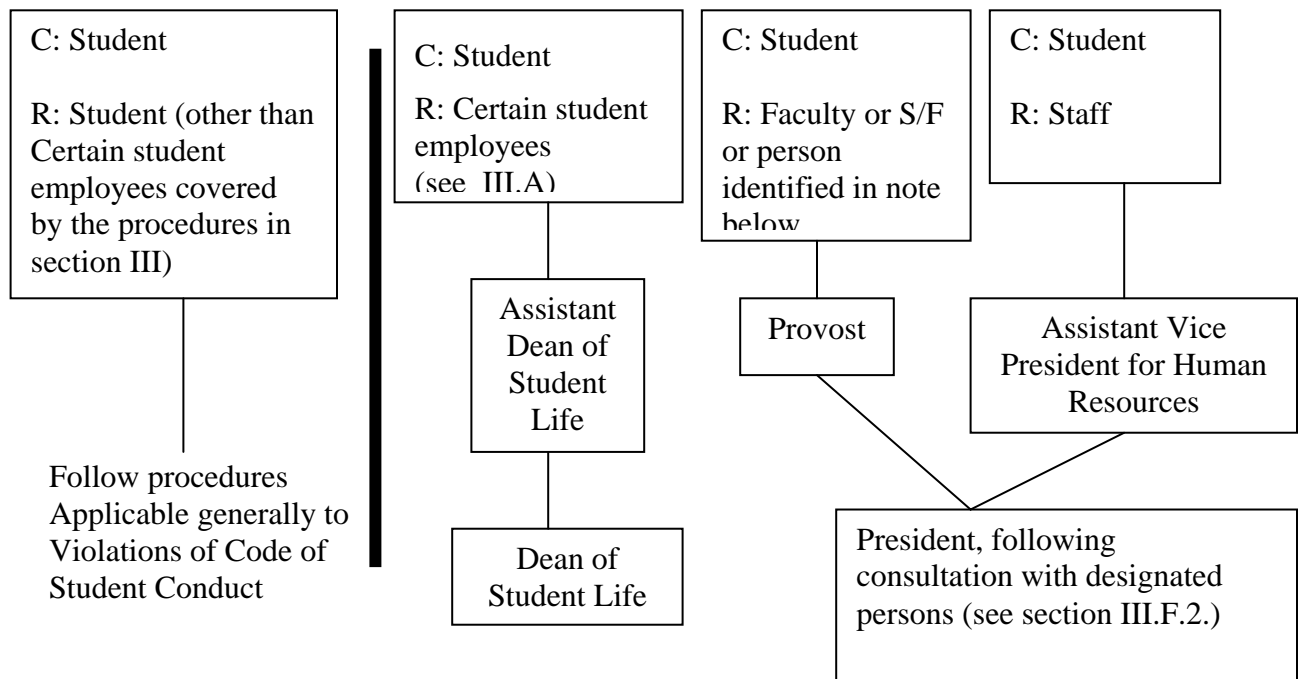
A person aggrieved by unlawful harassment or unlawful discrimination may file a complaint within the time required by law with the appropriate federal or state agency. Depending upon the nature of the complaint, the appropriate agency may be the federal Equal Employment Opportunity Commission (EEOC), the federal Office of Civil Rights (OCR), or the California Department of Fair Employment and Housing (DFEH).

Flow charts depicting lines of formal resolution

Notes:

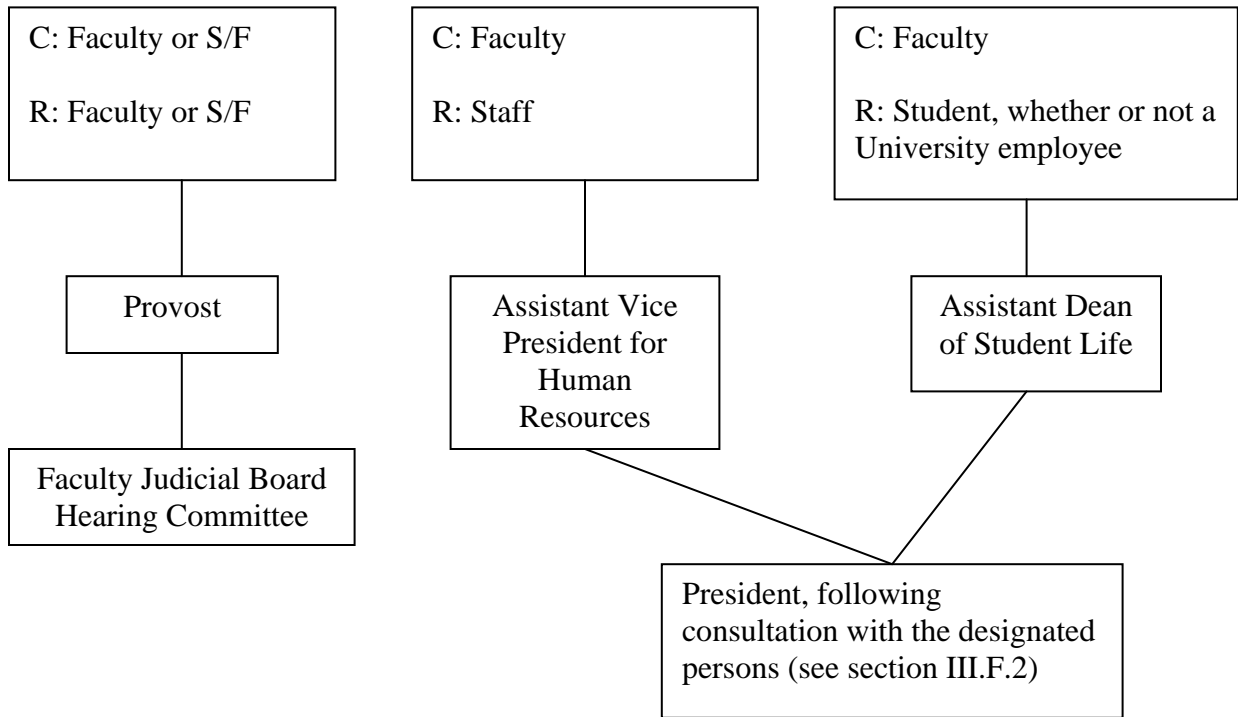
- The first row identifies the role of the complainant (C) and respondent (R) in the University community at the time of the alleged conduct; the second row identifies the initial decision maker; the third row identifies the appellate decision maker
- The symbol "S/F" refers to a person holding both a staff appointment and a continuing faculty appointment
- These charts do not depict lines of formal resolution for certain cases involving selected administrators (see sections III.E.2 and III.F.4)

A. Complaints by students (whether or not the student complainant was also an employee of the University)

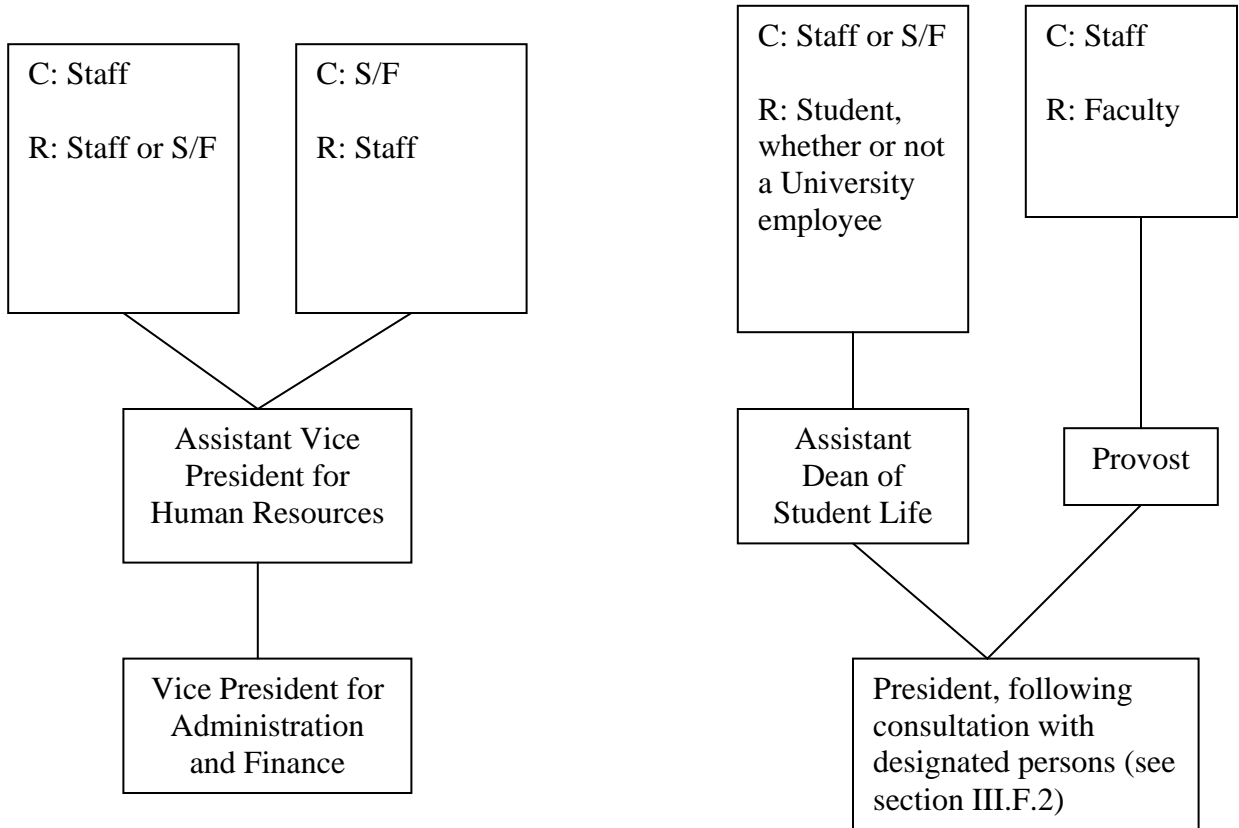


Note: The Provost is the initial decision maker and the President is the appellate decision maker in the following additional case: the complainant is a student, the respondent is a staff member with a faculty appointment that is not a continuing faculty appointment, and the complaint arises by virtue of staff member's alleged conduct in the role of instructor.

B. Complaints by faculty (including some by S/F)



C. Complaints by staff (including some by S/F)



Revised by vote of the Faculty Senate in April 2003 and the Board of Trustees on May 9, 2003.

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX G**

**ALA MODEL POLICY CONCERNING COLLEGE AND UNIVERSITY
PHOTOCOPYING FOR CLASSROOM, RESEARCH, AND LIBRARY RESERVE
USE**

This model policy, another in a series of copyright advisory documents developed by the American Library Association (ALA), is intended for the guidance and use of academic librarians, faculty, administrators, and legal counsel in response to implementation of the rights and responsibilities provisions of Public Law 94-553, General Revision of the Copyright Law, which took effect on January 1, 1978.

Prepared by ALA Legal Counsel Mary Hutchings of the firm Sidley and Austin, with advice and assistance from the Copyright Subcommittee (ad hoc) of ALA's Legislation Committee, Association of College and Research Libraries (ACRL) Copyright Committee, Association of Research Libraries (ARL) and other academic librarians and copyright attorneys, the model policy outlines "fair use" rights in the academic environment for classroom teaching, research activities, and library services. Please note that it does not address other library photocopying which may be permitted under other sections of the Copyright Law, e.g., § 108 (Reproduction by Libraries and Archives).

Too often, members of the academic community have been reluctant or hesitant to exercise their rights of fair use under the law for fear of courting an infringement suit. It is important to understand that in U.S. law, copyright is a limited statutory monopoly and the public's right to use materials must be protected. Safeguards have been written into the legislative history accompanying the new copyright law protecting librarians, teachers, researchers, and scholars and guaranteeing their rights of access to information as they carry out their responsibilities for educating or conducting research. It is, therefore, important to heed the advice of a former U.S. Register of Copyrights:

"If you don't use fair use, you will lose it!"

I. THE COPYRIGHT ACT AND PHOTOCOPYING

From time to time, the faculty and staff of this university [college] may use photocopies materials to supplement research and teaching. In many cases photocopying can facilitate the university's [college's] mission; that is, the development and transmission of information. However, the photocopying of copyrighted materials is a right granted under the copyright law's doctrine of "fair use" which must not be abused. This report will explain the university's [college's] policy concerning the photocopying of copyrighted materials by faculty and library staff. Please note that this policy does not address other library photocopying which may be permitted under other sections of the copyright law, e.g., 17 U.S.C. § 108.

Copyright is a constitutionally conceived property right which is designed to promote the progress of science and the useful arts by securing for an author the benefits of his or her original work of authorship for a limited time. (U.S. Constitution, Art. I § 8.). The copyright statute, 17 U.S.C. § 101 et seq., implements this policy by balancing the author's interest against the public interest in the dissemination of information affecting areas of universal concern, such as art, science, history, and business. The grand design of this delicate balance is to foster the creation and dissemination of intellectual works for the general public.

The Copyright Act defines the rights of a copyright holder and how they may be enforced against an infringer. Included within the Copyright Act is the "fair use" doctrine which allows, under certain conditions, the copying of copyrighted material. While the act lists general factors under the heading of "fair use" it provides little in the way of specific directions for what constitutes fair use. The law states:

17 U.S.C. § 107. Limitations of exclusive rights: Fair use

Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work. (Emphasis added).

The purpose of this report is to provide you, the faculty and staff of this university [college], with an explanation of when the photocopying of copyrighted material in our opinion is permitted under the fair use doctrine. Where possible, common examples of research, classroom and library reserve photocopying have been included to illustrate what we believe to be the reach and limits of fair use.

Please note that the copyright law applies to all forms of photocopying, whether it is undertaken at a commercial copying center, at the university's [colleges] central or departmental copying facilities or at a self-service machine. While you are free to use the

services of a commercial establishment, you should be prepared to provide documentation of permission from the publisher (if such permission is necessary under this policy), since many commercial copiers will require such proof.

We hope this report will give you an appreciation of the factors which weigh in favor of fair use and those factors which weigh against fair use, but faculty members must determine for themselves which works will be photocopied. The university [college] does not condone a policy of photocopying instead of purchasing copyrighted works where such photocopying would constitute an infringement under the copyright law, but it does encourage faculty members to exercise good judgement, in serving the best interests of student in an efficient manner. This university [college] and its faculty and staff will make a conscientious effort to comply with these guidelines.

Instructions for securing permission to photocopy copyrighted works when such copying is beyond the limits of fair use appear at the end of this report. It is the policy of this university [college] that the user (faculty, staff, or librarian) secure such permission whenever it is legally necessary.

II. UNRESTRICTED PHOTCOPYING

A. Uncopyrighted Published Works.

Writings published before January 1, 1978 which have never been copyright must bear a photocopied without restriction. Copies of works protected by copyright must bear a copyright notice, which consists of the letter "C" in a circle, or the word "Copyright," or the abbreviation "Copr.," plus the year of first publication, plus the name of the copyright owner. (17 U.S.C. § 401.) As to works published before January 1, 1978, in the case of a book, the notice must be placed on the title page or the reverse side of the title page. In the case of a periodical the notice must be placed wither on the title page, the first page of text, or in the masthead. A pre- 1978 failure to comply with the notice requirements resulted in the work being injected into the public domain, i.e., unprotected. Copyright notice requirements have been revised since 1978, so that the absence of notice on copies of a work published after January 1, 1978 does not necessarily mean the work is in the public domain. (17 U.S.C. § 405 (a) and (c).) However, you will not be liable for damages for copyright infringement of works published after that date, if, after normal inspection, you photocopy a work on which you cannot find a copyright symbol and you have not received actual notice of the fact the work is copyrighted. (17 U.S.C. § 405 (b).) However, a copyright owner who found out about your photocopying would have to right to prevent further distribution of the copies if in fact the work were copyrighted and the copies are infringing. (17 U.S.C. § 408 (b).)

B. Published Works With Expired Copyrights

Writings with expired copyrights may be photocopied without restriction. All copyrights prior to 1906 have expired. (17 U.S.C. § 304 (b).) Copyrights granted after 1906 may have been renewed; however the writing will probably not contain notice of the renewal. Therefore, it should be assumed all writing dated 1906 or later are covered by a valid

copyright, unless information to the contrary is obtained from the owner or the U.S. Copyright Office (see copyright Office Circular 15t).

Copyright Office Circular R22 explains how to investigate the copyright status of a work. One way is to use the Catalog of Copyright Entries published by the Copyright Office and available in [the university library] many libraries. Alternatively you may request the Copyright Office to conduct a search of its registration and/or assignment records. The office charges an hourly fee for this service. You will need to submit as much information as you have concerning the work in which you are interested, such as the title, author, approximate date of publication, the type of work or any available copyright data. The Copyright Office does caution that its searches are not conclusive; for instance, if a work obtained copyright less than 28 years ago, it may be fully protected although there has been no registration or deposit.

C. Unpublished Works

Unpublished works, such as theses and dissertations, may be protected by copyright. If such a work was created before January 1, 1978 and has not been copyrighted or published without copyright notice, the work is protected under the new act for the life of the author plus fifty years (17 U.S.C. § 303), but in no case earlier than December 31, 2002. If such a work is published on or before that date, the copyright will not expire before December 31, 2027. Works created after January 1, 1978 and not published enjoy copyright protection for the life of the author plus fifty years. (17 U.S.C. § 302.)

D. U.S. Government Publications.

All U.S. government publications with the possible exception of some National Technical Information Service Publications less than five years old may be photocopied without restrictions except to the extent they contain copyrighted materials from other sources. (17 U.S.C. § 105.) U.S. Government publications are documents prepared by an official or employee of the government in an official capacity. (17 U.S.C. § 101.) Government publications include the opinions of courts in legal cases, congressional reports on proposed bills, testimony offered at congressional hearings and the works of government employees in their official capacities. Works prepared by outside authors on contract to the government may or may not be protected by copyright notice on such works, it would be reasonable to assume they are government works in the public domain. It should be noted that state government works may be protected by copyright. (See, 17 U.S.C. § 105.) However, the opinions of state courts are not protected.

III. PERMISSIBLE PHOTOCOPYING OF COPYRIGHTED WORKS

The Copyright Act allows anyone to photocopy copyrighted works without securing permission from the copyright owner when the photocopying amounts to a “fair use” of the material. (17 U.S.C § 107.) The guidelines in this report discuss the boundaries for fair use of photocopied material used in research or the classroom or in a library reserve operation. Fair use cannot always be expressed in numbers— either the number of pages copied or the number of copies distributed. Therefore, you should weigh the various

factors listed in the act and judge whether the intended use of photocopied, copyrighted material is within the spirit of the fair use doctrine. Any serious questions concerning whether a particular photocopying constitutes fair use should be directed to university [college] counsel.

A. Research Uses

At the very least, instructors may make a single copy of any of the following for scholarly research or use in teaching or preparing to teach a class:

1. a chapter from a book;
2. an article from a periodical or newspaper;
3. a short story, short essay, or short poem, whether or not from a collective work;
4. a chart, diagram, graph, drawing cartoon or picture from a book, periodical, or newspaper.

These examples reflect the most conservative guidelines for fair use. They do not represent inviolate ceilings for the amount of copyrighted material which can be photocopied within the boundaries of fair use. When exceeding these minimum levels, however, you again should consider the four factors listed in Section 107 of the Copyright Act to make sure that any additional photocopying is justified. The following demonstrate situations where increased levels of photocopying would continue to remain within the ambit of fair use:

1. the inability to obtain another copy of work because it is not available from another library or source or cannot be obtained within your time constraint;
2. the intention to photocopy the material only once and not to distribute the material to others;
3. the ability to keep the amount of material photocopied within a reasonable proportion to the entire work (the larger the work, the greater amount of material which may be photocopied).

Most single-copy photocopying for your personal use in research— even when it involves a substantial portion of a work—may well constitute fair use.

B. Classroom Uses

Primary and secondary school educators have, with publishers, developed the following guidelines, which allow a teacher to distribute photocopied material to students in a class without the publisher's prior permission, under the following conditions:

1. the distribution of the same photocopied material does not occur every semester;
2. only one copy is distributed for each student, which copy must become the student's property;
3. the material includes a copyright notice on the first page of the portion of material photocopied;
4. the students are not assessed any fee beyond the actual cost of the photocopying.

In addition, the educators agreed that the amount of material distributed should not exceed certain brevity standards. Under those guidelines, a prose work may be reproduced in its entirety if it is less than 2,500 words in length. If the work exceeds such length, the excerpt reproduced may not exceed the 1,000 words, or 10 percent of the work, whichever is less. In the case of poetry, 250 words is the maximum permitted.

These minimum standards normally would not be realistic in the university setting. Faculty members needing to exceed these limits for college education should not feel hampered by these guidelines, although they should attempt a 'selective and sparing' use of photocopied, copyrighted material.

The photocopying practices of an instructor should not have a significant detrimental impact on the market for the copyrighted work. (17 U.S.C. § 107 (4).) To guard against this effect, you usually should restrict use of an item of photocopied material to one course and you should not repeatedly photocopy excerpts from one periodical or author without the permission of the copyright owner.

C. Library Reserve Uses

At the request of a faculty member, a library may photocopy and place on reserve excerpts from copyrighted works in its collection in accordance with guidelines similar to those governing formal classroom distribution for face-to-face teaching discussed above. This university [college] believes that these guidelines apply to the library reserve shelf to the extent it functions as an extension of classroom readings or reflects an individual student's right to photocopy for his personal scholastic use under the doctrine of fair use. In general, librarians may photocopy materials for reserve room use for the convenience of students both in preparing class assignments and in pursuing informal educational activities which higher education requires, such as advanced independent study and research.

If the request calls for only one copy to be placed on reserve, the library may photocopy an entire article, or an entire chapter from a book, or an entire poem. Requests for multiple copies on reserve should meet the following guidelines:

1. the amount of material should be reasonable in relation to the total amount of material assigned for one term of a course taking into account the nature of the course, its subject matter and level, (17 U.S.C. § 107(1) and (3));
2. the number of copies should be reasonable in light of the number of students enrolled, the difficulty and timing of the assignments, and the number of other courses which may assign the same material, (17 U.S.C. § 107(1) and (3));
3. the material should contain a notice of copyright, (17 U.S.C. § 401);
4. the effect of photocopying the material should not be detrimental to the market for the work. (In general, the library should own at least one copy of the work.) (17 U.S.C. § 107 (4).)

For example, a professor may place on reserve as a supplement to the course textbook a reasonable number of copies of articles from academic journals or chapters from trade books. A reasonable number of copies will in most instances be less than size, but factors such as the length or difficulty of the assignment, the number of enrolled students and the length of time allowed for completion of the assignment may permit more unusual circumstances.

In addition, a faculty member may also request that multiple copies of photocopied, copyrighted material be placed on the reserve shelf if there is insufficient time to obtain permission from the copyright owner. For example, a professor may place on reserve several photocopies of an entire article from a recent issue of Time Magazine or the New York Times in lieu of distributing a copy to each member of the class. If you are in doubt as to whether a particular instance of photocopying is fair use in the reserve reading room, you should seek the publisher's permission. Most publishers will be cooperative and will waive any fee for such a use.

Uses of Photocopies: Material Requiring Permission

1. repetitive copying: The classroom or reserve use of photocopied materials in multiple courses or successive years will normally require advance permission from the owner of the copyright, (17 U.S.C. § 107(3)).
2. copying for profit: Faculty should not charge students more than the actual cost of photocopying the material, (17 U.S.C. § 107(1)).

3. consumable works: The duplication of works that are consumed in the classroom, such as standardized tests, exercises, and workbooks, normally requires permission from the copyright owner, (17 U.S.C. § 107(4))
4. creation of anthologies as basic text material for a course: Creation of a collective work or anthology by photocopying a number of copyrighted articles and excerpts to be purchased and used together as the basic text for a course will in most instances require the permission of the copyright owners. Such photocopying is more likely to be considered as a substitute for purchase of a book and thus less likely to be deemed fair use, (17 U.S.C. § 107(4)).

E. How to Obtain Permission.

When a use of photocopied material requires that you request permission, you should communicate complete and accurate information to the copyright owner. The American Association of Publishers suggests that the following information be included in a permission request letter in order to expedite the process:

1. Title, author and/or editor, and edition of materials to be duplicated.
2. Exact material to be used, giving amount, page numbers, chapters, and, if possible, a photocopy of the material.
3. Number of copies to be made.
4. Use to be made of duplicated materials.
5. Form of distribution (classroom, newsletter, etc...).
6. Whether or not the material is to be sold.
7. Type of reprint (ditto, photography, offset, typeset).

The request should be sent, together with a self-addressed return envelope, to the permissions department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be readily obtained in a publication entitled *The Literary Marketplace*, published by the R.R. Bowker Company and available in all libraries.

The process of granting permission requires time for the publisher to check the status of the copyright and to evaluate the nature of the request. It is advisable, therefore, to allow enough lead time to obtain permission before the materials are needed. In some instances, the publisher may assess a fee for the permission. It is not inappropriate to pass this fee on to the students who receive copies of the photocopied material.

The Copyright Clearance Center also has the right to grant permission and collect fees for photocopying rights for certain publications. Libraries may copy from any journal which is registered with the CCC and report the copyright beyond fair use to CCC and pay the set fee. A list of publications for which the CCC handles fees and permissions is available from the CCC, 310 Madison Avenue, New York, N.Y. 10017.

F. Infringement

Courts and legal scholars alike have commented that the fair use provisions in the Copyright Act are among the most vague and difficult that can be found anywhere in the law. In amending the Copyright Act in 1976, Congress anticipated the problem this would pose for users of copyrighted materials who wished to stay under the umbrella of protection offered by fair use. For this reason, the Copyright Act contains specific provisions which grant additional rights to libraries and insulate employees of a nonprofit educational institution, library, or archives from statutory damages for infringement where the infringer believed or had reasonable ground to believe the photocopying was a fair use of the material. (17 U.S.C. § 504(c)(2).)

Normally, an infringer is liable to the copyright owner for the actual losses sustained because of the photocopying and any additional profits of the infringer. (17 U.S.C. § 504(a) (1) and (b).) Where the monetary losses are nominal, the copyright owner usually will claim statutory damages instead of the actual losses. (17 U.S.C. § 504(a) (2) and (c).) The statutory damages may reach as high as \$10,000 or up to \$50,000 if the infringement is willful. In addition to suing for money damages, a copyright owner can usually prevent future infringement through a court injunction (17 U.S.C. § 502).

The Copyright Act specifically exempts from statutory damages any employee of a nonprofit educational institution, library, or archives, who “believed and had reasonable ground for believing that his or her use of the copyrighted work was a fair use under Section 107.” (17 U.S.C. § 504 (c) (2).) While the fair use provisions are admittedly ambiguous, any employee who attempts to stay within the guidelines contained in this report should have an adequate good faith defense in the case of an innocently committed infringement.

If the criteria contained in this report are followed, it is our view that on copyright infringement will occur and that there will be no adverse effect on the market for copyrighted works.

Sample Letter To Copyright Owner (Publisher) Requesting Permission To Copy:

March 1, 1982

Material Permissions Department
Hypothetical Book Company
500 East Avenue

Chicago, Illinois 60601

Dear Sir or Madam:

I would like permission to copy the following for continued use in my classes in future semesters:

Title: Learning is Good, Second Edition

Copyright: Hypothetical Book Co., 1965, 1971

Author: Frank Jones

Material to be duplicated: Chapters 10, 11, and 14
(photocopy enclosed).

Number of copies: 500

Distribution: The material will be distributed to students in my classes and they will pay only the cost of photocopying.

Type of reprint: Photocopy

Use: The chapter will be used as supplementary teaching materials.

I have enclosed a self-addressed envelope for your convenience in replying to this request.

Sincerely,

Faculty Member

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX H**

POLICY ON MISCONDUCT IN RESEARCH

The essence of all research and scholarship is the pursuit of truth. Actions that undermine the integrity of scholarly activity may impede the advancement of knowledge, jeopardize the position of collaborators, compromise the work of other investigators, harm innocent members of the general public, and besmirch the reputation of the University. Such misconduct cannot be tolerated.

A. Scope of Policy

The term “misconduct in research” refers to any serious deviation from practices that are commonly accepted within the academic community for proposing, conducting, or reporting research or scholarship. This definition specifically includes plagiarism; fabrication or falsification of evidence or data; unauthorized use of privileged information; and deliberate and substantial violation of federal, state, or University regulations relating to the conduct of research. It does not include honest error or honest differences in interpretation of data.

Principal investigators have a special responsibility to assure the integrity of work conducted under their supervision, but all authors in a group effort share responsibility for the published result. Publications should therefore list as authors only those who have contributed to the research, who have reviewed the manuscript carefully, and who are prepared to stand behind the conclusions.

This policy applies to all employees of the University.

B. Appointment of Administrative Officer

The Provost will appoint an individual to serve as the administrative officer to whom allegations of misconduct in research should be reported. The administrative officer will be responsible for coordinating the implementation of this policy.

When the administrative officer has a real or apparent conflict of interest in a particular case, the Provost will appoint someone else to serve in this capacity for the duration of the case to assure that it is handled in a fair and impartial manner.

C. Allegation of Misconduct

Any person who has reason to believe that misconduct in research, as defined in this policy, has taken place should contact the administrative officer.

The administrative officer will discuss with this individual the procedures to be followed. If the individual decides to make a formal allegation, the administrative officer will initiate a preliminary inquiry. Even if the individual decides not to make a formal allegation, the administrative officer may initiate a preliminary inquiry if in his or her judgment sufficient cause exists to warrant one.

Some concerns reported to the administrative officer may fall outside the scope of this policy. In such a case, the administrative officer will advise the person reporting the concern about other policies or procedures that may pertain.

D. Preliminary Inquiry

When an inquiry is initiated, the administrative officer will immediately notify the person suspected of misconduct of the allegation and the process that will follow. The administrative officer will also appoint a committee of three University employees who will conduct a prompt and thorough inquiry into the alleged misconduct. The purpose of this preliminary inquiry will be to gather and review factual information to determine whether a formal investigation is warranted.

The three University employees on the inquiry committee will be tenured faculty members if the person suspected of misconduct is a faculty member. Even if the person is not, the committee will include at least one tenured faculty member. Committee members should be free of any conflict of interest and should have appropriate backgrounds for judging the issues at stake. They will secure whatever expertise is necessary and appropriate to evaluate the relevant evidence.

The committee will submit a written report to the administrative officer within 60 calendar days of its appointment unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the committee will provide the administrative officer written documentation of the reasons for exceeding this limit.

The report of the committee will state what evidence was reviewed, summarize relevant interviews, and include the conclusions of the committee. The person against whom the allegation was made will receive a copy of this report and have the opportunity to comment on it as part of the record.

If the committee determines that the allegation is frivolous, that it cannot be substantiated, or that there is insufficient evidence to justify further investigation, all proceedings will be terminated. If it determines that sufficient evidence exists, the administrative officer will initiate a formal investigation within 30 days of receiving the report.

Records of inquiries will include sufficient documentation to explain the basis of the decision to terminate proceedings or to initiate a formal investigation. The administrative

officer will maintain these records in a secure manner for at least three years after completion of the inquiry.

E. Formal Investigation

The administrative officer will initiate a formal investigation by notifying the individual suspected of misconduct, his or her immediate supervisor, the appropriate chair and dean, and the Provost.

The Provost will request that the Faculty Judicial Board conduct a formal investigation of the allegation, provided that the individual suspected of misconduct is a faculty member and consents to this procedure. The Faculty Judicial Board will conduct the investigation and make its recommendations in accordance with the guidelines established in Section 3.10.2 of the Faculty Handbook.

If the person suspected of misconduct is not a faculty member or does not consent to a hearing by the Faculty Judicial Board, the Provost will appoint a special committee to conduct a formal investigation. The special committee will include five employees of the University who will proceed according to the same guidelines as those outlined for the Faculty Judicial Board in Section 3.10.2 of the Faculty Handbook, with the sole exception that the special committee will not communicate with the Faculty Judicial Board before presenting its final report.

The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data, proposals, publications, correspondence in any format, and memoranda of telephone calls. The committee conducting the investigation will make every effort to interview all individuals who have made the allegation, been the subject of the allegation, or possess information regarding important aspects of it. Complete summaries of these interviews should be prepared, given to the interviewed party for comment or revision, and included as part of the investigatory file. The committee will secure whatever expertise is necessary and appropriate to carry out a thorough and authoritative evaluation of the relevant evidence.

In the course of its work, the investigating committee may discover additional information that justifies broadening the scope of the investigation beyond the initial allegation. The committee should inform both the Provost and the person whose conduct is being investigated when it intends to broaden the scope of an investigation.

The committee will submit its final report within 120 calendar days of its appointment. If the committee determines that it will not be able to meet this deadline, it must submit to the Provost a written request for an extension that includes an explanation for the delay, an interim report on the progress to date, and an estimated date of completion.

The administrative officer will be responsible for maintaining records of the investigation in a secure manner for at least three years after completion of the investigation.

F. Sanctions

If the investigating committee finds that misconduct has occurred, it will recommend appropriate sanctions in accordance with Section 3.9 of the Faculty Handbook.

G. Protection of Rights

Individuals against whom allegations of misconduct in research are made will be afforded confidential treatment to the maximum extent possible, a prompt and thorough inquiry and investigation if warranted, and an opportunity to comment on allegations and findings of any inquiry and investigation. When allegations are not confirmed, the University will make diligent efforts to protect the reputations of persons against whom the allegations have been made.

The University will also make diligent efforts to protect the privacy, reputations, and positions of those who in good faith report apparent misconduct. Allegations that are not brought in good faith, however, may lead to disciplinary action.

H. Interim Administrative Action

Pending final disposition of a case, the Provost or the administrative officer may take interim administrative action to protect funds from government agencies or other external sponsors, the health and safety of research subjects, or the interests of the University.

I. Notification of Sponsors

External sponsors have the right to expect that the integrity of research for which they provide funding will be maintained.

If the University decides after an initial inquiry to proceed with a formal investigation of misconduct in any research project supported by external funds, the administrative officer will notify the sponsoring agency on or before the date the investigation begins. The final report of the investigating committee will ordinarily be submitted to the agency within 120 days of the appointment of the committee. When government agencies or other sponsors require more detailed reporting procedures, the University will comply with those procedures.

Depending on the nature of misconduct that is found, the University may also have an ethical responsibility to notify other parties of the conclusions of a formal investigation. These parties may include research collaborators, editors of journals in which the research was published, professional licensing boards, other institutions with which the individual has been affiliated, or other persons or organizations with a direct interest in the matter.

J. Compliance with Federal Regulations

Whether or not this policy specifically addresses them, the University will comply with all federal regulations pertaining to misconduct in research.

Note on Sources:

This policy is based in large part on the following documents: “Responsibilities of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science,” the 1989 regulations issued by the Public Health Service (PHS); “Misconduct in Science and Engineering Research,” the 1987 regulations issued by the National Science Foundation (NSF); “Framework for Institutional Policies and Procedures to Deal with Fraud in Research,” issued in 1988 jointly by the Association of American Universities (AAU), National Association of State Universities and Land-Grant Colleges (NASULGC), and Council of Graduate Schools (CGS); “Report of the Association of American Universities Committee on the Integrity of Research,” issued in 1983 by the Association of American Universities (AAU); and “The Maintenance of High Ethical Standards in the Conduct of Research,” issued in 1982 by the Association of American Medical Colleges (AAMC).

**EXCEPTIONS TO THE SANTA CLARA UNIVERSITY FACULTY HANDBOOK:
JESUIT SCHOOL OF THEOLOGY**

This document describes exceptions to the Faculty Handbook of Santa Clara University that are applicable to the faculty of the Jesuit School of Theology of Santa Clara University (JST). Except as noted in this document or in the Faculty Handbook itself, JST faculty are subject to all provisions in Chapter 3 of the Faculty Handbook.

This document was approved by the Board of Trustees of Santa Clara University on October 15, 2010 after prior approval by the JST Academic Council and the JST Board of Directors.

**EXCEPTIONS TO THE
SANTA CLARA UNIVERSITY FACULTY HANDBOOK:
JESUIT SCHOOL OF THEOLOGY**

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I. PURPOSE

This document, “Exceptions to the Santa Clara University Faculty Handbook: Jesuit School of Theology,” complements four other documents to which we consider ourselves bound: the Statutes, the Policies and Procedures (Regulationes), the Santa Clara University Faculty Handbook, and the JST Protocols Booklet (which is currently under development). Faculty should be familiar with the contents of these documents.

II. MISSION STATEMENT

The Jesuit School of Theology of Santa Clara University (JST-SCU) is a theological school faithful to the intellectual tradition and the apostolic priority of the Society of Jesus: reverent and critical service of the faith that does justice. As such, JST-SCU shares Santa Clara’s strategic commitment to a Jesuit education grounded in an engaged pedagogy for the formation of leaders of competence, conscience and compassion.

JST-SCU achieves its mission primarily through the academic, pastoral, and personal formation of Jesuits and other candidates for ministry, ordained and lay, in the Roman Catholic Church. As an Ecclesiastical Faculty of Theology, it prepares men and women to serve the Church as scholars and teachers. It fulfills this mission in the ecumenical and interfaith context of the nine-member Graduate Theological Union and the adjacent University of California at Berkeley.

JST-SCU is specifically committed to the preparation of Jesuits and others for ordination to the Roman Catholic priesthood, the preparation of men and women for varied forms of ministry in the church, the advancement of theology through scholarly contributions to academy, church, and society, and the theological, spiritual, and personal renewal of those already engaged in ministry.

JST-SCU discharges its apostolic commitments by means of its critical fidelity to the Roman Catholic tradition, its attentiveness to the cultures shaping the church in a pluralistic world, its special concern for ministry with Latino communities, its skillful use of socio-cultural analysis and theological reflection in all apostolic endeavors, and its commitment to full partnership and mutuality between women and men in church and society. It accomplishes these commitments through its academic programs, sabbatical program, outreach programs, summer institutes, and financial aid programs which are designed for direct engagement with the local Church in the Bay Area, the global Catholic Church, and other religious and cultural communities. In these ways, JST-SCU seeks to read the signs of the times in order to proclaim the gospel of Christ effectively and to promote God’s work of justice and peace in a rapidly changing global context.

III. ACADEMIC FREEDOM

This statement replaces 3.6.1 in the SCU Faculty Handbook.

The Jesuit School of Theology, as a center of theological discourse, affirms that academic freedom is essential for both research and instruction. It recognizes that freedom of inquiry, open discussion, and the exchange of ideas are essential to the pursuit of knowledge. Such freedom presupposes of its faculty first, personal integrity in dealing with students, peers, and administration; second, scholarly competence by observing the professional standards of one's discipline with a commitment to the mission of the School; third, a responsibility to be accurate and judicious in public statements; fourth, openness to criticism from one's peers.

The Jesuit School of Theology recognizes that its relationship with the Roman Catholic Church is a constitutive part of its mission. Theology serves the Christian community by expressing the abiding truth of Jesus Christ within a cultural context, mediating between faith and culture. Theology becomes a means of communicating the Church's teachings to the community of believers and to society at large. Theologians recognize their responsibility to preserve the integrity of the Christian message and to protect the faithful from erroneous teachings in faith and morals. Towards this goal, academic freedom – the freedom of inquiry, thought and expression – is essential.

IV. FACULTY CATEGORIES

In terms of rank, JST employs the same categories as can be found in the *SCU Faculty Handbook*, Section 3.1: Assistant Professor, Associate Professor, Professor, Professor Emeritus or Emerita, Lecturer, Senior Lecturer, Visiting Faculty, Adjunct Faculty, and Special Appointments.

As an ecclesiastical faculty, the faculty of the Jesuit School of Theology is also organized into the following categories (see *Statutes*, Articles 17-20):

1. Ordinary
2. Extraordinary.

V. PROCEDURES FOR TENURE AND PROMOTION IN RANK

This section replaces 3.4.4.2, 3.4.4.4 – 3.4.4.6 and 3.4.5 in the SCU Faculty Handbook.

A. Tenure.

1. Procedure:

- (a) Initiation of process: The Dean will automatically request a review by the AR&T Committee when the faculty member is eligible, but no later than at the beginning of the sixth year of service and will immediately notify the faculty member in question so that he/she may have time to update their academic file and submit other pertinent documents, etc.

- (b) **Consultation:** The AR&T Committee will seek the widest possible consultation by requesting input from all levels of publics that the faculty member has been involved with, especially from the GTU, UCB, the local Church (diocese), and any public that may have been of special concern to the faculty member. Particularly with regard to the GTU, the Committee will seek input from faculty peers, administration personnel, and students who are representative of the various degree programs, etc. Moreover, the faculty member may submit his/her own list of people to be consulted. The Committee should seek to respect this list as far as possible but is not bound to it and should seek a broader base of consultation.
- (c) **Notification:** The chair of the AR & T Committee will send a letter to the Dean, who will in turn write to the Provost, who makes a recommendation to the President. The President will notify the faculty member of the final decision.

2. Tenure for clerics and religious:

Tenure for clerics and religious is always limited by their prior commitment to the general apostolate of the Church, to which they may be called by their competent superiors, and tenure is granted to clerics and religious on condition that they maintain their clerical or religious status in good standing according to the laws of the Church.

B. Promotion in Rank.

1. Procedure for rank of Associate:

- (a) **Initiation of process:** The faculty member, not earlier than the third year, not later than the fifth year of completed service, may request the Dean to initiate the process and will proceed to update their academic file, submit pertinent documents, etc. The Dean, in turn, will make the same request of the departmental convener who, after consultation with the department, will make the department's recommendation to the AR&T Committee.

The Dean functions in place of the departmental convener in cases involving the departmental convener himself or herself. In turn, the AR&T committee will inaugurate its own review using the same consultation base and criteria employed for tenure considerations.

- (b) **Concurrence:** The review for tenure and rank of Associate may occur at the same time during the sixth year of service. The granting of tenure carries with it an automatic elevation to the rank of Associate.
- (c) **Notification:** The President will notify as above for tenure. If rank does not concur with tenure, there is no prejudice to applying again in a

subsequent year if this request for rank is denied.

- 2. Procedure for rank of Professor:** Advancement to the rank of professor implies that one has exceeded in a significant and ongoing manner the level of achievement required for promotion to the rank of Associate Professor (cf. Article 19.2 of Statutes). Application for full professorship can ordinarily occur no sooner than the completion of five full years of service as an Associate Professor of JST.

VI. SABBATICAL AND JUNIOR FACULTY DEVELOPMENT LEAVES

This section replaces 3.7.1 through 3.7.1.5 of the SCU Faculty Handbook.

A. Sabbatical Leave

Sabbatical leave is an absence from JST-SCU granted by the President for the purpose of research, improvement of effectiveness in teaching or in the other duties of teachers. For the purpose of promotion in rank or advancement to tenure, sabbatical leave is considered as service to JST-SCU. It is granted only to regular teachers, who are eligible for a sabbatical leave of one year after six years of full-time teaching. More frequent sabbatical leaves for shorter periods of time may be arranged, provided that the total sabbatical time during each seven years does not exceed one full year. Adequate financial provision for sabbatical leaves shall be made by JST-SCU. (Statutes Article 22)

A. 1. General Policy On Sabbatical Leaves

It should be noted that leaves are not granted automatically on request. Because there are other factors besides an individual faculty member's need which must be considered, it may be impossible to grant a particular request, or it may be necessary to change the specific time or length of time requested.

The Board of Directors has stipulated that, generally, no more than three regular faculty members may be on sabbatical or leave of absence at the same time.

The faculty member will be required to sign a statement that he/she will return to the School for one year of fulltime service following the completion of the sabbatical leave. Time spent on sabbatical counts fully for promotion and, if applicable, tenure.

A. 2 Eligibility

A permanent tenured full-time faculty member or Senior Lecturer is eligible to apply for one year of sabbatical leave to follow six-years of full-time teaching. Remuneration for sabbaticals is determined by the formula in Section A.2.3.

Three semesters prior to a faculty member's eligibility, the Dean shall give notification in writing. Generally, the faculty member is expected to apply for the sabbatical as scheduled, and no more than two postponements will be granted.

A. 2. 1 Application Policy and Procedure

By mid-October one year prior to the projected sabbatical, faculty members requesting sabbatical leave shall submit a written proposal with an updated curriculum vitae to the committee on Appointment, Rank and Tenure. The Committee shall recommend the sabbatical or not on the merits of this proposal as well as on the basis of length of service, quality of previous scholarly work, previous sabbatical report, etc.

The recommendation of this committee shall be communicated to the Provost by the chair of the Appointment, Rank and Tenure Committee. The Dean will make a separate recommendation. Final approval (or disapproval for stated causes) shall be given in writing by the Provost.

If the sabbatical request is deemed meritorious, the School will ordinarily make every effort to grant the sabbatical for the period requested, or within the following one or two years. Moreover, if a faculty member postpones a sabbatical at the request of the School, the clock for the next sabbatical begins from the time he or she was eligible for the sabbatical which was postponed.

During the sabbatical, the faculty member may not accept a teaching position elsewhere, except under unusual circumstances and with prior approval of the Dean.

A. 2. 3 Remuneration

For each semester of full-time employment, up to a maximum of two semesters per academic year, an eligible faculty member accrues 1/18 of her/his base pay for sabbatical leave. For example, after nine semesters or four and one-half years of regular service, a tenured faculty member is eligible for one semester of sabbatical leave at 100% of base annual salary; after 18 semesters or 9 years of regular service, a tenured faculty member or Senior Lecturer is eligible for two semesters of sabbatical leave at 100 % of base annual salary.

After 9 semesters and up to 18 semesters of full-time service, a faculty member eligible for sabbatical may take a two-semester sabbatical leave at a reduced salary if the accrued service is insufficient to permit a sabbatical leave at full pay. For example, after 12 semesters or six years of regular service, a full year of sabbatical leave will be remunerated at 12/18 or 66.7% of base annual salary; after 16 semesters of regular service, a full year of sabbatical leave will be remunerated at 16/18 or 88.9% of base annual salary.

Any semesters of accrued service that are not utilized for a sabbatical leave may be credited to a subsequent sabbatical leave. There will be no additional accrual of sabbatical time after 18 semesters of service unless the faculty member has had to delay a sabbatical leave in the interest of the department, college, or University. In such cases, with the written approval of the Provost, any additional quarters will be credited to a subsequent sabbatical leave. Sabbatical salary may not exceed 100% of the faculty member's regular salary.

If a salary increase is granted to all faculty members, faculty on sabbatical when the increase is granted shall be eligible for the same increase.

A. 2. 4 Reports on Sabbaticals

Upon return from sabbatical, a detailed report of the actual results of the project must be filed with the Dean's office no later than April 1 for those on sabbatical during the fall semester, and October 1 for those on sabbatical during the spring semester or the full academic year. The Dean will then forward a copy of the report to the Committee on Appointment, Rank and Tenure for its review and comments. These comments will be submitted to the Provost for final approval.

B. Junior Faculty Development Leaves

This section replaces 3.7.2 of the SCU Faculty Handbook.

Junior faculty will be encouraged to develop a research proposal towards publication and are eligible to apply for one of the following to take place during their fourth or fifth year of service at JST.

- i.) a semester of leave for research;
- ii.) a semester of unpaid leave for research funded by outside sources;
- iii.) a semester of reduced teaching load which needs to be arranged with the dean.

The first and second options, for research or unpaid leave, are handled through proposals made to the Appointment, Rank and Tenure Committee in the fall semester, one year prior to projected sabbatical. The third option would be negotiated with the Academic Dean.