

ST. MARY'S UNIVERSITY



Mission Statement

*St. Mary's University, as a Catholic Marianist University,
fosters the formation of people in faith and educates leaders
for the common good through community, integrated liberal arts
and professional education, and academic excellence.*

FACULTY HANDBOOK

**Approved by the Board of Trustees
August 9, 2024**

**OFFICE OF THE PROVOST AND
EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS**

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St. Mary's University Faculty Handbook

Section 1.0 University Organization

1.1 Mission Statement

St. Mary's University, as a Catholic Marianist University, fosters the formation of people in faith and educates leaders for the common good through community, integrated liberal arts and professional education, and academic excellence.

Our mission statement is a reflection of the *Characteristics of Marianist Universities*. There are five elements that characterize the Marianist approach to education:

- Educate for formation in faith
- Provide an integral quality education
- Educate in the family spirit
- Educate for service, justice and peace, and integrity of creation
- Educate for adaptation and change

The three Marianist universities have published a book, *Characteristics of Marianist Universities*, to better describe the Marianist approach to education at the university level.

1.2 The Corporation of St. Mary's University

The membership of the Corporation of St. Mary's University, its powers, structure, and operation are found in Article 3 of the Bylaws of St. Mary's University.

1.2.1 The Board of Trustees

The powers, duties, structure, and operation of the Board of Trustees are found in Article 4 of the Bylaws of St. Mary's University.

1.3 Administrative Organization

1.3.1 Chancellor of the University

See Article 7.2 and 7.3 of the St. Mary's University Bylaws, which identifies the Chancellor and describes the duties of the Chancellor.

1.3.2 President

See Articles 7.4 and 7.5 of the St. Mary's University Bylaws, which identifies the President and describes the duties of the President.

1.3.3 Other Officers of the University and Senior Leadership

Article 7.6 of the St. Mary's University Bylaws identifies the other officers of the University and describes their duties.

Reporting to the President, the officers of St. Mary's University are:

- Provost and Executive Vice President for Academic Affairs (hereafter "Provost")
- Vice President for Administration and Finance
- Vice President for Mission
- Vice President for University Advancement
- Vice President for Student Development
- Vice President for Information Services
- Vice President for Enrollment Management

The list of officers can be changed with the approval of the Board of Trustees. In addition, other members of the University's leadership team participate in the administration of the University or its Schools or Colleges (hereinafter "School(s)").

1.3.4 Academic Deans, Department Chairs, Program Directors, and Other Academic Affairs Leadership

The Academic Deans, Department Chairs, Program Directors participate in the academic administration of their Schools, departments, and programs, respectively.

For a current listing of Academic Affairs leadership positions, please refer to the Academic Affairs' website. The Provost may appoint other leadership positions as necessary for the effective administration of the academic affairs of the University or the respective Schools.

1.4 Organizational Charts

Current organizational charts can be found on the University's internal website or this link

<https://gateway.stmarytx.edu/rattlers/human-resources-organization-charts>

Section 2.0 Statement of Governance, Faculty Senate, and Relevant Faculty Committees

2.1 General Statement on Governance

2.1.1 St. Mary's University as a Community: The Spirit of Governance

This statement is a call to mutual understanding regarding the governance of St. Mary's University. St. Mary's University is an academic community shaped by Catholic and Marianist ideals, attitudes, and principles which assist in the protection and advancement of human dignity, and by a Catholic and Marianist heritage through teaching, research, and service offered to local, national, and international communities. St. Mary's University is animated by its Catholic and Marianist charism and guided by foundational documents that define its mission as an educational institution, including *Ex Corde Ecclesiae*, *Gaudium et Spes*, *the Characteristics of Marianist Universities*, *Principal Characteristics of Marianist Administration*, and the St. Mary's University Mission Statement.

St. Mary's University is an intentional community animated by a spirit of faith, freedom and charity, mutual respect, family spirit, sincere dialogue, and the protection of the rights of others. All its members are called to promote unity and to contribute to decisions affecting the community.

2.1.2 St. Mary's University as an Academic Institution: A Joint Effort

Education is a cooperative activity in which the partial efforts of many are coordinated in order to achieve stated goals. Communities need structure and, so the University community has policies, rules and processes to regulate community life and the common good.

Governance is the means through which we who are united in a common cooperative effort choose freely and with mutual trust and support to structure the life of our community. Governance includes the methods of directing or managing the common life of the University, the mechanisms for the exercise of authority, types of accountability, and the procedures for decision-making. Governance is an exercise in leadership and participation in the ongoing life of the community. Governance requires reflection on the meaning and purpose of an institution's life. It includes planning, opening lines of communication, and maintaining lines of accountability for the life of the University. Governance, in short, provides for the full participation of all members in the life and work of the community. Thus, governance must be conducted in the spirit of the institution, reflecting the values, hopes, and aspirations of the community not merely as a present reality but as one with a past that constitutes our living tradition and with a future that holds the goals we seek to achieve.

We affirm, then, that the work of governance at St. Mary's University is a joint one of trustees, administrators, faculty, professional and support staff, and students. As a Catholic university, St. Mary's attains its educational objectives not only through academic pursuits but also through establishing and maintaining a genuine human community of faith. Community cannot be separated from education, nor education from the community. Governance has as its primary concern the fostering and promotion of the University's mission. This mission includes a commitment to a Catholic educational experience, which is permeated by religious and spiritual

values and a commitment to service. This commitment is a distinguishing mark of education in the Catholic and Marianist tradition.

The governance of this University community is animated by a spirit of faith, freedom, charity, and respect for the particular character of the institution. Each member of the community helps to promote unity, and each one contributes, according to their role and capacity, toward decisions that affect the Catholic and Marianist character of the institution.

2.1.3 Exercise of Legitimate Authority

The University can be neither well-ordered nor prosperous unless some persons are invested with legitimate authority to lead the community in the accomplishment of its mission, to preserve the University as an institution, and to devote themselves as far as necessary to work and care for the good of all in the University community. Authority is the quality by virtue of which the University and its administrators make policies, give orders, and expect compliance. Authority is exercised legitimately only when it seeks the common good of the community (see Section 2.1.4) and employs just means to attain it (see Sections 2.1.5 through 2.1.10).

2.1.4 Concern for the Common Good

The concern for the common good describes both an awareness that the goals to be realized exceed our individual capacities and an attitude towards the conditions that must be fulfilled if we are to realize our shared intentions in the world to which we offer our service. The common good itself, as understood in this document, is the set of institutional and personal conditions necessary to allow the University as a moral body to carry out its mission and its members as individuals to reach their fulfillment more deeply and more easily. The concern for the common good encompasses the life of all members of the University community and, in due proportion, that of the diverse publics the University serves. The mission statement of the University gives direction to the common good sought for this community.

Concern for the common good presupposes respect for the human person as such. All who exercise authority in the University, indeed, all members of the University community, are bound to respect the fundamental dignity of each person, and “the fact that members of the organization have personal needs and aspirations must never be lost or relegated to unimportance” (*Principal Characteristics of Marianist Administration*, p. 10). Concern for the common good calls for prudence from each member of the community and even more from those who exercise the powers of office.

The common good of the University as such is directed toward the education of students, towards scholarly productivity, and towards service to others. But it also includes the social well-being and development of the University as a whole as well as its constituent interest groups: faculty, professional and support staff, students, and, in due proportion, the University’s diverse publics. An essential function of governance is to moderate and arbitrate among interests in order to promote and coordinate collaboration, which produces the common good.

The common good requires peace, that is, the stability of a just and fair order within the institution. We affirm that the University's life should be guided by a commitment to social justice.

2.1.5 Qualities of Good Governance

The exercise of authority for the sake of the common good at all levels is a service characterized by a willingness to engage in dialogue, an acceptance of co-responsibility, a commitment to participation, respect for subsidiarity, and a sense of accountability.

These characteristics express both the interior qualities to which we aspire and the social order we wish to realize in the community. Governance structures are interpreted in light of a presumed personal commitment to the values expressed in these characteristics.

2.1.6 A Willingness to Engage in Dialogue

The University is a community of dialogue. Dialogue is facilitated by open and clearly defined channels of communication, especially between the administration and all members of the community. Dialogue requires that we share our experiences and insights generously and respectfully. It affirms the value of each person's perspectives on our common academic enterprise, and through dialogue, the University advances its mission more effectively.

2.1.7 Acceptance of Co-Responsibility

St. Mary's University constitutes a community of persons. All who belong to this community, whether considered as individuals or as members of academic bodies, accept responsibility—according to each one's situation—both for the common good and for the Catholic identity of the University. This means that we shall cooperate diligently in our efforts to assist the University in attaining its goals. Co-responsibility also implies mutual accountability within a dialogic community. To encourage this sense of co-responsibility, all involved in the University should be animated by the same spirit of love and should share reciprocally in a sincere dialogue that characterizes the act of governance.

Marianist decision-making is consultative. The members of the University community exercise co-responsibility by membership in the councils and committees of the University, through appropriate consultation with other members of the University community, and with the creation of suitable University associations.

2.1.8 Commitment to Participation

The ideal governance in a university is participative and collegial. By participation we mean the voluntary and generous engagement of persons in social interchange in furtherance of the University's mission. It is necessary that all participate in promoting the common good, each according to their position and role. Each person is challenged to move continually beyond exclusively personal interests, beyond preoccupations of everyday work, and beyond departmental perceptions, consciously to accept responsibility for the whole of the institution, to

behavior in keeping with its identity, and to the realization of the ideals upon which the University is founded.

Participation in the educational venture of the University is achieved first of all by taking charge of the areas for which one assumes personal responsibility. Participation includes active involvement in the work and deliberation of departmental, School, and University business. Participation also presupposes a commitment to continuing professional, personal, moral, spiritual, and intellectual development.

Participation in a spirit of co-responsibility should permeate the culture of the University. This means that the University opens and maintains lines of dialogue and communication in the life of the University with all parts of the University community. Colloquia, convocations, and other meetings of the community are indispensable avenues of discourse for the mutual exchange of ideas and commitments. Participation occurs through formal consultation, advisory relationships, and inclusion in policy-determining bodies. Those to be affected by a decision should be consulted in the decision-making process. When participation takes the form of inclusion in the decision-making process, those participating in the decision-making process must abide by the principle of subsidiarity.

2.1.9 Respect for Subsidiarity

The principle of subsidiarity is a well-established principle of the Catholic ethos of governance. Subsidiarity means that decisions should be made at the level of the lowest possible body with authority to determine action and to act. Decisions that ought to be made by one body should not be given or returned to a higher body for decision. Correspondingly, higher bodies should not take for themselves the authority to decide issues which belong to a lower body. Every effort is made to locate the decision-making process as close as possible to those who will be required to carry out or act on the decision.

2.1.10 Sense of Accountability

Just as subsidiarity places decision-making closest to the level of implementation, accountability to higher authority assures that decisions and actions taken genuinely contribute to the mission of the institution. Supervisors at each level, along with their respective advisory councils, are charged with directing the units and persons under their authority towards institutional goals and with guiding them in a concern for the common good of the University community.

Accountability is the personal acknowledgment by an individual that one is engaged in a community endeavor that transcends the self and that one's contributions to the mission of the University must be evaluated and acknowledged in turn by the University community through its administrative structures. This sense of accountability, through appropriate instruments and dialogue with supervisors, seeks to assure that creative initiatives are undertaken in harmony with the mission and priorities of the University and that teaching, student advising/mentoring, scholarship, and service be assessed and evaluated for the sake of improving future efforts. The sense of accountability also leads supervisors to welcome the reflections of the University community upon their performance of their duties in caring for the common good and the mission of the institution.

2.1.11 Structures of Governance

2.1.11.1 The Board of Trustees

The Board of Trustees oversees the business and affairs of the University and establishes applicable University policies. The Board of Trustees carries out the purposes of the University and, subject only to the limitations imposed by law, the Articles of Incorporation or the Bylaws, may exercise all the powers of the University. The powers, duties, structure, and operation of the Board of Trustees are found in Article 4 of the Bylaws of St. Mary's University.

2.1.11.2 The President

The Board of Trustees delegates to the President the executive authority necessary to implement its policies and decisions and refrains from interference in the executive administration of the University. The role and delegated duties of the President are found in Articles 7.4 and 7.5 of the St. Mary's University Bylaws.

2.1.11.3 The Faculty

The faculty is competent not only in the discharge of instructional and scholarly obligations within the various disciplines but also in the execution of other duties within the total community of St. Mary's. To faculty belong especially care and concern for general educational policy and for the academic program of the University. Faculty, therefore, have a primary role to play in the governance of matters relating to the academic program of the University.

The faculty's role in setting educational policies gives it primary responsibility for the setting of degree requirements for courses of study approved by the Board of Trustees; the general oversight of the curriculum and of academic regulations regarding such matters as class attendance, examinations, and grades; and the supervision of special studies programs. Consistent with the principles of shared governance set forth in this Statement, faculty also participate in decision-making regarding scholarships; library policy; research; admissions; athletics; computing; the quality of community life; diversity, equity, and inclusion matters; budgetary matters; student conduct; and faculty personnel policies.

The Faculty Senate is one of the faculty's principal means for participation in University governance, serving as the forum and deliberative body of the faculty (see Section 2.2). In implementing the principles of shared governance set forth in this Statement, the Board of Trustees and the administration of the University rely on the Faculty Senate to ensure the full and active participation of the faculty in the governance of the University. The Faculty Senate is charged with representing faculty interests within the total life of the University and participates with the administration and Board of Trustees in the formation and development of University policy. Faculty have the right to address the Faculty Senate and raise issues important to their work and the University's mission.

It is the duty of each member of the faculty to take an active interest in the governance of the University and to discharge the particular duties of their appointment subject to the arrangements of the faculty.

2.1.11.4 Professional Staff and Support Personnel

Professional staff and support personnel make an indispensable contribution to the life of the community. Their competence, understanding of, and dedication to the objectives of the University are important factors in achieving those objectives. Therefore, the governance or management exercised by the professional staff and support personnel ought to be characterized by the same spirit of governance that characterizes the academic sector of the community. All professional staff and support personnel are charged with promoting and implementing the values contained in the University's mission with concern for the common good, the willingness to engage in dialogue, the acceptance of co-responsibility, commitment to participation, and respect for subsidiarity that are the hallmarks of Catholic life. Professional staff and support personnel are represented by the Human Resources Advisory Council. In addition, professional staff and support personnel participate in the governance of the University through membership representation on applicable University committees, workgroups, task forces, and similar bodies.

2.1.11.5 Students

We recognize that a student's education consists of more than what happens in classrooms, libraries, and laboratories. Therefore, student campus life ought to model the principles of authentic community. The ordering of student life ought to be consistent with the principles by which the life of the University community is governed. Special concern is paid to providing different opportunities for participation in student life, such opportunities being undergirded by a commitment to service. Students are actively encouraged to be involved in campus and community service.

The Student Government Association is the principal means for student participation in University governance, serving to promote the general welfare of all undergraduate and graduate students. Moreover, students may, from time to time, be invited to join specific committees, workgroups, task forces and similar bodies to represent student interests and perspectives.

In light of these commitments to students and their whole education, we affirm that the structures of student government must also reflect the mission and commitments of the University as a community.

2.1.12 Conclusion of the Statement on Governance

The community of St. Mary's University is governed by ideals, attitudes and principles that express a commitment to human dignity through our Catholic and Marianist heritage. We are united in a cooperative educational activity within structures of governance that fosters in all, a concern for the common good. Qualities expected at all levels in the exercise of governance include a willingness to engage in dialogue, an acceptance of co-responsibility, a commitment to participation, a respect for subsidiarity, and a sense of accountability. It is through the personal

efforts of each member of the community to develop within themselves these qualities that we most effectively and authentically contribute to the goals of the Mission of St. Mary's University.

This general statement on governance does not circumvent or supersede other provisions in the Faculty Handbook or the University Bylaws, nor imply a contractual obligation or right to consideration beyond those explicitly outlined in the Faculty Handbook.

2.2 Faculty Senate

The Faculty Senate serves as the primary instrument for faculty participation in University shared governance. In implementing the principles of governance set forth in Section 2.1, the Board of Trustees and the administration of the University rely on the Faculty Senate to ensure the full and active participation of the faculty in the governance of the University. The Faculty Senate is charged with representing faculty interests within the total life of the University and participates with the administration and Board of Trustees in the formulation and development of University policy.

All faculty appointees with full-time status annually elect at-large a Senate of eighteen members. Representation of the various academic units of the University is provided for in the election procedures described in the Constitution of the Faculty Senate. The Senate elects its own officers, who report directly to the Provost. The Senate meets regularly during the Fall and Spring semesters, and all appointees with full-time or part-time faculty status may attend.

The governing principles and procedures of the Faculty Senate are described in the Constitution and Bylaws of the Faculty Senate of St. Mary's University, respectively.

2.3 Institutional Committees (Faculty)

Below are institutional committees that include elected faculty representatives. Descriptions of the University's other standing administrative councils and institutional committees are published in the University Policy Library.

2.3.1 Academic Assessment Committee

The Academic Assessment Committee (AAC) is charged with overseeing the assessment activities in academic programs in order to foster and sustain a culture of assessment that is consistent with the mission and strategic plans of St. Mary's University and meets the requirements of accrediting bodies. The AAC makes recommendations concerning academic assessment policies and procedures and assures that academic assessment supports broader institutional effectiveness objectives. The AAC is comprised of one faculty representative from each School, a faculty representative from the Core Curriculum and Education Committee, the Director of Institutional Effectiveness (or equivalent), and is chaired by the designated Associate Provost. Committee members work collaboratively to develop effective assessment tools and policies and serve as liaisons in communicating assessment strategies in their respective schools. The Committee reports to the Provost.

2.3.2 Academic Review Board

The Academic Review Board makes recommendations on major changes in curriculum requirements, academic programs, or departments based on declines in enrollment and/or demand for courses. Its membership consists of the Provost (Chair), the Academic Deans, and five full-time faculty members (three elected at large by the full-time faculty and two appointed by the Provost). The elected members are selected for two-year terms and are to be chosen for their ability to make judgments in the light of the overall good of the University. (If any of the members are part of a department or program under review, the Provost appoints a substitute to the Board for that particular review process.)

Recommendations will be made to the Provost by the Academic Review Board. The Provost may subject to review departments or programs for reasons other than those cited above, including: redirection of programs, mergers of programs, financial difficulties or severe enrollment declines, or for other reasons.

2.3.3 Core Curriculum and Education Committee

The Core Curriculum and Education Committee (CCEC) develops comprehensive strategies and educates faculty members about the intent, scope, purposes, and content of the core curriculum, taking into account the academic freedom of those who teach core courses in alignment with the University's mission.

The Committee serves in an advisory capacity to the Academic Council and is not responsible for making changes to the Core. The CCEC reviews and makes recommendations to the Academic Council on the courses proposed to fulfill Core Curriculum requirements, acting on recommendations of the faculty members in the relevant disciplines. The CCEC evaluates proposed programmatic exceptions and substitutions to the Core Curriculum and provides the evaluation to the Academic Council.

The Committee coordinates the evaluation of the effectiveness of the Core Curriculum in achieving its goals in collaboration with the Office of Institutional Effectiveness and other University effectiveness and evaluation offices.

The Committee consists of six members who each serve for non-renewable two-year terms; each of the Schools (excluding the School of Law) elects two members of the Committee. All members of the Committee must be tenured faculty. New members will be elected upon the expiration of the previous member's term. The Committee designates the Chair, who consults regularly with the Provost.

2.3.4 Intellectual Property Committee

The Intellectual Property Committee (IPC) has responsibilities in four areas:

1. Maintaining currency of Intellectual Property policies and procedures;
2. Reviewing all disclosures submitted in accordance with the University's intellectual property policies;
3. Recommending actions to ensure the protection of identified intellectual property; and
4. Reporting the activities of the IPC and the status of identified intellectual property to the Provost and the President.

All recommendations of the IPC are subject to the approval of the Provost and the President of the University.

The committee shall consist of six members as follows:

1. One full-time faculty member from the School of Science, Engineering, and Technology;
2. One full-time faculty member from the College of Arts, Humanities and Social Sciences;
3. One full-time faculty member from the Greehey School of Business;
4. One full-time librarian from either the Louis J. Blume Library or Sarita Kenedy East Law Library;
5. One full-time faculty member from the School of Law;
6. The Director of Sponsored Projects, Academic Research and Compliance (SPARC).

Faculty with strong research credentials are eligible for IPC membership, with a preference for members who have produced intellectual property or, who are active researchers in fields that commonly produce intellectual property, or who have specialized experience with intellectual property issues.

The Provost, in consultation with the President, shall appoint members for two-year terms with the exception of the first year, which shall be staggered to ensure continuity thereafter. The Provost shall select the Chair.

2.3.5 University Faculty Development Committee

The University Faculty Development Committee is responsible for defining developmental strategies unique to St. Mary's University. The strategies are designed to support the emergence of a community of scholars dedicated to innovative and effective teaching, scholarly research, and a wide range of professional activities consonant with the University's dedication to community outreach. The Committee serves in an advisory capacity and makes recommendations to the Provost.

Specifically, the University Faculty Development Committee shall:

1. Recommend strategies designed to support and develop faculty members as teachers, scholars, and members of the University.
2. Recommend criteria and processes for the evaluation and distribution of faculty development grants funded by the University.
3. Recommend methods of enhancing significantly the financial resources needed for effective support of faculty development.
4. Recommend sources for the acquisition of support needed for faculty development.
5. Recommend effective processes and strategies designed to promote and sustain the professional growth of the St. Mary's faculty.

The membership of the University Faculty Development Committee is composed of:

1. Two (2) faculty members from the College of Arts, Humanities and Social Sciences (one must have experience with graduate teaching);
2. Two (2) faculty members from the School of Science, Engineering and Technology (one must have experience with graduate teaching);
3. One (1) librarian;
4. One (1) faculty member from the Greehey School of Business; and
5. One (1) faculty member from the School of Law.

Members are appointed by the Provost in consultation with the Deans. The Director of the Office of Sponsored Projects, Academic Research and Compliance (SPARC), the Director of the Office of Student Research and Inquiry, and the coordinator(s) of the Community for Teaching and Learning (CT&L) serve as ex officio members.

The Provost serves as the Chair of the University Faculty Development Committee.

2.4 Faculty Senate Committees

Faculty Senate Committees are standing or ad hoc. See the Bylaws of the Faculty Senate.

2.5 School and Library Governance

Each School and Library has various appointed and elected faculty committees to aid in the governance of the School and Library. These bodies work to foster the mission and goals of each School and Library. Each School and Library is responsible for developing a formal governance process within the unit.

At the beginning of each academic year, the Deans of Schools and Library Directors will make available to new faculty members the School's or Library's mission statement, the governing process within the School and Library, and a list of School and Library committees as applicable.

2.6 Revision of Faculty Handbook

The following policies pertain to revisions to Section 2, Section 3, Section 4, and Section 5 of the Faculty Handbook.

Updating URL links and cross-references are exempt from the revision process below. The Faculty Senate has the discretion to update links and cross-references and will notify the faculty and administration without the use of the process described below.

2.6.1 Procedure for Revision of the Faculty Handbook

The University Administration and the Faculty Senate commit their good faith efforts to the process of achieving agreement on policy issues affecting faculty employment. That commitment shall not limit the responsibility and authority of the President and/or the Board of Trustees to exercise their prerogatives to govern and administer the University.

2.6.2 Proposed Amendments

Proposals for revising Sections 2 through 5 of the Faculty Handbook can be made by any member of the Board of Trustees, any University administrator, any University council or committee, or any member of the full-time faculty. The proposals shall be submitted to the Provost in collaboration with the President of the Faculty Senate in the following recommended format:

1. Proposals should be made in the form of text intended to replace, in whole or part, some current provisions of the Faculty Handbook;
2. A brief explanation of the reason(s) for the revision should accompany the proposal.

A proposal shall normally be processed by the Faculty Senate pursuant to Section 2.6.3 (Processing of Proposals) within 60 calendar days¹ unless another timeline is otherwise mutually agreed upon by the Executive Committee of the Faculty Senate and the referring entity or administrator. If the Faculty Senate does not vote on the proposal within the agreed upon prescribed time frame, the matter will proceed without a Senate recommendation.

2.6.3 Processing of Proposals

1. Proposals for revising Sections 2 through 4 of the Faculty Handbook are processed as follows:
 - a. Proposals originated under Section 2.6.2 above shall be considered by a Faculty Senate Committee, which chooses one of the following courses of action:
 - i. The Committee may receive and transmit the proposal to the Faculty Senate without change or comment;

¹ Calendar days, for purposes of this policy, are those from the first day of classes through the last day of the final examination period of the regular academic semesters (i.e., Fall and Spring). Vacation days (fall and spring breaks, the Summer period, Wintermester, and Maymester) are not counted.

- ii. The Committee may endorse the proposal and attach its endorsement to the original proposal;
 - iii. With the consent of the submitter, the Committee may either alter or amend the proposal before transmitting it to the Faculty Senate;
 - iv. If the submitter does not agree to the Committee's alterations or amendments, the Committee may object to the proposal and attach its objections or amendment before sending it to the Provost and the Faculty Senate.
- b. The Faculty Senate may only accept the amendment by a 2/3 vote of those present at a meeting in which a quorum is present. The Faculty Senate may also modify the proposal and accept the modification with a 2/3 vote or may return the proposal to the Committee for further work. If the Faculty Senate does not accept a version of the proposal by a 2/3 vote or return the proposal to the Committee for further work, the proposal is rejected and may not continue to any further stage of the approval process.
2. Proposals to revise policies listed in Section 5 of the Faculty Handbook require a simple majority vote of the Faculty Senate at a meeting in which a quorum is present.

2.6.4 Administrative Approval

After the Faculty Senate has endorsed a change in the Faculty Handbook, the Provost is informed of the action taken. For changes to Section 2, Section 3, and Section 4, the Provost submits the recommended change to the Academic Council for its consideration.

If/when a proposal from Section 2, Section 3, or Section 4 is approved by the Academic Council and the Provost, the Provost shall submit the proposal to the President for the President's review. In making any decision regarding the proposal(s), the President may consult with the Executive Council and other parties as the President deems necessary. All Section 2, Section 3, and Section 4 proposals must be approved by the Board of Trustees.

If the Academic Council, the Provost, or the President disagree with the proposed changes to Section 2, Section 3, or Section 4, the President, the Provost, and the Faculty Senate Executive Committee shall meet to discuss the next steps, which may include further study, modification, and/or resubmission of the proposal.

If/when a proposal from Section 5 (University Policies Requiring Faculty Senate Approval) is approved by the Academic Council and the Provost, the Provost shall submit the proposal to the President for the President's review. In making any decision regarding the proposal(s), the President may consult with the Executive Council and other parties as the President deems necessary. All Section 5 proposals must be approved by the President and, when required, the Board of Trustees.

If the Academic Council, the Provost, or the President disagree with the proposed changes to Section 5, the President, the Provost, and the Faculty Senate Executive Committee shall meet to discuss the next steps, which may include further study, modification, and/or resubmission of the proposal.

2.6.5 Board of Trustee Approval of Revisions to Sections 2, 3, and 4

Before definitive action on a Faculty Handbook revision proposal, the Board of Trustees may commission a Subcommittee of its members to meet with the President, the Provost, and the Faculty Senate Executive Committee to discuss final adjustments in the revised texts in Section 2, Section 3, and Section 4.

The Board of Trustees shall approve or reject the proposed revision.

The Board of Trustees reserves the right, in the best interest of the University and in its fiduciary capacity, to alter the provisions of this Faculty Handbook after following the procedures in this section.

2.6.6 Emergency Procedure

When the President and the Provost, after consultation with the President of the Faculty Senate, determine that, in the best interests of the University, modification in Section 2, Section 3, Section 4, and Section 5 of the Faculty Handbook is necessary to address an emergency, the President may petition the Chair of the Board of Trustees for review of a specific change at the next Board or Executive Committee meeting. The Board of Trustees may accept or reject such a petition. The President shall communicate the decision of the Board of Trustees to the faculty. If any federal, state, or local law, regulation, or ordinance, Texas Higher Education Coordinating Board rule, or accreditation standard is in conflict with any provision of this Faculty Handbook, the Board of Trustees shall act to bring the University into compliance with such law, regulation, ordinance, rule, or standard and the Faculty Handbook will be amended as soon as possible.

2.6.7 General Rules of Implementation

Any amendments to the provisions of the Faculty Handbook contained in Section 2, Section 3, and Section 4 will take effect at the beginning of the next academic year. Any provision shall be specific to a given policy and so noted. In other parts or sections not specifically addressed, changes may be affected at once by the directive of the President and/or Board of Trustees, as appropriate. Such changes, however, may not be inconsistent with Section 2, Section 3, and Section 4.

All new members of the faculty shall receive an electronic copy of the Faculty Handbook at the time of their initial appointment as new faculty members. Such copy must contain Section 2, Section 3, and Section 4 in the form that will apply during the offered contract term. Continuing members of the faculty will receive copies of any approved amendments with their annual reappointments during the Spring semester.

Section 3.0 Faculty Personnel Policies

Section 3 of the Faculty Handbook contains the policies and procedures of the University concerning the terms and conditions of employment of faculty. However, the contractual relationship between a faculty member and the University is defined by the terms stated in each faculty member's individual contract.

Faculty members are responsible for informing themselves of the Faculty Handbook provisions currently in effect. Moreover, all faculty members are encouraged to review other University, School, department and program policies and procedures, including but not limited to those published in the St. Mary's University Policy Library and the Catalog, for a complete orientation on University policies applicable to faculty and University employees in general. Such policies and procedures may not contradict the Faculty Handbook except to the extent required by law, accreditation standards, or Board of Trustees approved policies.

Although some of the policies and procedures specified in the Faculty Handbook may be informed by those recommended by the American Association of University Professors (AAUP) and other organizations, St. Mary's University declares that its policies and procedures are not bound by AAUP policies or interpretations.

For purposes of this Faculty Handbook here and throughout, "good standing" means the faculty member has completed University compliance training requirements (e.g., ADA, Title IX) and has no active disciplinary conduct actions pursuant to Section 3.15.5 or disciplinary sanctions against them pursuant to Section 3.15.6.2 for violating University, School, department or program policies.

3.1 Faculty Categories

St. Mary's University appoints faculty members to one of the appointment categories listed below:

- **Tenure-Line Faculty***
 - Tenure-Track Faculty
 - Tenured Faculty
- **Non-Tenure-Line Faculty**
 - Lecturers
 - Professors of Practice (School of Law)
 - Clinical Faculty
- **Special Appointment Faculty**
 - Part-Time Instructional Faculty
 - Visiting Faculty
 - Research Faculty
 - Faculty-In-Residence
 - Service Faculty—School of Law
 - Affiliate Faculty
- **Honorific Faculty**
 - University Professors
 - Professors Emeriti
 - Endowed Chairs and Professors
- **Administrators With Faculty Rank and Tenure**
- **Professional Librarians with Faculty Status**

A distinction is also made between full-time and part-time appointments. Full-time faculty are defined as those faculty members who are appointed by the University to provide the equivalent of a full-time teaching load or its equivalent as defined in Section 3.6.1. Part-time faculty are those faculty members appointed by the University to provide less than a normal full-time teaching load.

* Full-time tenure-line faculty assigned to teach graduate courses and direct the research of graduate students may also be designated as Graduate Faculty in accordance with applicable School Policy (see Section 3.1.7).

3.1.1 Tenure-Line Faculty

Tenure-Line faculty are full-time teaching scholars or librarians who, by qualification, experience, and commitment, are appointed to full-time positions with a professorial rank to perform full-time teaching-related and academic advising/mentoring duties or librarianship duties, as well as scholarship and service activities. Through this work, tenure-line faculty have primary responsibility for the accomplishment and the integrity of the University's academic

mission. Such members of the faculty are tenured or eligible to earn tenure in accordance with the procedures described in Section 3.9.2.

The tenure-line faculty includes the academic ranks of Assistant Professor, Associate Professor, and Professor.²

3.1.1.1 Tenure-Track Faculty

Tenure-track faculty members in all Schools and Libraries hold probationary appointments at the rank of Assistant Professor or Associate Professor.

Tenure-track faculty in good standing are eligible to apply for continuous contract status (see Section 3.3.4) upon completion of eligibility requirements and meeting or exceeding the tenure standards specified in Section 3.9.2.

3.1.1.2 Tenured Faculty

Tenured faculty in all Schools, with the exception of the School of Law, hold continuous contract status (see Section 3.3.4) at the academic rank of Associate Professor or Professor.

In the School of Law, tenured faculty hold continuous contract status (see Section 3.3.4) at the academic rank of Professor.

3.1.2 Non-Tenure-Line Faculty

Non-tenure-line faculty assist the tenure-line faculty in achieving the overall mission of the University by performing full-time teaching-related duties (see Section 3.6.1.1). Any other assigned professional responsibilities outside of teaching shall be specified in the faculty member's individual appointment letter or annual contract. Non-tenure-line faculty members assigned scholarship and/or service responsibilities will have their performance in these areas recognized and evaluated during annual (see Section 3.8.2.2) and promotion (see Section 3.10) evaluations.

While there is normally no expectation for scholarship or service unless otherwise stipulated in this Faculty Handbook or the faculty member's appointment letter, all non-tenure-line faculty are expected to remain active in their disciplines/professions.

Non-tenure-line faculty enjoy the same academic freedom and free speech and expression rights set forth in this Faculty Handbook as their tenure-line colleagues. A non-tenure-line appointment, however, has no tenure, or implied potential for tenure, at St. Mary's University, the faculty member's School or any department or program thereof.

Non-tenure-line faculty generally hold renewable non-tenure-line contracts (see Section 3.3.3); however, clinical faculty in the School of Law with the academic rank of Clinical Professor of

² To confirm, when the Faculty Handbook references a capitalized "Professor," it means a faculty member holding rank above Associate Professor. The lower-case "professor" does not reference the ranked faculty member.

Law are appointed pursuant to presumptively renewable contracts (see Section 3.3.4.2). Based upon eligibility requirements and qualifications, non-tenure-line faculty may be promoted in academic rank in accordance with Section 3.10.

Except for Clinical Professors of Law, non-tenure-line faculty are not eligible for sabbatical leave; however, each School may develop its own policies regarding eligibility for professional development funds.

Non-tenure-line faculty voting rights for each type of non-tenure-line appointment within a School, department, and program is determined by individual School policy.

Non-tenure-line faculty may apply for a posted tenure-line position with the University. If offered the position, the faculty member may negotiate credit for full-time service at St. Mary's University with the Provost (or designee), which shall be stated in the faculty member's initial tenure-track letter of appointment.

The University makes the following types of non-tenure-line appointments:

3.1.2.1 Lecturers – All Schools Except School of Law

Lecturers have full-time teaching-related responsibilities in the classroom, laboratory, studio, language skills, and/or professional practice. They do not typically have expectations for service or scholarship activity unless otherwise stipulated in the faculty member's individual appointment letter.

The lecturer track includes the academic titles of Lecturer, Senior Lecturer, and Principal Lecturer.

3.1.2.2 Professors of Practice – School of Law

Professors of Practice of Law are principally charged with teaching duties concerning legal research, legal writing, and preparation for the bar exam, supplemented by specified service obligations that encompass contributions to the School of Law's academic programs such as academic success, participation in School of Law's committees, and engagement in additional projects as needed. Professors of Practice shall be recruited and hired using the same process used to recruit and hire tenure-line and Clinical Faculty, with the advice and consent of the faculty of the School of Law.

The Professor of Practice track at the School of Law includes the academic titles of Assistant Professor of Practice of Law, Associate Professor of Practice of Law, and Professor of Practice of Law.

3.1.2.3 Clinical Faculty – All Schools

Clinical Faculty have full-time teaching-related responsibilities in clinical settings and/or are responsible for supervising clinical, practicum, and/or field experiences, as well as making any other contributions as may be stipulated in the faculty member's individual appointment letter.

In the School of Law, a Clinical Assistant or Associate Professor of Law is an unranked faculty member who is employed to teach in the clinical programs of the School of Law on an untenured, non-tenure-track basis, pursuant to renewable non-tenure-line contract (under the terms of 3.15.3). A Clinical Professor of Law is a faculty member who is employed to teach in the clinical programs of the School of Law pursuant to a presumptively renewable contract (governed by the terms of 3.15 other than 3.15.3). Clinical Faculty shall be voting members of the law faculty, except that neither a Clinical Assistant Professor of Law nor a Clinical Associate Professor of Law shall participate through voting in decisions related to tenure.

The clinical track includes the academic titles of Clinical Assistant Professor, Clinical Associate Professor, and Clinical Professor.

3.1.3 Special Appointment Faculty

Special appointment faculty are temporary employees of the University and are employed via contingent contracts (see Section 3.3.1) on either a full or part-time basis, performing those duties and responsibilities as stated in their respective appointment letters.

Special appointment faculty have no tenure, or implied potential for tenure, in St. Mary's University, the faculty member's School, or any department or program thereof. They are also ineligible for promotion in rank and sabbatical leave.

Special appointment faculty are governed by all applicable University policies and have normal recourse to the University's grievance, academic freedom, and free speech and expression rights policies. Voting rights for full-time special appointment faculty for purposes of School and department or program governance are determined by individual School policy. If eligible, such persons may participate in St. Mary's University's benefits programs.

Special appointment faculty may apply for a posted full-time tenure-line or non-tenure-line position with the University. If offered the position, the faculty member may negotiate credit for full-time time service at St. Mary's University, such as time credited toward tenure and promotion eligibility and for previous scholarship, which shall be stated in the faculty member's initial tenure-track appointment contract.

The special appointment track includes the academic titles of Part-Time Instructor, Visiting Faculty, Research Faculty, Faculty-In-Residence, Service Faculty, and Affiliate Faculty. If the individual has demonstrated extraordinary scholarship, achievement, or service during a prior appointment at St. Mary's or during academic appointments, professional service, or other similar office or employment elsewhere, the University may utilize the prefix designation of

Distinguished to the title (e.g., Distinguished Part-Time Instructor, Distinguished Visiting Professor, Distinguished Research Professor, Distinguished Affiliate Professor, etc.).

3.1.3.1 Part-Time Instructional Faculty

Part-Time Instructional Faculty supplement the curriculum by teaching classes on a part-time basis. They are expected to be available at least one and one-half hours per week for each course taught to advise students regarding their course work. This may be accomplished before or after classes.

The Part-Time Instructional Faculty designation may also be used for full-time administrative staff and Professor Emeriti who accept per-course teaching assignments.

Part-Time Instructional Faculty are appointed by the Department Chair or Program Director in consultation with the School Dean. For Schools without departments or programs, the Dean or the Dean's designee shall make the appointment.

3.1.3.2 Visiting Faculty

Visiting faculty are individuals who have held the professorial rank of Instructor, Assistant, Associate, or Professor at another accredited or internationally recognized college or university or have accomplishments that are judged equivalent (such as, outstanding recognition in the field of the fine arts, in the business community, etc.).

Visiting faculty are appointed to teach and/or engage in other academic services on a temporary, full-time basis by the Dean, subject to the approval of the Provost. Prior to extending an appointment offer, the Dean shall receive a formal recommendation from the Department Chair, Program Director, or School faculty (School of Law) as to whether the candidate possesses the requisite academic credentials or equivalent experience to teach in the discipline.

All visiting appointments are made under contingent contracts for a limited period of time, generally not to exceed two academic years (see Section 3.3.1). A visiting faculty appointment, however, may be extended at the discretion of the Dean and subject to the Provost's approval, for an additional two years given an ongoing, but time-limited, need and provided that the faculty member is in good standing. Visiting faculty members may not serve for more than four consecutive years at St. Mary's University.

The visiting designation includes the academic professorial titles of Visiting Assistant Professor, Visiting Associate Professor, Visiting Professor, or Distinguished Visiting Professor in accordance with qualifications and ranks earned through review at a comparable accredited institution.

3.1.3.3 Research Faculty

Research faculty may be appointed at any professorial rank appropriate to the appointee's qualifications and experience to be primarily engaged in research and whose appointment is specifically funded from an internal or external source for the duration of one or more specific research projects. A member of the research faculty may teach courses at the University as agreed with the Dean as a term of employment. A research faculty appointment persists as long as the internal or external funding persists or until the conclusion of a term or a course begun while funding persisted that has since expired.

The Dean may appoint a research professor, on the recommendation of the Department Chair, Program Director, or School faculty (School of Law), and in consultation with the Office of the Provost, to serve for a specified term or for a described period of time as required to accomplish a specific routine of research, or for the lesser or greater of either, though no single term or period shall exceed five years.

Research faculty may be appointed to an academic professorial title of Research Assistant Professor, Research Associate Professor, Research Professor, and Research Distinguished Professor.

3.1.3.4 Faculty-In-Residence

The Dean may appoint to the faculty on contingent contracts of full or part-time status distinguished individuals as faculty-in-residence to teach courses and/or perform other academic services. Prior to extending an appointment offer, the Dean shall receive formal recommendations from the Department Chair, Program Director, or School faculty (School of Law), as well as the Office of the Provost, as to whether the candidate possesses the requisite academic credentials or equivalent experience to teach in the discipline.

Such appointments shall not exceed two consecutive academic years per appointment; however, any such appointments may be renewed at the discretion of the University following an annual evaluation (see Section 3.8.2.2.2) and provided the faculty member is in good standing. The basic qualifications and standards expected of faculty-in-residence members varies among the University's Schools, but appointment to the track reflects demonstrated potential for success in teaching or demonstrated success in teaching related activities and an appropriate academic credential or professional experience and/or accomplishments.

The Dean, in formal consultation with the Department Chair, Program Director, or School faculty (School of Law) and the Office of the Provost, may also appoint to the faculty on contingent contracts of full or part-time status a member of the faculty who has fully retired in good standing from St. Mary's University or any other university, according to the terms of faculty-in-residence. The appointment is independent of a determination or conferral of any other status, and an appointment may be made of a retired Professor or Associate Professor regardless of whether the person is designated emeritus/a.

3.1.3.5 Service Faculty – School of Law

A Service Faculty member may be appointed at any rank appropriate to the appointee's qualifications and experience to be primarily engaged in service and whose appointment is specifically funded for the duration of one or more specific service projects. A member of the Service Faculty may teach courses in the University as agreed with the Dean of the School of Law as a term of employment. The appointment persists until conclusion of the contracted term, as long as the funding persists, or until the conclusion of a term or a course begun while funding persisted that has since expired. The Provost may appoint a Service Faculty member, on the recommendation of the Dean of the School of Law, to serve for a specified term or for a described period of time as required to accomplish a specific service project or projects or for the lesser or greater of either, though no single term or period shall exceed five years.

Service faculty may be appointed to an academic professorial title of Service Assistant Professor, Service Associate Professor, Service Professor, and Service Distinguished Professor (collectively, "Service Faculty").

3.1.3.6 Affiliate Faculty

Affiliate faculty are non-salaried practicing professionals or scholars with whom an academic department, program, or School wishes to include within its academic community. The position confers an academic affiliation, title, identification card, and library privileges. Specific duties and responsibilities are specified in the affiliation letter of appointment.

Affiliate faculty are appointed by the Dean in formal consultation with the Department Chair, Program Director, or School faculty (School of Law) and the Office of the Provost. Such special appointment status shall persist only so long as the affiliation exists.

3.1.4 Honoric Faculty

3.1.4.1 University Professors

In recognition of long, devoted, outstanding, and exceptional service to St. Mary's University, the honor and title of "University Professor" may be conferred upon a Professor at St. Mary's University by the President following nomination by the Provost and the Academic Council.

3.1.4.2 Professors Emeriti

A tenured Associate Professor or Professor who retires following ten years of distinguished full-time teaching, research, or service at St. Mary's University may be conferred the honorific title of "Professor Emeritus" or "Professor Emerita." This title may be conferred at any time following retirement. The appointment is made by the President upon recommendation of the Provost and the Academic Council. A Dean, in consultation with the Department Chair or Program Director, may nominate and request a preliminary review by the Provost and by the Academic Council to determine whether this recognition would be recommended to the President upon the retirement of any person who is teaching at St. Mary's University, who is

engaged in good faith negotiation to retire or to enter phased retirement, and who may be eligible to be conferred this title.

Note: Professor Emeritus/a faculty are not considered employees of the University and, therefore, are not entitled to employee benefits.

Recognitions and Privileges

As members of the broader University community, Professors Emeriti are welcome to participate with the community in all University assemblies, colloquia, and other academic events. They are not afforded voting privileges in faculty governance. In addition, Professor Emeriti faculty are entitled to the following recognitions and privileges:

1. Listing in the Catalog and other University publications and directories that collectively list the faculty.
2. The right to participate in formal and informal academic events and other University events and social functions with other faculty colleagues.
3. Use of library facilities and their resources (e.g., reference support, access to physical and electronic resources such as off-campus database access, borrowing privileges, interlibrary loan, etc.).
4. Use of the University's recreational facilities.
5. Use of University identification card and parking permit.
6. Access to a University email account in accordance with the University's Account Provisioning and Retention Policy.
7. Use of the University's information technology network services, limited as described in the University's Account Provisioning and Retention Policy.
8. Attendance at University events under the same conditions and at the same cost as other full-time faculty.

Revocation of Status

Once awarded, Professor Emeritus/a status continues in perpetuity unless the recipient either requests to have status rescinded or violates the intent and spirit of emeritus/a status by engaging in serious dishonorable conduct in violation of law, rule, or policy and/or causes harm to the University's reputation.

To revoke Professor Emeritus/a status without the consent of the individual, a petition must be made by a member of the University community to the President, who shall consult with the appropriate Dean and Provost. The President shall have the final authority to revoke the individual's Professor Emeritus/a status. Actions or conduct protected by academic freedom and unlawful discrimination shall not be used to revoke such status.

3.1.4.3 Endowed Chairs and Professorships

The University reserves the right to make faculty appointments that carry the additional honorary title of Endowed or Named Chair or Professorship. The term “Endowed Chair” or “Endowed Professorship” derives from a position being supported by the income from an endowment.

Appointment to an Endowed Chair or Endowed Professorship may place the faculty member in a position outside the regular salary schedules and teaching responsibilities of faculty within their rank and department or program. Each Endowed Chair or Professorship is unique. The specific qualifications and expectations for the holder of the Endowed Chair or Professorship and associated compensation are set forth in the written criteria and terms of the endowment, the individual appointment letter, and/or position description.

Endowed Chairs and Professorships are coordinated through cooperation of the Provost, the Dean of the School, and the various departments and/or programs with which the Endowed Chair or Professor will work.

Though an Endowed Chair or Professorship may include several departments or programs under its description, holders of non-law Endowed Chairs or Professorships will be assigned a departmental or program home based upon their predominant professional work and research or on the field in which they received their terminal degree.

Holders of Endowed Chairs or Professorships may be tenured at the University through the department or program or School in which the holder is assigned. They are not tenured into the Endowed Chair or Professorship itself.

Continuation of a faculty member’s appointment to an Endowed Chair or Professorship will depend upon whether the faculty member is in good standing as well as the following:

1. The terms of the endowment;
2. The consent of the faculty member;
3. The faculty member’s annual evaluation; and
4. Recommendation of the Dean or Provost.

3.1.5 Administrators with Faculty Rank and Tenure

Officers of the University

Apart from the President, the terms of whose employment are established by the Board of Trustees, individuals employed as an Officer of the University, serve at the pleasure of the President, with the approval of the Board of Trustees. As per the Bylaws of St. Mary’s University, the President may fill these vacancies on an interim basis.

Officers of the University whose administrative appointment concurrently includes a tenure-line faculty appointment will have the terms of appointment and faculty status specified in their

letters of appointment and/or contracts. Prior to awarding a tenure-line faculty appointment, the President will formally consult with the Provost and applicable Dean, as well as invite the tenured faculty of the department, program, or School as applicable to review the candidate's academic credentials and professional experience, meet with the candidate (if possible), and make a recommendation to the President as to whether the candidate meets the applicable standards and qualifications for a tenure-line faculty appointment in the department, program, or School.

If a current University faculty member is hired into an Officer position, the individual shall be classified with a primary duty of Officer (staff) position until relinquished. Accordingly, while serving in an Officer position, the individual is considered staff for employment purposes, under the terms and conditions of employment stated in the Personnel Manual and may not exercise vote or voice as a faculty member with regard to department, program, or School faculty governance, the Faculty Senate, or University-wide elected committees. When the Officer (staff) appointment is relinquished, faculty status and compensation will follow the letter of appointment and/or contract.

Individuals Appointed to Administrative Positions with Faculty Status

Individuals appointed to administrative roles whose appointment includes faculty status will have the terms of the administrative appointment and faculty rank specified in the letters of appointment and/or contracts. The appointment letter and/or contract will include a description of the evaluation process and state whether the position is primarily an administrative or faculty position.

Prior to making an external appointment to a position that is primarily administrative, the Provost will formally consult with the applicable Dean, as well as invite the tenured faculty of the department, program, or School as applicable to review the candidate's academic credentials and professional experience, meet with the candidate (if possible), and make a recommendation as to whether the candidate meets the applicable standards and qualifications for a tenure-line faculty appointment in the department, program, or School.

If appointed to a position that is primarily administrative, the individual is covered for employment purposes by the Personnel Manual and may not exercise vote or voice as a faculty member on department, program, School or University-wide committees, nor stand for or vote in Faculty Senate elections. However, such individuals will retain academic freedom and freedom of speech protections as outlined in Section 3.5.1 and access to the grievance process outlined in Section 3.16.

When the administrative appointment is relinquished, the individual returns to the faculty at their current rank and will receive a new appointment letter and/or contract.

Individuals who are in a position that is primarily faculty with some administrative duties will be considered faculty members for employment purposes and they are covered by the Faculty Handbook in its entirety.

Faculty members may be asked to step into a leadership role for an interim time period, typically not to exceed one year.

3.1.6 Professional Librarians with Faculty Status

Given the close involvement of professional librarians in support of the faculty's teaching and the student's learning, professional librarians appointed to the Louis J. Blume Library or the Sarita Kenedy East Law Library who are not appointed to the tenure-line are afforded faculty status.

Professional librarians are afforded voting privileges at faculty meetings and may, but are not required, to participate in faculty governance. The latter includes but is not limited to, eligibility to serve on the Faculty Senate seat allocated to Library and Instructional Services staff (see Article III.C of the Constitution of the Faculty Senate of St. Mary's University). In addition, professional librarians with faculty status are entitled to academic freedom (see Section 3.5.1) and may, therefore, use the faculty grievance process in the Faculty Handbook for cases involving alleged violations of their academic freedom (see Section 3.16).

As academic staff members, professional librarians are otherwise covered by the provisions of the St. Mary's University Personnel Manual.

3.1.7 Graduate Faculty

Schools may designate tenure-line faculty as "Graduate Faculty" in their respective units. Such designations are recommended by the Dean and approved by the Provost.

Graduate Faculty designations are made in accordance with School policy, which is approved by the Provost. School policy shall articulate a selection process, rights, and responsibilities associated with the Graduate Faculty designation.

3.2 Academic Ranks

The following section describes each of the academic ranks available at St. Mary's University. Academic rank is assigned by the University at the time of initial appointment in accordance with Section 3.4 of the Faculty Handbook. If the faculty member is appointed to a tenure-line or non-tenure-line faculty category that is eligible for promotion, changes in academic rank will be assigned to those in good standing as a result of the promotional process applicable to the appointment line and faculty category (see Sections 3.9.1 and 3.10, respectively). Adjustments to base salary associated with a promotion in rank are subject to the availability of University funding. In both cases, initial academic rank is assigned based on the minimum qualifications set forth in Sections 3.2.1 below.

The academic ranks of tenure-line faculty include Assistant Professor, Associate Professor, and Professors. These ranks can also apply to administrators with faculty rank and tenure, as well as Professors Emeriti. A second promotional ladder of academic ranks for non-law faculty includes Lecturer, Senior Lecturer, and Principal Lecturer.

Non-tenure-line and special appointment faculty with professorial academic titles have the following format: Prefix-Rank-Professor-Discipline. The absence of a prefix indicates that the individual is a member of the tenure-line faculty. Examples of faculty professorial titles include:

Clinical (prefix) Associate Professor (rank) of Law (discipline)

Research (prefix) Associate Professor (rank) of Chemistry (discipline)

Visiting (prefix) Assistant Professor (rank) of Finance (discipline)

(A prefix must precede Clinical, of Practice (as a following descriptor), Part-Time Instructional, Visiting, Service, and Research, faculty appointments.)

The academic rank descriptor is assigned at the time of initial appointment or following the promotional process and is based on the faculty member meeting the minimum qualifications and standards applicable to the rank as defined in Section 3.2.1.

The discipline descriptors are usually aligned with the name of a School but may refer to disciplines for which there is no academic department or program with the same name.

An additional faculty title, which has no professorial rank, is Faculty-In-Residence.

3.2.1 Academic Ranks

3.2.1.1 Assistant Professor

An Assistant Professor must possess an earned doctorate degree or an appropriate terminal professional degree in the faculty member's teaching discipline or related discipline from an accredited or internationally recognized institution or have equivalent experience and professional recognition such as professional recognition in accord with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or the American Bar Association (ABA) standards.

In addition, an Assistant Professor must demonstrate qualities that indicate potential for fulfilling the responsibilities of a faculty member as detailed in Sections 3.5 and 3.6 of the Faculty Handbook.

3.2.1.2 Associate Professor

An Associate Professor must possess an earned doctorate or an appropriate terminal professional degree in the faculty member's teaching discipline or related discipline from an accredited or internationally recognized institution or have equivalent experience and professional recognition in accordance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or American Bar Association (ABA) standards.

In addition, Associate Professors appointed to a School other than the School of Law must have at least six years of professional service at an accredited or internationally recognized institution, five of which were at the rank of Assistant Professor, and must show evidence of meeting the applicable standards for promotion to this rank (see Section 3.9.1.1). Associate Professors appointed to the School of Law must have at least three years of professional service at a law school accredited by the American Bar Association (ABA) or an internationally recognized School of Law and show evidence of meeting the applicable standards for promotion to this rank (see Section 3.9.1.2).

3.2.1.3 Professor

A Professor must possess an earned doctorate or an appropriate terminal professional degree in the faculty member's teaching discipline or related discipline from an accredited or internationally recognized institution of higher learning or have equivalent experience and professional recognition in accordance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or American Bar Association (ABA) standards.

In addition, a Professor appointed to a School other than the School of Law must normally have at least eight years of professional service at an accredited or internationally recognized institution, seven of which were at the rank of Associate Professor, together with evidence of meeting the applicable standards for promotion to this rank (see Section 3.9.1.1). A Professor appointed to the School of Law must possess the rank of Associate Professor and have at least five years of full-time professional service at a law school accredited by the American Bar

Association (ABA) or an internationally recognized School of Law, together with evidence of meeting the applicable standards for promotion to this rank (see Section 3.9.1.2).

3.2.1.4 Lecturer – All Schools Except School of Law

A Lecturer must possess at least a master's degree in the faculty member's teaching discipline or related discipline from an accredited or internationally recognized institution or have equivalent experience and professional recognition in accordance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) standards. In addition, a Lecturer must demonstrate the potential to be an excellent teacher.

The University normally does not make initial appointments at the rank of Senior Lecturer or Principal Lecturer.

3.2.2 Placement of Faculty in Rank

The Provost, in consultation with the Dean, may place a newly hired tenure-line or non-tenure-line faculty member in a given rank and in a salary placement within the rank based upon academic experience in college and university teaching, as well as upon research, basic or applied, or upon experience gained in industry, government, public service, or educational administration.

For full-time special appointment titles with professorial rank, the Dean, in consultation with the Provost, may place the faculty member in a given professorial rank based upon the candidate's prior academic or professional equivalent experience.

3.3 Types of Faculty Contracts and Contract Definition Policies

Typically, the general terms and conditions of every faculty appointment will be stipulated in writing in a letter of initial employment. The letter of initial appointment will normally include the following information:

- Type of faculty appointment and contract.
- Assigned academic rank or title, with acknowledgment of years of credit for prior service, if applicable. If prior service credit is awarded, the appointment letter will document the time period of the candidate's record that will be credited, as well as enumerate past scholarly work that will count towards promotion and tenure.
- Duration of appointment, with start and stop dates.
- Initial base salary amount and any other salary or stipend conditions, if applicable.
- Locus of the appointment.
- Any special responsibilities or duties associated with the appointment.
- Acknowledgment of any special arrangements (e.g., provision for a computer, start-up research funds), if applicable.

Additionally, each academic year (see Section 3.3.8), the Office of the Provost offers every returning full-time faculty member (other than Librarians) an annual contract stipulating such things as faculty appointment category, rank or title, annual salary, and any new administrative assignments or responsibilities.

The Provost or the Provost's designee is the only individual authorized to issue letters of appointment and contracts to the faculty.

3.3.1 Contingent Contracts

Contingent contracts at St. Mary's University are given to special appointment faculty members (see Section 3.1.3) and are limited to the term of employment outlined in the letter of appointment. Contingent contracts are not tenure-line and do not confer upon a special appointment faculty member any entitlement to continued employment after the term specified in the letter of appointment expires. Special appointment faculty issued a subsequent contingent contract after the initial term of employment has expired is at the discretion of the faculty member's Dean and does not confer continuing employment status or rights.

Contingent contracts may also be used with tenure-line and non-tenure-line faculty to teach Summer sessions.

3.3.2 Tenure-Track Contracts

Faculty members eligible to apply for continuous contract status (tenure) upon completion of the requirements specified in the applicable tenure rules (See Section 3.9.2) receive tenure-track contracts.

3.3.2.1 Tenure-Track Contracts in All Schools Except Law

The term of a tenure-track contract in all schools except the School of Law is for one academic year and is renewable up to a total of six years unless an extension of the tenure clock is granted (see Section 3.9.4.1). A faculty member with such a contract may expect the contract to be renewed unless notified otherwise. Notice of renewal or non-renewal of a tenure-track contract is delineated in Section 3.15.3.1.

3.3.2.2 Tenure-Track Contracts in the School of Law

An Assistant Professor of Law shall be employed for an initial four-year renewable tenure-track contract. Before the end of the third year of this initial contract, it will be determined whether the faculty member will be offered a new contract (ordinarily, for a term of three years beyond the original term). If not offered a new contract, the faculty member will be terminated at the end of the final year of the initial contract. The procedure for this evaluation and decision is detailed in Section 3.9.2.4.

3.3.3 Renewable Non-Tenure-Line Contracts

St. Mary's University offers renewable non-tenure-line contracts to faculty appointed to a non-tenure-line position. The term of appointment may be for an academic year or multi-year basis. Faculty members with renewable non-tenure-line contracts may expect to be reappointed at the end of the appointment term unless otherwise notified pursuant to the notice standards detailed in Section 3.15.3.1.

3.3.3.1 Renewable Non-Tenure-Line Contracts – Lecturers

During the first six years of service at St. Mary's University, Lecturers are issued one-year renewable non-tenure-line contracts. In the sixth year of full-time service at St. Mary's University, the University may offer a three-year renewable non-tenure-line contract to the faculty member. If so offered and accepted, the faculty member may only be separated from the University under the provisions of Sections 3.15 (except 3.15.3) during the period of the contract term. Renewable three-year non-tenure-line contracts may be offered in each subsequent third year. If a subsequent three-year tenure-line contract is not offered during the second year of the contract, the third year may be a terminal year under the notice provisions of Section 3.15.3.1 or, alternatively, the faculty member may be issued a one-year renewable non-tenure-line contract.

3.3.3.2 Renewable Non-Tenure-Line Contracts – Professors of Practice – School of Law

During the first term of service at St. Mary's University, a Professor of Practice (see Section 3.1.2.2) is issued either a two- or three-year renewable non-tenure-line contract and shall hold the title of Assistant Professor of Practice of Law. If promoted from Assistant to Associate Professor of Practice, the University will offer either a two- or three-year renewable non-tenure-line contract. Thereafter, if promoted from Associate to Professor of Practice, the University will offer a five-year renewable non-tenure-line contract.

Renewable five-year non-tenure-line contracts may be offered in each further term of service. If a five-year non-tenure-line contract is not offered during the second or subsequent term of service, the fourth year of the second contractual term may be a terminal year under the notice provisions of Section 3.15.3.1 or, alternatively, the faculty member may be issued a one-year contingent contract as a Service Professor in Law (see 3.1.3.5).

A Professor of Practice may only be separated from the University under the provisions of Section 3.15 during a contract term.

3.3.3.3 Renewable Non-Tenure-Line Contracts – Clinical Faculty

3.3.3.3.1 Clinical Faculty in All Schools Except School of Law

During the first six years of service at St. Mary's University, Clinical faculty in all Schools other than the School of Law are issued one-year renewable non-tenure-line contracts. In the sixth year of full-time service at St. Mary's University, the University may offer a three-year renewable non-tenure-line contract to the Clinical faculty member. If so offered and accepted, the faculty member may only be separated from the University under the provisions of Sections 3.15 (except 3.15.3) during the period of the contract term.

Renewable three-year non-tenure-line contracts may be offered in each further third year. If a subsequent three-year tenure-line contract is not offered during the second year of the contract, the third year may be a terminal year under the notice provisions of Section 3.15.3.1 or, alternatively, the faculty member may be issued a one-year renewable non-tenure-line contract.

3.3.3.3.2 Clinical Faculty in the School of Law

A Clinical Assistant Professor of Law shall be employed for a six-month probationary period as part of an initial four-year renewable non-tenure-line contract. In the fifth month of service the Clinical Director shall recommend to the Dean whether the probationary status should be removed at the expiration of the sixth month. If the probationary status is not removed, the Dean shall inform the Provost that the Clinical Assistant Professor did not satisfactorily complete the probationary period and the Provost shall give the employee notice that their contract will terminate at the end of one year of employment. Notice of non-reappointment after the probationary period shall be given in accordance with Section 3.15.3.1.

The Dean shall appoint a Clinical Education Committee, composed of faculty and students, to assist and advise new clinical track faculty members in the performance of their academic duties, and to prepare and submit to the Dean a written evaluation of each clinical track faculty member's performance during their first, second, and third years of employment at the Law School. The Chair of the Clinical Education Committee shall furnish a copy of the written evaluation to and discuss its contents with the faculty member under review. Before the end of the third year of a Clinical Assistant Professor of Law's initial contract, the Clinical Education Committee shall recommend to the Dean and the Law faculty either that the Clinical Assistant Professor of Law be offered a new contract (ordinarily, for a term of three years) or that the Clinical Assistant Professor of Law be terminated at the end of the final year of their initial contract. The voting faculty shall recommend, by a simple majority vote of those present at a formal meeting, whether the Provost should offer a new contract to the faculty member under review. If a Clinical Assistant Professor of Law's contract is not renewed, they shall receive notice, given in conformity to Section 3.15.3.1, that their employment will terminate upon the expiration of their contract.

3.3.4 Continuous Contracts

3.3.4.1 Continuous Contracts (Tenured Positions)

Continuous contract rights at St. Mary's University are given to faculty members who have attained tenured status. Faculty members employed under a continuous contract are entitled to annual contract renewal and shall be subject to the terms and conditions of employment that exist at the time of each annual renewal by the University unless separated pursuant to any subsections of Section 3.15 except 3.15.3.

3.3.4.2 Presumptively Renewable Contracts

Clinical Professors of Law are employed under a presumptively renewable contract are entitled to annual contract renewal and shall be subject to the terms and conditions of employment that exist at the time of each annual renewal by the University unless separated pursuant to any subsections of Section 3.15 except 3.15.3 (non-reappointment).

3.3.5 Terminal Contracts

A terminal contract is a final contingent contract issued to a tenure-track or non-tenure-line faculty member who qualifies for one-year prior notice of non-reappointment (see Section 3.15.3.1).

3.3.6 Locus of Appointments

All faculty appointments have as the locus of their appointment the department, program, or School (where applicable) which is stated in their annual letter of appointment. The locus of appointment for tenure-line librarians is the University.

Joint appointments to different departments or programs may be granted to a faculty member. In that case, the Provost in consultation with the faculty member, Dean, and Department Chairs or Program Directors involved will select one department or program as the faculty member's primary department or program for purposes of the Faculty Handbook (e.g., governance, evaluation, promotion, separation). See Section 3.3.9 for additional information regarding joint appointments.

3.3.7 Issuance and Receipt of Contract

All faculty contract offers to full-time tenure-line and non-tenure-line faculty for a forthcoming academic year must be issued by the Office of the Provost during April and be signed and returned by the faculty member in 15 business days of issuance³ or within the time allowed under an approved extension. If the contract is not signed and returned to the Office of the Provost within 15 business days of issuance or an approved extension, any contractual obligations between the parties may be terminated as of the last day of the prior year's contract, notwithstanding the absence of prior notice of such termination.

All contingent contracts are issued on an individual basis as the necessity arises.

3.3.8 Definition of "Academic Work Year"

Full-time faculty are paid in twelve (12) monthly installments.

Faculty shall be available to communicate by email beginning two weeks before the start of the Fall semester and continuing until two weeks after grades are due at the end of the Spring semester.

For faculty members with academic nine (9) month appointments, the work year shall begin on campus the week before classes start in the Fall semester and ends with commencement and turning in of grades in the Spring semester.

For faculty members with fiscal twelve (12) month appointments, the on-campus work year shall consist of twelve (12) months, excluding scheduled holidays.

Any modifications to installments, month(s), work year, or other strategic appointment considerations shall be specifically defined in the agreement and approved by the Office of the Provost if not covered in this section.

3.3.9 Joint Appointments

When a faculty member's appointment responsibilities require a significant portion of teaching and professional activity responsibilities be devoted to either multiple departments or programs in fields in which the University currently offers a major or minor or to a department or program, the faculty member may receive a joint appointment to a department or program or to two

³ A business day is defined as a Monday to Friday during the time when the University is in regular session.

departments or programs. A joint appointment may be established at any stage of faculty employment. To be appointed to multiple departments or programs, the faculty member must be qualified to teach in each of the disciplines, as per the faculty qualification standards and credential guidelines of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) (see Section 3.4.4).

In making a joint appointment, a primary and secondary department will be clearly designated, by the Provost, in the faculty member's appointment letter. The primary department will serve as the faculty member's administrative home, which will take the lead responsibility on personnel issues, central human resources reporting, appointment, promotions, tenure, and merit increase evaluations, etc. Often, but not always, the administrative home will be the department or program with the higher teaching load appointment fraction.

The nature of a joint appointment varies and the assignment of duties in the secondary department or program will differ by department or program and candidate. The details of the assignment of duties, the allocation of salary, departmental and School governance rights, and provision for office and laboratory space as applicable to both the primary and secondary departments or programs will be communicated in a signed written memorandum of understanding signed by the two Department Chairs and/or Program Directors, the faculty member, the appropriate Dean(s), and the Provost. Additionally, negotiated changes to those details will be evidenced in a signed memorandum of understanding.

The Department Chair or Program Director of the secondary department or program must provide input for every evaluation for a jointly appointed faculty member. In the case of promotion or tenure review, the secondary Department Chair or Program Director must provide a written evaluation describing the nature and extent of the candidate's involvement in, and contribution to, the secondary department or program. In the faculty member's tenure application, it is important to document how the candidate's time is being spent, and contributions to each department or program need to be clearly documented.

It is recognized that new opportunities, changes in faculty interest, faculty performance, or other issues with the joint appointment may require review, renegotiation, or discontinuation of the original joint appointment. If possible, a faculty member with a joint appointment will have the option of retreating to a full appointment at the primary department. If retreat is not a possibility, the Dean is responsible for ensuring that the faculty member is made fully aware of the existing options. Further, a short-term plan must be put in place to ensure a smooth transition with minimum disruption to the initiatives, projects, and teaching that were the responsibility of the faculty member with the joint appointment.

3.4 Faculty Search and Appointment

3.4.1 Appointment of Faculty

All searches for new full-time tenure-line, non-tenure-line, or special appointment faculty member positions must be authorized in accordance with School policy.

All participants in an authorized search have a responsibility to work within the context of the mission of the University, search and appointment procedures published by Human Resources, and applicable employee hiring (i.e., Employment Conflict of Interest, Immigration Employment Verification, etc.) and orientation policies published in the University's Policy Library. All searches are confidential. All faculty members must protect the confidentiality of candidates at all times and must not discuss candidates with anyone outside the search committee.

3.4.2 Initial Appointments with Tenure

On occasion, the University, as part of a search process conducted pursuant to Section 3.4.1, may wish to appoint a candidate who already holds tenure at another accredited or internationally recognized institution of higher learning and who would not accept an appointment at St. Mary's without tenure transfer. In such instances, the President has the authority to appoint the candidate to the University with tenure.

Prior to awarding tenure, the President will formally consult with the Provost, the applicable Dean, and Human Resources, as well as invite the tenured faculty of the department, program, or School to review the candidate's academic credentials and professional experience, meet with the candidate (if possible), and make a recommendation to the President as to whether the candidate meets the applicable standards for tenure.

3.4.3 Summer, Maymester, and Wintermester Appointments

Summer, Maymester, and Wintermester faculty may be drawn from any category of faculty appointment (see Section 3.1).

Summer, Maymester, and Wintermester appointments are made by the Dean upon recommendation of the Department Chair or Program Director.

Summer, Maymester, and Wintermester teaching may be included in a faculty member's self-reports for annual, promotion, and tenure evaluations as evidence of excellence in teaching; however, such teaching may not be applied to satisfy a faculty member's annual academic year teaching load responsibility (see Section 3.6.1) without prior written approval from the faculty member's Dean.

3.4.4 Faculty Qualifications and Credential Verification

It is the policy of the University that every faculty member assigned to teach credit bearing coursework be qualified to accomplish the mission and goals of the institution and meet the faculty qualification standards and credential guidelines of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

3.4.5 Appointment of Academic Deans

Deans are appointed by the President for renewable three-year terms following consultations with the Provost and a formal recommendation from the School's search committee, which includes faculty representation from the School. In the last year of a Dean's term, a formal consultation process involving the Provost and an identified set of faculty, staff and leadership, as determined by and under the direction of the President, is conducted to assess the appropriateness of reappointment for the incumbent. Following this consultation, the President decides whether to reappoint the incumbent or to form a search committee to recommend a new Dean.

3.4.6 Appointment of Department Chairs and Program Directors

Department Chairs and Program Directors are appointed by the Provost for a two-year term, which is renewable on recommendation of the Dean, after formal and representative consultation with members of the department or program. Only tenure-line faculty from within the department or program are eligible to serve as a Department Chair or Program Director, with a preference for a tenured faculty member to occupy the position. Exceptions to this requirement require approval from the Provost. Department Chairs and Program Directors are directly responsible to the Dean of the School.

3.5 Faculty Rights and Standards of Professional Conduct

3.5.1 Academic Freedom

Institutions of higher education are conducted for the common good. The common good depends upon a free search for truth and its free expression. Hence, it is essential that faculty members be free to pursue scholarly inquiry without undue restriction and to voice and publish conclusions concerning the significance of evidence that is considered relevant. Faculty members must be free from the corrosive fear that others, inside or outside the University community, because their vision may be different, may threaten their professional career or the material benefits accruing from it.

Each faculty member is entitled to freedom in the classroom in discussing the subject being taught. Each faculty member is also part of the broader community, and when speaking, writing, or acting as such, must be free from institutional censorship or discipline.

The concept of academic freedom must be accompanied by an equally demanding concept of responsibility shared by governing boards, administrators, and faculty members.

The fundamental responsibilities of faculty members as teachers and scholars include the maintenance of competence in their field of specialization and the exhibition of such competence in lectures, discussions, or publications.

Exercise of professional integrity by faculty members includes recognition that the public will judge the profession and institution by their statements. Therefore, faculty members should strive to be accurate, exercise appropriate restraint, show respect for the opinions of others, and avoid creating the impression that they speak or act for the University when speaking or acting as a private person.

St. Mary's University follows 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 (AAUP) and the Association of American Colleges, which is read in concert with the mission of the University.⁴

Alleged violations of academic freedom may be addressed via the Review and Grievance Policy in Section 3.16 of the Faculty Handbook.

⁴ *AAUP Policy Documents and Reports*, 1995 Edition, pp. 3-4. The University affirms and supports the acknowledgment by the AAUP that, "Adoption of or reference to the 1940 *Statement* does not necessarily entail a commitment to the many AAUP policy statements that the Association has derived from the 1940 *Statement* and from its own evolving ideas of good practice" (p. xi). Although many of the policies and procedures specified in this Chapter Three of the Faculty Handbook are informed by those recommended by the AAUP, the University declares that its policies and procedures are not bound by the interpretations given them by such external organizations.

3.5.1.1 Academic Freedom for Librarians

Academic freedom, as defined in Section 3.5.1, is accorded to all professional librarians. Librarians are free from fear of dismissal or reprisal over matters related to academic freedom, including decisions about the content of the library's collections and providing access to information. Alleged violations of academic freedom may be addressed via the Review and Grievance Policy in Section 3.16 of the Faculty Handbook.

3.5.2 Statement on Free Speech and Expression⁵

As an institution of higher education, one specifically committed to the Catholic and Marianist tradition, St. Mary's University is committed to free and open inquiry, deliberation and debate in all matters and the untrammelled verbal and nonverbal expression of ideas. It is important that St. Mary's University provides all members of the University community, including faculty, students, and staff, the broadest possible latitude to speak, write, listen, challenge, and learn.

The ideas of different members of the University community will often and naturally conflict. It is not the proper role of a University to insulate individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Deliberation or debate may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or ill-conceived.

Individual members of the University community have the right to judge the value of ideas and to act on those judgments not by seeking to suppress speech but by openly, energetically, and peacefully contesting those arguments and ideas that they oppose. Fostering the ability of members of the University community to engage with each other in an effective and responsible manner is an essential responsibility of the University. Because it is essential to have free and open inquiry, deliberation, and debate, all members of the University community share the responsibility for maintaining civil and respectful discourse.

The freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University.

In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the institution. These, however, are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions not be used in a manner that is inconsistent with a strong commitment to a free and open discussion of ideas.

⁵ This policy borrows from Georgetown University's Policy on Speech and Expression (<https://facultyhandbook.georgetown.edu/section4/1/>) and the Report of the Committee on Freedom of Expression of the University of Chicago (<https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>).

3.5.3 Professional Ethics

All members of the faculty are expected to conduct themselves in accordance with the University's Code of Business Conduct and the following positions on issues related to professional ethics.

Faculty, 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 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 faculty may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As teachers, members of the faculty encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Faculty demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Faculty 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 for them. They protect their academic freedom.

As colleagues, faculty have obligations that derive from common membership in the community of scholars. Faculty 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. Faculty acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Faculty accept their share of faculty responsibilities for the governance of their institution.

As members of an academic institution, faculty seek, above all, to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Faculty 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, faculty recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

Faculty have the rights and obligations as members of their community. Faculty measure the urgency of these 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 that they speak or act for their School or University. As academics 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.

3.5.4 Statement on Plagiarism

In addition to the University's Research Integrity Policy, every faculty member must be guided by the following:

1. In the faculty member's own work, the faculty member must scrupulously acknowledge every intellectual debt for ideas, methods, and expressions by means appropriate to the form of communication.
2. Any discovery of suspected plagiarism should be brought at once to the attention of the affected parties and, as appropriate, to the profession at large through proper and effective channels, typically through reviews in or communications to relevant scholarly journals.
3. Scholars must make clear the respective contributions of colleagues on a collaborative project, and professors who have the guidance of students as their responsibility must exercise the greatest care not to appropriate a student's ideas, research, or presentation to the faculty member's benefit; to do so is to abuse power and trust.
4. In dealing with graduate students, faculty members must demonstrate by precept and example the necessity of rigorous honesty in the use of sources and utter respect for the work of others. The same expectations apply to the guidance of undergraduate students, with a special obligation to acquaint students new to the world of higher education with its standards and the means of ensuring intellectual honesty.

3.5.5 Observance of University Mission and Policies

Individuals granted faculty status at St. Mary's University are guided by the mission of the University and are responsible for knowing and observing University, School, library, department or program policies and procedures applicable to them, provided they do not contravene academic freedom. University-level policies and procedures include, but are not limited to, those published in this Faculty Handbook, as well as applicable policies published in the St. Mary's University Policy Library and Catalog(s). Faculty may offer suggested revisions to University-level policies in accordance with University shared governance practices and relevant processes.

3.5.6 Conflicts of Interest (Faculty)

Members of the faculty should be sensitive to situations involving a conflict of interest on their part and comply with the University's Code of Business Conduct, as well as the Financial Conflict of Interest Policy for Sponsored Research.

In addition, faculty should be aware of the following non-exhaustive listing of faculty-specific activities that may give rise to an actual or apparent conflict of interest:

1. Instruct for credit a person who is related to the faculty member within the second degree of consanguinity or affinity or is a partner, member of the faculty member's household, or individual with whom the faculty member is having or has had a

- consensual romantic or sexual relationship, except when such faculty member is the only faculty member teaching the subject during an academic year and makes arrangements for another faculty member to grade the student's work.
2. Participate in a decision to employ, compensate, promote, or grant tenure to a person related to the faculty member within the second degree of consanguinity or affinity or is a partner, member of the faculty member's household, or individual with whom the faculty member is having or has had a consensual romantic or sexual relationship, vote on such decision, or attend that portion of any meeting at which such decision is discussed.
 3. Engage in a romantic or sexual relationship with any currently registered student (see the University Consensual Relationships Policy).
 4. Accept personal remuneration for consulting services or conduct clinics while representing the University in an official capacity, as opposed to acting as an independent contractor providing services (see Outside Professional Activities Policy for Faculty).
 5. Serve in a direct supervisory capacity over a relative or dependent or in a situation where influence could be exerted on decisions concerning the status of their employment, promotion, or compensation (see the University Employment of Relatives Policy).
 6. Employ a St. Mary's University student outside of a pre-approved class without recompense of salary or academic credit for work on behalf of the faculty member or an outside agency.
 7. Accept outside employment during the academic years whose time demands adversely affect the faculty member's ability to fulfill individual contractual duties to the University (see the Outside Professional Activities Policy for Faculty).
 8. Use the University's name, facilities, or equipment for personal purposes, personal remuneration, or private gain without prior written approval (see Outside Professional Activities Policy for Faculty).

Whenever a member of the faculty is in doubt about whether a conflict of interest exists, the faculty member is expected to consult with the faculty member's Dean, Library Director, Department Chair, or Program Director.

3.6 Faculty Workload Responsibilities and Duties

This section of the Faculty Handbook describes faculty workload and associated responsibilities and duties. It articulates workload expectations that can be applied to each of the University's Schools and provides the flexibility and autonomy necessary to support the distribution of faculty responsibilities for teaching, academic advising/mentoring, scholarship, and service as applicable to the faculty member's category of appointment and individual appointment letter.

St. Mary's University acknowledges the fact that faculty services to students and to the institution cannot be captured fully by a formal accounting system. However, the standard core faculty workload for tenure-line faculty encompasses teaching, academic advising/mentoring, scholarship, and service obligations as described below. A tenure-line faculty member's letter of appointment or a memorandum of understanding must specify any variations from standard workload obligations when they are appointed to perform alternative types of academic work (such as work that is administratively focused).

3.6.1 Teaching Load

Full-time faculty members in all Schools (except the School of Law) are normally assigned up to a maximum of 12 teaching credit hours or its equivalent each semester, for a maximum total of 24 credit hours, or its equivalent, in one academic year (see Section 3.3.8).

Full-time faculty members in the School of Law are normally assigned up to a maximum of 6 credit hours or its equivalent each semester, for a maximum total of 12 credit hours, or its equivalent, in one academic year (see Section 3.3.8).

The maximum teaching load for non-law faculty in Schools that formally designate faculty as Graduate Faculty (see Section 3.1.7) shall be determined by School policy and approved by the Provost.

The Schools, departments, and programs may develop policies that deviate from the above teaching load guidelines where the need for such difference is clearly justified and articulated in writing and approved by the Provost. The number of credit hours articulated in School, department, and program policies must be informed by and be consistent with the University's promotion and tenure standards (see Section 3.9), applicable accreditation standards, competitive market forces, and other factors relevant to the disciplines or interdisciplinary fields represented. In addition, they must meet the University's requirements for the delivery of the curriculum and be in keeping with available resources.

3.6.1.1 Course Assignments

Department Chairs and Program Directors (or for Schools without departments or programs, the Dean's Office) are responsible for making individual course assignments. In assessing course assignments, consideration may be given to such variables as the number of courses assigned, the number of course preparations, the number of contact hours, the nature of the subject matter, scheduled course times, the total number of students in class, level of courses taught (i.e.,

graduate courses), and applicable accreditation standards. Such variables are considered for the individual faculty member in comparison to colleagues within the department or program and applicable School policies.

Faculty may not teach more than the standard teaching load in a semester without prior approval of their Department Chair(s) or Program Director(s) and Dean (see Section 3.6.1.5 below).

To help ensure that course assignments are distributed equitably, they are submitted in a timely fashion to the Dean and Provost's Offices once formulated. If either the Dean or Provost's Office has equity concerns regarding course assignments, the Dean or Provost's Office will work with the Department Chair(s) or Program Director(s) to resolve the concern.

3.6.1.2 Teaching Load Equivalencies

Teaching credit hours for a course usually coincide with that course's credit hours as defined in the Catalog. However, when student contact hours and student credit hours are disparate, the Dean, in consultation with the faculty members of the respective department or program and with the approval of the Provost, shall determine equivalencies for teaching assignments.

Determinations regarding equivalencies may include, but are not limited to, the following considerations:

1. The number of student contact hours and extent of faculty preparation required.
2. The number of student course credits generated.
3. Curricular requirements in effect, such as internships, practicums, and field experiences.
4. Standards promulgated by accrediting agencies, professional organizations, or disciplinary bodies.
5. Distinctions between undergraduate and graduate courses.
6. Responsibility for organized instructional activities.

A description of approved teaching equivalencies shall be written and published by the Schools and approved by the Provost.

3.6.1.3 Team Teaching

"Team-taught" courses are counted on an arranged basis as follows:

In considering requests for team teaching, the Dean(s) will balance the pedagogical innovation that team teaching affords with the distribution of enrollments, faculty members' teaching loads, and curricular demands and requirements. All team teaching arrangements must be approved by the appropriate Department Chair(s) or Program Directors and Dean(s). Courses must meet course enrollment requirements to qualify for team teaching.

Department Chairs or Program Directors are responsible for managing team teaching arrangements and ensuring that intellectual and pedagogical purposes are served by the team teaching format. The respective Department Chairs or Program Directors must confirm that each instructor, including but not limited to staff members partnering with a full-time faculty member to teach a course, possesses the requisite academic credentials or equivalent experience to team-teach the class (see Section 3.4.4). Each instructor is expected to collaborate in the design of the course, equitable delivery of instruction, and share in assessing and evaluating student work.

The exact number of teaching credits for workload purposes assigned to the respective faculty members will be determined by the Dean(s) in consultation with the Department Chairs or Program Directors (if applicable) and faculty members teaching the course.

3.6.1.4 Course Release Time

Faculty serving in substantial administrative roles, such as Department Chairs, Program Directors, Associate Deans, the Faculty Senate President, and Vice Provosts, may receive a course release of at least three teaching credit hours or its equivalent per semester.

Course releases may also be made available for other academic, scholarly, or administrative assignments as defined and approved by the applicable Dean and Provost. Department Chairs, Programs, or the Deans, as applicable, are responsible for monitoring the faculty member's performance of academic, scholarly, or administrative assignments.

3.6.1.5 Overloads

Faculty who teach more than the standard teaching load in a semester shall seek the prior approval of their Department Chair(s) or Program Director(s) and Dean for teaching an overload.

Because overloads can interfere with a faculty member's ability to teach all assigned courses effectively (because of the extra workload required), and because overloads potentially hamper the faculty member's ability to meet academic advising/mentoring, scholarship, and service expectations, they should be used by departments or programs sparingly and typically not exceed three credit hours or its equivalent per semester. Overloads will generally only be approved by the Department Chair(s) or Program Director(s) and Dean when the work is carried in addition to the standard load; no qualified faculty member is available to carry the work as part of their standard load, the work meets department or program needs and priorities, and the additional duties are not so heavy as to interfere with the faculty member's performance of regular responsibilities. Failure to complete the overload assignment may result in suspension of overload pay or even reimbursement to the University.

Independent Study courses may count as an "overload" subject to the approval of the Department Chair or Program Director (if applicable) and Dean.

3.6.1.6 Course Enrollment Thresholds

The University strives to provide sufficient course enrollment opportunities for students so that they can complete their degrees in a timely manner. The setting of enrollment thresholds is informed by a range of factors, including pedagogical goals, course demand, student progress toward graduation, faculty capacity, and classroom/lab capacity. The Provost's Office is responsible for setting enrollment thresholds and caps for each section upon the recommendation of the Dean and Registrar.

When the minimum course enrollment (exclusive of auditors) falls below the published minimum number, the Dean, in consultation with the faculty member's Department Chair(s) or Program Director(s) and Registrar, may cancel the course.

If a course is canceled, resulting in an underload, the provisions of Section 3.6.1.7 shall be followed.

3.6.1.7 Underloads

If, in a given semester, a faculty member's teaching load is under the norm, the Chair(s) of the Department or Program Director(s), with the approval of the Dean, shall arrange an additional teaching assignment or an alternative assignment in keeping with the needs of the department, program, or School within the same academic year. If such arrangements cannot be made, the Department Chair(s) or Program Director(s), with the approval of the Dean, may assign an overload teaching assignment in a subsequent term without additional compensation. This and other provisions in this section do not preclude the granting of released time (see Section 3.6.1.4).

3.6.1.8 Other Duties Related to Teaching

1. Faculty members are expected to meet their courses at the scheduled time and using the designated method of teaching set forth in the course schedule. If the instructor of record cannot meet a course, they are expected to notify their students of their absence and make a good faith effort to arrange either for a colleague to cover the missed class(es) or arrange for alternative course assignments that permit student learning to continue.
2. Requests to modify a course meeting time or frequency must be submitted to and authorized by the Dean. If approved, the Dean will report the change to the Registrar's Office.
3. Modifications to in-person course instructional methods (including remote teaching) are addressed as follows:
 - a. In the event, local or national conditions make it unsafe for courses to meet in person, the University, as determined by the President, may temporarily transition to emergency instructional methods.

- b. If there is a need for a reasonable accommodation from teaching in person under an approved accommodation covered by the Americans with Disabilities Act, the course instructor must contact Human Resources.
 - c. Course instructors may temporarily modify their instructional method (temporarily defined as less than one week cumulative across a semester) to participate in a professional activity or to meet unplanned or crisis events such as inclement weather, a significant number of student illnesses, faculty illness, and faculty family needs, as well as planned events such as participation in a professional activity.
 - i. For purposes of this policy, a modified instructional method is defined as a temporary shift of face-to-face instructional delivery to an alternate delivery mode due to participating in a professional activity, unplanned event, or personal crisis circumstance. It involves the use of teaching solutions for instruction or education that would otherwise be delivered face-to-face, and that will return to that format once the professional activity, unexpected event, or crisis circumstance has abated.
 - ii. Instructors utilizing temporary teaching modalities due to a planned professional activity, unplanned event, or crisis circumstance must ensure that all students in the class have the technological and other resources necessary to engage effectively in their planned remote work.
 - iii. If a modified instructional method is likely to become the main mode of student interaction for more than one week of class sessions, cumulative across a semester, consultation with the Department Chair, Program Director, and Dean, as well as Human Resources, is required.
4. The course instructor has the responsibility for planning course content consistent with departmental, program or other University learning outcomes; preparing and distributing syllabi; evaluating student work; and assigning grades.
 5. Within two weeks of receiving syllabus guidance from the Dean, and no later than two weeks from the start of classes, every faculty member shall submit to the Department Chair or Program Director and to the Dean copies of the syllabus for each course being taught indicating course goals, topics to be covered, and requirements. Copies of such syllabi should be available for public inspection in the department or program or in the Dean's Office.
 6. Final examinations shall only be administered in accordance with University policy at the official examination time set by the Registrar. Individual waivers of this regulation require the explicit authorization of the Department Chair or Program Director (if applicable) and Dean. Except in the School of Law, a general waiver for an entire group of students requires the authorization of the Provost. See the University's Examination Policy.
 7. Recognizing that time given to students has a place of excellence as part of the Marianist character and identity of the University, and that gift of ministry must be recognized in the evaluation of a faculty member (see Section 3.8.1.1), full-time faculty members are required to maintain a minimum of four office hours per week, distributed over several days. Part-time faculty must maintain one hour of office hours per week per three-hour

course taught.

- a. For faculty assigned to teach in-person courses, office hours shall be fulfilled via a combination of in-person and virtual office hours. In addition, full-time faculty should be available to students and colleagues for a considerable amount of time each week.
- b. At the beginning of each semester, faculty members shall post the times of in-person and virtual office hours and notify their students of these times, as well as the Department Chair or Program Director (if applicable) and the Dean.

3.6.2 Academic Advising/Mentoring

As part of the standard workload, tenure-line faculty members act as academic advisors/mentors for students. Other faculty may be assigned advising/mentor responsibilities as delineated in their individual appointment letter. Faculty members shall be available for academic advising/mentoring consultation in their offices and/or virtually on a regular, announced basis (see Section 3.6.1.8).

3.6.3 Scholarship

As part of the standard workload, all tenure-line faculty, as well as other individuals assigned such duties per their appointment letter, have the responsibility to continue their professional development by maintaining active involvement in scholarship activities as appropriate to their discipline or interdisciplinary field that enables them to contribute to the formation of knowledge and bring current innovations in their field(s) to their students.

3.6.4 Service

As part of the standard workload, all tenure-line faculty, as well as other individuals assigned such duties per their appointment letter, have the responsibility to serve the University. University service activities generally support the University's mission, the governance systems of the department, School, and the University, enhance the curriculum, and contribute to the University's role in the wider community. Engagement in community service activities demonstrates an acceptance of the responsibilities that come with being a member of the faculty in a Catholic and Marianist University deeply committed to community service. Service to the community is therefore valued and recognized by the University. However, community service activities alone cannot substitute for a service contribution to the University.

3.6.5 Other Non-Teaching Load Responsibilities

As a general principle, it is understood that a full-time faculty member's workload also includes responsibility for some department or program (if applicable), School, Library, and University tasks that are not directly related to instruction or student consultation (e.g., writing letters of recommendation for past and present students; examining the literature in one's field and recommending purchases; answering public queries and representing the University in matters related to the faculty member's discipline and responsibilities).

In addition, all full-time faculty members are expected to attend faculty and department, program, Library, and School meetings and to share actively in department, program, Library, and School activities as may be applicable. It is also an expectation of the University that full-time faculty members attend official functions at which their presence is explicitly requested by the Dean, the Provost, or President's Offices.

Faculty members are also strongly urged to attend campus events, at least from time to time, including lectures, concerts, dramatic performances, sporting events, and other activities sponsored by the University or its departments, programs, and organizations.

3.6.6 Workload for Tenure-Line Librarians

The workload responsibilities of tenure-line librarians may include a wide range of activities such as acquisitions, administration, information technology, cataloging, library instruction, collection development, reference, serials, special collections, and in some cases, credit-bearing teaching. In addition, tenure-line librarians appointed in the Sarita Kenedy East Law Library are responsible for fulfilling those responsibilities set forth in Chapter 6 of the American Bar Association (ABA) standards.

3.7 Faculty Personnel Records

The University maintains the following academic personnel/evaluation files and human resource personnel files under secure conditions to protect both the confidentiality and integrity of these records. Access to the files is restricted according to the policies described below.

3.7.1 Official Academic Personnel File/Evaluation File

The Provost's and Deans' Offices maintain academic personnel files/evaluative files for each faculty member, which are retained in accordance with the University's Record Retention Policy.

The files are available on a need-to-know and confidential basis to the Provost, Dean, legal counsel, Grievance Committee, Human Resources, the individual faculty member, or others specifically designated by the signature of the President or the faculty member. Access to the file, in the strictest confidence in accordance with the University's Confidential Information Policy (see Code of Business Conduct), may also be granted to designated University personnel or agents with a legitimate business need to process or manage the material (i.e., Academic Affairs staff, Information Services staff, etc.). The faculty member may review their file by arrangement with the Provost's Office.

Official academic personnel files/evaluation files will be kept in strictest confidence and will be available for confidential use only to the individuals noted above. Further, the University may permit access to and copying from such files pursuant to lawful requests and identification of federal or state agencies relevant to investigations, hearings, or other proceedings pending before such agencies or the courts.

3.7.2 Human Resources Personnel Files

Personnel files are maintained by Human Resources. These files are available on a need-to-know and confidential basis to the Provost, Dean, legal counsel, Grievance Committee, the individual faculty member, or others specifically approved by the President or the faculty member.

3.8 Faculty Evaluation

St. Mary's University's faculty evaluation system is designed to encourage self-appraisal and foster professional development by providing constructive feedback on performance. As a system for supporting sound personnel recommendations regarding promotion, merit increases in salary, and tenure, it defines the University-wide evaluation criteria and evidence used in making these recommendations, and it takes a comprehensive approach to the documentation and assessment of faculty performance. Faculty evaluation recommendations are based on the degree to which applicable evaluation criteria and standards have been met by the faculty member. To preserve the integrity of the evaluation system, those who are involved in it are expected to conduct themselves in accordance with standards of professionalism and confidentiality.

Sections 3.8.1 through 3.8.2 (excluding Section 3.8.2.2.2) govern the evaluation of tenure-line and non-tenure-line faculty members in all Schools except the School of Law. Special appointment faculty members are evaluated pursuant to the provisions of Section 3.8.1 and applicable Sections of 3.8.2, respectively. See also the "Guidelines for Applying for Faculty Promotion in Rank and Tenure" available from the Provost's Office. Different evaluation criteria and procedures apply in the School of Law. Sections 3.8.1 to 3.8.2 do not apply to the School of Law unless expressly incorporated by other sections in the Faculty Handbook.

Those applying for tenure, promotion, or merit increases in salary must be measured against the standards as they are understood at the time of application for an institution such as St. Mary's University must make these important decisions in light of the highest reasonable standards and not the lowest.

3.8.1 Criteria for Faculty Evaluation

A faculty member's performance is evaluated according to the University-wide evaluation criteria set forth below as appropriate to their position and/or terms of appointment. Additionally, any criteria established by the faculty member's School, Library, department, or program, interpreting the University's teaching, advising/mentoring, and/or service criteria (refer to Section 3.8.1.5), are considered.

The same categories of criteria are applicable to the evaluation of faculty members when they are being considered for tenure, promotion, and merit increases in salary. These include, first of all, excellent teaching (see Section 3.8.1.1) and advising/mentoring of students (see Section 3.8.1.2), as well as scholarly productivity (see Section 3.8.1.4) and valuable service (see Section 3.8.1.3). Candidates for tenure, promotion, or a merit increase in salary must demonstrate a record of achievement according to these criteria and the likelihood of continued fulfillment of these fundamental responsibilities, each of which is directly related and requires an effective contribution to the mission of St. Mary's University.

Excellent teaching and advising/mentoring are required of all faculty members because the University's primary responsibility is to its students, as well as to their academic advancement and holistic growth. Time given to students as a place of excellence as part of the Marianist

character and identity of the University, and that gift of ministry must be recognized in the evaluation of a faculty member. Accordingly, the quality of a faculty member's contribution to student learning—excellence as a teacher—is the most important evaluation criterion and is accorded the greatest weight when evaluating a faculty member's performance. The scholarship requirement reflects the twin judgments that University faculty members have a professional obligation to contribute to the dissemination of knowledge beyond the classroom and that they will ordinarily be better teachers if engaged in scholarly activities. The service requirement recognizes that universities function most effectively when faculty members participate in University governance and administration and that society rightfully expects persons affiliated with higher education to play a significant role in public life.

Because each of the above areas of responsibility is mutually supportive, the activities undertaken by a faculty member in one area may, at times, overlap another. In such instances, the University shall recognize contributions proportionately in each relevant area. Moreover, an individual's qualifications and contributions must always be judged as a whole, recognizing that each person brings particular strengths to the faculty and its mission during the different seasons of that individual's academic career. A variety of evidence gives the best picture of whether a candidate is performing adequately.

Modified Evaluation Criteria

In situations where a faculty member is appointed or contracted to do different kinds of faculty work from others in their appointment line (e.g., administratively focused) or whose scholarship is interdisciplinary or community-engaged and thus more difficult to evaluate by traditional evaluation criteria, the applicable Dean, in consultation with the faculty member, will develop an individualized Memorandum of Understanding (MOU) agreement which stipulates responsibilities and the evaluation criteria for tenure, promotion, and merit increases in salary for the faculty member serving in the position. Specifically, the MOU agreement will make clear:

1. The reason for the modified evaluation criteria.
2. How the impact of the faculty member's work will be measured.
3. What unique contributions or activities will be included in the evaluation.
4. Which duties will be considered "administrative" in nature.

The above MOU shall be signed by the Dean and faculty member and is subject to the Provost's approval.

3.8.1.1 Teaching

A faculty member must excel in teaching students. For the purposes of evaluation, excellent teaching includes, but is not necessarily limited to:

- **Content Expertise:** the extent to which faculty stay informed and current regarding the knowledge base necessary to design and deliver the courses they teach.
- **Course Design Skills:** the extent to which faculty demonstrate the abilities to select and sequence course content and experiences so that student learning is facilitated; to structure course content so that it has integrity within the discipline and reflects the School, department or program, and University academic standards, learning objectives, and expectations; and to develop and make use of techniques for evaluating student learning.
- **Course Conduct Skills:** the extent to which faculty make effective use of communication and human interaction skills to promote learning in the classroom, including the ability to make use of various types of instructional delivery modes such as lecture, discussion, laboratory, studio, and questioning.
- **Motivating and Mentoring Skills:** the extent to which faculty demonstrate the ability to engender enthusiasm and appreciation in students for course subject matter, to help students excel as learners, to stimulate students' intellectual curiosity, and to model for students the standards of performance and professionalism expected of them.
- **Course Management:** the extent to which faculty demonstrate the ability to organize and manage the tasks of maintaining and operating a course, such as keeping grade records, providing timely return of exams/assignments, being available to students outside of the course, submitting final grades, accommodating students with disabilities in accordance with the Americans with Disabilities Act, and other necessary course management duties and responsibilities in compliance with University and School policies.

Evidence of Teaching Excellence

Evidence of excellence in teaching during the applicable evaluation period may be demonstrated through a variety of methods, including but not limited to:

1. Self-reports of teaching excellence.
2. Peer evaluations of instruction.
3. Inspection of teaching and other related materials (including such materials as syllabi, sample course materials, representations of student products/materials, tests, examples of course improvements, evidence of the development of new courses and teaching techniques, quality of curriculum design, evidence of the use of innovative technologies, supervision of internships, etc.).

4. Student learning outcomes.
5. Formal and informal evaluations by students.
6. External or internal awards or commendations.

3.8.1.1.1 Effectiveness of Librarians with Tenure-Line Status

Because of the nature of librarianship, tenure-line librarians substitute “effective librarianship” for the criterion of “teaching” required for promotion in rank and tenure for other faculty members.

Effective librarianship includes, but is not limited to, the following:

1. Knowledge and its effective application in the librarian’s area of specialty.
2. Knowledge of and effective application of general and accepted principles of librarianship.
3. Effective supervision of subordinate personnel and management of assets, where applicable.
4. Ability to communicate information needed by primary library users in an effective and professional manner, through individual interaction, through group instructional sessions and through other appropriate means.
5. Contribution to an improvement of library operations and services through creative, innovative librarianship.

Sources for the evaluation of effective librarianship will include, but are not limited to:

1. The librarian’s individual self-reports.
2. The supervisor’s assessment and evaluation of the librarian’s accomplishments in terms of the faculty member’s individual self-report documents.
3. Other evaluations by the librarian’s supervisor, if applicable.
4. Peer evaluations and/or evaluations by users, as appropriate.

3.8.1.2 Academic Advising/Mentoring

A faculty member with academic advising/mentoring responsibilities must demonstrate excellent advising/mentoring skills. In evaluating academic advising/mentoring performance, the following factors are relevant:

1. Ability to provide clear and accurate information to assigned advisees/mentees about applicable academic policies, degree requirements, and career options.
2. Assisting students to shape and achieve their academic, personal, and career goals.
3. Ability to direct students to campus resources and assistance.
4. Effective use of the University’s advising management system.

Evidence of excellence in academic advising/mentoring may be demonstrated through a variety of methods, including but not limited to:

1. Self-report of academic advising activities/mentoring and activities, including qualitative and quantitative evidence of effective advising/mentoring, as documented in the faculty member's self-reports and promotion and tenure applications.
2. Supporting materials: this may include, but is not limited to, documentation of positive student outcomes such as student employment and acceptance into graduate or professional programs, signed evaluations from current and/or former students, student surveys, awards, etc.

3.8.1.3 Service

Effective service involves applying one's time, talents, and energy to perform or assist others in performing a broad range of activities that may occur on many levels within ("University Service") and beyond the University ("Community Service"). The relative weight credited to service depends on the nature, context, and function of the services themselves. In all instances, the quality of the service over quantity is favored. As set forth in Section 3.6.4, while St. Mary's University, as a Catholic and Marianist institution, is committed to service to the community in its broadest sense, service beyond the University alone cannot substitute for a service contribution to the University.

Service to the University

Effective service to the University involves faculty members participating in University, School and/or department/program governance or engaging in other forms of service that contribute to the mission of the University, School, or the faculty member's department or program. The type and degree of service provided should correspond to the faculty member's rank, with the expectation that as a faculty member advances in rank, the level of service provided will also advance.

On occasion, University service activities are financially compensated (e.g., contractual, stipend, honorarium, course release, etc.). Such activities should be reported so those that participate in the evaluation system may make judgments on the relative value of such activities.

Service to the Civic or Professional Community

Effective service to the community involves faculty members providing professional service to the community or profession that contributes to the overall mission of the University, School, or the faculty member's department or program.

Examples of Service Activities

Service to the University and community may include, illustratively:

1. Participation in University, School, departmental, or program decision-making and curriculum development processes.
2. Service on University, School, or department or program committees.

3. Participation in University governance, such as the Faculty Senate or University committee or council.
4. Service as an Associate Dean, Assistant Dean, Department Chair, or Director or Coordinator of a Program.
5. Representation of the University before local, regional, national, or international bodies and organizations.
6. Participation in professional organizations, including, in particular, service as an officer, committee member, or speaker.
7. Public service relating to one's area of expertise, including, but not limited to, testimony before public hearings.

The University recognizes that the above listing does not exhaust the various ways service activities might manifest themselves, and candidates may wish to present other evidence.

Evidence of effective service may be demonstrated through a variety of methods, including but not limited to:

1. Self-report of service activities as documented in the faculty member's self-report and promotion and tenure applications.
2. Supporting materials, as appropriate to the type of service provided; this may include but is not limited to, non-confidential materials prepared or used as part of committee work, materials produced for administrative assignments, and materials documenting participation in the curriculum development or review processes.

3.8.1.4 Scholarship

A faculty member must be a productive scholar, for scholarship is an intrinsic element of academic University life. Recognizing that fact, St. Mary's University has long encouraged and placed a high value upon scholarly productivity, particularly in fields related to its degree programs. To acknowledge that scholarly productivity is an essential component of a faculty member's duties is not to diminish the importance of excellent teaching but rather to ensure that teaching, which lies at the heart of the University's responsibility to its students, is able to draw upon the intellectual richness that typically characterizes a community of scholars. The specific forms and intensity of scholarly activity within the University appropriately vary between Schools and between departments or programs within Schools and libraries due to inherent differences among the disciplines.

Scholarship can take many forms. Despite their myriad forms, works of scholarship share common characteristics which make it possible both to identify basic types of scholarship and to assess the value of works within those categories. For the purpose of promoting quality scholarship at St. Mary's University, a framework consisting of "types of scholarship" and "assessment criteria" is set forth below in Sections 3.8.1.4.1 and 3.8.1.4.2. The content of those sections forms the basis for the articulation by the various Schools, departments, programs, and libraries of more specific expectations relating to the scholarly productivity of faculty members

within those academic units that are discussed in Section 3.8.1.5. In turn, those interpretations of the scholarship requirement define the standards against which a faculty member's fulfillment of that criterion is to be measured during evaluations for tenure, promotion, and merit increases in salary.

3.8.1.4.1 Types of Scholarship

Given the breadth of disciplines and the differences among teaching contexts, and to recognize the full range of scholarly contributions by faculty, St. Mary's University endorses a broad and inclusive definition of scholarship in order to recognize the full range of scholarly contributions by faculty. Specifically, the University endorses the view that it is possible to identify at least five basic types of scholarship: Scholarship of Teaching; Scholarship of Discovery; Scholarship of Integration; Scholarship of Application; and Scholarship of Engagement. These categories, as defined at St. Mary's University, reflect but do not embrace all details of the categories proposed by Ernest L. Boyer in Scholarship Reconsidered (1990; 1996).

The Scholarship of Teaching encompasses the development and improvement of pedagogical practices that are shared with others. Excellent teachers engage in scholarly teaching activity when they undertake assessment and evaluation to promote improvement in their own teaching and in student learning. Scholarly teaching activity becomes the Scholarship of Teaching when faculty members make it available to others, either internal or external to the University, so that it can be reviewed, critiqued, and built on by others.

Examples of the Scholarship of Teaching include, but are not limited to publications about pedagogy and methodology; development and publication of instructional materials, including, but not limited to textbooks, laboratory exercises, teacher's manuals, supplements, student study guides, documentaries, instructional websites, etc.; the conduct of workshops and conference presentations on innovative teaching methods; the creation of software and computer exercises; the creation and implementation of an innovative, original course with content-specific goals and a method for documented assessment; development of new or substantially revised courses, curricula; innovative teaching materials/strategies; projects funded by external or internal grants to support instructional activities; technical, procedural or practical innovations made clinically or professionally.

The Scholarship of Discovery encompasses those scholarly activities that extend the stock of human knowledge through the discovery or collection of new information. Such scholarship seeks to confront the unknown, and typically exhibits a dedication to free inquiry, disciplined investigation, and the pursuit of knowledge for its own sake. The Scholarship of Discovery includes, but is not limited to, what is sometimes referred to as “basic” or “original” research.

Examples of the Scholarship of Discovery include, but are not limited to publication in peer-reviewed journals and books; presentations at scholarly conferences; inventions and patents; original creation of new works of art or musical composition and writing works of fiction, poetry, creative nonfiction, or anthologies; invited lectures, particularly at major professional meetings; postings to peer-reviewed, professionally affiliated websites and electronic databases; seeking and/or securing extramural grants; internally or externally funded research projects.

The Scholarship of Integration encompasses scholarly activities that are primarily interdisciplinary or interpretive in nature. Such scholarship seeks to better understand existing knowledge by making connections across disciplines, illuminating data in a revealing manner, drawing together isolated facts, or placing known information into broader contexts. The Scholarship of Integration synthesizes, interprets, and connects the findings produced by the Scholarship of Discovery in a way that brings new meaning to those facts.

Examples of the Scholarship of Integration may include, but are not limited to policy papers, reflective essays; translations; popular publications, synthesis of the literature on a topic; textbooks; interdisciplinary works; evaluative and interpretive works, such as review essays.

The Scholarship of Application encompasses scholarly activities that seek to relate the knowledge in one’s field to the affairs of the University or of society. Such scholarship often seeks to improve the ways in which the University internally fulfills its mission. The Scholarship of Application may partially overlap with the requirement of service to the University (see Section 3.8.1.4). Service activity becomes the Scholarship of Application when the service activities are tied directly to one’s discipline and require the use of that knowledge in the service of the University.

The Scholarship of Application includes applied scholarship activities either internal or external to the University.

Examples of Scholarship of Application within the University may include but are not limited to work on cross-curriculum; activities associated with assessment of the University and its mission; grant applications for projects that focus on application problems within the University; and other types of service to the University that are related to the faculty member’s discipline.

Examples of Scholarship of Application outside the University may include but are not limited to applied research; innovative treatments; increased commercial development or entrepreneurial activities; improved energy efficiency; modified methods of assessment

policy analyses; environmental designs/practices; editorials/commentaries for popular periodicals; professional newsletters and newspaper; drafts of model legislation; articles and books examining the legal, economic, or ethical implications of new social phenomena; performances, presentations, or exhibitions of creative works; curation of exhibits; technical reports; guidebooks; client evaluated consulting engagements.

The Scholarship of Engagement focuses on scholarly investigation with the community beyond academia in ways that address social problems; using one's professional expertise and rules of practice as a vehicle for an educational endeavor; drawing upon existing knowledge to design solutions to social problems; or making information or ideas accessible to the public. The Scholarship of Engagement applies an integrative approach to the traditional domains of research, teaching, and service. This scholarship is characterized by research activities that are partnered with a community interest, organization, nonprofit or educational institution. Approaches such as community-based participatory research (e.g., program evaluation, surveys, needs assessment; professional consulting), service-learning, and community-engaged scholarship that are consistent with the University's missions of research, teaching and service, and that produce a product (e.g., report; evaluation; policy analysis; impact assessment; recommendations) in partnership with an institution, firm or nonprofit are examples that may fall within this category.

The Scholarship of Engagement connects any of the above dimensions of scholarship (teaching, discovery, integration, and application) to the understanding and direct application of knowledge to solving pressing social, civic and ethical problems and involves the direct application of knowledge to the affairs of society. Such efforts may include but are not limited to community-based research, public scholarship, service-learning, direct service, communication, civic action and participation, and institutional planning and partnerships.

The five categories defined above do not embrace the entire range of valuable scholarship. Rather, the categories denote five areas of scholarly activity that St. Mary's University has chosen to recognize as particularly significant. By defining these categories, the University makes it possible for faculty members and individual Schools, departments, programs, and Libraries to identify more clearly the role of scholarship within the University.

Some works of scholarship legitimately fall within more than one of the stated categories. Consequently, it is often difficult to fairly categorize a work in the absence of full details about its content, and some work may legitimately fall into more than one category.

3.8.1.4.2 Assessment of Scholarship

The evaluation of scholarship includes, but is not necessarily limited to, whether the work is well expressed, innovative, comprehensive, and visible, and whether it has been favorably reviewed by, and has influenced, others.

Well Expressed. Scholarship is well expressed if it effectively communicates the content of the work. At a minimum, the work must be appropriately organized and presented through a suitable medium. The clarity of the work is typically an important consideration.

Innovative. Scholarship is innovative if it is original in a meaningful sense. The originality of the work may relate to the content of the work, its mode of dissemination, its source, and perhaps to other matters as well. For instance, a written work may be innovative if it addresses a previously uncharted topic or brings a new perspective to bear upon previously identified ideas or issues, because it carries a message to a new audience or employs a new medium, or because it requires the scholar to extend their personal range of scholarly competence.

Comprehensive. Scholarship is comprehensive if its presentation reflects a broad appreciation of existing information, relevant issues, and possible alternatives. Whether the scholar has placed a work into context is a significant consideration. Another important factor is whether the work has an appropriate degree of complexity in light of applicable limitations, such as those relating to space, time, or resources. The comprehensiveness of the work is enhanced to the degree that the work is interdisciplinary.

Visible. Scholarship is visible if it is communicated to an audience in a manner that is likely to enhance the reputation of the individual scholar and the University. The size and nature of the audience reached by the work are relevant to this determination. Additionally, in the case of written works, consideration should be given to the prestige of the publisher and the prominence given to the work. Similar considerations apply to the evaluation of non-written works.

Reviewed. Scholarship is reviewed when it is subject to scrutiny by others. Review of a work may occur at several stages: pre-dissemination; during the dissemination process; and post-dissemination. Prior to dissemination, drafts, prototypes, and other tentative forms of a work may be evaluated by peers or others within or outside the University, for the purpose of soliciting guidance. During the dissemination process, potential publishers and others may evaluate the merits of a work with a view toward determining whether it deserves a forum. After dissemination, the work may be the subject of reviews which evaluate the final product of the scholarship.

Influential. Scholarship is influential if it affects the conduct or work of others. For instance, there is evidence that a work is influential if a book is adopted for use in others' classrooms, where a study or article is invoked as the basis for governmental action, or where a scientific discovery forms the predicate for research by others.

3.8.1.5 School, Library, Department, and Program Interpretive Evaluation Criteria

The faculty of each School, Library, and the individual departments or programs shall define, adopt, and periodically revise criteria interpreting the University's scholarship requirement (see Section 3.8.1.4) in accordance with the procedural process described below. These criteria shall articulate the minimum expectations for scholarly productivity on the part of all faculty members in the School, department, program, or Library, taking into account: the mission of that academic unit; the various constituencies that it serves; the types and qualities of scholarship identified in Sections 3.8.1.4.1 and 3.8.1.4.2; applicable accreditation requirements; and the time and resources available to the faculty members for scholarly activities, both of which vary throughout the University.

The criteria adopted by the individual academic units should reflect both the importance of demonstrative evidence of continuing scholarly productivity and the fact that rigid timetables for research and scholarship are often unrealistic. In addition, the criteria must recognize that the focus of individual research and the direction of one's scholarly activities are subject to seasonal change throughout the faculty member's career. The criteria should not so narrowly define acceptable forms of scholarship as to inhibit the pursuit of new forms of scholarship within the University. Moreover, the criteria of the individual Schools, Library, departments, and programs adopted pursuant to this section shall provide that scholarly contributions to any form or forms of the scholarship categories in Section 3.8.1.4.1 above are valued.

In addition, the faculty of each School or Library, as well as the individual departments or programs, have the discretion to define, adopt, and periodically revise criteria interpreting the University's teaching, academic advising/mentoring, and/or service requirements.

Interpreting criteria adopted by the Schools, Library, departments, and programs must be compatible with the University-level evaluation criteria (see Sections 3.8.1.1 through 3.8.1.4) and delineate what the academic unit values in scholarship, teaching, academic advising/mentoring, and/or service. The criteria must be flexible and allow a range of options to meet the requirements of the applicable evaluation category.

Interpreting criteria defined, adopted, and periodically revised by the faculty of each School, Library, and the individual departments or programs are approved by the Dean or Library Director (as applicable) to ensure appropriate consistency in the protection of academic freedom, rigor, equity, and balance across the School or Library. If necessary, the Dean or Library Director (as applicable) may elect to return recommended criteria to the appropriate faculty with questions and/or suggestions for revisions. In the event the Dean or Library Director (as applicable) and faculty do not agree to the proposed criteria, final approval will rest with the Provost.

Please refer to the School or Library's webpage for interpretive criteria adopted by individual Schools, Libraries, departments, and programs pursuant to this section.

3.8.2 Evaluation of Faculty

Faculty in all Schools are regularly evaluated on the performance of their faculty responsibilities and the progress they have made in their professional development in accordance with the policies set forth in the subsections below.

The individual Schools have latitude in developing complementary evaluation policies and procedures, as long as they are consistent in spirit with overall policies detailed in this section. School evaluation policies and procedures are distributed to all faculty in the respective Schools and maintained by the Office of the Provost.

3.8.2.1 Evaluation of Teaching by Students

As an integral part of the overall faculty evaluation system, student evaluations are conducted for courses at regular intervals each year as authorized by the Office of the Provost.

Student evaluation results, in combination with other evidence of teaching performance, are considered a point of reference to assist in the evaluations of a faculty member's overall teaching performance. Student evaluations are not to be used in isolation as a means of recommending reappointments, merit salary increments, promotions, or tenure. Rather, evaluators are expected to take due consideration in interpreting trends across multiple courses/terms when referencing student feedback during the teaching performance evaluation process. Moreover, when appropriate, a Department Chair or Program Director may provide context about qualitative and quantitative student feedback metrics that may reflect systemic inequities in the teaching and learning environment.

3.8.2.2 Annual Evaluations

3.8.2.2.1 Annual Evaluation of Tenure-Line and Non-Tenure-Line Faculty

The professional performance of all tenure-line and non-tenure-line faculty is evaluated annually to provide a careful and comprehensive assessment of individual professional activities, determine salary adjustments, and review the faculty member's goals and discuss what University resources can be made available to assist the faculty member's professional development. To be eligible for cost-of-living and merit salary adjustments, all tenure-line and non-tenure-line faculty must be in good standing and are required to participate in the annual evaluation process.

Consistent with the Marianist value of subsidiarity, each School shall maintain written procedures outlining the process used in the annual evaluations of all tenure-line and non-tenure-line faculty members in the School. School procedures shall be developed by the Dean in formal and representative consultation with the faculty of the School. Final approval of the School procedures rests with the Provost.

School-specific procedures shall, at a minimum, include an evaluation timeline and the following University-wide guidelines:

1. Submission of Faculty Activity Report: The annual evaluation process begins with the faculty member's submission of a faculty activity report to their Department Chair, Program Director, or Library Director.
 - a. Utilizing the approved School faculty activity reporting form, the faculty member's self-report shall address the faculty member's activities over the past academic year in the following areas as applicable to the faculty member's appointment line and academic rank or title: teaching, academic advising/mentoring, scholarship, and service.
 - b. The report must specifically address and be limited to:
 - i. With the exception of the School of Law, the evaluation criteria in Section 3.8.1 and applicable interpretive evaluation criteria established by the faculty member's School, department, program, or Library. For the School of Law, the report must address the School of Law's evaluation criteria.
 - ii. The faculty member's progress of achieving the goals identified in the faculty member's prior faculty activity report.
 - iii. Proposed measurable goals for the following academic year.
 - c. The completed, signed, and dated faculty activity report, as well as a copy of the faculty member's current curriculum vitae, course syllabi, and any other materials submitted by the faculty member in support of the self-report, must be submitted by the faculty member to the Department Chair, Program Director, or Library Director on or before the deadline published by the School.
2. Evaluation by Department or Program: The Department Chair, Program Director, or Library Director is responsible for conducting an annual faculty evaluation, either independently or in consultation with an appropriately charged faculty committee in accordance with School procedures. For a School without a department or program, the role of the Department Chair or Program Director is assumed by the Dean.
 - a. The evaluation must be in writing and include:
 - i. An evaluation of the faculty member's performance in each of the categories of performance (e.g., teaching, academic advising/mentoring, scholarship, service, as applicable) with direct references to University, School, and department/program/library evaluation criteria.
 - ii. Comments on the faculty member's goals.
 - iii. Any suggestions on an area(s) to strengthen.
 - iv. An assessment of whether the faculty member is successfully performing their duties (see Section 3.6) and exhibiting conduct in accordance with the standards of professional conduct (see Section 3.5).
 - b. A draft of the evaluation letter will be provided to the faculty member on or before the published deadline.
 - c. After receiving the draft evaluation letter, the faculty member and Department, Chair, Program Director, or Library Director shall meet to engage in a mutual exchange about the faculty member's performance, review the updated goals, and discuss available University resources that can assist the faculty member's further professional development.
 - d. Following the meeting, the Department, Chair, Program Director, or Library Director shall issue a final evaluation letter to the faculty member and Dean.

- e. If the faculty member substantially disagrees with the evaluation, the faculty member may submit a written response, which shall be appended to the Department Chair, Program Director, or Library Director's evaluation.
 - f. In all schools except the Law School, the Department Chair or Program Director and School Dean will then meet to discuss the evaluation.
 - g. The Dean may then provide the faculty member with written developmental guidance as appropriate. Such guidance may include appropriate provisions for faculty development to improve performance, such as campus opportunities for faculty continued development, reassignment of duties, or a change in teaching assignments. At the next annual review, the faculty member's Department Chair, Program Director, or Library Director (as applicable) and Dean shall evaluate the faculty member's progress in meeting the developmental recommendations.
3. Determination of Merit Salary Adjustment:
- a. If funds are available for merit salary adjustments, the Dean, based on the written evaluation will make a recommendation to the Provost regarding whether a merit salary adjustment should be awarded.
 - b. The Provost will then make the final determination regarding the awarding of a merit salary adjustment.

If awarded, the merit salary adjustment will take effect on the date set forth in the University's communication to the faculty member.

3.8.2.2.2 Annual Evaluation of Special Appointment Faculty

Consistent with the Marianist value of subsidiarity, each School shall maintain written procedures and timelines outlining the process used in the annual evaluation of special appointment faculty (see Section 3.1.3) who will be returning to St. Mary's University the following academic year. School evaluation procedures and timelines shall be developed by the Dean in consultation with the faculty of the School. Final approval of the School procedures rests with the Provost.

School-specific procedures governing the annual evaluation of special appointment faculty shall adhere to the following University-wide guidelines:

1. The professional performance of a special appointment faculty member for each assigned workload area shall be evaluated annually by the faculty member's Department Chair or Program Director. For a School without a department or program, the evaluation shall be conducted by the Dean.
2. With the exception of the School of Law, the evaluation criteria in Section 3.8.1, and applicable interpretive evaluation criteria established by the faculty member's School, department, or program shall be utilized. In the School of Law, the Dean shall use the School of Law's evaluation criteria.
3. The Department Chair, Program Director, or Dean's evaluation and feedback should be consistent with University policy and procedure for annual evaluation of tenure-line and non-tenure-line faculty members (see Section 3.8.2.2.1).

3.8.2.3 Peer Evaluation of Instruction for Tenure-Line and Non-Tenure-Line

Faculty

Consistent with the Marianist value of subsidiarity, each School shall maintain written procedures for formative and summative peer evaluations of instruction for tenure-line and non-tenure-line faculty in accordance with the general guidelines set forth below. Formative peer evaluation shall be designed primarily to aid tenure-line and non-tenure-line faculty in their development as teachers. Summative peer evaluation shall involve the evaluation of teaching to provide information for pre-tenure evaluations and promotion and tenure decisions.

Faculty Peer-Evaluation Guidelines:

The following are guidelines for departments and programs within each School to develop unit-specific peer evaluation of instruction policies and procedures:

1. The Schools, in consultation with the departments and programs, shall develop well-defined policies and procedures for conducting peer evaluation of instruction that include timetables and methodologies for selecting the peer evaluator(s), instructional setting(s), and teaching materials to be observed.
2. All peer evaluators shall be of equal or higher rank than the faculty member being observed.
3. Peer observations should take place at a frequency adequate to achieve the objectives of the evaluation.
4. The role of the peer evaluator is to:
 - a. Visit the class, laboratory, or other instructional setting in person or virtually to evaluate the faculty member's teaching effectiveness; and
 - b. Document the results of the class, laboratory, or other instructional setting observation.
2. For summative peer teaching evaluations, the results of the peer observation shall be added to the faculty member's evaluation portfolio. If the faculty member whose instruction was observed desires, a written response to the observation may be submitted to the Dean within five business days of receiving the peer evaluator's observation report.

3.8.3 Evaluation of Department Chairs and Program Directors

The administrative performance of Department Chairs and Program Directors is evaluated annually through a process which affords faculty in the department or program the opportunity to comment upon a Chair or Director's administrative job performance. The results of the evaluation will be conveyed to the Department Chair and Program Director being evaluated.

3.8.4 Evaluation of Deans and Other Academic Administrators

Deans and other academic administrators are evaluated annually through a process which affords faculty members in the School the opportunity to comment on their Dean's and other academic

administrators' job performance. The results of the evaluation will be conveyed to the Dean being evaluated.

3.9 Promotion in Rank: Tenure-Line Faculty

3.9.1 Promotion in Rank

Promotion at St. Mary's University is not automatic and must be merited. Length of service alone does not constitute sufficient reason for promotion. To receive promotion, members of the tenure-line faculty must demonstrate, by virtue of the evidence submitted, that they satisfy the relevant University evaluation criteria at levels that meet the applicable standards for promotion (see Sections 3.9.1.1 and 3.9.1.2, respectively). Moreover, those charged with evaluating a candidate for promotion must apply the criteria in light of the standards interpreting the scholarship requirement adopted by the individual School, department, program, or Library that are described above in Section 3.8.1.5. Promotion to the rank of Associate Professor or Professor requires attainment by the applicant of a terminal degree or equivalent professional experience in the faculty member's discipline(s).

3.9.1.1 Eligibility and Standards for Promotion - Non-Law Faculty Members

To be eligible for promotion, an applicant must be in good standing and carry a full-time time workload, as well as possess the appropriate terminal degree or equivalent professional experience in the discipline(s) and minimum credited time in previous rank. Exceptions to the minimum credited time in previous rank may be made by the Provost, in consultation with the applicant's Dean, upon a showing of an applicant's exceptional merit and/or other extraordinary circumstances.

For tenure and non-tenure-line faculty members in all Schools, with the exception of the School of Law, an applicant must generally meet the following minimum time in rank requirements prior to promotion to the next rank:

- Assistant Professor: 6 years
- Associate Professor: 7 years

In determining eligibility, only service at St. Mary's University is counted unless credit for service at another accredited or internationally recognized college or university is granted by the Provost in writing at the time employment commences at St. Mary's University. Applicants are responsible for obtaining and submitting, in a timely fashion, official documents verifying their service at other institutions.

With the exception of a sabbatical leave, a full-time leave of absence does not count toward promotion unless the faculty member and Provost so agree in writing prior to the commencement of the leave.

In addition to meeting the above eligibility requirements, applicants for promotion must demonstrate, by virtue of the evidence submitted, that they meet the applicable standards for promotion.

Promotion from Assistant Professor to Associate Professor

To merit promotion from Assistant Professor to Associate Professor, an applicant must meet the tenure standards set forth in Section 3.9.2.2.2.

Promotion from Associate Professor to Professor

To merit promotion from Associate Professor to Professors, an applicant must present evidence documenting:

1. Excellence in teaching across the range of assigned courses (see Section 3.8.1.1). Professors are expected to display a continuing high level of excellence in their own classes and serve as resources for other faculty members in the department or program, as well as remain committed to their own continuing development as teachers.
2. Excellence in academic advising/mentoring (see Section 3.8.1.2).
3. A record of engagement within the faculty member's discipline(s) that indicates continued development as a scholar (see Section 3.8.1.4) beyond the faculty member's accomplishments at the time of promotion to Associate Professor, with evidence of success in completing some substantial aspect(s) of the faculty member's scholarly agenda. Such evidence will involve products or performances which are expressed, innovative, comprehensive, and visible, and favorably reviewed by others.
4. Significant and effective service to the University and community (see Section 3.8.1.3), especially in a leadership role since having successfully been promoted to the rank of Associate Professor.
5. A sustained record of making effective contributions to the St. Mary's University Mission.

In addition to the above, a candidate is expected to successfully perform the duties of the faculty (see Section 3.6) and exhibit conduct in accordance with standards of professional conduct (see Section 3.5).

3.9.1.2 Eligibility and Standards for Promotion - School of Law

Promotion from Assistant Professor of Law to Associate Professor of Law

A faculty member hired as an Assistant Professor of Law who is in good standing is eligible to apply for promotion to the rank of Associate Professor of Law during or after the third year of full-time employment (including both full-time employment on the tenure-track at St. Mary's Law School, and full-time employment on the tenure-track at any other law school accredited by the American Bar Association). No faculty member may be promoted to the rank of Professor until they are granted tenure (see Section 3.9.2.2.3); and every faculty member who is hired with tenure, or is granted tenure, must be given the rank of Professor.

A promotion to the rank of Associate Professor of Law should be granted only to an Assistant Professor of Law who has a satisfactory or superior record of classroom teaching and student

counseling, and who has proven themselves likely to become a productive scholar. (Factors relevant to the assessment of teaching and scholarship are set forth in Sections 3.8.1.1, 3.8.1.2, and 3.8.1.4.2 (Assessment of Scholarship), respectively, and the duty to be a productive scholar is discussed in 3.8.1.4 (a).) An applicant's record of service to the School of Law, the University, the legal profession, and the community is also an expectation and will be considered in support of their promotion to the rank of Associate Professor of Law (see Section 3.8.1.3). Finally, a candidate for promotion to the rank of Associate Professor of Law must demonstrate a sustained record of making effective contributions to the St. Mary's University mission.

A promotion to the rank of Associate Professor of Law becomes effective at the beginning of the academic year after it is granted.

Promotion from Associate Professor of Law to Professor of Law

Tenure-track faculty members in the School of Law with the rank of Associate Professor will be promoted to Professor upon the attainment of tenure in accordance with the evaluation procedures set forth in Section 3.9.2.2.3.

3.9.1.2.1 Eligibility and Standards for Promotion of Tenure-Line Librarians

For tenure-line librarians, promotion in rank depends upon the same eligibility, criteria, and standards as for other tenure-line faculty members, except as provided for in Section 3.8.1.1.1, "Effectiveness of Librarians with Faculty Status." The Scholarship of Librarianship, which replaces the Scholarship of Teaching, is defined on the Louis J. Blume Library's webpage.

The determination of eligibility and the procedures to be followed are the same as for other tenure-line faculty members, except that the Executive Director of the Louis J. Blume Library or the Director of the Sarita Kenedy East Law Library will assume the functions normally assigned to a Dean.

A Master's or terminal degree in an academic discipline, in addition to a Master's Degree in Library Science from an American Library Association (ALA) accredited institution, will suffice as a terminal qualification for non-law tenure-line librarians. Tenure-line librarians in the Sarita Kenedy East Law Library must possess a juris doctor degree.

3.9.1.2.2 Standards for Promotion of Academic Administrators

Full-time academic administrators (including the President, Provost, Deans, and faculty members appointed to special administrative positions) who hold academic rank will be considered for tenure and promotion and will have the time of administrative service counted towards tenure or promotion only if this has been agreed upon in writing at the time of appointment, in which case the evaluation of the individual shall include evaluation of the administrative service. The determination of eligibility and the procedures to be followed are identical to those for other tenure-line faculty members.

3.9.2 Tenure

Tenure is the decision of the University to enter a long-term professional relationship with an eligible tenure-track faculty member who meets the criteria and standards for tenure set forth below. A tenure-line faculty member cannot expect continuous employment at St. Mary's University without being granted tenure. Upon completion of the minimum number of years of service, as defined in this Faculty Handbook, tenure-track faculty members may apply for tenure.

Tenure is a mutual commitment on behalf of St. Mary's University and the tenured faculty member. While academic freedom and continuous employment are hallmarks of the University's commitment to individuals awarded tenure, the acceptance of tenure is a career-long commitment to the University's mission, values, educational goals, and objectives. Consequently, those possessing the rights and privileges of tenure bear the continuing professional responsibility to keep informed in one's discipline, exhibit conduct in accordance with professional ethics standards, and render efficient service to the University by fulfilling the customary academic responsibilities and duties of excellent teaching, academic advising/mentoring, scholarly productivity, and service to the University and community (see Section 3.6).

Tenure must be merited. To merit tenure, eligible tenure-track faculty must be in good standing and demonstrate, by virtue of the evidence submitted, that they satisfy the relevant University and School, department, or program evaluation criteria (see Section 3.8.1 et seq.) at levels that meet the applicable standards for tenure.

The standard for tenure for non-law faculty members is stated in Section 3.9.2.2.2 below. These criteria and the tenure standards and interpretations shall apply regardless of the date that faculty members were hired on the tenure-track.

Those charged with evaluating a candidate for tenure must apply the evaluation criteria in light of the standards interpreting the scholarship requirement adopted by the individual School or Library that are described above in Section 3.8.1.5. The standard for tenure in the School of Law is stated in Section 3.9.2.2.3 below.

Applicants for tenure may not apply more than once during any academic year in which they are eligible. The deadline for tenure application shall be determined by the Provost.

In all circumstances, tenure is granted only by the President. No other officer or agent of the University has the authority to grant tenure. *De facto* tenure is not recognized at St. Mary's University. A grant of tenure is effective at the beginning of the next academic year. In all Schools except the School of Law, any grant of tenure pursuant to this section shall automatically confer the status of Associate Professor on the faculty member who is granted tenure, provided that the faculty member has not otherwise achieved such status and the faculty member has at least attained the status of Assistant Professor. In the School of Law, any grant of tenure pursuant to this section shall automatically confer the status of Professor on the faculty member who is granted tenure, provided that the faculty member has not otherwise achieved such status and the faculty member has at least attained the status of Associate Professor.

If tenure is granted by the President, the locus of tenure for faculty is the School in which they were hired. The locus of tenure for tenure-line librarians is the University.

3.9.2.1 Eligibility for Tenure – The Probationary Period⁶

The probationary period is the time during which a faculty member holds a tenure-track appointment, leading up to and including the tenure decision. This period allows tenure-track appointees to demonstrate that they have met the standards for tenure while providing faculty and administrative colleagues, as applicable, the opportunity to observe and evaluate their performance.

The probationary period typically spans six academic years of full-time service at St. Mary's University, unless the Provost shortens it at the time of initial appointment based on recognition of prior service or grants an extension of the tenure clock, as outlined in Section 3.9.4.1. Full-time tenure-track appointees in all schools (excluding the School of Law) at the rank of Assistant Professor or higher are invited to submit a tenure application after completing the probationary period. In the School of Law, tenure-track appointees at the rank of Associate Professor or higher are invited to apply for tenure after completing the probationary period (see Section 3.9.2.2.3).

Individuals making significant progress towards meeting tenure standards may submit a one-time application for early tenure consideration (see Early Application for Tenure below). A tenure-track faculty member or librarian who does not receive tenure by the end of the probationary period will be notified that employment will terminate at the end of the next academic year of employment (see Section 3.15.3.1).

In determining eligibility and the duration of the probationary period, only service at St. Mary's University is counted unless credit for service at another accredited or internationally recognized institution of higher education is granted by the Provost in writing at the time employment commences at St. Mary's University. Applicants are responsible for obtaining and submitting, in a timely fashion, official documents verifying their service at other institutions. In granting credit for prior service, the Provost shall consult the respective Dean and, if applicable, the applicable Department Chair(s), Program Director(s) or Library Director (as applicable). The precise terms of any credit given for previous experience and the length of the probationary period to be fulfilled at St. Mary's University must be stated in writing at the time of initial appointment.

A full-time leave of absence does not count toward tenure unless the faculty member and Provost so agree in writing prior to the commencement of the leave.

⁶ Tenure-track appointees hired prior to June 1, 2019, may choose to follow the eligibility requirements and tenure process found in Appendix I or the eligibility requirements and processes outlined in section 2.7.1-2.7.5 of the Faculty Handbook dated March 15, 2022. Tenure-track appointees hired on or after June 1, 2019 but before June 2024 may choose to follow the eligibility requirements and tenure process found in this handbook or in Appendix I of the Faculty Handbook dated March 15, 2022. A copy of the March 2022 Faculty Handbook is available in the Office of the Provost.

When a faculty member's term of appointment begins after the commencement of the Spring semester, the probationary period begins at the start of the following academic year. Additionally, for tenure purposes, a year of service is defined as two regular full-time semesters, excluding Summer, Wintermester, or Maymester sessions unless otherwise approved in writing by the Provost.

Early Application for Tenure

Tenure-track appointees who are making substantial progress toward meeting the standards for tenure have the option to submit a one-time application for early tenure. In all schools (excluding the School of Law), tenure-track appointees may apply early in either the fourth or fifth year of service (but not both), or the equivalent if prior service credit was granted. In the School of Law, tenure-track appointees at the rank of Associate Professor or higher may apply early for tenure in the fifth year of service or the equivalent if prior service credit was granted.

Before submitting an early application for tenure, candidates are encouraged to consult with their Department Chair, Program Director or Library Director (as applicable) and Dean. If there is not unanimous support for an early application, it is advisable to apply for tenure during the final year of probationary service. If an application for early tenure is not successful, the applicant will be held harmless, and a subsequent application for tenure may be submitted in the Fall of the faculty member's final year of probationary service. The tenure standards shall remain consistent at the time of reapplication. If the applicant is denied tenure for a second time, the faculty member will be issued a terminal year contract.

3.9.2.2 Standards for Tenure

Tenure is an earned distinction based on merit. The University's decision to grant tenure to an eligible applicant is based on two considerations:

1. The University's needs and financial resources (see Section 3.9.2.2.1); and
2. Whether the applicant has met the applicable eligibility requirements and standards for tenure (see Section 3.9.2.2.2 (non-law faculty) and 2.9.2.2.3 (law faculty), respectively).

3.9.2.2.1 University Needs and Financial Resources

Tenure is granted only in cases when it is judged likely that, for the foreseeable future, there will continue to be a demand for the expertise of the faculty member and that University resources are sufficient to support the continued reappointment of the individual. This judgment is based upon an assessment of such factors as departmental, program, School, and University enrollment projections, likely directions of the curriculum, tenure patterns of faculty in the candidate's department, program, and School and University financial projections. The University's need for a tenured appointment will be monitored by the Provost's Office during the probationary period, and the faculty member will be notified by the Provost prior to a tenure-track faculty member's evaluation for tenure if there is no long-term need for the appointment.

3.9.2.2.2 Tenure Standards for Non-Law Faculty

To be eligible for tenure, the applicant must possess the appropriate highest terminal degree in the field (normally the Ph.D.) or equivalent tested experience and be in good standing. In addition, applicants for tenure in all Schools except the School of Law will be expected to demonstrate, over the duration of the probationary period at St. Mary's University and by virtue of the evidence submitted:

1. Excellent performance in teaching across the range of assigned courses (see Section 3.8.1.1). To merit tenure, an applicant must show that they have become an accomplished teacher who performs their share of departmental or programmatic teaching (either alone or in collaboration with others). Applicants will also display the promise of continued development as teachers towards meeting the standards for promotion to Professor.
2. Excellent performance in academic advising/mentoring (see Section 3.8.1.2).
3. A record of involvement within the faculty member's the discipline(s) through ongoing scholarly activity (see Section 3.8.1.4), with evidence of success in advancing some aspect(s) of an established scholarly agenda beyond the dissertation (or other work completed to satisfy the requirements of the terminal degree). Such evidence will involve products or performances which are expressed, innovative, comprehensive, and visible, and favorably reviewed by and has influenced others. To merit appointment as Associate Professor, the applicant must also display the promise of continued engagement with their field(s) so as to develop towards meeting, over time, the standards for promotion to Professor.
4. A record of active and effective contributions in service to the University and community (see Section 3.8.1.3). Applicants should be able to point to contributions in service that have made a positive difference at the level of the department, academic unit, or University. The applicant must also display the promise of continued service contributions that over time would position them, over time, to meet the standards for promotion to Professor.
5. A record of making effective contributions to the St. Mary's University Mission.

In addition to the above, a candidate is expected to successfully perform the duties of the faculty (see Section 3.6) and exhibit conduct in accordance with standards of professional conduct (see Section 3.5).

3.9.2.2.3 Tenure Standards for School of Law Faculty

An Associate Professor may be promoted to the rank of Professor only if the faculty member simultaneously is granted tenure. During the fifth or sixth year of their full-time employment (including both full-time employment on the tenure-track at St. Mary's Law School, and full-time employment on the tenure-track at any other law school accredited by the American Bar Association), a faculty member who holds the rank of Associate Professor and is in good standing may apply for promotion to the rank of Professor, with tenure. The denial of an Associate Professor's first application for promotion to the rank of Professor, with tenure, does not preclude a subsequent application. The standard for promotion to the rank of Professor, with tenure, is the same whether the applicant is applying in their fifth or sixth year.

At least one year's advance notice must be given prior to the non-reappointment of a tenure-track professor (see Section 3.15.3.1). If a full-time tenure-track professor has not received promotion to the rank of Professor, with tenure, prior to the completion of their sixth year of service, they shall be given notice that their employment will terminate upon the completion of their seventh year of employment.

A promotion to the rank of Professor, with tenure, should be granted only to faculty members who have a satisfactory or superior record of classroom teaching and academic advising/mentoring, and who have proven themselves to be productive scholars. (Factors relevant to the assessment of teaching are set forth in Sections 3.8.1.1 and 3.8.1.2, respectively. Factors relevant to the duty to be a productive scholar are discussed in 3.8.1.4 (a).) An applicant's record of service to the School of Law, the University, the legal profession, and the community shall also be considered in support of their promotion to the rank of Professor, with tenure (see Section 3.8.1.3). A successful candidate must also demonstrate a record of making effective contributions to the St. Mary's University Mission and exhibit conduct in accordance with standards of professional conduct (see Section 3.5).

It is the obligation of all faculty members to strive to achieve and sustain excellence in the areas of teaching, scholarship, and service. Therefore, all applicants for tenure should demonstrate excellence, or the potential to achieve excellence, in the areas of teaching, scholarship and service. The teaching and counseling requirement is predicated on the Law School's primary responsibility to its students, and their academic advancement and holistic growth. The scholarship requirement reflects the judgment that the applicant has a professional obligation to contribute to the rational development of the law. An applicant for promotion to the rank of Professor with tenure must have published at least two substantial scholarly articles, written while the applicant was an Assistant or Associate Professor of law on the tenure-track at this or another law school. (Criteria for the assessment of scholarship are set forth in Section 3.8.1.4.2.) Additional writings may be offered to demonstrate the applicant is a productive scholar.

For the purposes of the preceding paragraph, "scholarship" is further defined in the School of Law Faculty Engagement Standards.

3.9.2.3 Pre-Tenure Evaluations by Peers - Non-Law Faculty

The professional performance of all tenure-track faculty is comprehensively evaluated in the Fall semesters of the second and fourth year of service at St. Mary's University. These comprehensive peer evaluations are designed to assist and advise tenure-track faculty members in the performance of their academic duties. Faculty who receive prior service credit at the time of initial appointment to the University shall have the equivalent of the second and fourth-year pre-tenure peer evaluations specified in their initial letters of appointment.⁷ In such cases, prior to the tenure decision year, there shall be at least one pre-tenure peer evaluation.

Consistent with the Marianist value of subsidiarity, each School is required to have written procedures outlining the pre-tenure peer evaluation process and evaluation criteria used in the evaluation. School procedures shall be developed by the Deans in consultation with the faculty of the School in accordance with School governance processes. Final approval of the School procedures rests with the Provost.

School-specific procedures shall adhere to the following guidelines:

1. Appointment of Faculty Development Committee(s): Each Dean shall appoint one or more Faculty Development Committees,⁸ composed of tenured and/or non-tenured faculty members, to assist and advise new faculty members in the performance of their academic duties and prepare and submit to the Dean a written evaluation of each untenured faculty member's performance during the first and third years of full-time employment. Schools may evaluate faculty more frequently. A committee shall consist of three faculty members appointed by the Dean after consultation with both the faculty member under review and the Department Chair(s) or Program Director(s). The Chair of the new faculty member's department or program shall be a member *ex-officio* of the Committee.

⁷ Tenure-track faculty who have years of credit toward tenure negotiated at the time of initial appointment to St. Mary's University will normally be evaluated according to the following schedule:

- Faculty with one year of credit will receive their second-year review in their second year of appointment, and their tenure review will be in the fifth year.
- Faculty with two years of credit will receive their second-year review in their second year and be reviewed for tenure in their fourth year at the University.
- Faculty with three years of credit will receive their second-year review in their second year and will be evaluated for tenure in their third year of employment at the University.

⁸ For faculty members from the Blume Library and the Law Library, the Faculty Development Committee(s) is composed of all tenured Blume Librarians for Blume Library Applicants and all tenured Law Librarians for the Law Library. If there are fewer than three tenured faculty members in either library, the Library Director and Provost work with the faculty member to appoint additional tenured faculty members to serve on the Faculty Development Committee(s).

2. Meeting between faculty member and Faculty Development Committee: Prior to the evaluation, the faculty member and Faculty Development Committee shall meet to discuss the evaluation process and the materials that the faculty member is expected to submit to the Committee. The Committee will also discuss the University's evaluation criteria (see Section 3.8.1) and any interpretive evaluation criteria established by the faculty member's School, department, program, or Library (see Sections 3.8.1 and 3.8.1.5).
3. Faculty Member Submits Self-Assessment of Performance: Following the meeting, the faculty member will develop and submit a self-report assessing their performance in the areas of teaching, academic advising/mentoring, scholarship, and service and any supporting materials. The self-assessment should be a critical reflection of the faculty member's strengths and weaknesses in each area and specifically address the University evaluation criteria (see Section 3.8.1) and any interpretive evaluation criteria established by the faculty member's School, Library, department, or program (see Sections 3.8.1 and 3.8.1.5).
4. Faculty Development Committee Evaluation: The Faculty Development Committee then conducts a thorough review and discussion of the faculty member's performance in each category of performance based on the content of the faculty member's self-report, supporting materials, and peer evaluation of instruction reports conducted during the academic year (see Section 3.8.2.3).
 - a. At the conclusion of its review and discussion, the Committee will submit a draft letter to the faculty member which summarizes the Committee's evaluation in each performance category.
 - b. The Committee's letter shall include direct references to the University's evaluation criteria (see Section 3.8.1) and any interpretive evaluation criteria established by the faculty member's School, Library department, or program (see Sections 3.8.1 and 3.8.1.5).
5. Meeting Between the Committee and the Faculty Member to Discuss the Evaluation: The faculty member will meet with the Faculty Development Committee to discuss the draft evaluation letter and the faculty member's progress towards tenure, answer questions, clarify expectations, and make suggestions regarding any area(s) to strengthen. Following the meeting, the committee may revise the evaluation letter as needed.
6. Committee Issues Final Evaluation Letter: The Faculty Development Committee will issue a final evaluation letter to the faculty member, the faculty member's Department Chair, Program Director, or Library Director, and the Dean.
7. Report is Included in Faculty Member's Portfolio: The Dean shall include the Committee's evaluation letter in the faculty member's portfolio, which shall be made available to evaluators at each level of review who vote on tenure or promotion (see Section 3.9.3).

3.9.2.4 Pre-Tenure Evaluations by Peers – School of Law Faculty

The Dean shall appoint a Faculty Development Committee, composed of faculty and students, to assist and advise new faculty members in the performance of their academic duties and to prepare and submit to the Dean a written evaluation of each tenure-track faculty member's performance during their first, second, and third years of employment at the Law School.

The Chair of the Faculty Development Committee shall furnish a copy of the written evaluation to and discuss its contents with the faculty member under review. Before the end of the third year of an untenured professor's initial contract, the Faculty Development Committee shall recommend to the Dean and the law faculty either that the faculty member be offered a new contract (ordinarily, for a term of three years beyond the original term) or that the faculty member be terminated at the end of the final year of their initial contract. The entire voting faculty shall decide, by a vote of a simple majority of those present at a formal meeting, whether the faculty member under review shall be given a new contract or terminated. Should the faculty vote to terminate the employment of the faculty member under review, the faculty member shall receive notice, given in conformity with the requirements of the American Association of University Professors (AAUP), that employment will terminate upon the expiration of the initial contract.

3.9.3 Promotion and Tenure Evaluation Procedures

3.9.3.1 Evaluation Procedures for Non-Law Faculty Members

During the spring semester, eligible faculty members with tenure-line status who are in good standing will be invited by the Provost to apply for promotion and/or tenure in the forthcoming academic year. Applicants opting to apply early for tenure pursuant to Section 3.9.2.1 may submit their written application to the Provost on or before the date set forth in the schedule below.

A written application must be submitted by the candidate to the Provost to initiate the promotion and tenure process. Guidelines for preparing the application are published by the Provost's Office. The applicant consents to the distribution of these materials by the Provost to all parties involved in making the promotion and/or tenure decision.

The following schedule of deadlines will typically apply to the promotion and tenure process. On or before:

March 1	Notification of eligibility to apply for the following academic year
May 1	Notification of intent to apply for the following academic year
September 1	Application materials submitted.
October 1	Report and recommendation from the Department Review Committee
November 15	Report and recommendation from the School Review Committee
January 15	Report and recommendation from appropriate Dean
February 15	Recommendation from Provost
March 31	Decision by the President

Promotion and tenure can be granted only by the President of St. Mary's University. The burden of proof shall be on the applicant to demonstrate that the criteria for promotion or tenure have been met. In deciding whether to grant promotion and/or tenure, the President shall consider the recommendation of the Department Review Committee (DRC), the School Review Committee (SRC), the recommendation of the Dean or Executive Director of the Louis J. Blume Library for librarians with faculty status, and the recommendation of the Provost. The following Section 3.9.3.1.2 provides that the opinion of the Promotion and Tenure Procedures Review Committee, should it have been empaneled, shall become a part of the record for the information of the President. An individual may not serve on more than one review body.

An Applicant may withdraw the application without prejudice at any stage of the review process prior to the submission of the recommendation of the Provost and all other tenure materials to the President.

Applicants for promotion and/or tenure will be permitted to add new materials to the application until the application is forwarded to the Provost for review and consideration. No new materials may be added or considered after that point unless submitted as part of an appeal process as described in Section 3.9.3.1.2. Additions to the promotion and tenure application are limited to only those substantive materials that directly relate to one or more criteria for evaluating faculty

performance found in Section 3.8.1 of the Faculty Handbook. Examples of such materials include, but are not limited to, scholarly manuscripts or books accepted for publication, receipt of external awards confirming outstanding accomplishments in the area of teaching, scholarship, and/or service, major external competitive funding awarded for research, or comparable indicators of success in teaching, scholarship, or service. Materials that are not considered appropriate and cannot be added to the application materials once the application is submitted include, but are not limited to: additional student course evaluations, peer evaluation of teaching, letters of support from peers, administrators, or students, and internal awards. The Provost will determine whether new materials are sufficiently significant to be added to the application materials after the review process has begun. If added, the new materials will be evaluated in a similar manner to all original materials.

The highest professional standards shall be practiced at all levels of the review process. Promotion and tenure application materials will be fully and carefully reviewed by those charged with making recommendations, and only factual information and the criteria found in Section 3.8.1 of the Faculty Handbook will be considered in evaluating the promotion and tenure application materials. All discussions, reports, and recommendations will be kept confidential (see Section 3.9.4 below), and flagrant violations of confidentiality will be subject to disciplinary action. Absentee voting is permitted only in unusual circumstances and must be approved by the Provost. Abstentions should be exercised only in limited, unusual circumstances.

3.9.3.1.1 Levels of Review

The Department Review Committee (DRC)

The DRC is charged with the first stage of reviewing application materials. The DRC consists of at least three members.

For promotion to Associate Professor and tenure reviews, all tenured members of the Applicant's department or program will constitute the DRC. If a department or program has fewer than three tenured faculty members, the Dean and Department Chair or Program Director work with the Applicant to appoint tenured faculty members from the School to serve on the DRC.

For promotion to Professors reviews, all tenured Professors of the Applicant's department or program will constitute the DRC. If a department or program has fewer than three tenured Professors, the Dean and Department Chair or Program Director will work with the Applicant to appoint tenured Professors from the School to serve on the DRC.

A Department Chair or Program Director without the required qualifications to serve on the DRC may participate in reviewing the application materials but cannot vote on the application unless there are no other faculty members from the Applicant's department or program serving on the Committee. If there are no faculty members from the Applicant's department or program with the required qualifications to serve on the DRC, the Department Chair or Program Director will serve as a voting member of the DRC. If the Department Chair or Program Director is the candidate for tenure or promotion and there are no faculty members from the Applicant's

department or program with the required qualifications to serve on the DRC, the Dean will select another member of the department or program to serve as a voting member of the DRC.

The Chair of the DRC is elected from the members of the DRC.

Any member of the DRC with a conflict of interest (see Section 3.5.6) must self-recuse from deliberations. If the recusal results in committee membership falling below the required threshold, the Dean and Department Chair or Program Director will work with the Applicant to appoint a replacement faculty member from the School to serve on the DRC.

The DRC is responsible for conducting a thorough and objective review of the application materials. The Chair is responsible for writing a report that addresses the Applicant's qualifications for promotion or tenure based upon criteria found in Section 3.8.1 of the Faculty Handbook, as well as applicable School and department, program, or library evaluation criteria (see Section 3.8.1.5). The report shall include:

- The recommendation of the DRC regarding whether the candidate has met the standards for promotion or tenure;
- An evaluation of the faculty member's performance in each of the categories of performance with direct references to with direct references to University, School, and department/program/library evaluation criteria;
- The votes cast by the DRC members; and
- Any dissenting report submitted by a member of the DRC.

For a positive recommendation, a simple majority of the Committee members must affirmatively vote that the faculty member has met the applicable standards for promotion or tenure.

The Chair of the DRC informs the Applicant of the outcome of the DRC review and provides a copy of the Committee's report. The faculty member shall have five business days from the date of receiving the report to submit a written response. The report(s) and any written response thereto become(s) part of the promotion and tenure application materials to be reviewed by the next level of the review process.

For faculty members from the Louis J. Blume Library and the Sarita Kenedy East Law Library, the DRC is composed of all tenured Blume Librarians for Blume Library Applicants and all tenured Law Librarians for the Law Library Applicants. The DRC elects a Chair from among its members. If there are fewer than three tenured faculty members in either library, the Library Director of the affected department or program and Provost work with the Applicant to appoint additional tenured faculty members to serve on the DRC.

The School Review Committees (SRC)

The SRCs conduct the second level of review.

For promotion to Associate Professor and tenure reviews, the SRC is comprised of five tenured faculty members and two alternates elected from the tenured faculty members of each School.

For promotion to Professors reviews, the membership of the SRC is comprised of five Professors and two alternate Professors elected from the faculty members of each School.

The SRCs review all promotion and tenure applications from the School.

The election of the SRCs occurs in the early Fall, after the application materials are submitted. If there are no Applicants from a School, the SRC(s) for that School is not created. Deans are not eligible to serve on the SRC. No more than two SRC members can be from the same department or program. The Provost is responsible for overseeing the elections. The Chair of the SRC is elected from among the members of the SRC. The members of the SRC serve for one tenure cycle and are eligible for reelection.

Any SRC member with a conflict of interest (see Section 3.5.6) must self-recuse from deliberations on a promotion or tenure application. This includes members who are members of the Applicant's department or program, as well as members of the Applicant's immediate family or household. A member of the SRC who is recused from deliberations shall be replaced by one of the alternate members of the Committee.

The SRC is responsible for conducting a thorough, objective, and independent review of the application materials, including the report(s) of the DRC. The Chair of the SRC is responsible for writing a report that addresses the Applicant's qualifications for promotion or tenure based upon criteria found in Section 3.8 of the Faculty Handbook, as well as applicable School and department, program, or library evaluation criteria (see Section 3.8.1.5). The report shall include:

- The recommendation of the SRC regarding whether the candidate has met the standards for promotion or tenure;
- An evaluation of the faculty member's performance in each of the categories of performance with direct references to University, School, and department/program/library evaluation criteria;
- The votes cast by the SRC members; and
- Any dissenting report submitted by a member of the SRC.

For a positive recommendation, a simple majority of the committee members must affirmatively vote that the faculty member has met the applicable standards for promotion or tenure.

The SRC Chair informs the Applicant of the outcome of the SRC review and provides a copy of the committee's report. The faculty member shall have five business days from the date of

receiving the report to submit a written response. The report(s) and any written response thereto become(s) part of the promotion and tenure application materials to be reviewed by the next level of the review process.

For faculty members from the Louis J. Blume Library and the Sarita Kenedy East Law Library, the SRC is comprised of five tenured faculty members appointed in both the Blume Library and the Law Library. When a Blume Librarian is an Applicant, the Committee is comprised of two Blume Librarians and three Law Librarians. When a Law Librarian is an Applicant, the Committee is comprised of two Law Librarians and three Blume Librarians. If there are fewer than five tenured faculty members in the combined libraries, the library directors work with the Provost to appoint additional tenured faculty members to the SRC for a total of five tenured faculty members.

The School Dean or Library Director

The Dean of the Applicant's School or the Director of either the Louis J. Blume Library or Sarita Kenedy East Law Library for librarians with tenure-track status is responsible for conducting a thorough, objective, and independent review of the application materials, including the reports of the DRC and SRC.

Following the review, the Dean or Library Director shall write a report that addresses the Applicant's qualifications for promotion or tenure based upon criteria found in Section 3.8.1 of the Faculty Handbook, as well as applicable School and department, program, or library evaluation criteria (see Section 3.8.1.5). The Dean or Library Director's report shall include:

- A recommendation regarding whether the candidate has met the standards for promotion or tenure; and
- An evaluation of the faculty member's performance in each of the categories of performance with direct references to University, School, and department/program/library evaluation criteria.

The Dean or Library Director provides the Applicant a copy of the report. The faculty member shall have five business days from the date of receiving the report to submit a written response. The report(s) and any written response thereto becomes part of the promotion or tenure application materials to be reviewed by the next level of the review process.

The Provost

The Provost is responsible for conducting a thorough, objective, and independent review of the applications, including all previous reports and recommendations.

Following the review, the Provost is responsible for writing a report that addresses the Applicant's qualifications for promotion or tenure based upon criteria found in Section 3.8.1 of the Faculty Handbook, as well as applicable School and department, program, or library evaluation criteria (see Sections 3.8.1 and 3.8.1.5). The report shall include:

- A recommendation regarding whether the candidate has met the standards for promotion or tenure; and
- An evaluation of the faculty member's performance in each of the categories of performance with direct references University, School, and department/program/library evaluation criteria.

The report and recommendation of the Provost and all previous reports and recommendations are submitted to the President for review.

The President

The President is the only University official who has the authority to grant promotion or tenure. In making that decision, the President will consider the report and recommendation of the Provost and the written reports and recommendations made at each level of review. The President will notify the Applicant of the decision to grant or not grant promotion or tenure. The notification to the Applicant will include a rationale for the President's decision.

3.9.3.1.2 Review of Promotion and Tenure Procedures

Description of the Promotion and Tenure Procedures Review Committee

The tenured and tenure-track faculty members from each of the Schools shall elect one tenured faculty member from the School as its representative to serve on the Promotion and Tenure Procedures Review Committee (the Review Committee) during the current academic year. The election shall be held during the fall semester at a time selected by the Provost, who shall also prescribe the procedures for the elections. When convened, the Review Committee member from the Applicant's School shall not participate in the review. The Chair of the Review Committee shall be the senior eligible member. Each eligible member of the Review Committee may submit an individual opinion if desired, and such opinion may include comments or suggestions.

The Provost shall promulgate and publish uniform rules governing the procedures to be followed in the conduct of the Review Committee meetings. These rules may be amended, from time to time, by the Provost, who shall also be empowered to rule on specific questions of procedure upon request of the Chair of the Review Committee. As to each specific case, the Provost shall furnish relevant materials and summaries; however, the Review Committee may consult with the Applicant and reviewers from any and all review levels used in the promotion and tenure process.

Review Process Prior to the Recommendation of the Provost

The Provost shall promptly notify each Applicant as to the recommendation of the Dean or Director of the Louis J. Blume Library. Within seven business days of such notification, the Applicant may deliver to the Provost a written request for review by the Review Committee based upon either:

1. Alleged noncompliance with the provision of the Faculty Handbook regarding tenure and/or written rules and written instructions promulgated by the Provost resulting in prejudicial error or inadequate consideration; and/or
2. The existence of new, compelling, substantive materials relevant to meeting the requirements for promotion and/or tenure.

The faculty member's written request for review by the Review Committee must be submitted on or before the stated deadline and prior to the Provost issuing a recommendation on the application to the President. The Provost may not issue their recommendation to the President until the seven-business day deadline has elapsed.

In cases involving alleged noncompliance, the Review Committee will not attempt to substitute its judgment for that of the decision-maker(s) involved in the case. Rather, the committee will be guided by the following definitions:

Prejudicial error refers to an assessment of the likely effect of an error in procedure on the negative personnel decision. An error is prejudicial if it is reasonably probable that a result more favorable to the grievant would have been reached in the absence of the prejudicial error.

Inadequate consideration refers to procedural rather than substantive issues and occurs when a negative personnel decision was not the result of a conscientious and deliberative review process in which relevant evidence was considered and irrelevant evidence was excluded or that the process otherwise lacked fundamental fairness. In specifying inadequate consideration as grounds for a review, the faculty member may argue, for example, that the decision was not arrived at conscientiously, that all evidence that the Applicant submitted was not considered, that relevant sources of evidence were not considered by the evaluators, or that irrelevant and improper standards were included in the consideration.

Within ten business days of the delivery of such request, the Review Committee shall be convened. The Review Committee will consider the written appeal, but may also consult with the Applicant and reviewers from any or all levels of review.

The Review Committee member from the Applicant's School shall not participate in the review. The remaining members shall render a written opinion as to:

1. Whether the provisions of the Faculty Handbook regarding promotion and/or tenure, as well as the written rules and written instructions promulgated by the Provost, have been reasonably complied with by the Review Committees, the Dean or Director; and/or
2. Whether the new materials submitted by the Applicant can be added to the promotion and tenure application materials for consideration by the Provost.

Each member of the Review Committee may submit an individual opinion if desired and such opinion may include comments or suggestions. The opinion (or opinions) of the Review Committee shall be delivered to the Applicant and the Provost within thirty business days after

the date of the request for review. Such opinion(s) shall become a part of the record of information submitted to the President, along with the promotion and/or tenure recommendation of the Provost and the recommendations of all previous reviews.

3.9.3.1.3 Decision on Granting Promotion and Tenure

The President grants promotion and/or tenure, taking into account the recommendations made through the consultation process. The President's decision to grant or deny promotion and/or tenure is final and not grievable.

Promotion and/or tenure, if granted, will become effective at the beginning of the next academic year.

3.9.3.2 Evaluation Procedures for School of Law Faculty Members

3.9.3.2.1 Evaluation Timeline School of Law Faculty Members

The School of Law shall develop and publish its own timelines for tenure and promotion in consultation with the Provost.

3.9.3.2.2 Evaluation for Promotion to Associate Professor of Law

A candidate for promotion from the rank of Assistant Professor of Law to the rank of Associate Professor of Law may initiate the promotion process by delivering to the Provost, with a copy to the Dean of the School of Law, a letter stating their intention to apply for promotion. The Applicant thereafter shall submit to the Provost, with copies to the Dean of the School of Law, materials supporting their application for promotion, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion decision. Guidelines for preparing materials supporting the application are provided to applicants at the time of invitation to apply.

The Dean shall provide copies of these materials to the members of the Promotion Committee, which is composed of all members of the law faculty who hold the rank of Associate Professor of Law or Professor of Law. The Promotion Committee thereafter shall convene at a formal meeting to consider the application for promotion. Absentee voting is permitted. The Promotion Committee shall be deemed to have recommended promotion for an applicant only if a simple majority of those casting ballots vote in favor of promoting the applicant from the rank of Assistant Professor of Law to the rank of Associate Professor of Law.

A promotion can be granted only by the President of St. Mary's University. In deciding whether or not to grant a promotion, the President shall consider the recommendations of the Promotion Committee of the law faculty, the Dean of the School of Law and the Provost. Except in rare cases and for compelling reasons, the President shall not grant a promotion over the opposition of the Promotion Committee of the law faculty.

3.9.3.2.3 Evaluation for Promotion to Professor of Law and Tenure

A candidate for promotion to the rank of Professor, with tenure, may initiate the promotion and tenure process by delivering to the Provost, with a copy to the Dean of the School of Law, a letter stating their intention to apply for promotion and tenure. The Applicant thereafter shall submit to the Provost, with copies to the Dean of the School of Law, materials supporting their application for promotion to the rank of Professor, with tenure, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion and tenure decision.

The materials supporting the application must include a written review of the tenure Applicant's scholarly works from two tenured academics, who teach at a law school other than St. Mary's, with knowledge of the field of scholarship in which the tenure candidate has written. One reviewer must be chosen by the Tenure Committee or a subset of the Tenure Committee, and one must be chosen by the tenure candidate. These reviews should speak, among other things, to the quality of the applicant's scholarship. Solicitation of these reviews must be coordinated by the Tenure Committee and accomplished in a timely manner to ensure that the reviews are included in the tenure application. The Tenure Committee must also review the Applicant's scholarly works to evaluate the quality of the scholarship. In evaluating the scholarly works, the Tenure Committee may call upon other faculty members with expertise in the areas addressed by the Applicant's scholarship.

The Dean shall provide copies of these materials to the Tenure Committee. The Tenure Committee must have five members and consist of the following:

- The Chair of the Tenure Committee will be the same person who was the Chair of the Faculty Development Committee in place when the candidate applied for promotion to the rank of Associate Professor and contract renewal. Should that person be unable to fulfill this role, the Dean of the School of Law shall select another member of the Faculty Development Committee that was in place when the candidate applied for promotion and renewal to act as the Chair of the Tenure Committee.
- Two tenured, full-time faculty members who are eligible to vote on the candidate that are elected by a simple majority of the full-time, tenured faculty.
- Two tenured, full-time faculty members who are eligible to vote on the candidate are selected by the candidate.

The Dean of the School of Law is ineligible for membership on the Tenure Committee.

Upon the completion of the voting on the candidate for promotion and renewal, the Chair of the Tenure Committee must begin formation of the Tenure Committee. The Tenure Committee must be formed by the end of the semester in which the candidate has applied for promotion and renewal. There will be a Tenure Committee formed for each candidate, regardless of whether multiple candidates are eligible to apply in the same year.

The Tenure Committee shall solicit comments from the other members of the law faculty for consideration by the Tenure Committee. The Tenure Committee thereafter must convene at a formal meeting and consider the application for promotion and tenure. The Tenure Committee must then make a recommendation to the entire tenured faculty at a formal meeting to consider the application for promotion and tenure and to subsequently vote on the candidate's application. Absentee voting is permitted. The faculty shall be deemed to have recommended that an applicant be promoted and granted tenure only if a simple majority of those casting ballots vote in favor of the promotion of the applicant to the rank of Professor of Law, with tenure.

Promotion to the rank of Professor, with tenure, can be granted only by the President of St. Mary's University. In deciding whether or not to grant promotion to the rank of Professor, with tenure, the President shall consider the recommendations of the law faculty, the Dean of the School of Law, and the offices of the Provost and President. Except in rare cases and for compelling reasons, the President shall not grant promotion to the rank of Professor of Law, with tenure, over the opposition of the law faculty.

A promotion to the rank of Professor of Law, with tenure, becomes effective at the beginning of the academic year after it is granted.

3.9.4 Other Promotion and Tenure Policies

3.9.4.1 Tenure Clock Extension

Upon appropriate notice, a tenure-track faculty member may be eligible for a one-year extension of the probationary period in the event the faculty member takes an approved leave of absence under the Family and Medical Leave Act. Moreover, a tenure-track faculty member who is a member of the U.S. military and is called to active duty will also be entitled to an extension of the probationary term in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

In addition to the above, a one-year extension of the probationary period may be granted by the University on a discretionary basis where extraordinary circumstances significantly impact the faculty member's progress toward tenure. Such circumstances include, but are not limited to, environmental disasters or disruptions, pandemics, resident status issues, or other extraordinary incidents or conditions beyond the control of the faculty member that result in a fundamental alteration of the faculty member's professional life.

If a request is approved in accordance with this policy, the one-year extension is not counted in the faculty member's probationary (tenure-track) period accrual.

Length of Extension

For all requests other than military leave requests pursuant to USERRA, the length of the extension, when granted, is one academic year. A faculty member may request to extend the

probationary (tenure-track) twice, resulting in no more than a two-year extension of the probationary period.

For USERRA-related requests, the extension will last for the duration required by law.

Extension Request and Review Procedures

A faculty member seeking a one-year extension of the probationary period must submit a written request to the Dean and Provost and, as applicable, comply with the University's procedures for requesting leave (e.g., providing medical certification). Except in situations of medical emergencies, USERRA-related leave, or extraordinary circumstances, the request must be submitted prior to the final year of the probationary period.

Extension requests due to leaves of absence in compliance with the FMLA, USERRA, or other applicable laws will be automatically granted by the Provost upon receipt of satisfactory documentation. For all other requests, the decision to extend the probationary period is at the discretion of the Provost.

For all approved extensions, the specific details, conditions, and time frame will be stated in writing by the Provost (or the Provost's designee).

Tenure expectations for a faculty member who extends the probationary period are the same as the expectations for a faculty member who has not extended the probationary period. Moreover, an extension to the probationary period shall not be grounds for a claim of *de facto* tenure by the faculty member.

A previously granted extension will be reversed upon the faculty member's written request. Such a request must be made in writing to the Provost preceding the requested tenure consideration date. Once such a reversal is requested in writing by the faculty member, the extension will be automatically reversed.

3.9.4.2 Confidentiality

Consideration and evaluation of a faculty member's record is a confidential personnel matter. Only those persons eligible to evaluate a promotion and tenure application may participate in or observe deliberations or have access to the promotion/tenure review file (except that designated staff may assist in the preparation of documents under conditions that assure confidentiality).

3.9.4.3 Allegations of Serious Misconduct

Should a formal allegation of serious misconduct that could lead to dismissal for cause be made against a faculty member during the promotion and tenure evaluation process or after evaluation but before promotion or tenure is awarded by the President, the President, in consultation with the Provost and Dean, has the discretion to suspend the evaluation process or decision and refer the matter for resolution pursuant to the Dismissal for Cause policy (Section 3.15.5). Upon favorable resolution, the promotion and tenure process will resume.

3.10 Promotion in Rank: Non-Tenure-Line Faculty

Promotion of non-tenure-line faculty at St. Mary's University is not automatic and must be merited. Length of service alone does not constitute sufficient reason for promotion. To receive promotion, members of the non-tenure-line faculty must be in good standing and demonstrate, by virtue of the evidence submitted, that they satisfy the University-wide and applicable School, department or program evaluation criteria at levels that meet the applicable standards for promotion below.

3.10.1 Promotion of Non-Tenure-Line Faculty- Schools Other Than Law

After serving at the rank of Lecturer or Clinical Assistant Professor, typically for a minimum of six years, a faculty member in an academic unit other than the School of Law who satisfied the applicable standards described below may apply for promotion to the rank of Senior Lecturer or Clinical Associate Professor, respectively. Senior Lecturers and Clinical Associate Professors will have the possibility of reappointment for up to three years from each reappointment date, contingent upon funding.

After serving at the rank of Senior Lecturer or Clinical Associate professor, typically for a period of six years, a faculty member who has satisfied the applicable standards below, may apply for promotion to the rank of Principal Lecturer or Clinical Professor, respectively. Principal Lecturers and Clinical Professors will have the possibility of reappointment for up to three years from each reappointment date, contingent upon funding and may be recognized by a base salary adjustment.

Exceptions to the minimum credited time in previous rank above may be made by the Provost, in consultation with the applicant's Dean, upon a showing of an applicant's exceptional merit and/or other extraordinary circumstances.

Multi-year appointments consist of annual contracts that are renewed for the specified term, unless terminated for cause, or by operation of some other provision in this Faculty Handbook (e.g., retirement, resignation, or layoff).

3.10.1.1 Standards for Promotion of Lecturers

3.10.1.1.1 Promotion to Senior Lecturer

In addition to the credentials required of the Lecturer, Senior Lecturers must have taught full time for at least six years as a Lecturer (or similar appointment at another institution) at an accredited or internationally recognized institution of higher learning, at least two have been at St. Mary's University. The applicant must also present evidence documenting:

1. Excellence in teaching assigned courses (see Section 3.8.1.1).
2. Excellence in academic advising/mentoring (see Section 3.8.1.2) where relevant to the faculty member's appointment.
3. A record of making effective contributions to the St. Mary's University mission.

In addition to the above, the applicant is expected to successfully perform applicable duties of the faculty (see Section 3.6) and exhibit conduct in accordance with standards of professional conduct (see Section 3.5).

3.10.1.1.2 Promotion to Principal Lecturer

In addition to the credentials required of the Senior Lecturer, Principal Lecturers must have taught full time at least six years as a Senior Lecturer (or similar appointment at another institution) at an accredited or internationally recognized institution of higher learning, at least two of which have been at St. Mary's University.

The applicant must also present evidence documenting:

1. Sustained excellent performance in teaching assigned courses. Principal Lecturers are expected to display a continuing high level of teaching performance and a commitment to continuing development as teachers.
2. Excellence in academic advising/mentoring (see Section 3.8.1.2), where relevant to the faculty member's appointment.
3. A record of making effective contributions to the St. Mary's University mission.

In addition to the above, the applicant is expected to successfully perform applicable duties of the faculty (see Section 3.6) and exhibit conduct in accordance with standards of professional conduct (see Section 3.5).

3.10.1.2 Clinical Faculty Promotion Standards

3.10.1.2.1 Promotion to Clinical Associate Professor

Clinical Associate Professors must possess a terminal degree appropriate to the field and licensure or certification to practice the profession where appropriate. In addition, Clinical Associate Professors must have taught full time at least six years as a Clinical Assistant Professor (or similar appointment at another institution) at an accredited or internationally recognized institution of higher learning, at least two of which have been at St. Mary's University.

The applicant must also present evidence documenting:

1. Excellent performance in teaching (see Section 3.8.1.1) in the clinical setting and/or supervision of clinical, practicum, and/or field experiences. To merit promotion, an applicant must show that they have become an accomplished clinical teacher who performs their share of clinical teaching and/or supervision of clinical, practicum, and/or field experiences (either alone or in collaboration with others). Applicants will also display the promise of continued development as clinical instructors towards meeting the standards for promotion to Clinical Professor.

2. Excellence in academic advising/mentoring (see Section 3.8.1.2), where relevant to the faculty member's appointment.
3. A record of making effective contributions to the St. Mary's University mission.

In addition to the above, an applicant is expected to successfully perform applicable duties of the faculty (see Section 3.6) and exhibit conduct in accordance with standards of professional conduct (see Section 3.5).

3.10.1.2.2 Promotion to Clinical Professor

In addition to the credentials required of the Clinical Associate Professor, Clinical Professors must normally have at least eight years of full-time clinical teaching experience at an accredited or internationally recognized institution of higher learning, seven of which were at the rank of Clinical Associate Professor. Two of seven years of experience at the rank of Clinical Associate Professor must have been at St. Mary's University.

The applicant must also present evidence documenting:

1. Sustained excellent performance in teaching (see Section 3.8.1.1) in the clinical setting and/or supervision of clinical, practicum, and/or field experiences.
2. Excellence in academic advising/mentoring (see Section 3.8.1.2) where relevant to the faculty member's appointment.
3. A record of making effective contributions to the St. Mary's University mission.

In addition to the above, an applicant is expected to successfully perform applicable duties of the faculty (see Section 3.6) and exhibit conduct in accordance with standards of professional conduct (see Section 3.5).

3.10.1.3 Promotion Evaluation Procedures

The evaluation of non-tenure-line faculty for promotion in rank follows the same evaluation procedures utilized by the University for the promotion of tenure-line faculty for non-law faculty (see Section 3.9.3.1), with the exception that the membership of the Department Review Committee and the School Review Committees shall be populated in accordance with School policy.

3.10.1.3.1 Review of Promotion Procedures

The Provost shall promptly notify each applicant as to the recommendation of the President. Within seven calendar days of such notification, the applicant may deliver to the Provost a written request for review by the Promotion and Tenure Review Committee. The Committee's review of the promotion procedures shall follow the same review procedures set forth in Section 3.9.3.1.2.

3.10.1.3.2 Decision on Granting Promotion

The President grants promotion in rank, considering the recommendations made through the consultation process. The President's decision to grant or deny promotion is final and not grievable.

3.10.2 Promotion of Non-Tenure-Line Faculty in the School of Law

3.10.2.1 Promotion to Associate Professor of Practice of Law

An Assistant Professor of Practice of Law is eligible to apply for promotion to the rank of Associate Professor of Practice of Law during their first or second year of full-time employment. If a full-time Assistant Professor of Practice of Law has not received promotion to the rank of Associate Professor of Practice of Law prior to the completion of their second year of service, then they shall be given notice that their employment will terminate upon the completion of their third year of employment.

A promotion to the rank of Associate Professor of Practice of Law should be granted only to an Assistant Professor of Practice of Law who has an excellent record of teaching, legal research and writing, or academic success and academic advising/mentoring. (Factors relevant to the assessment of teaching and advising are set forth in Sections 3.8.1.1 and 3.8.1.2, respectively.) An applicant's record of making effective contributions to the mission of St. Mary's University shall also be considered in support of their promotion to the rank of Associate Professor of Practice of Law.

A candidate for promotion from the rank of Assistant Professor of Practice of Law to the rank of Associate Professor of Practice of Law can initiate the promotion process by delivering to the Provost, with a copy to the Dean of the School of Law, a letter stating their intention to apply for promotion. The applicant thereafter shall submit to the Provost, with copies to the Dean of the School of Law, materials supporting their application for promotion, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion decision. The Dean shall provide copies of these materials to the members of the Promotion Committee, which is composed of all members of the law faculty who hold the rank of Clinical Associate Professor, Associate Professor, Associate Professor of the Practice, Clinical Professor, Professor of the Practice, or Professor. The Promotion Committee thereafter shall convene at a formal meeting to consider the application for promotion. Absentee voting is permitted. The Promotion Committee shall be deemed to have recommended promotion for an applicant only if a simple majority of those casting ballots vote in favor of promoting the applicant from the rank of Assistant Professor of Practice of Law to the rank of Associate Professor of Practice of Law.

A promotion can be granted only by the President. In deciding whether or not to grant a promotion, the President shall consider the recommendations of the Promotion Committee of the law faculty, the Dean of the School of Law, the Academic Council and the Provost. Except in rare cases and for compelling reasons, the President shall not grant a promotion over the opposition of the Promotion Committee of the law faculty.

Promotion to the rank of Associate Professor of Practice of Law becomes effective at the beginning of the academic year after it is granted.

3.10.2.2 Promotion to Professor of Practice of Law

During the fourth or fifth year of their full-time employment, a faculty member who holds the rank of Associate Professor of Practice of Law may apply for promotion to the rank of Professor of Practice of Law. If a full-time Associate Professor of Practice of Law has not received promotion to the rank of Professor of Practice of Law prior to the completion of their fifth year of service, then they shall be given notice that their employment will terminate upon the completion of their sixth year of employment.

A promotion to the rank of Professor of Practice of Law should be granted only to an Assistant Professor of Practice of Law who has sustained an excellent record of teaching, legal research and writing, or academic success and academic advising/mentoring. (Factors relevant to the assessment of teaching and advising are set forth in Sections 3.8.1.1 and 3.8.1.2, respectively.) An applicant's record of making effective, sustained contributions to the mission of St. Mary's University shall also be considered in support of their promotion to the rank of Associate Professor of Practice of Law.

A candidate for promotion to the rank of Professor of Practice of Law can initiate the promotion process by delivering to the Provost, with a copy to the Dean of the School of Law, a letter stating their intention to apply for promotion. The applicant thereafter shall submit to the Provost, with copies to the Dean of the School of Law, materials supporting their application for promotion to the rank of Professor of Practice of Law, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion and tenure decision. The Dean shall provide copies of these materials to the Promotion Committee, consisting of all tenured members of the law faculty, all Clinical Professors, and Professors of the Practice and shall solicit comments from other members of the law faculty for consideration by the Promotion Committee. The Promotion Committee thereafter shall convene at a formal meeting and consider the application for promotion. Absentee voting is permitted. The Promotion Committee shall be deemed to have recommended that an applicant be promoted only if a simple majority of those casting ballots vote in favor of the promotion of the applicant to the rank of Professor of Practice of Law.

Promotion to the rank of Professor of Practice of Law can be granted only by the President. In deciding whether or not to grant promotion to the rank of Professor of Practice of Law the President shall consider the recommendations of the Promotion Committee of the law faculty, the Dean of the School of Law, and the Academic Council. Except in rare cases and for compelling reasons, the President shall not grant promotion to the rank of Professor of Practice of Law over the opposition of the Promotion Committee of the law faculty.

Promotion to the rank of Professor of Practice of Law becomes effective at the beginning of the academic year after it is granted. The President's decision to grant or deny promotion is final and not grievable.

3.10.2.3 Promotion to Clinical Associate Professor of Law

A Clinical Assistant Professor of Law is eligible to apply for promotion to the rank of Clinical Associate Professor during their third year of full-time employment.

A promotion to the rank of Clinical Associate Professor of Law should be granted only to a Clinical Assistant Professor who has an excellent record of clinical teaching and academic advising/mentoring. (Factors relevant to the assessment of teaching and academic advising/mentoring are set forth in Sections 3.8.1.1 and 3.8.1.2, respectively.) An Applicant's record of service to the School of Law, the University, the legal profession, and the community shall also be considered in support of their promotion to the rank of Clinical Associate Professor of Law (see Section 3.8.1.3). Finally, an Applicant's record of making effective, sustained contributions to the mission of St. Mary's University shall also be considered in support of their promotion to the rank of Clinical Associate Professor of Law.

A candidate for promotion from the rank of Clinical Assistant Professor to the rank of Clinical Associate Professor can initiate the promotion process by delivering to the Provost, with a copy to the Dean of the School of Law, a letter stating their intention to apply for promotion. The Applicant thereafter shall submit to the Provost, with copies to the Dean of the School of Law, materials supporting their application for promotion, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion decision. The Dean shall provide copies of these materials to the members of the Promotion Committee composed of all members of the law faculty who hold the rank of Clinical Associate Professor, Associate Professor, Clinical Professor, or Professor. The Promotion Committee thereafter shall convene at a formal meeting and consider the application for promotion. Absentee voting is permitted. The Promotion Committee shall be deemed to have recommended promotion for an applicant only if a simple majority of those casting ballots vote in favor of promoting the applicant from the rank of Assistant Professor to the rank of Associate Professor.

A promotion can be granted only by the President. In deciding whether or not to grant a promotion, the President shall consider the recommendations of the Promotion Committee of the law faculty, the Dean of the School of Law, the Academic Council and the Provost. Except in rare cases and for compelling reasons, the President shall not grant a promotion over the opposition of the Promotion Committee of the law faculty.

Promotion to the rank of Clinical Associate Professor becomes effective at the beginning of the academic year after it is granted. The President's decision to grant or deny promotion is final and not grievable.

3.10.2.4 Promotion to Clinical Professor of Law

A Clinical Associate Professor who is promoted to the rank of Clinical Professor of Law is simultaneously granted a five-year presumptively renewable contract. During the fourth, fifth, or sixth year of their full-time employment, a faculty member who holds the rank of Clinical Associate Professor of Law may apply for promotion to the rank of Clinical Professor. No faculty member may be promoted to the rank of Clinical Professor of Law until they are granted

a presumptively renewable contract; and every faculty member who is hired with a presumptively renewable contract, or is granted a presumptively renewable contract, must be given the rank of Clinical Professor of Law.

The denial of a Clinical Associate Professor of Law's first or second application for promotion to the rank of Clinical Professor of Law does not preclude a subsequent application. If a full-time Clinical Associate Professor of Law has not received promotion to the rank of Clinical Professor prior to the completion of their sixth year of service, they shall be given notice that their employment will terminate upon the completion of their seventh year of employment.

Promotion to the rank of Clinical Professor of Law should be granted only to faculty members who have a sustained record of excellence in clinical teaching and academic advising/mentoring. (Factors relevant to the assessment of teaching and academic advising/mentoring are set forth in Sections 3.8.1.1 and 3.8.1.2, respectively.) An Applicant's record of service to the Law School, the University, the legal profession, and the community will also be considered in support of their promotion to the rank of Clinical Professor of Law (see Section 3.8.1.3). Finally, an Applicant's record of making effective, sustained contributions to the mission of St. Mary's University shall also be considered in support of their promotion to the rank of Clinical Associate Professor of Law.

A candidate for promotion to the rank of Clinical Professor can initiate the promotion process by delivering to the Provost, with a copy to the Dean of the School of Law, a letter stating their intention to apply for promotion. The applicant thereafter shall submit to the Provost, with copies to the Dean of the School of Law, materials supporting their application for promotion to the rank of Clinical Professor, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion and tenure decision. The Dean shall provide copies of these materials to the Promotion Committee, consisting of all tenured members of the law faculty, and all Clinical professors, and shall solicit comments from other members of the law faculty for consideration by the Promotion Committee. The Promotion Committee thereafter shall convene at a formal meeting and consider the application for promotion. Absentee voting is permitted. The Promotion Committee shall be deemed to have recommended that an applicant be promoted only if a simple majority of those casting ballots vote in favor of the promotion of the applicant to the rank of Clinical Professor.

Promotion to the rank of Clinical Professor can be granted only by the President. In deciding whether or not to grant promotion to the rank of Clinical Professor, the President shall consider the recommendations of the Promotion Committee of the law faculty, the Clinical Committee, the Dean of the School of Law, the Academic Council. Except in rare cases and for compelling reasons, the President shall not grant promotion to the rank of Clinical Professor over the opposition of the Promotion Committee of the law faculty.

A promotion to the rank of Clinical Professor becomes effective at the beginning of the academic year after it is granted. The President's decision to grant or deny promotion is final and not grievable.

3.11 Faculty Development

3.11.1 Sabbatical Leave

Recognizing the value of allowing faculty members, from time to time, to do uninterrupted scholarship or other professional development activities to gain new educational experiences, such as through exchange teaching, St. Mary's grants sabbatical leaves to eligible faculty members.

The purpose of a sabbatical leave should be directly related to professional growth.

3.11.1.1 Eligibility

During one's sixth year of full-time service at St. Mary's University as a tenured faculty member or clinical faculty member in the School of Law, a faculty member is eligible to apply for a sabbatical leave to begin in the seventh year of service to the University, as long as the faculty member is in good standing and not in the midst of disciplinary action.

Tenured faculty members and clinical faculty in the School of Law are eligible for subsequent sabbatical leaves after completing an additional six years of full-time service following their last sabbatical leave at the University.

Sabbatical eligibility for administrators with faculty rank who return to the tenured faculty after fulfillment of their administrative service shall be articulated in their initial administrative appointment letters.

Special Acceleration or Postponement of Sabbatical

In some cases, it may be necessary for the good of a department, program, Library or School or the personal needs of the faculty member to advance or delay the sabbatical leave. When a modification in the normal scheduling of a sabbatical leave is considered necessary, a request for this should be made to the Provost by the appropriate Dean or Library Director upon the recommendation of the faculty member's Department Chair(s) or Program Director(s) (if applicable) and the faculty member, stating the reasons for the requested modification. A mutually agreeable schedule will be developed. Details concerning compensation during sabbatical will be agreed to in advance by the faculty member, Human Resources, and the Provost.

3.11.1.2 Requesting the Sabbatical Leave

The request for a sabbatical leave should be addressed to the Provost through the Dean of the applicant's School or Library Director. Application for a sabbatical leave should be made on or before October 1 of the academic year prior to the year of sabbatical leave. The request should include:

1. A definite proposal detailing the applicant's plans for rest, travel, research, and professional growth—particularly the latter—for the sabbatical year.
2. A statement indicating any monetary compensation to be received for activities engaged in during the time of the sabbatical and related to the sabbatical. Although supplementary fellowships and grants may be accepted by a faculty member on sabbatical leave, remunerative employment is permitted only with the approval from the Provost and Dean of the applicant's School.
3. A statement pledging to stay in the employment of the University for at least one academic year from the date of return from the sabbatical, unless the faculty member and the University make other arrangements by written agreement or the faculty member is prevented by documented illness or disability from returning.
4. Recommendation from the applicant's Department Chair(s) or Program Director(s) (if applicable) or Dean or Library Director if there is no Department Chair(s) or Program Director(s) as to how the duties of the applicant, including teaching and academic advising/mentoring, could be handled during the absence of the applicant.
5. If applicable, a copy of the applicant's most recent formal written sabbatical report.

See Form of Application for Sabbatical Leave and Sabbatical Checklist and Timetable.

3.11.1.3 Sabbatical Compensation

The University's support for a Sabbatical Leave includes:

1. An academic year sabbatical leave with payment of one-half of the applicant's academic year salary, with continued University benefits; or
2. The faculty member on a one semester sabbatical leave shall receive a payment of the full academic year salary (Fall and Spring) for teaching one semester, with continued University benefits. The teaching load during the non-sabbatical semester shall be no more than one-half of the normal academic year teaching load; and
3. Assurance of continuance of rank upon return to the University.

Details concerning compensation during sabbatical will be agreed to in advance by the faculty member, Human Resources, and the Provost.

Benefits During Leave

A faculty member on an approved sabbatical leave will receive all benefits to which they would have been entitled if not on leave. All benefits based on salary, except retirement, will be calculated on the regular base salary the faculty member would receive if not on leave. Contributions for retirement will be based on the leave salary paid by the University. The faculty member must authorize all withholdings and other individual contributions as if they were not on leave.

3.11.1.4 Application Review

Applications for sabbatical leaves will be reviewed by the faculty member's Dean or Library Director and the Provost and granted based on:

1. The merits of the applications (i.e., the value of the professional growth activities to be undertaken by the faculty member, the discipline, and the University):
 - a. Does the proposal have a clearly defined purpose?
 - b. Will the proposed professional growth activity make a significant contribution to the thought and knowledge of the discipline or mission of the University?
 - c. Does the proposal clearly articulate how the professional growth activity will be accomplished?
2. The extent to which the University budget allows them each year.
3. Length of time the applicant has been in continuous full-time service beyond the minimum requirement.
4. Consideration of departmental or program tenured faculty coverage.
5. The extent to which the faculty member has fulfilled expectations stipulated in their workload.
6. If applicable, the results of the applicant's prior sabbatical work.

The Provost, after consultation with the Dean or Library Director, makes the final decision based on the merits of the proposal utilizing the criteria above. The applicant is notified in writing by the Provost as to the outcome of the decision. The Provost's written notification will briefly articulate the rationale of the decision.

If a sabbatical leave application is denied, the individual may reapply in the following year or any later year without prejudice.

3.11.1.5 Obligations and Conditions

Acceptance of a sabbatical leave entails the following obligations and conditions:

1. Agreement to pursue the sabbatical leave project. To maximize the opportunity to focus on the leave activity, faculty, to the degree possible, may not serve as the instructor of record for a course at St. Mary's University while on leave (including independent studies, directed readings, and internships) or carry service duties at St. Mary's University such as serving Department Chair, Program Director, or serving as a member or Chair of a committee. Similarly, faculty on leave may not ordinarily accept full-time remunerative employment elsewhere without approval from the applicant's Dean or Library Director and the Provost (see Requesting the Sabbatical Leave above).
2. Faculty members are expected to take the approved leave as scheduled unless extraordinary circumstances require a change. Any change to an approved leave schedule requires written approval of the Provost, who will consult with the faculty member's Department Chair(s) or Program Director(s) (if applicable) and Dean or Library Director to determine the impact of a requested change.
3. Continued full-time service to the University for at least one academic year from the date

of return from the sabbatical, unless the faculty member and the Provost make other arrangements by written agreement, or the faculty member is prevented by documented illness or disability from returning. A faculty member who fails to satisfy their obligation will be required to reimburse the University for salary received from the University during the leave, in full in case of no return, or in part according to a negotiated, pro-rated basis for shorter periods.

4. A formal written report from the faculty member to the Provost and the Dean or Library Director is required at the end of the sabbatical leave. The faculty member shall also offer a seminar or presentation for interested colleagues on the results of the leave under the sponsorship of the Faculty Development Committee.
5. Time spent on a leave of absence does not count toward a sabbatical leave.

3.11.2 Professional Leave of Absence

The purpose of a professional leave of absence is to provide a full-time faculty member the opportunity to participate in development activities or programs that enhance the faculty member's knowledge, skills, and experience. Professional leaves of absences are, therefore, ordinarily related to the faculty member's professional work or to an assignment that is judged as taking priority temporarily over teaching at St. Mary's University.

A full-time faculty member may request a full-time or part-time professional leave of absence without pay. A request for a leave of absence is made to the Provost through the faculty member's Department Chair(s), Program Director(s), Library Director, or Dean (as applicable). Professional leaves of absence, including but not limited to the duration of the leave and expectations upon return, must be mutually agreed upon between the faculty member, Dean, and Provost. The time of leave of absence does not count toward promotion in rank, tenure, or sabbatical leaves unless the faculty member and the University so agree by a prior written understanding.

While the faculty member is on leave without pay, the University does not provide benefits, unless a prior written agreement between the faculty member, the Provost, and Human Resources to the contrary has been made. However, faculty members may continue such benefits by paying for them themselves.

3.11.3 Professional Development Funds

To encourage faculty development, professional development funds are made available for members of the tenure-line and non-tenure-line faculty. Funding amounts are established and published by the individual Schools or Library and are awarded based on the Dean or Library Director's discretion and available funds. Normally, a faculty member not in good standing is ineligible for professional development funds, except in circumstances when professional development support might assist the faculty member in regaining good standing.

3.12 Leaves

Policies regarding the various leaves available to all eligible employees of the University, including faculty, are described in Section 6.0 of the Personnel Manual. Such policies address University holidays, family and medical leave, bereavement leave, civil duty leave, military leave, and unpaid leave of absence.

Below are leave policies that accrue specifically to eligible members of the faculty.

3.12.1 Vacation for Tenure-Line Librarians

Vacation periods for tenure-line librarians will be six weeks (30 business days). In addition to this, tenure-line librarians are entitled to all normal faculty holidays.

Faculty contracts for tenure-line librarians run from June 1 to May 31, of each year and mutually agreeable vacation days must be arranged between the tenure-line librarians and the Executive Director of the Louis J. Blume Library and the Director of the Sarita Kenedy East Law Library.

3.12.2 Leaves Due to Short-Term Illness and Emergencies

Faculty members who anticipate being absent from their assigned duties for more than one week due to family and/or medical reasons or who have already missed one week of work during the academic year must notify their immediate supervisor (e.g., Department Chair, Program Director, Library Director, or Dean), as well as Human Resources to discuss possible options through the Family Medical Leave Act (FMLA), short-term disability leave eligibility, and/or the Americans with Disabilities Act (ADA) accommodations.

3.13 Fringe Benefits

The University offers a comprehensive benefits program to eligible members of the full-time faculty. In addition, the University offers a retirement plan, as well tuition benefits for eligible employees and their dependents as set forth in the Benefits section of the Personnel Manual. Information regarding the various benefits offered by the University is available from Human Resources.

While it is the intent of the University to continue current benefit plans, benefits are subject to modification, amendment, or termination by action of the Executive Council or by change in applicable laws. The St. Mary's Benefits Committee will be consulted with respect to proposed benefit changes and notified of actual changes.

Below are benefit policies that accrue specifically to eligible members of the faculty.

3.13.1 Short-Term Disability Leave

In lieu of sick leave, St. Mary's University has a self-insured short-term disability leave for full-time special status administrators, and for full-time faculty members and librarians with tenure-line status.

The University grants full pay for up to ninety days for untenured faculty and full-time special status administrators and one hundred eighty days for tenured faculty members. After ninety or one hundred eighty days, the faculty member will then transfer, if eligible and covered, to long-term disability insurance. The provisions of Section 3.12.3 may also apply.

Short-term disability means any condition, whether physical or mental (including conditions resulting from pregnancy and childbirth), which disables faculty members from performing the duties assigned to their position by the University or which imposes a risk of infection to other employees. The determination that a short-term disability exists shall be made by the University, taking into consideration the essential job functions of the position and the faculty member's disabilities.

Faculty members shall not be paid or otherwise credited for unused short-term disability leave.

It is the practice of St. Mary's University to work closely with full-time faculty members and their families when disability situations occur.

3.14 Compensation

3.14.1 Salary

The initial salary for faculty members at St. Mary's University is determined according to a salary range established for faculty members by rank and market conditions, taking into account recent salary data from institutions similar to St. Mary's University. The Provost recommends to the President the initial salary of appointees; and the President gives final approval. Thereafter, adjustments may be made based upon professional attainment, merit, promotion, and cost of living increases, subject always to the availability of financial resources for such purposes.

Additional Stipends and Incentives

In addition to providing a base salary, a temporary stipend or other incentive as needed may be awarded to attract a strong candidate at the time of hire. Any such stipend or incentive, however, may not carry over beyond the first year of appointment.

Salary Review

Initial salary ranges will be evaluated regularly under the leadership of the Provost's Office for effectiveness, fairness, and internal and external equity. The Provost's Office, in consultation with Human Resources, is responsible for reviewing faculty salary competitiveness and compression.

3.14.2 Professional Advancement Increases

St. Mary's University encourages faculty to attain advanced educational credentials and may award salary increases for persons advancing from master's degree level to "all but dissertation" stage, and for advancing from "all but dissertation" to doctorate, provided that the degree advancement is in the area of the person's discipline or other acceptable area as determined by the University, and that the credential attainment is from a program which is accredited by an accrediting association (e.g., the Southern Association of Colleges and Schools Commission on Colleges).

Faculty members are required to notify the Provost upon attainment of the advanced status. Adjustments to salary under this section shall be paid in accordance with the normal payroll policies of the University. The increase shall be effective with the beginning of the next payroll period after the educational status is officially attained or the date when the University is notified of the official attainment of the status, whichever occurs later in time. No retroactive increases are allowed.

3.14.3 Promotion Increments

St. Mary's University provides salary augmentation to tenure-line faculty members who are promoted to Associate Professor or Professor ranks, as well as to non-tenure-line faculty who receive promotions. Salary increases shall become effective at the beginning of the academic year following the President's promotion and/or tenure decision.

3.14.4 Overload and Summer, Maymester, and Wintermester Compensation

Overload and Summer, Maymester, and Wintermester compensation is paid on a per course basis. Per-course rates are established and published annually by the Office of the Provost.

3.14.5 Payroll Procedures

Faculty salary payments are made in accordance with the Human Resources payroll calendar. Please refer to [Section 6.0](#) of the Personnel Manual for current University policy regarding direct deposits, salary deductions, and other compensation policies applicable to all employees of the University.

3.15 Separation and Related Disciplinary Actions

St. Mary's University or individual faculty members may find it necessary to sever their contractual relationship. To protect the interests of both parties, this section of the Faculty Handbook sets forth categories of separation and discipline, and the policies and procedures related to each.

Types of Separation and Related Disciplinary Actions

1. Resignation (3.15.1)
2. Retirement (3.15.2)
3. Non-reappointment (Tenure-Track and Non-Tenure-Line faculty only) (3.15.3)
4. Layoff for exigent reasons (3.15.4)
5. Suspension or dismissal for cause (3.15.6)
6. Action short of dismissal (3.15.6.2)
7. Progressive discipline of faculty members (3.15.6.1)

3.15.1 Resignation

Resignation is a means of separation by which a faculty member voluntarily ends their employment relationship with the University either at or prior to the end of a contractual term. Because of the extreme hardship which may be caused by untimely resignation, it is requested that all faculty members provide the earliest possible written notice of a request to resign. All resignations are subject to approval by the University. Ordinarily, a faculty member is expected to give notice to the Dean and to the Provost not later than ninety days prior to the end of the academic year. It is expected that, except in unusual circumstances, resignation will be effective at the end of the academic term.

3.15.2 Retirement

Retirement is a means of separation by which a faculty member ends their employment relationship with the University. In compliance with applicable law, there is no mandatory retirement age at St. Mary's University.

A faculty member who intends to retire should submit a letter to the Dean and Provost stating their intention to retire and specifying an effective date. In consideration of the welfare of students and colleagues, faculty members are requested to provide notification to the University of intent to retire no less than nine months prior to the effective date of the retirement.

3.15.2.1 Voluntary Phased Retirement

Tenured faculty members who are in a full-time teaching status, who (1) have completed at least ten years of full-time teaching service at St. Mary's University and (2) reached the age of 62 are eligible to apply for Phased Retirement. Participation in the program is strictly voluntary. See the University's [Voluntary Phased Retirement \(Faculty\) Policy](#) for additional information.

3.15.3 Non-Reappointment of Tenure-Track and Non-Tenure-Line Faculty

Non-reappointment is a means of separation by which the University ends its employment relationship with a tenure-track or non-tenure-line faculty member at the conclusion of a contractual term. Legitimate reasons for non-reappointment of a tenure-track or non-tenure-line faculty member may include, but are not limited to, the following:

1. Cancellation of or change in a School, department, or program as defined in Section 3.15.4.1.
2. Declining enrollment.
3. Need for a reduction in staff.
4. Incongruence between the teaching interests of the faculty member and the educational goals of the University.
5. Inadequate performance of the faculty member's appointment responsibilities as evaluated according to the procedures of Section 3.8.
6. Failure to obtain tenure before the expiration of the applicable maximum probationary period.
7. The expiration of external funding for the position.

In order to facilitate relocation, the University will give faculty members serving under tenure-track or renewable non-tenure-line contracts advance notice of the University's intent not to reappoint them for a subsequent academic term in accordance with the notice provisions below (3.15.3.1). The notice provisions of Section 3.15.3.1 do not apply to appointments with terminal contracts. Non-reappointment will occur at the end of the contractual term of a terminal contract (Section 3.3.5) without cause, notice of non-reappointment, or notice or reasons being given. The University reserves the right to provide compensation in lieu of allowing a faculty member who has received a terminal contract to serve until the end of the contractual term.

The decision not to reappoint a tenure-track or non-tenure-line faculty member is made at the sole discretion of the Provost. The Provost may act pursuant to a recommendation of the Dean, who shall have consulted with the Department Chair or Program Director (if applicable), or upon other appropriate facts. If the faculty member is the Department Chair or Program Director, the recommendation of the Dean shall suffice to place the matter before the Provost.

3.15.3.1 Notice Standards

Notice of non-reappointment of a tenure-track faculty member and Clinical Faculty in the School of Law shall be given in writing to the faculty member by the Provost, or person appointed to act as such, in accordance with the following standards:

1. On or before February 15 of the first academic year of service if the initial appointment is not to be renewed, or at least ninety calendar days prior to the expiration of an initial, one academic year appointment, if it expires during an academic year;
2. On or before December 15 of the second academic year of service if the appointment is not to be renewed, or at least one-hundred-eighty calendar days prior to the expiration of the appointment if it expires during the academic year; or
3. At least one year before non-reappointment if the faculty member is in at least the third year of an academic probationary appointment.

Notice of non-reappointment of a non-tenure-line faculty member (except Clinical Faculty in the School of Law) shall be given in writing to the faculty member by the Provost, or person appointed to act as such, in accordance with the following standards:

1. No less than three months notice before the end of the term of the contract service (normally February 15); or
2. No less than one year for non-tenure-line faculty who have taught full-time at St. Mary's University for more than five years.⁹

The obligation of prior notice may be waived by mutual agreement and separation from the University effected within a shorter time than required above between declaration of intention and separation.

The above notice standards do not apply to Special Appointment Faculty (see Section 3.1.3).

⁹ Special Appointment faculty with full time teaching appointments who are subsequently appointed to a non-tenure-line position shall have their time as a Special Appointment faculty member credited toward this five year requirement.

3.15.4 Layoff Before Expiration of Current Contract

Layoff is a severance action by which the University terminates the services of a tenure-line or non-tenure-line faculty member before the expiration of the current contract, without prejudice as to the faculty member's performance.

Faculty laid off pursuant to this policy will have preference in rehiring according to the procedures in Section 3.14.5.4.

Reasons for layoff are:

1. Major changes in curricular requirements, School, departments, or programs.
2. An enrollment emergency.
3. Financial exigency.

3.15.4.1 Major Changes in Curricular Requirements, Schools, Departments, or Programs

Layoff of a faculty member may occur as a result of a major change, including the discontinuation of a curricular requirement, a School, department, or program in whole or in part.

Decisions regarding major curricular changes resulting in the discontinuation of a curricular requirement, a School, department, or program in whole or in part will be based on educational considerations (i.e., long-range judgments that the educational mission of the University as whole will be enhanced by the major change).

For purposes of this policy, departments are defined as an academic department offering majors and minors that existed prior to the decision to change or discontinue them. The term program means a group of courses leading to a major, minor, or graduate degree or certificate, a sequence of courses with a common prefix, a service, or support area, any curriculum area identified as such, or any functional equivalent.

Decisions about layoffs prompted by major curricular changes are approved by the Board of Trustees upon the recommendation of the President. Prior to making a recommendation to the Board of Trustees, the President shall consult with and receive recommendations from the Provost and the Academic Review Board.

Individual layoff decisions resulting from curricular changes will follow the "general procedures" and "order of layoff" described in Sections 3.15.4.4 and 3.15.4.5, respectively.

Faculty terminated under this section have the same rights as those under Enrollment Emergency or Financial Exigency as delineated in Section 3.15.4.5.

3.15.4.2 Enrollment Emergency

Layoff of a faculty member may occur as a result of an enrollment emergency, which is defined as either a sudden or unplanned progressive decline in student enrollment, the detrimental financial effects of which are too great or too rapid to be offset by normal procedures.

Decisions about layoffs promoted by a University enrollment emergency are approved by the Board of Trustees, upon the recommendation of the President. The President shall have consulted with the Faculty Senate.

3.15.4.3 Financial Exigency

Layoff of a faculty member may occur as a result of a financial exigency. Financial exigency is a rare and serious institutional financial crisis which is defined as the critical, urgent need of the University to reorder its current fund monetary expenditures in such a way as to remedy and relieve its inability to meet projected annual monetary expenditures with sufficient revenues.

The Board of Trustees, upon the recommendation of the President, who shall have consulted with the Faculty Senate, decides whether a financial exigency should be declared. Further, decisions about layoffs prompted by financial exigency are approved by the Board of Trustees, upon the recommendation of the President.

Subsequently, the Faculty Senate shall be represented in administrative processes relating to program reorganization, or the curtailment or termination of instructional programs. However, faculty may not necessarily be represented in individual personnel decisions. The Board of Trustees shall have final authority in all matters related to financial exigency.

3.15.4.4 General Procedures Regarding Layoffs

1. Once a state of enrollment emergency or financial exigency has been declared, the Provost, in consultation with the Faculty Senate, shall recommend action to the President. The President shall then recommend action to the Board of Trustees for its approval. Such action may be to eliminate some Schools, departments, or programs in whole or in part, or to distribute layoffs throughout the faculty so as to prevent the elimination of any program or department.
2. If a tenure-line or non-tenure-line faculty member is to be laid off for reasons described in Section 3.15.4, no replacement for the position will be hired within a period of three years unless the terminated faculty member has been offered reappointment under conditions comparable to those held at the time of layoff, and has been given ninety days after written notice of the offer of reappointment within which to accept, in writing, the reappointment.
3. It shall be the duty of a laid off faculty member to keep the University informed of current contact information for the purpose of this section.

3.15.4.5 Specific Procedures on Layoff

Once the department or academic program to be affected has been determined, the decision to layoff a particular faculty member shall be according to the following guidelines:

1. Layoff of specific faculty shall be recommended by the Provost in consultation with the Faculty Senate and relevant dean. The Provost recommends to the President, who makes the final decision.
2. In the case of financial exigency, where short notice and effective action are necessary, the following procedures may be followed:
 - a. The Faculty Senate and the Provost may advise the President to hold all contracts until May 31 and must notify faculty of non-renewal of tenure-track and renewable non-tenure-line contracts, pending a final decision on the seriousness of the financial exigency; faculty without tenure or presumptively renewable contracts will complete the current academic term in progress on the date of the decision by the Board of Trustees;
 - b. The following procedures apply to all tenured faculty and clinical faculty with presumptively renewable contracts:
 - i. Subject to a review of qualifications (see Section 3.4.4 – Faculty Qualifications and Credentials), those who have been laid off may be offered teaching or non-teaching positions in the University if there are openings for which they are qualified. The Provost will coordinate the identification of potential alternative positions and the review of individual qualifications. When an alternative position isn't available or the faculty member is unwilling to accept the alternative position, the faculty member's appointment will be terminated.
 - ii. If an alternative position at the University is not available, the faculty member will receive one year's notice from the date of officially receiving the decision of the Board of Trustees.

Order of Layoff Within a Department or Program

Decisions relating to the layoff of faculty members in a particular department or program shall be conducted according to the procedures outlined below.

1. Prior to involuntary dismissals, the following voluntary measures should be considered:
 - a. If a department or program must reduce a singular faculty position, it should consider retaining all faculty, but on a reduced salary and workload. Such a program shall not be implemented without the consent of all affected department or program members; and
 - b. The possibility of voluntary early or phased retirements should be investigated.
2. Involuntary Programs:
 - a. Contingent contract faculty should initially be terminated within the program or department involved, except as necessary to avoid serious distortion of program integrity;

- b. Non-tenure-line contract faculty should then be terminated within the program or department involved, except as necessary to avoid serious distortion of program integrity;
- c. Tenure-track contract faculty should then be terminated within the program or department involved. In making a recommendation about the termination of the appointment of a tenure-track contract faculty member, program integrity and seniority will be considered in that order;
- d. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in circumstances where a serious distortion of the academic program would otherwise result. The recommendation to the President will be made by the Provost in consultation with the Department Chair or Program Director, Dean, and the Faculty Senate;
- e. In making a recommendation about the termination of the appointment of a tenured faculty member, program integrity, teaching effectiveness, particular skills that enable a person to be effective in other academic areas, academic qualifications and professional experience, rank, and seniority will be considered; and
- f. The Provost shall provide the appropriate committees and interested parties with appropriate documentation supporting program integrity, as well as rank, degrees, and seniority.

3.15.5 Dismissal for Cause

Dismissal for cause is a severance action by which St. Mary's University terminates its contract with the faculty member for just cause. Any teaching contract is subject to action under this section. Dismissal for cause must be directly and substantially related to the fitness of a faculty member to continue in their professional capacity with St. Mary's University. Dismissal for cause will not be used by the University to restrain a faculty member's academic freedom.

3.15.5.1 Grounds for Dismissal for Cause

Conduct or performance that may constitute cause for dismissal includes:

1. Professional incompetence: the failure, after targeted developmental opportunities (when appropriate) have been provided, to perform contractual duties as described in the Faculty Handbook or meet the expectations associated with the faculty member's specific responsibilities as delineated in the faculty member's appointment contract.
2. Continued neglect of academic duties in spite of oral and written warnings.
3. Serious personal or professional misconduct rendering the faculty member unfit for association with students or colleagues in the performance of their professional duties (e.g., physical assault, sexual or unlawful discrimination or harassment,¹⁰ threats of violence or violent actions, criminally felonious conduct, violation of standards of professional ethics or conduct in teaching, scholarship, and service, sexual relationship with a St. Mary's University student, etc.).
4. Inability to perform the essential or inherent duties and responsibilities of the appointment with or without reasonable accommodation¹¹ by the University, upon exhaustion or the faculty member's declination of all authorized leaves.
5. Formal rejection of the mission of the University.
6. Documented, deliberate, and serious violation of the rights and freedom of fellow faculty members, administrators, staff, or students.
7. Conviction of a crime, or a plea of no contest and/or entering into a plea bargain agreement in connection with a crime, directly related to the faculty member's fitness to practice the profession.
8. Serious failure to follow the professional ethics of one's discipline.
9. Falsification of research, credentials, and/or experience.
10. Failure to follow standards of the institution with respect to University policies and directives within this Faculty Handbook after an oral and written warning.

¹⁰ Allegation of sexual harassment or discrimination rendered against a faculty member will be investigated and adjudicated in accordance with federal law, state law, and University policies..

¹¹ A member of the faculty suffering an accident, illness, or other medical condition that prevents performance of their essential or inherent duties or responsibilities (a "disability") may be eligible for certain time off, leaves of absence, or insured benefits. When a faculty member has a disability, the faculty member or someone representing the person, should consult Human Resources. Human Resources, upon the faculty member's request, will explore options in consultation with the Dean or Library Director and Provost for making reasonable accommodations to enable the faculty member to continue to fulfill their duties or will arrange for authorized leave.

3.15.5.2 Dismissal for Cause Procedures

The following procedural steps will be followed when evaluating the potential dismissal for cause of a faculty member:

(1) Preliminary Consultation with the Faculty Member

If the Provost has evidence that a faculty member has demonstrated or is demonstrating conduct that may constitute cause for dismissal as specified above, the Provost will meet with the faculty member to discuss the concerns unless there are extenuating circumstances that preclude such a meeting. Prior to this initial meeting, the Provost will notify the faculty member about the general issues involved. The Provost may request further information from other University personnel or offices before or after meeting with the faculty member. The faculty member may have an advisor present at the consultation meeting, although the advisor is not permitted to have a voice or actively participate in the initial consultation meeting.

Before moving beyond this consultative stage, the Provost will afford the faculty member a reasonable opportunity to respond to the concerns and arrive, if possible, at a mutually agreeable resolution.

(2) Notification to Faculty Member

Where a mutually agreeable resolution is not possible and where further inquiry is warranted, the Provost will notify the faculty member in writing that a dismissal for cause recommendation will be sent to the President. This notification will articulate the reasons for this recommendation, a brief summary of the evidence supporting this recommendation, and the right of the faculty member to have a review by the Faculty Review Committee (see Step (3)).

(3) Review by the Faculty Review Committee

If the faculty member chooses to have a review by the Faculty Review Committee, they must submit a written request to the Provost within five business days of receiving the Provost's notification recommending dismissal for cause. If a request to review is submitted, the Provost shall refer the matter to the Faculty Review Committee. If, however, the faculty member decides not to request a review within the five-business day window, the Provost may elect to refer the matter to the President, who will make a final decision based on the evidence provided by the Provost. Failure to request a review in writing by the deadline waives all rights to a review and appeal regarding the dismissal action.

If a review is requested, the Committee shall undertake an inquiry, which may include a review of documented evidence, an informal meeting(s) with the Provost or the Provost's designee, an informal meeting(s) with the faculty member, and informal meetings with any other witnesses the Committee deems necessary.

Failure of the faculty member to meet with the Faculty Review Committee without reasonable cause shall be noted in the Committee's recommendation to the President regarding dismissal.

The faculty member may have an advisor present during all meetings with the Committee, although the advisor is not permitted to actively participate in any dismissal proceedings.

The burden of proof, demonstrating just cause for dismissal, rests with the University.

(4) Faculty Review Committee's Recommendation to the President

Within 15 business days of the matter being referred by the Provost, the Faculty Review Committee will submit to the faculty member, Provost, and President a report with findings of fact and recommendations as to the faculty member's dismissal. The report must contain findings of fact regarding whether adequate cause for dismissal has or has not been established by the preponderance of the evidence. The Committee's recommendation will be based on a simple majority vote. The vote count, without attribution to individual Committee members, as well as any dissenting opinions, will be included in the report. If the Committee concludes that a disciplinary sanction less than dismissal is appropriate, it will so recommend with supporting reasons. The Committee's findings must be based solely on the evidentiary record.

(5) President's Review and Decision

After receiving the Faculty Review Committee's report and the investigation file, the President will issue an independent written decision on the matter, with copies to the faculty member, the Committee, and the Provost. If the President does not accept the Committee's recommendation, the President will state the reasons for doing so in the written decision. If the President concludes additional consideration is necessary, the President may remand the matter back to the Faculty Review Committee. If the President concludes that actions short of dismissal are appropriate, the sanctions and effective date will be stated in the President's letter. If the President concludes that dismissal or suspension is appropriate, the effective date of separation will be stated in the President's letter to the faculty member.

(6) Appeal to Faculty Senate Executive Committee

The decision of the President may be the basis of an appeal before the Faculty Senate Executive Committee. Within five business days of receiving the President's decision, the faculty member may file the appeal with the Faculty Senate President, with copies to the President and Provost. The appeal must be limited to:

- Alleged non-compliance with the University's dismissal procedures, resulting in prejudicial error or inadequate consideration; and/or
- The existence of new, compelling, substantive evidence relevant to the faculty member's professional fitness to continue in their professional capacity with St. Mary's University.

Prejudicial error refers to an assessment of the likely effect of an error in procedure on the negative personnel decision. An error is prejudicial if it is reasonably probable that a result more favorable to the grievant would have been reached in the absence of the prejudicial error.

Inadequate consideration refers to procedural rather than substantive issues and occurs when a negative personnel decision was not the result of a conscientious and deliberative review process in which relevant evidence was considered and irrelevant evidence was excluded, or that the process otherwise lacked fundamental fairness. In specifying inadequate consideration as grounds for a review, the faculty member may argue, for example, that the decision was not arrived at conscientiously, that all evidence which the applicant submitted was not considered, that relevant sources of evidence were not considered by the evaluators, or that irrelevant and improper standards were included in the consideration.

A faculty member who does not file an appeal with the Faculty Senate President within five business days of receipt of the President's written notification of dismissal waives all appeal rights pertaining to the dismissal action.

The review by the Faculty Senate Executive Committee shall be concluded within ten business days of receipt of the case. The Committee's review will be based on the documented evidence, the Faculty Review Committee's written findings of fact and recommendations, the President's independent written decision, and the faculty member's written appeal.

At the conclusion of its review, the Committee shall issue a recommendation to the President. The President will then make a final decision on the matter.

(7) Other Procedural Expectations

The faculty member and President may mutually stipulate in writing to modify the timelines set forth above in extraordinary circumstances and for good cause shown in order to achieve full and fair resolution of the matter.

At no time prior to the President's decision will disciplinary sanctions be imposed.

The faculty member may be suspended when it is determined by the Provost to be in the best interest of the University. Such suspension shall be with pay and will not be considered a disciplinary sanction.

The foregoing dismissal for cause procedures ceases immediately upon the faculty member seeking outside legal relief.

3.15.6 Faculty Discipline ¹²

The University encourages a supportive problem-solving approach to workplace problems. The University's progressive discipline program will, therefore, normally be implemented when a faculty member exhibits professional incompetence, neglect of obligations and responsibilities as set forth in the Faculty Handbook, or personal misconduct that does not give rise to dismissal or the imposition of a sanction short of dismissal. Progressive discipline is intended to provide faculty with notice of deficiencies and an opportunity to improve. Some conduct, however, may be of such serious nature that dismissal for adequate cause or disciplinary sanctions may be appropriate and the University reserves the right to proceed with such proceedings, without progressive discipline, even if the conduct in question constitutes a first offense.

It is understood that disciplinary action, whether it be in the form of progressive discipline or sanction, shall not be imposed to deny, restrict, or otherwise inhibit the exercise of academic freedom. The Provost and Faculty Senate Executive Committee have joint responsibility for assuring that any disciplinary action is neither initiated nor pursued in violation of academic freedom.

Disciplinary actions in Section 3.15.6.1 and 3.15.6.2 are grievable through the procedures in Section 3.16. However, the burden of proof lies with the faculty member.

3.15.6.1 Progressive Discipline of Faculty Members

Dismissal for cause or the imposition of disciplinary sanctions will, in normal circumstances, be preceded by a written admonition from the appropriate administrative officer describing the alleged problem and warning that the faculty member's contract status is in jeopardy. The warning must also stipulate a period of time within which correction of the alleged problem is expected, as well as include any suggested actions the faculty member may pursue to address the problem (i.e., counseling or mentoring programs, referral to appropriate resources both on and off-campus, etc.). If the faculty member does not contest the allegation and fulfills regularly assigned duties, the matter is settled. If the faculty member fails to correct the deficiency, dismissal procedures or a lesser sanction may be pursued in accordance with Sections 3.15.5 or 3.15.6.2, respectively.

¹² Allegations of sexual harassment or discrimination rendered against a faculty member will be investigated and adjudicated in accordance with federal law, state law, and University policies.

3.15.6.2 Disciplinary Sanctions

Depending on the circumstances, the Provost may elect to impose a disciplinary sanction short of dismissal, for causes listed in Section 3.15.5 or for policy violations that are not of such gravity or of such a nature as to merit dismissal. Such sanctions may include, but are not limited to, suspension for a period of time, withdrawal of faculty privileges, ineligibility for consideration of salary increases or promotion for a specified period of time, censure, etc. In unusual circumstances, the Provost may take such disciplinary action without progressive discipline.

In view of the past merits of the faculty member, final action by the Provost may take a milder form of temporary suspension rather than outright dismissal. Such suspension may not last beyond a full year, but may entail the total or partial discontinuance of all salaries and benefits, the suspension of all promotion and salary adjustments, and the temporary suspension or withdrawal of all faculty privileges.

Prior to imposing a disciplinary sanction short of dismissal, the Provost will meet with the faculty member to discuss the matter, consider the faculty member's response, and if possible, arrive at an informal resolution that is acceptable to the faculty member and to the University. The University expects that most cases will be resolved through such consultation and that further administrative action will be unnecessary. The Provost shall maintain a record of any written mutual resolution.

If, however, the matter is not resolved via consultation and the Provost believes that the matter is serious enough to warrant disciplinary action short of dismissal, the Provost will consult with the Faculty Senate Executive Committee, which shall serve in an advisory capacity to the Provost on such matters. After taking the Faculty Senate Executive Committee's recommendation under advisement, the Provost will render a decision on whether a disciplinary sanction should be imposed.

If the Provost elects to impose a sanction, the Provost will issue written notice of the sanction to the faculty member, which will include a summary of the case, including the evidence on which the sanction is based, and will provide the faculty member with an opportunity to respond. The Provost shall maintain a record of the letter and the response (if any) by the faculty member.

A faculty member who believes that a sanction has been improperly imposed (i.e., that considerations violative of academic freedom significantly contributed to such decision, or that the proper procedure was not followed in making such decision, or that it was based on inadequate consideration) may file a grievance with the Chair of the Faculty Review Committee pursuant to Section 3.16.

3.15.7 Removal of an Academic Dean or Academic Administrator

At any time during the term of appointment, the President, on the recommendation of the Provost, can relieve of administrative duties an Academic Dean or an academic administrator with faculty status, if there is a clear indication of the necessity for such action.

When circumstances permit (e.g., no confidentiality concerns, etc.), the President or Provost will consult with the faculty members of the Dean's school and the Dean will have an opportunity to respond to the proposed action. Being relieved of administrative duties does not affect the individual's status as a faculty member.

3.15.8 Removal of a Department Chair or Program Director

At any time during the term of appointment, the Provost, on the recommendation of a Dean, can relieve a Department Chair or Program Director of administrative duties if there is a clear indication of the necessity for such action.

When circumstances permit (e.g., no confidentiality concerns, etc.), the President or Provost will consult with the faculty members in the department or program and the Department Chair or Program Director will have an opportunity to respond to the proposed action. Being relieved of administrative duties does not affect the individual's status as a faculty member.

3.15.9 Exit Interviews

In the event a faculty member retires or leaves the employment of the University, the faculty member has the right to an "exit interview" with the Human Resources and a representative from the Provost's Office so that all matters pertaining to retirement, insurance, health benefits, and monetary concerns may be handled in an orderly manner.

3.16 Review and Grievance Procedure

The University recognizes and endorses the importance of academic due process and of resolving grievances properly without fear of prejudice or reprisal. Accordingly, the University will use its best efforts to encourage the informal and prompt settlement of grievances. The orderly processes set forth in this Faculty Handbook are designed to protect academic due process and academic freedom.

It is the intent of the University that this process be the sole method at St. Mary's University for the resolution of formal grievances defined below in Section 3.16.1. If the faculty member chooses to go "outside" the University, that is, utilize external sources such as any federal, state, or local agency or any other external mechanism to resolve the dispute, the faculty member waives their rights under the University's grievance procedure and their grievance shall be dismissed with prejudice.

Faculty may seek the assistance of the University Ombuds at any time to help resolve conflicts, regardless of whether a formal grievance has been filed. The University Ombuds is a resource for St. Mary's faculty, staff, students, and alumni who offer them a safe haven through which they may be empowered to address conflict constructively.

3.16.1 Definition

A grievance is a formal complaint by a faculty member, or a group of faculty members, that they have been:

1. Subject to an infringement of academic freedom or freedom of speech (Sections 3.5.1; 3.5.1.1); or
2. Subject to a violation, misinterpretation, or inequitable application of the provisions of the Faculty Handbook or other academic affairs policies or procedures.

This grievance policy, however, does **not** apply to the following:

1. Any complaint or report of an alleged sexual harassment, sexual misconduct, or discrimination, which shall be handled in accordance with federal law, state law and University policies.
2. Any complaint or appeal covered by other University, department, program, or School policies and procedures (i.e., tenure review committee appeals, intellectual property disputes, etc.).
3. The determination or content of a policy, procedure, rule, or regulation appropriately promulgated by the administration or governance system.
4. The failure to satisfy the grievant after the grievance process has been completed.

The present policy is for grievances only within the academic affairs area. On those occasions when a faculty member believes that they have been treated unfairly by persons exercising authority in some other area of the University, the faculty member is encouraged to consult with Human Resources to determine which complaint process is available in that other area.

Moreover, the domain of faculty grievances should be understood to specifically exclude particular instances of interpersonal conflicts outside of Academic Affairs. Issues of interpersonal conflict, regardless of origin, may also be addressed through the University Ombuds.

The University's Whistleblower Policy (Employee Protection) Policy is available to report alleged ethics violations or suspected violations of law. Moreover, complaints against students for allegations of Code of Student Conduct violations may be referred to the Vice President for Student Development/Dean of Students, Assistant Director for Student Integrity and Welfare, Assistant Dean for Law Student Affairs, University Police, Residence Life, or the University's Title IX Coordinator(s).

The term "grievant" shall mean a faculty member who was, at the time that the action giving rise to the grievance arose, employed by the University.

Grievances Alleging Prejudicial Procedural Error or Inadequate Consideration

Negative personnel decisions, with the exception of promotion and tenure decisions, which are addressed in Sections 3.9 and 3.10 respectively, may be grieved on the grounds of prejudicial procedural error or inadequate consideration. In such cases, the Faculty Review Committee will not attempt to substitute its judgment for that of the decision-maker(s) involved in the case. Rather, the committee will be guided by the following definitions:

Prejudicial error refers to an assessment of the likely effect of an error in procedure on the negative personnel decision. An error is prejudicial if it is reasonably probable that a result more favorable to the grievant would have been reached in the absence of the prejudicial error.

Inadequate consideration refers to procedural rather than substantive issues and occurs when a negative personnel decision was not the result of a conscientious and deliberative review process in which relevant evidence was considered and irrelevant evidence was excluded, or that the process otherwise lacked fundamental fairness. In specifying inadequate consideration as grounds for a grievance, the faculty member may argue, for example, that the decision was not arrived at conscientiously, that all evidence which the grievant submitted was not considered, that relevant sources of evidence were not considered by the evaluators, or that irrelevant and improper standards were included in the consideration.

3.16.1.1 Persons Against Whom Grievances May be Directed

Fundamentally, a grievance may arise from an allegation of improper implementation of a procedure or process leading to a decision. The person(s) or body who perform(s) that procedure or process is (are) the subject(s) of the grievance. Thus, a grievant may direct a grievance against the person(s) or body responsible for the decision identified herein.

The decisions or actions of the Faculty Review Committee may not themselves be grieved.

3.16.1.2 Faculty Review Committee

A Faculty Review Committee of five tenured members shall be elected by tenure-line faculty. The faculty members of each School shall elect one tenured faculty member from that School to serve as a representative on the Committee. The fifth member shall be elected at-large by the faculty. In addition, two at-large alternative members shall be elected by the faculty to serve as replacements in the event of a Committee member is unable to serve due to a conflict of interest (see Section 3.5.6) or leave of absence. The election is conducted by the Faculty Senate. The members serve for twenty-four months and may be re-elected. The Committee members shall elect their own Chair.

A quorum for a hearing of the Committee shall be three committee members.

3.16.2 Duties of the Faculty Review Committee

The Faculty Review Committee has the following responsibilities:

1. To act as overall facilitator of the procedures handled in the grievance process.
2. To receive grievances from any faculty member or group of faculty members.
3. To review all appropriate material in relation to the grievance.
4. To hold a grievance hearing where both the grievant and a representative of the University will have ample opportunity to present the concerns addressed in the grievance.
5. To prepare a report with its recommendation for submission to the grievant, a representative of the University, and the President of the University.

3.16.3 Procedure for Handling Grievances

3.16.3.1 Informal Resolution

Prior to seeking relief and before a formal grievance complaint is filed pursuant to Section 3.16.3.2 below, the faculty member should attempt to resolve the dispute with the faculty member's Dean through discussion and negotiation privately. Grievances directly involving actions or inactions by Deans may be discussed informally with the Provost.

A demonstrated prior informal effort must be made to arrive at a fair and equitable resolution of the matter without resorting to the procedures below. If the grievant remains dissatisfied with the results of such efforts, the ensuing procedures may be followed:

3.16.3.2 Filing of Grievance

Within ten business days of an event or after receipt of a notice creating a grievance, the grievant must submit to the Chair of the Faculty Review Committee a written request for a hearing before the Committee. If the grievant has begun efforts to resolve the complaint informally, the ten-day time period begins when the informal efforts are exhausted. Requests not submitted within the above time limits are not considered. A grievant may withdraw their grievance at any stage in the grievance procedure by writing the Chair of the Faculty Review Committee.

The written grievance should set forth in detail the alleged wrong; prior informal efforts to settle the grievance; insofar as possible, a statement of against whom the grievance is directed; the relief and/or remedy sought by the grievant; and any other data which the grievant deems pertinent. The time period for the receipt of written grievances may be extended by agreement between the Faculty Review Committee and the parties to the grievance, if a written notice of intent to file a grievance is received by a member of the Review Committee within the ten-day period specified above. Such an extension shall not exceed an additional ten business days.

3.16.3.3 Convening and Informal Attempt at Settlement

No later than ten business days after receipt of the grievance, the Chair will convene the Review Committee. The Chair will provide the members of the Committee with all materials submitted by the grievant and the person against whom the grievance is being filed.

If, after reviewing the materials, the Review Committee determines that a written grievance does not establish a prima facie case under this policy, the Chair of the Committee will notify the grievant that it does not have jurisdiction, dismiss the matter without prejudice, and refer the faculty member to the University Ombuds. If, however, the Committee's preliminary review reflects that the grievant has established a prima facie case that the written grievance is grievable under this policy, the Review Committee will try to resolve the grievance by informal means and with no precedent, if all parties agree.

3.16.3.4 Formal Hearing

The Chair will convene a formal grievance hearing within 20 business days of the first meeting of the Committee on the case. The grievance hearing shall not proceed if the grievant, after due notice, fails to be present at the formal hearing or fails to obtain a continuance. If, however, the person against whom the grievance is filed fails to be present at the formal hearing or fails to obtain continuance, the grievance hearing shall proceed.

The Chair of the Committee will conduct the hearing and rule on objections. The hearing will adhere to the following guidelines:

The grievant shall be heard first and afforded ample time to frame the issue or issues, present any relevant testimony or evidence, question the appropriate University administrator(s) or faculty member(s), and request appropriate relief. Upon the conclusion of the grievant's presentation, the representative(s) of the University or faculty member(s) shall have the same opportunity to present the case of the University or faculty member(s). Immediately following this, the grievant will be granted the opportunity to rebut the presentation of the University or the person against whom the grievance was filed. That person, in turn, may then rebut the issues raised by the grievant in rebuttal. It is expected that this hearing will proceed as quickly as is reasonably possible.

3.16.3.5 Hearing Advisory Report

An advisory written report of the Committee shall be prepared by the Chair within ten business days after the hearing concludes, and copies will be sent to the grievant, the appropriate academic administrator(s) or faculty member(s), and the President.

The written report must include the Committee's findings and conclusions and make recommendations to the President for disposition of the matter. The Committee's findings of fact and advisory recommendations will be based on a simple majority vote of the Committee at a meeting in which a quorum is present. The vote count, without attribution to individual Committee members, as well as any dissenting opinions, will be included in the written report.

3.16.3.6 Presidential Review and Decision

The grievant(s) may, within ten business days of receipt of the advisory written report of the Review Committee, file a written appeal to the President, who shall review the record and respond within ten business days as to the final disposition of the grievance within the institution.

3.16.3.7 Board of Trustees Appeal

If the President is a direct party to the grievance, the grievant(s) may file an appeal beyond the President's decision. Such an appeal is filed with the President, who will forward the appeal to the Chair of the Board of Trustees or the Chair's designee. The Chair of the Board of Trustees or the Chair's designee will determine whether further actions are necessary.

3.16.3.8 Time Constraints

If it is the decision of the Review Committee that circumstances warrant a different time schedule, such as a grievance being filed at the end of the school term, the Review Committee will propose an amended schedule to both the grievant and the appropriate administrator(s) or faculty member(s). The schedule will be finalized at a meeting between the Committee and both parties to the grievance.

3.16.4 Due Process in Proceedings

The hearing will be conducted in private. Indications of irresponsible discussion of the grievance outside of the formal hearing may become the basis for allegations that due process has been violated. All parties to the hearing are cautioned against such irresponsible discussion. The parties will make no public statements about the case during the course of the hearing.

During the proceedings, the parties will be permitted to have an advisor of their own choice and expense, which may be an attorney. Such advisor may not, however, address the Committee or actively participate in the grievance proceedings unless requested by the Chair to do so.

All parties to the grievance will have the right to obtain witnesses and present evidence. The University will cooperate with the Review Committee and with the grievant in securing witnesses and making available documentary and other evidence requested by either party to the extent permitted by law. All parties will have the right to cross-examine witnesses. When a witness has made a written statement and cannot or will not appear, but the Review Committee determines that the interests of justice require admission of that statement, the Committee will identify the witness, disclose the statement, and, if possible, provide for interrogatories. The Review Committee will grant appropriate continuances to enable either party to investigate evidence, or for any other appropriate reason.

In all cases except dismissal for cause or suspension, the burden of proof shall be on the grievant by a preponderance of the evidence. In any case of dismissal for cause or suspension, the burden of proof that cause exists for the action shall be on the University by preponderance of evidence (See Section 3.15.5).

In the case of layoffs, the University's determination that a financial exigency or enrollment emergency exists or that a School, academic program, or department is to be reduced or discontinued due to educational considerations will be considered presumptively valid; however, the burden of proof on whether the general and specific procedures on layoffs were adhered to will rest on the University.

The Review Committee will not be bound by strict rules of legal evidence. An effort will be made to obtain the most reliable evidence. The decision will take the form of findings of fact, conclusions, and recommended disposition of the grievance. The findings of fact, conclusions, and recommended disposition must be based solely on the hearing's record, pertinent University procedures set forth in the Faculty Handbook, and the laws of the United States of America and the State of Texas.

The hearing proceedings shall be recorded by the Committee, and a transcript shall be provided at the expense of the requesting parties.

3.16.5 General Provisions

The filing or pendency of any grievance under the provisions of this policy shall not prevent the University from taking the action complained of subject, however, to the final decision on the grievance.

The grievance may be withdrawn at any point in the process.

Failure at any step of this procedure to communicate the decision on the grievance within the specified time limits, or such additional period of time as shall be mutually agreed upon in writing, shall permit the grievant to proceed to the next level of appeal.

Failure at any step of this procedure to appeal a grievance to the next level within the specified time limits, or such additional period of time as may be mutually agreed upon in writing, shall be deemed to be acceptance of the decision rendered at that level.

Extensions of time will be granted for good and sufficient reasons (e.g., illness) by mutual agreement of the parties in writing, if the Faculty Review Committee approves of such extensions; all such writings will be distributed to all parties.

No grievant will be penalized, disciplined, or prejudiced for filing a grievance or for aiding another faculty member in the presentation of a grievance. Acts or threats of retaliation, threat, or intimidation in response to the filing of a grievance may subject the person engaging in such conduct to disciplinary action.

Faculty members filing grievances with reckless disregard for the truth or in willful ignorance of the facts are excluded from protection and may be subjected to disciplinary action.

Section 4.0 Curriculum Revision

The process of curriculum revision begins with the faculty in each School.

For Proposed Changes to Undergraduate and Graduate Programs (except in the School of Law): The addition, revision, or deletion of courses and course requirements is initiated within academic departments and programs; proposals for curricular change normally are based to some extent on the assessment of outcomes of the program, for example: students learning of content and skills, placement of graduates in graduate education and occupations, student/alumni/faculty opinions, and any other method that provides information pertaining to stated goals and objectives of the department or program; department or program approved course changes are submitted for approval to the faculty advisory committees in the respective School and subsequently to the Dean of the School in which the change originates. The specific requirements and procedures for approving curricular changes thereafter are specified in the Curricular Proposal and Revision Policy.

For changes to the Core Curriculum requirements, an ad hoc committee comprised of tenured faculty representatives from the undergraduate Schools shall be established and appointed by the Provost. The size and membership of the committee will be determined by the Provost after formal consultation with the Faculty Senate, Core Curriculum and Education Committee, and Academic Council. The ad hoc committee shall submit a proposed revision to the Core Curriculum requirements to the Academic Council, which may accept the proposal, reject the proposal, or send it back to the ad hoc committee for further work. Additional procedures for the approval of changes to the Core Curriculum requirements are specified in the Curricular Proposal and Revision Policy.

For Proposed Changes in the School of Law: exCurriculum proposals are reviewed by an appropriate faculty committee, then voted on in a meeting of the law faculty. If the additions, deletions, or revisions are approved, the results of the decision are reported to the appropriate bodies, which may include the Academic Council, Executive Council, and the Board of Trustees.

For Proposed Changes in the Organizational Structure of Academic Departments, Programs, and Schools: Proposed changes in the organizational structure of academic departments, programs, and schools shall be recommended by the School(s) wherein the change is proposed; major reorganizational proposals must be approved by the Academic Council, the Executive Council, and the Board of Trustees as well.

Section 5.0 University Policies Requiring Faculty Senate Approval

Revisions to the following policies must be implemented in accordance with Section 2 of the Faculty Handbook.

- Attendance Policy
- Change of Courses
- Curricular Proposal and Revision Policy
- Examination and Grades Documents Retention
- Grade Appeal Policy and Procedure
- Intellectual Property Policy
- Online Courses and Program Standards
- Outside Professional Activities Policy for Faculty
- Student Academic Misconduct
- Student Grievance Policy and Resolution Process

Section 6.0 Other Policies of Interest to the Faculty

This section of the Faculty Handbook references policies of particular interest to the faculty. Amendments to these policies are outside the scope of the Faculty Handbook Revision policy.

- Acceptable Use of Technology
- Copyright Compliance
- Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment
- Equity Dispute Resolution Process
- Inviting Dignitaries to Campus
- Policies and Procedures for Sponsored Projects, Grants and Contracts
- Policy on Humane Care and Use of Laboratory Animals
- Political Campaigns and Political Activities
- Research Involving Human Subjects
- Solicitations and Fundraising
- Unpaid Leave of Absence
- Voluntary Phased Retirement (Faculty)