

Faculty Manual

Regional Campuses

UNIVERSITY OF SOUTH CAROLINA

The Faculty Manual
Regional Campuses
University of South Carolina

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

Foreword

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

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

General rules governing the operation of the Board of Trustees can be found in the *Bylaws-University Of South Carolina*, revised December 1986.

Faculty and staff fall under the jurisdiction of *The University of South Carolina Policies and Procedures Manual*, revised January 6, 1989. This document contains specific information about the operation of the institution and should be consulted by faculty for specific procedures for many of the policies stated in the *Regional Campuses Faculty Manual*.

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

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

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

John J. Duffy, Vice Provost
Regional Campuses and Continuing Education
October 6, 1992

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Administrative Organization

Board of Trustees

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

COMPOSITION OF THE BOARD OF TRUSTEES

(Section 59-117-10, as amended)

The Board of Trustees of the University of South Carolina shall be composed of the Governor of the State (or the Governor's designee), the State Superintendent of Education, the Chairman of the Senate Committee on Education (or the designee from that committee), the Chairman of the House Committee on Higher Education and Public Works (or the designee from that committee), and the President of the Greater University of South Carolina Alumni Association, which five shall be members *ex officio* of the Board; and seventeen other members including one member from each of the sixteen judicial circuits to be elected by the general vote of the General Assembly as hereinafter provided, and one at-large member appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the Board is representative of all citizens of the State of South Carolina.

TERMS OF ELECTED MEMBERS

(Section 59-117-20, as amended)

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

VACANCIES; COMPENSATION

(Section 59-117-30, as amended)

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

BOARD A CORPORATION; POWERS

(Section 59-117-40, as amended)

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

1. To have perpetual succession;
2. To sue and be sued by the corporate name;
3. To have a common seal and to alter it at pleasure;
4. To make contracts and to have, to hold, to purchase, and to lease real estate and personal property for corporate purposes; and to sell and dispose of personal property and any buildings that are deemed by it as

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surplus property or not further needed and any buildings that it may need to do away with for the purpose of making room for other construction. (All other powers shall be exercised in a manner consistent with the provisions of Chapter 35 of Title 11 of the 1976 Code);

5. To appoint a chair of the Board of Trustees and to appoint a University president, treasurer, and secretary, and in the appointment of these latter three to prescribe their duties and their terms of office and to fix their compensation;
6. To appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, instructors and other employees, prescribing the terms of their employments, their duties, and fixing their compensation;
7. To make bylaws and all rules and regulations deemed expedient for the management of its affairs and its own operations not inconsistent with the Constitution and laws of this State or of the United States;
8. To condemn land for corporate purposes as provided in Section 59-117-70;
9. To fix tuition fees and other charges for students attending the University, but these shall not be inconsistent with statutes where the legislature undertakes to fix such fees and charges;
10. To confer degrees upon students and such other persons as in the opinion of the Board of Trustees may be qualified to receive them;
11. To accept, receive, and hold all moneys or other properties, real and personal, that may be given, conveyed, bequeathed, or devised to the University, and to use them for the benefit of the University; but in those cases where such money or property is received charged with any trust, then in every case such money or property shall be held and used strictly in accordance with the terms of such trust; *provided, however*, where the terms of any such trust would require something to be done other than merely to administer the trust, no obligation in receiving the trust over and above merely its administration shall be binding upon the University or the State, except as are accepted by the General Assembly;
12. To assign any member of the faculty to additional duties in any other University department than that in which the faculty member may at the time be working and without additional salary;
13. In all investigations touching the affairs of the University, the Board of Trustees is invested with full powers to compel by subpoena, rule, and attachment witnesses to appear and testify and papers to be produced and read before such board;
14. To adopt such measures and make such regulations as may in the discretion of the Board of Trustees be necessary for the proper operation of the University;
15. To appoint for the University a board of visitors of such number as the Board of Trustees may deem expedient, and to regulate the terms during which the members of such board shall serve and to prescribe the function of such board of visitors;
16. To remove any officer, faculty member, agent, or employee for incompetence, neglect of duty, violation of University regulations, or conduct unbecoming a person occupying such a position;
17. To appoint an executive committee not exceeding six members of the Board who shall have all the powers of the Board during the interim

between meetings of the Board but not the power to do anything which is inconsistent with the policy or action theretofore taken by the Board, and the executive committee shall at each meeting of the Board report fully all action taken by it during the interim; and

18. To appoint committees of the Board of Trustees or officers or members of the faculty of the University, with such power and authority and for such purposes in connection with the operation of the University as the Board of Trustees may deem wise.

THE EXECUTIVE COMMITTEE

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

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

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

THE ACADEMIC AFFAIRS AND FACULTY LIAISON COMMITTEE

The Academic Affairs and Faculty Liaison Committee shall consist of not less than three nor more than seven elected members of the Board appointed at the October meeting of each even year by the Executive Committee. The members so appointed shall elect one of their number as Chair of the Committee after the conclusion of the Board meeting at which such appointments to the Committee are made, if practicable, but in no event later than the first meeting of the Committee thereafter. The term of the office of Committee Chair shall be for two years, extending from the October meeting in each even year to the October meeting in the next even year. The Committee Chair shall be eligible to succeed himself/herself for not more than one additional, consecutive full term; provided, however, that this limitation on duration of service shall be applied prospectively only, beginning October 1, 1980. In the event a vacancy occurs in the office of Committee Chair, the remaining members of the Committee shall elect a new Chair to complete the term of the vacating Chair at the first meeting of the Committee following the occurrence of such vacancy.

This Committee shall be kept informed of all educational programs by the President; of the conditions affecting the recruitment and retention of faculty members; of the adequacy of instructional facilities; of the proposal of new degrees, major programs, or institutes; of the proposal to eliminate existing degrees, major programs, or institutes; and of such other matters relating to the educational policies and programs as may be brought before it by the President or referred to it by the Board. It shall

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consider the development of new programs, degrees, institutes and research for submission to the State Commission on Higher Education. It shall report on all such matters to the Board from time to time with such recommendations as it may consider relevant to the achievement of the University's goal of academic excellence.

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

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

This Committee of the Board shall likewise serve as the final forum of appeal in all matters pertaining to: (a) dismissal of tenured faculty members; (b) dismissal of faculty prior to the conclusion of a contract term; (c) discrimination in compensation, promotion, and work assignments; (d) non-reappointment; (e) denial of tenure; or (f) denial of promotion, all as provided in the Academic Grievance Procedures policies of the University System. This Committee of the Board shall also serve as the final forum of appeal in all student academic matters.

FACULTY AND STUDENT REPRESENTATIVES TO THE BOARD OF TRUSTEES

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

Officers of the University

PRESIDENT

The President of the University is the chief executive officer of the University System, which consists of nine campuses located throughout the state. As such, the President has full charge of the administrative activities of the University. The President also serves as the official medium of communication between the Board of Trustees on the one hand, and the University Faculty, administrative officers, individual members of the staff, student organizations, and students on the other.

The President is responsible to the Board for administering the educational and business policies of the institution, subject only to the laws of the state of South Carolina and the University rules and regulations prescribed by the Board of Trustees. The President is an *ex officio* member of the faculty and all faculty committees.

The President is assisted in directing the affairs of the University by officers and administrators as described below.

The Secretary to the Board of Trustees, in addition to the President, is the primary liaison between the Board and the University administration and is responsible for providing the Board with information and services necessary to its role as a policy-making body.

The Treasurer of the University shall be responsible for all accounting functions and for all funds of the University System. The Treasurer shall furnish to the Board or to the President, when requested, a financial statement of the University and shall at least once during each fiscal year supply all members of the Board with a combined revenue and expenditure report of the University.

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

PROVOST; VICE PRESIDENTS

The Provost/Vice President for Academic Affairs of the University has responsibility for the overall supervision of academic affairs on the Columbia Campus and coordination of System academic matters.

The Vice President for Business and Finance has the responsibility for the overall supervision of business and financial affairs of the University System.

The Vice President for the Division of Human Resources has the primary responsibility for the development, implementation, and supervision of comprehensive human resource management and Affirmative Action/Equal Employment Opportunity Programs for the University System.

The Vice President for Student Affairs and Dean of Students reports directly to the President and is responsible for maintaining an optimal learning environment where students can develop intellectually, socially, spiritually, physically, and occupationally. This is accomplished through the many developmental and support services provided by the units of the Division: Residence Life and Housing Services (residence and off campus services), Enrollment Management (Admissions, Financial Aid, Orientation, and Career Center), Student Development (Health Center, Disabled Services, Discipline, Academic Support Services), and Student Life (Student Activities, P.E. Center, Greek Life, Minority Affairs, Parents Programs, etc.)

The Vice President for University Advancement is responsible for the systemwide planning, implementation and evaluation of the offices of Development, Alumni Affairs, Public and Media Relation, University Marketing and Promotion, and Publications and Printing.

CHANCELLORS

The Four-Year Campuses (USC-Aiken, USC-Coastal Carolina, and USC-Spartanburg) are administered by Chancellors.

VICE PROVOSTS

The Vice Provost for Computer Services has responsibility for the planning, design, development, procurement, privacy, security, and delivery of computer systems, services, operations, and facilities.

The Vice Provost for Libraries and Collections has responsibility for administering and coordinating activities, functions, and projects for all libraries in the nine campus system, in addition to the Institute of Archeology and Anthropology, McKissick Museum and all other collections and repositories on the Columbia Campus.

The Vice Provost for Research has responsibility for providing research and development leadership for the University System and is the external research link to industry and state and federal government.

The Vice Provost for Regional Campuses and Continuing Education has responsibility for supervising the Regional Campuses: USC-Beaufort, USC-Lancaster, USC-Salkehatchie, USC-Sumter, and USC-Union. This officer administers System

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Continuing Education activities, Lifelong Learning, Distance Education, Library Processing Center, and Graduate Regional Studies Programs.

Reporting to the Vice Provost are the following officers:

ASSOCIATE VICE PROVOST FOR REGIONAL CAMPUSES AND CONTINUING EDUCATION

The Associate Vice Provost for Regional Campuses and Continuing Education assists the Vice Provost in supervising and coordinating the Regional Campuses, System Continuing Education activities, and Graduate Regional Studies Programs.

ASSOCIATE VICE PROVOST FOR CONTINUING EDUCATION

The Associate Vice Provost for Continuing Education has responsibility for assuring that non-traditional and traditional students, military personnel, and the public at large have access to academic credit courses (Lifelong Learning) as well as non-credit personal and professional development opportunities.

DEANS

The Deans of the University are the chief executive officers of their respective campuses. The Deans implement policies and procedures established by the Vice Provost, the Provost, the President and the Board of Trustees and are responsible for the personnel and program administration of their campuses. In this capacity the Deans review curricula and programs; appoint division coordinators and assign their duties; supervise the use of the funds, space, and equipment allotted; and serve as liaison between the University and the community, the local Commission for Higher Education, other local governing bodies, and the local legislative delegation.

The Dean for Distance Education has responsibility for the direction and development of less traditional modes of delivery of instruction including open-circuit television and Independent Learning. This Dean is also responsible for coordination between the University and South Carolina Educational Television.

The Dean for Lifelong Learning is the chief academic officer for Lifelong Learning and has responsibility for developing, scheduling, staffing, and evaluating all credit courses in the unit's programs. This dean is also responsible for coordination between Lifelong Learning's Credit Programs and academic units on the Columbia Campus.

Faculty Organization

See also Appendix V.

Composition

The Faculty of the Regional Campus System is composed of the faculties of the individual campuses.

Regional Campuses Faculty Organization

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

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

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

Organization. Each faculty will determine its own organization, committees, officers, and rules of operations, subject to the approval of its Dean of the University, the Vice Provost for Regional Campuses and Continuing Education, the Provost, and the President.

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

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

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

STANDING COMMITTEES OF THE REGIONAL CAMPUSES FACULTY

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

Regional Campuses Faculty Senate

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

Membership. The Regional Campuses Faculty Senate shall consist of a minimum of three senators from the Faculty of each Regional Campus. (See Appendix I, Article II, Section 1.) One additional senator will be elected for each one hundred full-time equivalent students above three hundred enrolled for the fall semester. No Regional Campus shall have more than nine senators. If enrollment decreases, compliance shall be accomplished by attrition.

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

Each Regional Campus will also elect one or more Alternate Senators. An Alternate will substitute for a Senator in the event that the Senator is unable to attend a meeting of the Senate. Alternates have the same privileges as the Senators for whom they substitute.

The Executive Committee serves as a planning body for issues which confront both the Regional Campuses and the University at large. It is composed of the Chair, Vice Chair (Chair Elect), Secretary, Immediate Past Chair, and two Members-at-Large nominated and elected by the Senate from among the appropriate campus delegations. No campus shall have more than one member on the Executive Committee. The Committee makes recommendations for actions to be taken by the Senate. Each campus is entitled to its quota of senatorial members in the Senate in addition to its Executive Committee member.

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

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

Conduct of Business. The Senate follows *Robert's Rules of Order*, 1989 edition, in conducting its business, unless otherwise provided for in the Bylaws or the Standing Rules.

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

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

SENATE OFFICERS

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

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

REPRESENTATION ON USC-COLUMBIA FACULTY SENATE COMMITTEES

The Regional Campuses are represented on the following Committees:

1. *University Library Committee.* The Senate elects a representative of the Regional Campuses to a one year term. The committee shall consider and review matters concerning the status of the libraries that are under the supervision of the University Director of Libraries and will be attentive to the need for insuring continued high quality support for the proper function of the libraries. The committee shall make periodic reports, in addition to the annual report, to the Senate.
2. *Committee on Curricula and Courses.* This committee shall consider and recommend to the faculty action on all requests for addition or deletion of courses, and shall review the various curricula of the University with special attention to duplication or obsolescence of courses. The representative is elected by the Regional Campuses Faculty Senate. The term of office is three years.
3. *Committee on Faculty Welfare.* This committee shall consider policy matters pertaining to salaries and any other matters relating to the personal welfare of the faculty. Where appropriate after faculty action, recommendations of the Committee shall be forwarded to the Provost for transmission to the President and the Board of Trustees. The representative is elected by the Regional Campuses Faculty Senate. The term of office is three years.
4. *Faculty-Board of Trustees Liaison Committee.* This Committee shall serve as a channel of communication between faculty and the Board of Trustees. It shall meet periodically with the Board of Trustees Academic Affairs and Faculty Liaison Committee in order to deliberate on matters of mutual concern to the faculty and the Board of Trustees. This committee is

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advisory. The Senate elects a nominee for recommendation to the President. The appointment is for one year.

5. **Academic Planning Committee.** This committee, composed of representatives from throughout the University System, has the duty and responsibility of assisting the President in the establishment of priorities of proposed programs and the initiation of plans for new academic programs and concepts throughout the University. The Regional Campuses Faculty Senate representative to this committee is elected by the Senate. The term of office is three years.
6. **Research and Productive Scholarship Committee.** The committee receives small grant proposals from a broad range of disciplines, reviews and rates each proposal, and makes funding recommendations. This committee is advisory. The Senate elects a nominee for recommendation to the President. The appointment is for one year.
7. **Savannah River Review Committee.** This committee shall continuously review the relationship between the University and the consortium formed with Clemson University and the Medical University of South Carolina, and between the University of South Carolina and the Savannah River Laboratory. This committee is advisory. The Senate elects a nominee for recommendation to the President. The appointment is for three years.

The Senate elects representatives and nominees for recommendation at its final meeting of the year. Representatives will assume their duties on August 15 and will report in person to the Regional Campuses Faculty Senate.

STANDING COMMITTEES OF THE REGIONAL CAMPUSES FACULTY SENATE

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

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

SPECIAL COMMITTEES

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

Nominating Committee. This committee, chaired by the Vice Chair of the Senate, shall present, at the Senate's final meeting of each academic year, a slate of nominees for positions to be elected by the Senate.

The Senatorial Delegation from each Regional Campus shall choose from among its members one representative to serve on the Nominating Committee.

The Chair of the Nominating Committee shall notify each committee member by the end of February of the positions to be filled.

Committee members should solicit the applications of prospective nominees from their respective campuses. Prospective nominees should exhibit a high degree of interest and a willingness to fulfill the duties required by the position. Executive Committee nominees shall be current members of the Regional Campuses Faculty Senate.

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

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

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

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

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

Regulations and Policies

Affirmative Action Policy

(PSEER 2.00)

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

Sexual Harassment Policy

(PSEER 2.03)

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

Policy Changes

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

Faculty Appointments

(ACAF 1.00) (PSEER 1.24, II.F.1)

APPOINTMENT PROCEDURE

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

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

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Nepotism Policy

(PSEER 1.27)

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

Qualifications for Academic Rank

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

RANK OF PROFESSOR

To be eligible for the rank of Professor a faculty member must have a record of outstanding performance normally involving both teaching and other professional achievements such as research, creativity, or performance in the arts. Except in noteworthy cases, the faculty member is expected to hold the terminal degree in the appropriate field. It is normally expected that the faculty member will have a minimum of four years of full-time faculty experience, three of which shall be at the Associate Professor level.

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

RANK OF ASSOCIATE PROFESSOR

To be eligible for the rank of Associate Professor, a faculty member must have a record of effective performance usually involving both teaching and other professional achievements such as research, creativity, or performance in the arts. The candidate must possess strong potential for further professional development. It is normally expected that the faculty member hold at least a master's degree and will have a minimum of four years of full-time faculty experience, three of which shall be at the Assistant Professor level.

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

RANK OF ASSISTANT PROFESSOR

To be eligible for the rank of Assistant Professor, a faculty member must possess strong potential for further professional development. The candidate will normally be expected to hold at least the master's degree.

To be eligible for the rank of Assistant Professor, the library faculty member must possess strong potential for further professional development. The candidate will

normally be expected to hold the master's degree in library science from an institution accredited by the American Library Association (ALA) and have some professional experience.

RANK OF INSTRUCTOR

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

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

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

Administrative Evaluation

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

Faculty Evaluation: University of South Carolina System

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

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

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

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procedural steps in the evaluation of faculty; however, such additional stipulation shall not violate the points set forth above.

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

1. All campuses must send to the Office of the Vice Provost for Regional Campuses and Continuing Education a copy of the calendar which they are following in the matter of faculty evaluation.
2. Where peer evaluation is required, it is suggested that faculty on the tenure track (other than those in their first year) be evaluated in the fall semester at the time of tenure and promotion consideration.
3. Although notice of reappointment is not necessarily tied to performance, evaluation should be completed prior to the date by which notices of nonreappointment must be sent. Thus faculty appointed on August 16 and in their first year should receive their initial evaluation prior to March 1. (Appendix VIII)
4. Although there is no specific System format, faculty evaluation should clearly measure performance against stated criteria and against any other expectations which have been stated in writing to the faculty member. Each campus should follow a consistent format and time frame for evaluations.

Tenure and Promotion Procedures for Regional Campuses

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

(See Appendix VII.)

Local Tenure and Promotion Procedures

Organization. Each Regional Campus Faculty shall form a local Tenure and Promotion Committee in September of each year. The committee will provide for assembling, reviewing, and evaluating the data necessary to complete the tenure and promotion file (described in procedures below) and submit the file to the appropriate administrator at the Regional Campus. The members of the local committee shall be elected by the faculty, but no faculty member may serve on the committee during the year in which the member's case is to receive active consideration. No one who participates in administrative review of candidates shall serve on this committee.

Procedures. Each faculty member who wishes to be considered for tenure and/or promotion, and all faculty who have served the maximum probationary period for tenure must complete the tenure and promotion file form. This form, letters of support from colleagues and students, recommendations from supervisors, and other documentation and support shall constitute the tenure and promotion file. The file must be completed by November 1.

The local committee shall examine each tenure and promotion file and, after a discussion of each case, shall vote on tenure and promotion as separate issues. The votes of "Yes," "No," and "Abstain" shall be recorded, and the committee shall indicate:

1. Recommended for promotion
2. Recommended for tenure

3. Not recommended for promotion at this time
4. Not recommended for tenure at this time
5. Not recommended for tenure (this category is reserved for cases where a faculty member has served the maximum probationary period in any rank)

The committee will then forward the file with its recommendations to the Dean of the University and will notify the applicant of its recommendations in writing by December 1.

By January 5, the Dean of the University will forward the files and any recommendations to the Office of the Vice Provost for Regional Campuses and Continuing Education for review by the Regional Campuses Tenure and Promotion Committee.

REGIONAL CAMPUSES TENURE AND PROMOTION COMMITTEE

Organization. Each campus will elect two representatives to this committee by October of each academic year. No one who participates in administrative review of candidates or who serves on the local Tenure and Promotion Committee shall be elected to this committee.

At least one representative from each campus to the committee shall be at the full professor level. The other representative shall be at least at the Associate Professor level.

All of the members of the committee shall be tenured.

No person shall serve as a committee member longer than three consecutive years.

No faculty member may serve on the committee during the year in which the member's case receives active consideration.

All applications for tenure and/or promotion in academic rank must be submitted to the Regional Campuses Tenure and Promotion Committee.

The committee will not normally recommend promotion for anyone who is not currently engaged in teaching, with the exception of Librarians.

Procedures. The committee shall review the tenure and promotion files of applicants during January. Each file will be kept in the Office of the Vice Provost for Regional Campuses and Continuing Education and shall be used as the primary source for evaluating faculty tenure and promotion.

The Committee shall elect a Chair to preside over the Committee and to communicate the vote count of each decision with the appropriate recommendations to the Office of the Vice Provost for Regional Campuses and Continuing Education by February 15.

After discussion of each case, the Committee members shall vote by secret ballot on tenure and promotion as separate issues. The vote of "Yes," or "No," or "Abstain" shall indicate:

1. Recommended for promotion
2. Recommended for tenure
3. Not recommended for promotion at this time
4. Not recommended for tenure at this time
5. Not recommended for tenure (this category is reserved for cases where the faculty member has served the maximum probationary period in any rank)

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

"The Regional Campuses Tenure and Promotion Committee met on (date) and recommends you for (promotion to _____ and/or tenure). This recommenda-

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tion has not been reviewed by the administration of the University. This decision is not final until the administration and the committee's recommendations are acted upon by the Board of Trustees."

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

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

"If you wish to appeal the committee's action with regard to _____, you may do so by writing to me, through the Office of the Vice Provost as outlined in the Regional Campuses Faculty Manual."

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

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

"If you wish to appeal the committee's action with regard to _____, you may do so by writing to me, through the Office of the Vice Provost as outlined in the Regional Campuses Faculty Manual."

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

Any applicant dissatisfied with the recommendations of the Committee may appeal in writing to the committee, through the Committee Chair, within two weeks of the receipt of notification.

The Vice Provost for Regional Campuses and Continuing Education shall, through the Provost, transmit the files with any recommendations to the President by March 31. Applicants who are denied promotion and/or tenure during the administrative review by the Vice Provost for Regional Campuses and Continuing Education, the Provost, the President, and/or the Board of Trustees may appeal to the appropriate reviewing authority up to and including the Board of Trustees. (Appeal should begin at the level of initial denial.)

The proceedings of the Committee shall be confidential with respect to all written materials received and with respect to all discussions of individual cases.

CRITERIA FOR TENURE AND PROMOTION

(Item 1 is the primary consideration on the Regional Campuses. Items 2-6 are not necessarily listed in order of priority.)

1. Effectiveness as a Teacher and/or Librarian
2. Campus and System Activities
3. Community Service
4. Professional Growth and Experience
5. Research and/or Scholarship
6. Length of Service

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

1. New members of the faculty shall be informed of the tenure regulations applicable on the effective date of appointment. Changes in tenure regulations shall not be applied retroactively if detrimental to the faculty member. A faculty member who is denied tenure by the Board of Trustees shall be notified of the action in writing by the Office of the Vice Provost of Regional Campuses and Continuing Education. Tenure applies only on the campus on which it is earned; it is not systemwide.
2. Since consistency of performance over a period of time is a relevant factor in evaluating faculty for tenure, Assistant Professors normally will not be recommended for tenure until they have completed at least four years of full-time service on a Regional Campus; Associate Professors and Professors normally will not be recommended for tenure until they have completed two years of full-time service on a Regional Campus.
3. The maximum probationary period for tenure for all full-time faculty members appointed at the rank of Professor or Associate Professor shall be satisfactory service in that rank for four years in the Regional Campus System; for all full-time faculty members appointed at or promoted to the rank of Assistant Professor, satisfactory service in that rank for seven years. The maximum probationary period at any combination of ranks is seven years.
4. Instructors are not eligible for tenure, but the provisions of paragraph 6 (below) concerning notice of termination shall be applicable to full-time appointments at that rank, except in the case of an appointment made for a specific period of time. After service of two years, a full-time faculty member whose original appointment was at this rank may apply to the local Tenure and Promotion Committee for promotion to the rank of Assistant Professor.
5. Lecturers, armed forces personnel performing teaching assignments, and other part-time faculty members are not eligible for tenure. Service under visiting or adjunct appointments is not applicable to the acquisition of tenure.
6. a. If during the first year of an appointment not expressly temporary in nature, it is deemed in the best interest of the University to terminate the appointment at the end of the first year, notice of such termination will be given in writing by March 1 for first-semester appointments and July 1 for second-semester appointments. In cases where hiring occurs other than at the beginning of the semester, written notice of termination will be given within 180 days of employment date.

If during the second year of such an appointment, it is deemed in the best interest of the University to terminate the appointment at the end of the second year, notice of such termination will be given in writing by December 15 (April 15 for a second-semester appointment). In all cases, notice will be given at least 240 days prior to termination.

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

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

Each year of a first-semester appointment shall start with the beginning of

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

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

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

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

8. a. The University, acting through the President after consultation with an ad hoc committee of the faculty appointed by the President, reserves the right to terminate for cause any tenured faculty appointment for a specific term prior to its expiration. Cause, as used in this paragraph, shall mean one or more of the following:
 1. Failure to perform the duties required for the position.
 2. Bona fide reduction in staff.
 3. Curtailment or discontinuance of a department or school.
 4. Gross misconduct detrimental to the image of the University.
- b. Any faculty member whose appointment may be terminated for cause under the provision of this paragraph shall be notified in writing; this notification shall include a detailed statement of the grounds for termination and an explanation of the faculty member's right to a hearing with counsel before the Academic Affairs and Faculty Liaison Committee of the Board of Trustees. A request for hearing must be submitted in writing to the President within fifteen days of the receipt of notification of termination. If the faculty member elects to request a hearing, the effective date of termination shall not be in advance of the final decision of the Academic Affairs and Faculty Liaison Committee, although the President shall have the authority in the meantime to suspend the faculty member in question until proceedings have been completed.
- c. Nothing in paragraphs 8. a. and b. shall be applicable to faculty serving in a probationary period or to part-time faculty. A recommendation not to reappoint is made by the Dean of the University.
- d. An individual being considered for tenure cannot be issued notice of non-reappointment by administrative action until the Board of Trustees has made its decision on tenure.

Faculty members who believe they have a grievable matter should consult Appendix III of this *Manual*.

Terms of Employment

In the absence of special arrangements, employment of members of the faculty is for a period of nine months. In the event that employment is or subsequently becomes for one semester, either fall or spring, the salary shall be one-half of the nine month stipend.

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

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

All members of the faculty shall be available from the fourth calendar day prior to the first day of registration and at least until after commencement.

A member of the faculty may be permitted to do professional work outside the University and to receive pay when the work in question contributes to the professional development of the individual. No such outside work shall be undertaken except on prior approval of the Dean of the University. The University reserves the right to declare a conflict of interest at any time. (Further information can be found in PSER 1.30).

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

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

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

Teaching Responsibility

1. Instructional staff members are responsible for stating clearly the instructional objectives of each course they teach at the beginning of each term. Instructional staff members will direct their instruction toward the fulfillment of these objectives and will insure that examinations will be consistent with these objectives. Instructional staff members are responsible for orienting the content of the courses they are assigned to teach to the course descriptions approved by the Faculty Senate or Graduate Faculty as published in the *University Bulletin*.
2. Instructional staff members are responsible for informing their students in writing of the methods to be employed in determining the final course grade and of any special requirements of attendance differing from the attendance policy of the University. At the request of the student, an

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instructor will make available information and/or an evaluation of the student's progress prior to the free drop date.

3. Graded examinations and papers will be provided to the student for inspection and discussion. Final examinations will be retained for one semester to provide the opportunity for review with the instructor, if the student so desires. Examinations will be graded promptly to make the examination a part of the student's learning experience.
4. All instructional staff members are to meet their classes regularly and at scheduled times. In case of illness or any other emergency, the instructor must notify the dean or department chair so that appropriate action may be taken.
5. All instructional staff are to schedule and post a reasonable number of office hours at mutually convenient times and be available to students by appointment.
6. Instructional staff members who are responsible for academic advising are to be available to students at specified hours during registration and throughout the academic year.

Normal Work Schedule

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

Academic Freedom

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

1. Faculty members of the University of South Carolina are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties, but research for pecuniary return shall be based upon an understanding with the authorities of the institution.
2. Faculty members are entitled to freedom in the classroom to discuss their subjects, but should not introduce controversial matter which has no relation to the subject.
3. The faculty are officers of the institution. When they speak or write as private individuals they will be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they shall at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that they are not speaking for the institution.

Faculty members who feel that their academic freedom has been infringed upon

may make written request of the President that an investigation be made in their case. The request should set forth in a clear and concise manner the events and circumstances upon which the charge is based. The President may refer the question to an appropriate faculty committee.

Political Activity

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

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

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

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

Distinguished Professor and Emeritus Titles

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

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

Personnel Administration

The Office of the Vice Provost for Regional Campuses and Continuing Education is responsible for formulation and administration of standards and policies for Regional Campuses academic personnel. The Vice President for the Division of Human Resources is responsible for maintaining employee records for all University employees, including academic personnel, and for supplying benefit information for all employees. For information on their employment records or on benefits such as retirement or workers compensation, academic personnel deal with the office of the Vice President for the Division of Human Resources. Recommendations for promotion,

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evaluations, and other confidential materials are retained by the Office of the Vice Provost for Regional Campuses and Continuing Education, where they become part of a confidential personnel file.

Classroom Procedures

CHANGE OF GRADES

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

EXAMINATION AND GRADING SYSTEM

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

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

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

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

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

The grading system of the University is described in the *University of South Carolina Bulletin*.

University grades are processed on data processing equipment, and it is, therefore, imperative that faculty members respect the appropriate deadlines for submitting grade reports.

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

Research

Research Policy

(SPAR 1.00)

The University encourages research by members of its faculty. It is understood that research conducted at the University is to be devoted primarily to broadening the research worker's competence and professional ability and to furthering the general objective of expanding the horizons of knowledge. Research is also regarded as an indispensable adjunct to the education of graduate students. In addition to research efforts undertaken by individual faculty members, the University has created a number of bureaus and centers to perform research activities of significance to the University and the State.

Support

University Funds. The University assigns a moderate sum each year for research purposes through the Research and Productive Scholarship Fund and the Carolina Venture Fund. Applications for support from these funds may be obtained from the Office of Sponsored Programs and Research. These applications must have the endorsement of the faculty member's department chair and dean.

Outside Funds. Numerous federal agencies, private foundations, and private business firms operate extensive programs of sponsored research. The costs that will be funded by these agencies will vary according to their own rules or terms. Faculty members interested in such projects are requested to consult with their department chair, dean, and the Office of Sponsored Programs and Research. To facilitate such support, the University will serve as the Contracting Authority. Further, the Office of Sponsored Programs and Research will assist in the preparation of proposals and otherwise assist in locating interested sponsors. No commitment to an outside agency which involves University participation may be made by individuals without the concurrence of a signatory authority of the University. The University will contribute to sponsored research when the work involved is significant to the purpose of the University.

Payments for Research

Normally, payments to research participants are limited to the rate of pay the party receives as a member of the University faculty and staff.

Relation of Research to Teaching Duties

It is understood that research to be conducted at the University by faculty members is to be devoted to broadening the research worker's competence and professional ability. The University does not operate testing bureaus or perform routine tests and measurements as distinguished from research to broaden human understanding and knowledge.

Any member of the instructional staff who has received a reduction in teaching

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load for research or other University duties will not be permitted to teach courses in the Evening Division or on other Regional Campuses for additional compensation. Any deviations from this policy must have the recommendation of the dean concerned, with adequate justification, and the approval of the Vice Provost and the Provost.

Grant Administration

Each research, training, or special project which is sponsored is assigned a named individual of the faculty or staff who is designated principal investigator or project director. Normally, this is the member who conceived and proposed the activity resulting in a grant or contract. This individual is also responsible for the technical direction of the project and for making all technical reports required. This person is also responsible for administration of all direct funds allocated to the project and for compliance with the terms and conditions of the grant or contract. The Office of Sponsored Programs and Research will assist the principal investigator in resolving any procedural or administrative questions.

Use of Consultants

(BUSF 3.09)

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

1. The need for services of consultants must be justified in the contract or general proposal approved by the granting agency.
2. The principal investigator shall state that the individual consultant selected is the best qualified available considering the nature of the services provided.
3. The principal investigator shall also state that the fee is appropriate considering the qualifications of the consultant, normal charges, and the nature of services to be provided.
4. Within the University, consultation is considered to be a part of the normal professional duties. However, in unusual circumstances where consulting is across departmental lines or is to be performed at a remote location and is in addition to regular assigned duties, compensation may be authorized. In these cases, advanced approval of the Vice Provost is required and the principal investigator shall certify as required above (2 and 3).

Conflicts of Interest

(APPENDIX VI) (BTRU 1.18)

It is the policy of the University of South Carolina that members of the Board of Trustees, University officers, employees, members of their immediate families, members of boards of subsidiary or affiliated entities (including, but not limited to, foundations and athletic booster clubs), their officers, employees, and members of their immediate families (hereafter collectively referred to as "University Officials") should not seek pecuniary gain from the University or any of its subsidiaries or affiliated entities (hereafter collectively referred to as the "University") by virtue of their association with the University for business activities that are outside of the responsibilities of that association.

In circumstances in which it is necessary and in the best interests of the University for any University official to conduct business with the University, the University official shall report in writing such business activities to the Internal Auditor of the University with a full description of the nature of such activities and the full amount of compensation and/or remuneration received. These reports shall be filed on or before June 30 and December 31 in any year in which such business activities are conducted and/or in which any compensation or remuneration is accrued and/or received.

The University has adopted the principles of the December 1964 joint statement of the ACE-AAUP entitled "On Preventing Conflicts of Interest in Government-Sponsored Research at Universities." The Office of Sponsored Programs and Research, upon request made through a department chair or dean, will consider all suspected conflicts of interest in the area of grants and research. Should any conflict of interest be indicated, the individual concerned will be contacted in order to clarify and/or rectify the situation. In addition, the Office of Sponsored Programs and Research will be available for advice and assistance with regard to consulting agreements or potential conflicts of interest.

Patent and Copyright Policy

(ACAF 1.33)

I. PURPOSE AND SCOPE

Patents. Although the search for commercially exploitable inventions is not a specific function of the University, a discovery leading to an invention may be a by-product of creative endeavor undertaken for other purposes. When such a discovery is made, it is the desire of the University to assist the inventor in evaluating, patenting, and exploiting the discovery. The purpose of this policy is to delineate procedures to encourage inventors to report discoveries with patent potential and to assist them while safeguarding the interests of all concerned parties. This policy pertains to all students, whether undergraduate, graduate or postgraduate, part-time and full-time members of the faculty and staff, all other agents and employees of the University, and all other individuals who have made substantial use of the resources of the University.

It is the explicit intent of this policy to exclude any University claim to a discovery resulting from endeavor not supported by the University or endeavor to which the University's contribution is negligible. To safeguard against any future dispute as to University support, each discovery must be submitted for review in accordance with these procedures. A written opinion of the University will be provided the inventor to include, when appropriate, release of any University claim to the discovery.

Copyrights. The University places special emphasis on assistance to faculty for the development of instructional materials and other literary materials. The application of new technology to instruction and the creation of literary works often require expensive and complex equipment which cannot be owned or operated economically by individual faculty members or by a regular departments on campus. In these cases, the university often provides the necessary resources (or contracts for these resources). In addition, the development and production of educational or instructional materials, media materials, and literary or other materials often require specialized skills. Because data about the learning process, teaching modes, and new concepts in education are increasing very rapidly, it is difficult for faculty to remain abreast of such developments without assistance. Therefore, many faculty utilize University consulting specialists and other types of support to bring themselves up to date. New instructional materials and other literary creations, consequently, may reflect a collaborative effort involving faculty members and other individuals or units on campus.

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This policy governs the ownership, use, distribution, and rights to income produced by these and other University-commissioned materials but specifically does not apply to materials or resources which are not University-commissioned (as defined in a later section of this policy statement). This policy applies to educational, literary, and media materials (regardless of medium utilized) provided the copyrightable materials meet the University-commissioned test.

II. ADMINISTRATION

- A. The Office of Technology Transfer (OTT) and the University Patent and Copyright Committee (PCC) have been established to help faculty and staff in matters dealing with protection of intellectual property. The University Patent and Copyright Committee consists of three members appointed by the President and six members of the faculty elected for terms of three years, with two members elected annually. The Committee will select its own chair. At any time, the chair may call upon any member of the University to appear before the Committee to augment its expertise. The Committee will consider individual cases prescribed herein and work with OTT as the patent and copyright advisory body of the University. This advisory body will report to the Provost
- B. Review Procedures. Any student, whether undergraduate, graduate or postgraduate, or any faculty or staff member, or any agent or employee of the University, or any individual who has made substantial use of the resources of the University, who possesses a new invention, e.g., discovery, computer program, process, method, use or combination, whether patentable or not, or a University-commissioned copyrightable work, shall bring it to the attention of the committee through its chair or through the Office of Technology Transfer. Within a reasonable time period, usually thirty days after receiving such notification, the committee will convene to consider the invention or work. In considering the invention or work, the committee may consult with and receive advice from the University's counsel and the OTT. Within ninety days following the initial meeting, the committee will make a determination of disposition of the case within the options of this policy and report its findings and recommendations to the Provost in writing. The committee, if it deems appropriate, may recommend changes in the equities set forth herein. The committee will also take reasonable steps to ensure that any joint inventors or authors (including students) are identified and, where appropriate, will recommend distribution of income among the inventors or authors. (Author[s] is used to designate the person[s] responsible for producing a copyrightable work.)
- The Provost will promptly notify the inventor or author in writing of the decision of the University, courses of action open to the inventor or author, and the equity in any income resulting from the discovery or work.
- C. Appeal. Upon receipt of official notification from the Provost, the inventor may submit a written appeal to the President which will include the specific points to which objection is raised. The decision of the President will be final.

III. PATENT POLICY

- A. Documenting a Discovery. When an invention is believed to have been conceived by an individual, that individual should prepare a written and dated memorandum (disclosure statement) describing the invention (which serves as one proof of the date of conception). This memorandum,

however, should be only supplementary to the careful keeping of regular laboratory notebooks. Included as a part of the memorandum should be the names of all inventors, drawings, sketches, and other pertinent data to illustrate the principle of operation of the invention and its performance. The inventor should date and sign each page of the notebook and the memorandum, including all sketches and data sheets. Two witnesses, who are thoroughly capable of understanding the invention and who are not joint inventors or interested in it, should also date and sign each page. Because priority of filing a patent application is often a decisive factor in awarding a patent, it is important that the notebook be kept current and the disclosure statement be prepared as soon as possible, since these records can be relied upon as corroboration of dates of conception and reduction to practice. Copies of the forms to be used for disclosure are available and may be obtained from the Office of Technology Transfer. The OTT will work with the PCC to facilitate the disclosure process and to schedule meetings with faculty/staff and the PCC.

The law provides that the inventor is not entitled to a patent if the invention has been described in a printed publication anywhere in the world more than a year before the patent application is filed. Since extensive developmental work is often required before a patent application can be filed, an inventor should consider the desirability of delaying publication for a reasonable period of time.

The disclosure memorandum should be submitted to the chair of the committee for review in accordance with the procedures in Section II.B.

- B. Invention Categories. The committee will determine that the discovery belongs to one of the following categories.

Category 1. The discovery resulted from endeavors to which the University did not contribute or contributed insignificantly. In these cases the University relinquishes any equity, and the inventor is at liberty to dispose of the discovery. The inventor may elect to submit the discovery through the University to a patent development organization with which the University has entered into agreement.

A determination that a discovery belongs in Category 1 would indicate the inventor did not receive financial support from University resources other than salary and related benefits, did not use time while released from duties, had no assistance from other faculty members, staff, or students unless clearly shown to be on their own time, and made no use of University facilities, supplies, or equipment. Further, it would indicate that the inventor's association with the University was not a major factor in obtaining non-University support. A Category 1 discovery could also result from University support which is judged by the committee to be insignificant.

Category 2. The discovery resulted from endeavors supported by non-University agencies but with University sponsorship. In most cases a degree of University support will be evident, although in some instances association with the University as a factor in obtaining outside support may be the only University contribution. In cases in this category, the University reserves the right to patent and exploit the discovery, subject to such limitations as may be imposed by prior agreement with the external sponsor. Federal regulations require written invention disclosures and written assignments of such inventions made under programs sponsored in whole or in part by the

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federal government. Forms for the inventions, disclosures and assignments may be obtained from the Office of Technology Transfer.

Category 3. The discovery resulted from endeavors supported by the University. In these cases the University reserves the right to patent and exploit the discovery.

- C. Developing Marketable Discoveries. In each case where the University support is evident (Category 2 or Category 3), the University reserves the right to assume full title to the discovery, to obtain a patent, and to exploit the invention. Sometimes it will not be in the best interest of the University or the Carolina Research Foundation to assume this responsibility, weighing the complexity and cost involved against probable returns.

In the event the University or the Carolina Research Foundation declines to assume the responsibility for development, the inventor will have the option of proceeding independently or using the services of a patent development organization with which the University has entered into agreement. The decision by the inventor to proceed independently will release the University or the Foundation from any further responsibility, but for its contribution to the discovery the University or the Foundation will receive a share of any income realized from commercial exploitation. This share of income will be determined at the time that either the University or the Foundation declines to assume responsibility for development.

- D. Patent Development Organizations. The University has entered into a formal agreement with, Research Corporation Technologies (RCT). Under this agreement the University may submit for evaluation such discoveries as it wishes. If the evaluation is favorable, RCT will pay patent expenses and provide a marketing strategy. If the evaluation is not favorable, RCT will provide a report summarizing the findings of its professional review staff. Research Corporation does not develop discoveries, nor does it provide funds to others for such development, but rather relies on licensing established industrial concerns to do this at their own expense. Both organizations will accept title to the invention and proceed to obtain patents and to negotiate licenses. Any resulting income is divided among the organization, the University, and the inventor.

Normally, the inventor in consultation with OTT staff will recommend the strategy to use in developing the discovery. The agreement between the University and RCT is filed in the Office of Sponsored Programs and Research where it is available for review.

- E. Latent Discoveries. Frequently, an external agency will solicit materials or devices from a University project for investigation by the agency staff for any patentable discovery. Such a solicitation shall be referred to the Committee which will determine whether there is any apparent discovery which should be developed under this policy. The Committee will also determine whether proposed arrangements with the soliciting agency are reasonable from the point of view of the University and University personnel involved. It will submit a written report to the Provost, who will take appropriate action.
- F. Equity. The equity in any marketable invention is expressed as a percentage of income. Nothing herein shall conflict with an agreement signed by the University as a condition to receiving support from an external sponsor.
1. In cases in which the inventor proceeds independently, but in which the University or the Carolina Research Foundation has established an

interest (Category 2 and 3), the University or the Carolina Research Foundation will receive a maximum of 15 percent of income after deducting from income any expenses of litigation and expenses including, but not limited to, research and development expenses, patent expenses, and licensing expenses.

2. In cases in which the University or the Carolina Research Foundation assumes responsibility, 30 percent of income will be paid to the inventor after deducting from income any expenses of litigation and expenses, including but not limited to, research and development expenses, patent expenses and licensing expenses. Twenty percent will be returned to the inventor's college/school/department. Thirty percent will be directed to the University Royalty Account and 20% to the Academic Fund.
3. In those instances in which the University, in consultation with the inventor, decide to use RCT, OTT will forward all disclosure information for rapid (30 days) review. If RCT elects to pursue this technology, it will have the option to secure title to the patent and all legal and other fees incurred will be the responsibility of RCT. In return, the University will receive 57 1/2 percent equity of gross income generated by the patent. The University will distribute its share of the equity (57 1/2%) as outlined in Section F2.

With a Category 1 discovery (no University interest), the inventor may elect to use the services of a patent development corporation, submitting the discovery through the University. In these cases the distribution of income between the University and the inventor will be adjusted in favor of the inventor.

IV. COPYRIGHT POLICY

- A. Definition of University-Commissioned Educational and Other Literary Materials and Media Materials.
 1. The University of South Carolina recognizes the right of all employees to engage in the uncommissioned creation of scholarly, pedagogical, and artistic works subject to copyright and to copyright such work and receive royalties from their use. Uncommissioned activities are defined as those which do not receive substantial aid from the University or from an outside agency through University channels. The University does not normally construe the provision of office and library facilities and modest routine secretarial assistance as constituting substantial aid, nor does it construe the payment of salary as substantial aid except in situations where the funds are paid specifically to support the development of original materials subject to copyright. Scholarly books and articles, textbooks resulting from usual teaching activities, paintings, musical compositions, graphic art, and media materials are all examples of work that may be uncommissioned.
 2. The University gains a right to materials subject to copyright when such materials result from activity commissioned by the University or by an outside agency through University channels. The substantial aid that constitutes a commission may be in the form of directly allocated funds or of University facilities and resources. Educational, literary, and media materials which may be commissioned by the University include, but are not limited to, the following:

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- a. books, periodicals, lectures, or other productions prepared for oral delivery and the notes to same, study guides, texts, syllabi, workbooks, bibliographies, and tests;
 - b. programmed instructional materials;
 - c. a work or works of art or models or designs for a work or works of art;
 - d. slides, transparencies, charts, maps, photographs, drawings, prints, pictorial illustrations, labels, and other graphic materials, photographic or similar visual materials and film strips;
 - e. computer programs;
 - f. dramatic productions, musical productions or music compositions of any length or description;
 - g. three-dimensional works of a scientific, technical, or instructional character;
 - h. three-dimensional materials and exhibits;
 - i. motion pictures;
 - j. recorded video and audio tapes or live transmission;
 - k. contributions to or component parts of any of the above, including notes, drafts, models, story outlines, scripts, shooting scripts, production outlines, outtakes;
 - l. combinations of the above and other types of materials; e.g., multimedia and other instructional, literary, and media packages; and
 - m. reproductions of any of the above in any quantity and in any form.
3. Faculty members, students, or staff members having questions as to whether educational, literary, and media materials they are preparing or planning to prepare should be considered University-commissioned must petition their department heads who will in turn notify OTT and the Patent and Copyright Committee of the circumstances surrounding the project. The petition should contain brief descriptions of the materials to be produced, the resources to be utilized, and a statement concerning the time to be devoted by the author/creator to its preparation. The Committee may wish to call a hearing to further investigate the production of the piece of work in accordance with the Review Procedures in Section II. The findings of the committee and the Provost are subject to appeal as outlined in Section II.
- B. Ownership and Copyright.

The legal title to all University-commissioned educational, literary, and media materials as defined in Section II shall be vested by the University of South Carolina with the following exception: materials produced on grants from the federal government or other outside sponsors shall be subject to the conditions of the contract or grant (to be negotiated solely by the University) with respect to ownership, distribution, use, and other required statutory notice of copyright naming the University as the copyright proprietor. The University will advance copyrights on those materials deemed by legal counsel to be eligible for new copyright. After consultation with the author, the University may at its discretion use, assign, transfer, license, lease, or sell all or part of its legal rights in educational, literary, and media materials.

C. Pre-Production Agreement

Since conditions of production, use, and final disposition will vary from time to time, prior to the beginning of production authors/creators and the University will develop written agreements to define the rights and responsibilities of the parties. Such agreements are subject to the guidelines set forth herein and will be complete and specify any or all exclusions. The University System Legal Department will be consulted so that appropriate contractual details may be worked out, and a final copy of all contracts shall be maintained on record in the legal office.

D. Internal University Use.

"Internal" is defined as all University of South Carolina campuses and extensions by television or otherwise. All use of University-commissioned materials by any unit of the University for instruction or other purposes will be subject to the following conditions:

1. Use internal to the university requires approval of the college, department, or individual primarily responsible for the materials, so long as said materials are used within the context of their intended use. Use out of such context requires special permission of the creator and the creator's department.
2. The contribution of the faculty member, student, or staff member involved in the production of University-commissioned materials must be explicitly recognized and noted by the user.

E. External Use.

After consultation with the author, the University as owner and copyright holder may at its discretion assign, license, transfer, lease, sell, or otherwise convey all or part of its rights in University-commissioned materials. Charges to external users will be negotiated solely by the University or its assignees with such users. It is possible that differing fees to other State agencies, nonprofit education users, consortium users, and others will be a result of these negotiations. In any case, the University has the exclusive right to set per unit prices, package prices, and conditions under which sale, lease, reproduction, or use of materials is authorized.

F. Revision.

Revision of University-commissioned material which does not require substantial University resources may be made at any time by the faculty member, student, or staff member involved subject to the approval of the member's department.

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

G. Equity.

With the exception specified below, the University shall not make any

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payment to the University-employed faculty member, student, or staff member involved in the production of University-commissioned educational, literary, and media materials for production and internal use other than the compensation which the person regularly receives from the University.

1. Exceptions on payments for internal use of materials:
 - a. At the discretion of the department chair, faculty will normally be accorded release time at a declining level through the stages of planning, production, and presentation, including the first and subsequent semesters of utilization. Faculty eligible for release time include the responsible faculty member and other faculty members assigned to work on the project by the department or its functional equivalent.
 - b. If the faculty member, student, or staff member leaves the University, further internal use of the materials upon reasonable terms shall be provided for; and payments to the person's estate for such internal use of the material shall continue to be made, subject to terms of pre-production agreements.
 - c. A faculty member, student, or staff member not on assignment to the University (e.g., during summer sessions or on leave) but appearing in or involved in producing educational, literary, or media materials may be provided compensation when such materials in which the person personally and prominently appears are used. Compensation will be mutually agreed upon in the pre-production agreement by the faculty member, student, or staff member and the department involved, based upon (1) the amount of continual responsibility of the party involved for monitoring, revision of lessons, or supervision of the work of the course, if known; (2) whether the course is completely or partially recorded; (3) the extent to which the participating faculty member, student, or staff member's time and creative efforts have been previously compensated; and (4) any other relevant factors.
2. The University shall have the perpetual right to market or license external use of the University-commissioned materials. The financial benefits of external distribution shall be shared by the department or functional equivalent; the responsible faculty member, student, or staff member; and the institution, with a negotiated portion designated for outside or non University production sources as required.
 - a. The division of income accruing to the University under this policy shall be 30 percent to the faculty member, student, or staff member (to be divided equitably if there is more than one originator); 20 percent to the department and/or other functional unit which authorized and supported the development and production of the materials; 25 percent to the Instructional Development Fund; and 25 percent as general University income. The monies distributed to the department and/or other functional units and to the Instructional Development Fund shall be used to encourage further educational and instructional activities by the faculty.
 - b. Exceptions to distribution percentages and/or payment provisions may be made for incentive purposes but must be negotiated in preparation agreements.

3. If the University licenses an external agency to produce or market the materials, the total royalties shall be negotiated between the University and the external agency. The net income from royalties accruing to the University shall be divided among the faculty member, student, or staff member, the University, and the department in the same proportions as previously delineated.
4. It is expected that the share of each department (or functional equivalent) will be devoted to (1) teaching load adjustment necessitated by production, or (2) development of new course materials or other educational, literary, and media works and/or the revision or upgrading of the original materials.
5. The distributions above shall be continuing except in the case of termination or death (See 7 below.)
6. The foregoing does not apply to "work-for-hire" arrangement or to the production of copyrightable materials as an assigned duty.
7. The institution's right to use materials will continue regardless of the employment status of the responsible faculty member, student, or staff member. The author/creator's share in external distribution revenues shall remain the same for a ten-year period and shall accrue to the author/creator's heirs in the event of termination or death.

H. Protection and Liability.

1. Protection

The University shall be responsible for the investigation of recorded allegations of unauthorized use or infringement of copyrighted materials. Where legal action is deemed necessary by the University, in its sole discretion, to enforce copyrights, the University agrees that all costs and expenses incidental to such actions shall be borne by the University and any proceeds of litigations in excess of costs shall be shared between the parties in the proportions set forth previously (as applicable) when final adjudication of the legal action is rendered.

2. Liability

- a. The faculty member, student, or staff members responsible for the creation of University-sponsored education, literary, and media materials shall obtain appropriate releases from individuals prominently appearing in or giving support to the materials, giving all necessary rights to the University. Form releases may be obtained from the System Legal Department. All original releases must be filed with the University's legal counsel.
- b. Before any external use is made of University-sponsored material, the faculty member, student, or staff member authoring or creating the material shall certify in writing to the University that to the best of their knowledge materials used therein do not infringe or violate any existing copyright or other personal or property right of any legal or natural person. If this statement proves false due to misrepresentation or negligence, the faculty member, student, or staff member shall indemnify and hold harmless the University for all costs and expenses to which it has been subjected as a result of such representation made herein.
- c. In the event that others allege violations of personal or property rights by the University, or by the faculty member, student, or staff member, or producer of University-sponsored educational

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and other literary materials, the University will assume responsibility for defense of any litigation and the satisfaction of any judgment rendered against the University, faculty member, student, or staff member. (This provision is subject to the conditions set out above.)

CONSULTANT ACTIVITY

A member of the University staff may be permitted to do professional work of an expert character outside the University and to receive pay therefor when the work in question contributes to the professional development of the faculty member. No such outside work shall be undertaken except on the prior approval of the dean of the school or college concerned and prior authorization of the Provost. The University reserves the right to declare a conflict of interest at any time. Laboratories, equipment or other facilities of the University generally are not available to University employees for consulting work. Patent and copyrights for approved consultant activities are matters to be decided between the faculty member and the outside agency. If, however, University facilities are used, an interest of the University is thereby established, and agreement as to patent and/or copyright matters should be resolved before undertaking the project. Conversely, when the University hires a consultant, specific prior arrangements should be made in the consultative agreement for protection of the University's rights. The Patent and Copyright Committee should be consulted for assistance in resolving these questions.

In cases where a University employee is hiring a consultant to be paid from a University grant or contract, such consulting is subject to the funding agency's regulations imposed within the grant or contract document. Further, if the consultant to be hired is a State employee, remuneration for such activities is governed by the University's policies on extra compensation and the State's policy on dual employment.

Benefits and Privileges

Annual Leave

Permanent members of the academic staff on a twelve-month appointment who work at least half-time accumulate annual leave at the rate of one and one-quarter days per month of continuous employment. After ten years of service, employees earn additional annual leave for each year in excess of ten years service, up to a maximum accrual of thirty days per calendar year. Part-time employees earn annual leave on a *pro-rata* basis. All time taken for vacation, personal business, and so on must be reported and will be deducted from accrued leave.

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

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

The maximum annual leave which may be used in a calendar year is thirty days. Upon separation from employment employees are paid for a maximum of forty-five days of unused annual leave, less any annual leave which has been used during the current calendar year. Upon retirement, employees are paid up to a maximum of forty-five days unused annual leave without regard to any leave used during the year.

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

For further information, see the Annual Leave Policy in (PSER 1.03).

Sick Leave

Permanent faculty members who are scheduled to work at least one-half of the scheduled work week of the University are eligible to earn sick leave.

Sick leave is accrued at the rate of one and one-quarter work days per month of active employment. Part-time faculty earn sick leave on a *pro-rata* basis. The maximum sick leave which may be accrued is 195 days; however, the maximum sick leave which may be carried over into a new calendar year is 180 days.

Sick leave should be deducted in work days or partial work days with the understanding that the work week is normally Monday through Friday. A faculty member should report sick leave even though not scheduled to teach a class on that particular day.

Sick leave may be used for periods of illness, injury, maternity, or medical appointment. If the period of illness will result in absence from work or more than 10 work days, the employee must submit to the Dean and Personnel an Application for Disability Leave With and Without Pay (Form P-75).

If the period of disability certified by the physician exceeds the amount of accrued sick leave, the faculty member may apply for annual leave or authorized leave without pay. The request for authorized leave may not be denied for illness or disability which has been certified by a physician for a permanent employee who has served satisfactorily in the University System for a period of six months or more. The amount of authorized sick leave may not exceed the time certified by the physician. The total period of leave may not exceed 180 work days of leave with pay or 180 calendar days

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of combined leave with and without pay. In extenuating circumstances and at the discretion of the President or the President's designee, the period of authorized leave may be extended up to a combined total of 365 calendar days.

Up to 5 days of available sick leave may be used in each calendar year to care for a member of the immediate family. (As defined in PSER 1.06).

Up to 6 weeks of sick leave may be used for the adoption of a child, provided the person applying for the leave is the primary care-giver.

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

For more detailed information, consult the Sick Leave Policy in PSER 1.06.

Leave Transfer Program

Faculty and staff who earn annual leave or sick leave may donate leave to, or apply for leave from, the University System Leave Transfer Program. Sick leave donors must maintain a 15 day sick leave balance. Donated leave may not be restored or returned to the donor. Leave donors may not designate the recipient. Requests to use leave from the pool must be based on a personal emergency requiring time away from work which would result in a substantial loss of income because of the unavailability of paid leave. Leave transfer requests are subject to the certification of the requesting employee's department of the availability of funds to pay for the leave, and the approval of the Vice President for the Division of Human Resources and the State Budget and Control Board.

Court Leave

A University employee summoned as a member of a jury or subpoenaed as a witness for other than personal litigation will be granted leave with pay. For more detailed information consult (PSER 1.09).

Military Leave

Permanent employees who are members of the United States Armed Forces Reserves, including the Coast Guard Reserves and the National Guard shall be entitled to leave with pay for up to 15 regularly scheduled work days in any one year for training or other duties ordered by the Governor, the Department of Armed Forces, or any department or agency of the United States government having authority to issue lawful orders. Such duty or training should be arranged so as to be of least interference with regular duties whenever possible. Summer training and participation in the summer session of the University should be scheduled in separate terms when possible.

An employee who is commissioned, enlists, or is selected for military service shall be granted leave without pay and shall be entitled to reinstatement as provided by law. The faculty member may return to active employment in a comparable position to that held at the time such leave was granted provided application for reemployment is made within ninety days after release from service. (PSER 1.09)

Death in Family

Regular faculty members are allowed up to three consecutive workdays of leave with pay for a death in the immediate family. (Immediate family is defined in PSER 1.09).

Leave Without Pay

1. Leave Without Pay for Disability.

Leave without pay may be granted for an extended period of disability due to illness, injury or maternity which exceeds the amount of accrued sick and/or annual leave. The duration of leave without pay and paid sick or annual leave shall not exceed 180 days. In extenuating circumstances, the President may extend the period of leave up to a total of 365 days. For more information see (PSER 1.12).

2. Leave of absence without pay may be granted for good cause on the recommendation of the Dean of the University and the Vice Provost for Regional Campuses and Continuing Education to the President under circumstances wherein the best interest of the University will be served. If a faculty member fails to return after the period for which leave is granted, the appointment is terminated. The authorization of leave without pay is a matter of administrative discretion and may be considered under the following circumstances:

- a. extended absence in the interest of the University, such as advanced academic training, research, or experiences which lead to increased competence and promote the interest of the University as well as the faculty member. Leave without pay may be granted for a maximum continuous period of one year, unless special permission is granted by the President for an extension;
- b. leave without pay for personal reasons for up to ten consecutive calendar days may be authorized by the Campus Dean. Leave without pay exceeding 10 consecutive calendar days may be requested by the Campus Dean for approval by the Vice President for the Division of Human Resources or the Vice President's designee. An employee must obtain approval prior to going on authorized leave without pay. Failure to do so may result in the absence being charged as unauthorized leave.

Annual leave and sick leave do not accrue during periods of leave without pay, but accumulated totals are not forfeited. Before starting leave faculty members should contact the Personnel Office for information on the continuation of retirement credit, insurance plans, and other employee benefits during the period of leave.

Sabbatical Leave

Sabbatical leave is intended to allow full-time faculty members relief from normal duties in order to pursue significant projects designed to improve their capabilities as teachers and researchers and hence to increase their future contribution to the mission of the University. It is designed to permit faculty members to achieve educational goals which could be reached, if at all, only over an extended period of time if pursued under the demands of regular University duties. Consequently, recipients of

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sabbatical leave are to be separated from all University duties during the period in question. Faculty members requesting such leave must demonstrate, by means of a written proposal submitted through the usual administrative channels, how the faculty member's planned activities will serve the purposes for which leave is intended.

To be considered for sabbatical leave, a faculty member must be tenured and must be eligible to serve for a reasonable period following completion of the leave, this to be under no circumstances less than one year.

Awards are based on seniority, merit, and six or more years of service as a full-time faculty member. A sabbatical leave provides one-half pay for a full academic year, or full pay for one-half of an academic year. The granting of sabbatical leaves of absence is dependent upon budget limitations, workloads, and other considerations. Therefore, it is a matter of administrative discretion.

Before starting sabbatical leave, faculty members should contact the Personnel Office for information on the continuation of retirement, insurance plans, and other employee benefits during the period of leave.

Annual leave will not be accrued by twelve-month faculty while they are on sabbatical leave.

Sabbatical Leave Procedures. A request for sabbatical leave will be made in writing through regular channels to the President and will be accompanied by a statement of the purpose for which the leave is requested.

1. A faculty member will submit a formal request for sabbatical leave at least one year prior to the date said leave is to begin. This request, submitted initially to the Dean of the University, will contain a detailed statement of purposes for which leave is requested.
2. A request for sabbatical leave must be approved by the Dean of the University, the Vice Provost for Regional Campuses and Continuing Education, the Provost, and the President of the University.
3. If request for sabbatical leave is approved, the faculty member will be required to sign a statement agreeing to return to the position at the University for at least one academic year at the end of the leave period. If the faculty member does not choose to return, for whatever reason, the faculty member will be liable to the University of South Carolina for the full amount of monies received during this period of sabbatical leave. However, in the event of death or permanent disability due to ill health or accident while on sabbatical leave, the University will not exercise its right of repayment.
4. A faculty member returning from sabbatical leave will be required to submit a report describing research, scholarship, or other creative accomplishments which occurred during the sabbatical. This report will be submitted through the usual administrative channels to the Vice Provost for Regional Campuses and Continuing Education not more than three months after the faculty member returns to the University. If the faculty member fails to submit a written report within the allotted time or if, after consultation with the Dean of the University, the Vice Provost judges that the faculty member has made inadequate use of the sabbatical period, the faculty member may be required to refund all or part of the monies received from the University of South Carolina while on sabbatical leave.
5. No campus may have more than ten percent of its faculty on sabbatical leave in any given major semester (fall or spring). In units where there are fewer than ten eligible faculty, only one department member may be on

leave in any given major semester. Any deviation from this policy may be made only under the most exceptional circumstances.

Insurance Plans

The University of South Carolina in conjunction with the State of South Carolina has a comprehensive program of insurance and annuity plans for eligible members of the faculty, staff, and their dependents. Information on the various plans available may be obtained from the Personnel Office on the Columbia Campus. Additional information is available in of the *Policies and Procedures Manual*. (PSER 1.60)

HEALTH INSURANCE

Faculty members may choose between two levels of coverage under the State's comprehensive health plan (standard Plan A or expanded Plan B) or one of several Health Maintenance Organizations (HMO's). To be eligible for an HMO plan, a faculty member must live or work in an area where an HMO is available. The State's Plan and the HMO plans have a waiting period for pre-existing conditions. The University pays the majority of the cost for the employee's coverage. Employees pay the entire cost to cover dependents.

Additional information may be obtained from the Personnel Office.

DENTAL INSURANCE

Eligible employees and dependents may enroll in the State Dental Plan. Coverage ranges from 50% to 100% of allowable charges after applicable deductibles are met. The University pays the entire cost for employee coverage, and the employee pays for dependent coverage. Additional information may be obtained from the Personnel Office.

LIFE INSURANCE

State Group Life Plan: Employees who enroll in the State Health Plan or one of the HMO plans described above are automatically covered for a small amount of life insurance, and accidental death and dismemberment. The entire cost is paid by the University. Eligible dependents may also be covered for a small amount of life insurance at a nominal cost.

State Optional Life Plan: Eligible faculty may enroll for higher amounts of life insurance and accidental death and dismemberment, the maximum amount of which is based on the employee's salary. The cost is based on the amount of insurance elected and the employee's age.

State Optional Supplemental Life Plan: Employees who enroll the State Optional Life Plan may purchase an additional amount of life insurance which can be continued at retirement until age 70.

USC Group Life Plan: In addition to the State Life Insurance plans, employees may enroll for higher amounts of life insurance, and accidental death and dismemberment. The maximum amount of life insurance is based on the employee's salary and age. The cost is based on the employee's salary. Eligible dependents may also be enrolled for a smaller amount of life insurance at a nominal cost. The USC Educational Foundation pays a small part of the employee cost.

USC Universal Life Plan: Faculty members may enroll in this franchise plan for higher additional amounts of life insurance. Eligible dependents may also be enrolled. The plan provides life insurance protection and tax deferred interest accumulation at current market rates.

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Faculty members who enroll in the South Carolina Retirement System are covered for a group life benefit equal to their annual base salary after one year of membership in the System.

DISABILITY INSURANCE

Faculty members who enroll in either the State Group Health Plan or one of the HMO plans previously described are automatically covered under the State Long Term Disability Plan. The University pays the entire cost for this coverage. Supplemental coverage is available through the USC Disability Salary Continuation Plan. Both plans are designed to replace a portion of lost income in the event a faculty member experiences a period of disability which extends beyond applicable waiting periods.

FLEXIBLE BENEFITS PLAN (MONEYPLUS)

Faculty members who enroll in the flexible benefits plan, called MoneyPlus, can authorize the University to set aside their premiums for health, dental, and long-term care insurance, and the amount they designate for anticipated costs for out-of-pocket medical and dependent daycare expenses before calculating Federal, State and FICA taxes. Eligible expenses can then be paid from this tax-sheltered account. Participation in the plan normally results in a lower tax deduction and greater take-home pay for the individual. The plan is administered under the authority of Section 125 of the Internal Revenue Code.

STATE LONG TERM CARE PLAN

Permanent faculty members, their spouses, and the parents and parents-in-law of the sponsoring employee are eligible to participate in this plan. The plan is designed to provide a daily indemnity benefit for custodial care and lower levels of human assistance that are not covered by either the State health plan, the HMOs, or Medicare.

UNIVERSITY OF SOUTH CAROLINA SUPPLEMENTAL INSURANCE PLANS

Supplemental plans for Cancer Insurance and Hospital Income Insurance are available to eligible faculty members and their dependents. Applicable benefits under these plans are paid in addition to other insurance plans which an individual may have. Faculty members pay the entire cost for these plans.

Deferred Compensation and Tax-Deferred Annuities

Available plans include the Deferred Compensation, 403-B and 401-K Plans provided through the S.C. State Deferred Compensation Commission, and a number of tax-deferred annuity (403-B) plans provided through individual annuity companies. Under this type of plan, faculty members may authorize the University to contribute a portion of their salary toward the annuity, and the amount contributed is not taxed until the money is withdrawn; which is usually at retirement, when the individual normally has a lower tax liability. These plans are governed by Federal and State Law and the Internal Revenue Code. A complete list of available annuity plans may be obtained from the Payroll Office.

Retirement

Retirement is governed by State and Federal law. Faculty members, as State employees are entitled to all retirement benefits available under the law and through the South Carolina Retirement System or the Optional Retirement Program. The University may provide part-time employment for faculty who have retired. Continued part-time

service may be approved upon the written request of the retired faculty member and the favorable recommendation of the Campus Dean and the Vice Provost for Regional Campuses and Continuing Education, the Provost, and the approval of the President. Such post-retirement employment is granted only on an annual basis. Pre-retirement counseling is provided by the System Division of Human Resources.

All permanent faculty members are required by State law to participate in either the South Carolina Retirement System or (for faculty hired after 7/1/87) the Optional Retirement Program.

Members of both Retirement programs are required by State law to contribute to the retirement plan at a rate of 6% of their annual earnings.

SOUTH CAROLINA RETIREMENT SYSTEM

The South Carolina Retirement System guarantees a formula return at retirement based on an average salary and credited service with the South Carolina Retirement System.

Any member may retire with full formula benefits at age 65 or with 30 years service. Members with less than 30 years service may retire with reduced benefits at age 55 with 25 years service or at age 60 regardless of years of service.

Members who leave state employment prior to retirement may apply for a refund of their contributions, payable at 6% interest. Members who have at least five years of credited service may leave their contributions on file and apply for a deferred retirement income upon attaining age 60.

A member who becomes permanently disabled after completing five years of credited service may apply for disability retirement.

Upon the death of a contributing member who has at least 12 months of credited service, the South Carolina Retirement System will pay to the member's beneficiary the equivalent of the member's annual base salary. The benefit is payable regardless of length of service if death is job related. Other survivor options are available if the member had at least 15 years of credited service.

Service credits may be purchased for certain military, federal, and out-of-state service or non-member service with a public agency in South Carolina. Federal and out-of-state service may be purchased on an installment loan basis.

Members with 25 years of service credit may purchase the additional service needed to qualify for full formula benefits; provided retirement is taken within 90 days of purchase. Members who leave the University and who have 25 years service credit may continue paying contributions to the South Carolina Retirement System until they qualify for full formula benefits. **The formula for figuring retirement contributions and benefits can become very complicated and faculty members are admonished to receive expert advice from the System Personnel Benefits Office or the South Carolina Retirement System.**

Faculty members hired on or after July 1, 1987, may choose to enroll in the Optional Retirement Program. State law requires that the faculty member must contribute at the same rate as for the South Carolina Retirement System. For information on the amount contributed by the University, contact the Personnel Office. The Optional Retirement Program does not include the Group Life and Disability benefits provided through the South Carolina Retirement System. Retirement, death and disability benefits are based on the cash value of the member's account.

Additional information concerning retirement may be obtained from the Personnel Office.

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Workers' Compensation

Faculty members who are injured on the job or who sustain an occupational illness or disease may be eligible for Workers' Compensation benefits. If a work related accident or illness occurs, faculty members should:

1. receive prompt medical care,
2. as soon as possible, notify their immediate supervisor or Dean, and
3. as soon as possible, complete a First Report of Injury form. These forms may be obtained from and returned to the Personnel Office. Injury forms not submitted in a timely manner can jeopardize the claim. Faculty members who miss work due to a work related injury must make written election as to whether they will use available leave time or receive Workers' Compensation for the time lost from work. Workers' Compensation Benefits Election forms and complete details are available from the Personnel Office.

Social Security

All University employees are covered by Old Age and Survivor Insurance, more commonly known as Social Security. Under this program, payments are deducted from the employee's paycheck and the University, as employer, matches each contribution. Further details can be obtained from the University Personnel Office.

USC System Federal Credit Union

The University of South Carolina System Federal Credit Union provides faculty members the opportunity to save and borrow money by payroll deduction. Full banking services are available, including checking accounts, automatic teller machine (ATM) service, and other services. Details may be obtained from the USC Credit Union in Columbia or from the Regional Campus ~~Representative~~.

Ambassador

Faculty House

On the payment of yearly dues, faculty members are welcome to join Faculty House, which is located on the Columbia Campus on the historic Horseshoe. The Faculty House has facilities for formal dining, receptions, and social functions on the main level; informal dining and a lounge are located on the lower level. Members receive a monthly newsletter noting special menus and events. Faculty spouses are considered full members and enjoy all the privileges of membership. The Faculty House may be rented to members for private use.

South Carolina State Employees Association

As employees of the University and of the State of South Carolina, permanent faculty and staff members are eligible for membership in the South Carolina State Employees Association. Dues vary with the individual's salary and may be paid through payroll deduction. The Association is governed by officers and Directors selected annually from the membership. Additional information may be obtained by writing the Association at 801 Gervais Street, Columbia, S.C. 29201.

Appendices

I. Bylaws of the Regional Campuses Faculty Senate

Preamble

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

ARTICLE I—PURPOSE AND POWERS

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

ARTICLE II—MEMBERS

Section 1. The Senate is composed of the voting members of the Regional Campuses Faculty chosen by each campus for membership in the Senate. For the purpose of these bylaws, the term "voting members" is defined to mean all full-time faculty members. The President, the Provost, the Vice Provost for Regional Campuses and Continuing Education, and the Associate Vice Provosts, and the Deans of the University are *ex officio* members of the Senate without voting privileges.

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

Section 3. Each fall, the Dean of the University of each campus should recalculate the number of members of the Senate to which the campus is entitled and revise the number of vacancies to be filled accordingly, provided that a reduction in appointment in the Senate shall not result in the removal of any Senators until the expiration of their terms. Elections to fill these vacancies (either new or unexpired terms) shall then be held in time to submit a full roster of Senators and Alternates to the Secretary of the Senate no later than the second Wednesday in September. The term of office of newly elected Senators and Alternates shall begin with the first Senate meeting of the academic year.

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

Section 4. Only members of the Senate, as defined in Section 1 of this Article, may present motions and vote. The member appointed to a faculty or special committee

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is empowered to move the adoption of a motion or report originating in that committee. Any member of the Regional Campuses Faculty may attend Senate meetings and speak on matters brought before the Senate.

ARTICLE III—OFFICERS

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

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

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

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

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

ARTICLE IV—MEETINGS

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

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

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

ARTICLE V—ELECTIONS

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

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

ARTICLE VI—COMMITTEES

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

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

ARTICLE VII—AMENDMENT OF BYLAWS

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

ARTICLE VIII— PUBLICATION OF BYLAWS AND RULES

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

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II. Standing Rules of the Regional Campuses Faculty Senate

RULE I—GENERAL

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

RULE II—ELECTIONS

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

RULE III—VOTING

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

RULE IV—ORDER OF BUSINESS

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

1. Corrections to and approval of minutes
2. Reports of University officers
3. Reports of Standing Committees, in the following order:
 - a. Rights and Responsibilities Committee
 - b. Welfare Committee
 - c. System Affairs Committee
4. Report of the Executive Committee
5. Reports of Special Committees:
 - a. University Library Committee
 - b. University Committee on Curricula and Courses
 - c. University Committee on Faculty Welfare
 - d. Faculty-Board of Trustees Liaison Committee
 - e. Academic Planning Committee
 - f. Research and Productive Scholarship Committee
 - g. Savannah River Site Committee
 - h. Insurance and Annuities Committee
 - i. Other Committees
6. Special Orders (including elections)
7. Unfinished Business
8. New Business
9. Announcements

RULE V—AGENDA

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

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

RULE VI—MINUTES

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

RULE VII—EXECUTIVE SESSIONS

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

RULE VIII—VISITORS

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

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

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III. Grievance Procedure for the Regional Campuses System

Regional Campuses Grievance Committee.

MEMBERSHIP

Members will be elected by each campus faculty organization. Members must be tenured and may be senators. Members cannot be persons who are serving on the local Tenure and Promotion Committee or on the Board of Trustees-Faculty Liaison Committee. Committee members shall be elected before the Spring Faculty Senate meeting and will serve for one year beginning at the first Senate meeting of the following academic year.

PURPOSE

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

DEFINITION OF FACULTY

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

NON-REPRISAL

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

ACTIONS SUBJECT TO APPEAL

A grievance may be based upon, but not limited to, the following:

- denial of tenure
- denial of promotion
- nonreappointment
- dismissal of tenured faculty members
- dismissal of contract employees prior to the conclusion of a contract term
- discrimination in compensation, promotion and work assignment
- any other form of discrimination or unfair treatment.

For grievances involving non-reappointment, see Section I; for those involving denial of tenure or denial of promotion, see Section II. For grievances or procedures other than those stated in Sections I, II, and III, the grievant should attempt to resolve the issue at the unit level. If a satisfactory solution cannot be obtained at that level, the redress may be pursued through the offices of the Dean, or the Vice Provost. If redress cannot be obtained from any of these officers, the grievant may appeal to the Regional Campuses Grievance Committee. Should it be inappropriate to file a grievance at the local level, the grievant may file a request for a hearing directly to the chair of the Grievance Committee. If the committee finds there are grounds for a grievance, the committee shall attempt to resolve the matter through mediation or other appropriate action. The committee shall report its recommendations and the reasons therefor to the grievant and to the Vice Provost. The grievant may appeal the action of the Vice Provost to the President. The action of the President may be appealed to the Academic

Affairs Committee of the Board of Trustees acting in consultation with the Faculty Liaison Committee. A review by the Academic Affairs Committee of the Board of Trustees is the final level of recourse within the University, and actions by this committee are final.

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

I. GRIEVANCE PROCEDURE FOR NON-REAPPOINTMENT

Grievances concerning non-reappointment are limited to the grounds of denial of academic freedom or the denial of procedural due process. The matter of due process is deemed to apply in particular to required annual faculty evaluation and the observance of the timely notice requirements. If these grounds are believed to exist, the grievant shall have access to the grievance procedures outlined in Section II.

II. GRIEVANCE PROCEDURE FOR DENIAL OF TENURE OR PROMOTION

If the grievance concerns denial of tenure or denial of promotion, the grievant upon receiving notice may seek relief by taking the steps outlined below:

1. The first recourse of the grievant shall be to request an immediate oral explanation from his or her administrative officer for the action taken regarding denial of tenure or promotion.
2. If the grievant does not receive an oral explanation or believes the oral explanation is unsatisfactory, the grievant may request from the Dean of the University a written summary of the evaluations and reasons advanced pertaining to the grievant's case upon which judgments were made and action taken. The written request must be submitted to the Dean within seven (7) days of notification of denial of tenure or promotion. The Dean will provide a summary and copies of all relevant documents to the grievant within fifteen (15) days of the request.
3. Within seven (7) days after receiving the summary of the case and reasons advanced upon which judgments were made and actions taken by the Dean, if the grievant believes there are grounds for reconsideration of the case, the grounds for that belief should be stated in writing to the Vice Provost. The Vice Provost may order a review at any faculty or administrative level on the grounds for reconsideration set forth by the grievant if the Vice Provost believes the findings of the review would substantially alter the basis upon which the initial decision of denial of tenure or promotion was reached. The Vice Provost shall inform the grievant in writing of the decision and the reasons therefor. At the same time, the Vice Provost will also inform the grievant of the right of review by the Grievance Committee, including the name of the chair of that committee and the applicable review procedures. The Vice Provost's review, including any unit reviews, must be completed within 20 days.
4. If, after the Vice Provost's review, including any ordered reconsiderations and reviews thereof that have been given, a grievant believes there is cause for grievance, the Grievance Committee should be petitioned for consideration of the grievance. Such a petition must be made in writing to the Chair of the Grievance Committee no later than seven (7) days from receipt of the Vice Provost's letter. The grievant's letter to the Chair of the

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Grievance Committee must be accompanied by all pertinent data available to the grievant.

- a. The petition must be based on one or more of the following allegations: inadequate consideration of unit criteria, use of impermissible criteria, denial of procedural due process, or denial of academic freedom. The petition shall set forth the basis for the contentions and the relief requested. The committee shall utilize the following procedures in reviewing the petition:
 - i. The Chair shall notify the grievant of the time and place of the review and inform the grievant of the specific procedures governing the review, which shall be closed. The review shall be nonadversarial in nature.
 - ii. The proceeding shall be recorded on tape, which shall be for the confidential use of the committee only.
 - iii. During the review, the grievant shall be permitted to have as advisor either a faculty member, an academic administrator, or private counsel.
 - iv. The committee will assist the grievant in securing the attendance of persons who possess relevant information and may call any persons whose testimony may be of assistance to the committee in making its findings and recommendations. In addition to the summary and documents provided to the grievant by the Dean of the University, the committee will provide the grievant with copies of all relevant documents and evaluations included in the grievant's file. (Documents and attorney work products which would reveal individual votes will be excluded; however, summaries will be provided.)
 - v. If witnesses are called, the committee may, at its discretion, allow the grievant or the grievant's representative to question some or all of the witnesses, but such questioning shall be within the boundaries set by the committee and under the full control of the chair of the committee.
 - vi. Within thirty (30) days after the committee receives the grievant's petition, the committee shall conclude the review and prepare a written statement of its findings and recommendations.
 - vii. If it is the judgment of the Chair of the Grievance Committee that it would be impossible to maintain a consistent quorum or that it would be impossible for essential witnesses to appear, committee consideration will be postponed to an appropriate date set by the chair. The Chair must write to all parties to the case, notifying them of the delay and the reasons therefor.
- b. If the Grievance Committee finds that there has been inadequate consideration of the unit criteria, the use of impermissible criteria, denial of procedural due process, or denial of academic freedom, the committee shall remand the case to the faculty or administrative level at which the inadequacy or denial occurred, and the evaluation of the grievant shall begin anew at that point. The committee shall send a statement of its findings and decisions, including the reasons therefor and a deadline for resolution, to the grievant, to the unit or administrative officer involved, and to the Vice Provost. If as a result of the ordered new consideration, the decision is still denial of tenure or

- promotion, the level to which the case was remanded shall state the reasons in writing to the grievant and to the Grievance Committee.
- c. If the committee finds that the grievant has cause for grievance but concludes that a new consideration of the case would not be worthwhile, it shall recommend to the Vice Provost an equitable resolution of the case and provide the grievant and the unit involved with a statement of its findings and recommendations and the reasons therefor. The committee will not, however, substitute its judgment for the qualitative professional judgments of the faculty in determining whether the relevant unit criteria have been adequately met. Thus, disagreement with such faculty judgment is not sufficient basis for the committee to recommend modification of the decision. The committee shall be limited to considering whether or not there is a factual basis in the record, taken as a whole, upon which an individual acting in good faith could rationally reach the result in question.
 - d. If the committee recommends that the Vice Provost modify or reverse a decision which is unfavorable to the grievant, the Vice Provost may act to implement the recommendation. If the Vice Provost rejects the recommendation, the reasons therefor shall be stated in writing to the grievant and to the committee. The Vice Provost shall act on the committee's recommendations within 20 days receipt thereof.
5. Within seven (7) days of the receipt of notice of the disposition of the petition, the grievant may appeal the Vice Provost's action to the President. The President shall act on the petition within twenty (20) days of receipt of the grievant's appeal. Within seven (7) days of the receipt of notice of the disposition of the petition, the grievant may appeal the President's action to the Academic Affairs Committee of the Board of Trustees. The Academic Affairs Committee, in consultation with the Faculty Liaison Committee, shall have thirty (30) days in which to complete its review and communicate its findings to the President, the Vice Provost, and the grievant. A review by this committee of the Board of Trustees is the final level of recourse within the University, and actions by this committee are final.

III. GRIEVANCE PROCEDURE FOR TERMINATION OF TENURED FACULTY CAUSES

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

1. failure to perform adequately the duties of the position so as to constitute incompetence and/or habitual neglect of duty;
2. misconduct related directly and substantially to the fitness of the grievant's professional capacity as a teacher or researcher;
3. conduct or action not protected by the Constitution or laws of the United States and/or South Carolina and which is a clear interference with the academic functions of the University;
4. prolonged inability for medical reasons to perform the duties required for the position: termination of a tenured member of the faculty for medical reasons will be based upon clear and convincing medical evidence that the grievant cannot continue to fulfill the terms and conditions of appointment;
5. the loss of licensure in any professional area may be considered as a cause for termination if the license is necessary for the performance of one's academic duties;

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6. bona fide reduction in staff, which may be caused by financial exigency or by discontinuance or reduction in size of a program or instructional unit for reasons not related to financial exigency.

PROCEDURES

1. Discussions with the Vice Provost

After it becomes evident to the Vice Provost that termination may be desirable, discussions must occur between the grievant and the Vice Provost with the intent of arriving at a mutually agreed upon resolution.

2. Re-Assignment

The Vice Provost may assign the grievant to new duties if the grievant's continuance of normal duties is not appropriate.

3. Regional Campuses Tenure and Promotion Committee

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

The committee shall inform, in writing, the Vice Provost and the grievant of its recommendations and its reasons therefor. Should the Vice Provost then wish to pursue termination proceedings, the grievant shall be informed by letter of the intention to terminate, including a precise statement of specific charges. The letter shall also inform the grievant of the right to request a hearing on this decision by the Grievance Committee.

If the grievant takes no action within ten (10) days of receipt of notification by the Vice Provost, the Vice Provost may send a written letter of termination; and the grievant shall not have recourse to further proceedings.

IV. USC Faculty Reduction-in-Force Policy

REGIONAL CAMPUSES (PSER 1.45)

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

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

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

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

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V. Academic Freedom and Tenure

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

1940 STATEMENT OF PRINCIPLES AND INTERPRETIVE COMMENTS

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

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

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

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

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

Academic Freedom

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

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

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate

restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

ACADEMIC TENURE

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

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

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

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

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

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

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

1940 INTERPRETATIONS

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

1. That its operation should not be retroactive.
2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave

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doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on *Academic Tenure*. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

1970 INTERPRETIVE COMMENTS

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

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

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

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

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

1. The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both Associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to the professor in his utterances as a citizen, in the exercise of his responsibilities to the institution and students, and in his conduct when resigning from his institution or when undertaking government-sponsored research. Of particular relevance is the *Statement on Professional Ethics*, adopted by

the fifty-second Annual Meeting of the AAUP as Association policy and published in the *AAUP Bulletin* (Autumn, 1966, pp. 290-291).

2. The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for the teacher to avoid persistently intruding material which has no relation to his subject.
3. Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 Statement, and we do not now endorse such a departure.
4. This paragraph is the subject of an Interpretation adopted by the sponsors of the 1940 Statement immediately following its endorsement which reads as follows:

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

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

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

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

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

5. The concept of "rank of full-time instructor or a higher rank" is intended to include any person who teaches a full-time load regardless of his specific title.
6. In calling for an agreement "in writing" on the amount of credit for a faculty member's prior service at other institutions, the Statement furthers the general policy of full understanding by the professor of the terms and

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conditions of his appointment. It does not necessarily follow that a professor's tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual and the institution.

7. The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is affirmative, the provisions in the 1940 Statement with respect to the termination of services of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

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

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

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

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

8. The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during his probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary teachers that their academic freedom has been violated. One suggested procedure to serve these purposes is contained in the *Recommended Institutional Regulations on Academic Freedom and Tenure*, prepared by the American Association of University Professors.
9. A further specification of the academic due process to which the teacher is entitled under this paragraph is contained in the *Statement on Procedural Standards in Faculty Dismissal Proceedings*, jointly approved by the American Association of University Professors and the Association of American Colleges in 1958. This interpretive document deals with the issue of suspension, about which the 1940 Statement is silent.

The 1958 Statement provides: "Suspension of the faculty member during the proceedings involving him is justified only if immediate harm to himself or others is threatened by his continuance. Unless legal considerations forbid, any such suspension

should be with pay." A suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

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

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VI. A Joint Statement of The Council of the American Association of University Professors and The American Council on Education

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

ON PREVENTING CONFLICTS OF INTEREST IN GOVERNMENT-SPONSORED RESEARCH AT UNIVERSITIES

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

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

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

A. Conflict Situations

1. Favoring of outside interests. When a university staff member (administrator, faculty member, professional staff member, or employee) undertaking or engaging in Government-sponsored work has a significant financial interest in, or consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between Government-sponsored university research obligations and outside interests and other obligations. Situations in or from which conflicts of interest may arise are the:
 - a. Undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;
 - b. Purchase of major equipment, instruments, materials, or other items for university research from the private firm in which the staff member has the interest without disclosure of such interest;
 - c. Transmission to the private firm or other use for personal gain of

- Government-sponsored work products, results, materials, records, or information that are not made generally available. (This would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of Government-sponsored research results where there is significant additional work by the staff member independent of his Government-sponsored research);
- d. Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government-sponsored activities. (The term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);
 - e. Negotiation or influence upon the negotiation of contracts relating to the staff member's Government-sponsored research between the university and private organizations with which the staff member has consulting or other significant relationships;
 - f. Acceptance of gratuities or special favors from private organizations with which the university does or may conduct business in connection with a Government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.
2. Distribution of effort. There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which a faculty member divides his or her effort among these various functions does not raise ethical questions unless the Government agency supporting the research is misled in its understanding of the amount of intellectual effort the faculty member is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions they perform are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a faculty member will devote a certain fraction of effort to the Government-sponsored research, or a faculty member agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of the faculty member's involvement is to be expected. Each university, therefore, should—through joint consultation of administration and faculty—develop procedures to assure that proposals are responsibly made and complied with.
 3. Consulting for Government agencies or their contractors. When the staff member engaged in Government-sponsored research also serves as a consultant to a Federal agency, such conduct is subject to the provisions of the Conflict of Interest Statutes (18 U.S.C. 202-209 as amended) and the President's memorandum of May 2, 1963, *Prevent-*

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ing Conflicts of Interest on the Part of Special Government Employees. When the staff member consults for one or more Government contractors, or prospective contractors, in the same technical field as the staff member's research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on the individual's other interests. In undertaking and performing consulting services, the staff member should make full disclosure of such interests to the university and to the contractor insofar as they may appear to relate to the work at the university or for the contractor. Conflict of interest problems could arise, for example, in the participation of a staff member of the university in an evaluation for the Government agency or its contractor of some technical aspect of the work of another organization with which the staff members has a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

B. University Responsibility

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

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

The above process of disclosure and consultation is the obligation assumed by the university when it accepts Government funds for research. The process must, of course, be carried out in a manner that does not infringe on the legitimate freedoms and flexibility of action of the university and its staff members that have traditionally characterized a university. It is desirable that standards and procedures of the kind discussed be formulated and administered by members of the university community

themselves, through their joint initiative and responsibility, for it is they who are the best judges of the conditions which can most effectively stimulate the search for knowledge and preserve the requirements of academic freedom. Experience indicates that such standards and procedures should be developed and specified by joint administrative-faculty action.

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VII. American Association of University Professors Statement on Government of Colleges and Universities: The Faculty

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

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

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

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

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

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

Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency

should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty.

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

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

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

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

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VIII. Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments

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

INTRODUCTION

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

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

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

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

In considering this question, Committee A endeavored to appraise the advantages and disadvantages of the Association's present policy and the proposed policy in terms of the Association's traditional concern for the welfare of higher education and its various components, including probationary faculty members. The committee also examined the question of giving reasons in the context of the entire probationary period. As a result, this statement goes beyond the question of giving reasons to the more fundamental subject of general fairness in the Procedures related to renewal or nonrenewal of term appointments and the granting of tenure.

STATEMENT

The Probationary Period: Standards and Criteria

The 1940 *Statement of Principles on Academic Freedom and Tenure* prescribes that "during the probationary period a teacher should have the academic freedom that all other members of the faculty have." A number of the nontenured faculty member's rights provide support for his academic freedom. He cannot, for example, be dismissed

before the end of a term appointment except for adequate cause which has been demonstrated through academic due process—a right he shares with tenured members of the faculty. If he asserts that he has been given notice of nonreappointment in violation of academic freedom, he is entitled to an opportunity to establish his claim in accordance with Regulation 10 of Committee A's *Recommended Institutional Regulation*. He is entitled to timely notice of nonreappointment in accordance with the schedule prescribed in the statement on The Standards for Notice of Nonreappointment.

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

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

Good practice requires that the institution (department, college, or university) define its criteria for reappointment and tenure and its procedures for reaching decisions on these matters. The 1940 *Statement of Principles* prescribes that "the precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated." Committee A also believes that fairness to the faculty member prescribes that he be informed, early in his appointment, of the substantive and procedural standards which will be followed in determining whether or not his appointment will be renewed or tenure will be granted.

We accordingly make the following recommendation:

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

THE PROBATIONARY PERIOD: EVALUATION AND DECISION

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

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to assist the nontenured faculty member as he strives to improve his performance.

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

We accordingly make the following recommendations:

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

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

NOTICE OF REASONS

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

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

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

To be weighed against these important institutional concerns are the interests of the individual faculty member. He may be honestly unaware of the reasons for a negative decision, and the decision may be based on a judgment of shortcomings which he could easily remedy if informed of them. A decision not to renew an appointment may be based on erroneous information which the faculty member could readily correct if he were informed of the basis for the decision. Again, the decision may be based on considerations of institutional policy or program development which have nothing to do with the faculty member's competence in his field, and if not informed of the reasons he may mistakenly assume that a judgment of inadequate performance on his part has been made. In the face of a persistent refusal to supply the reasons, a faculty member

may be more inclined to attribute improper motivations to the decision-making body or to conclude that its evaluation has been based upon inadequate consideration. If he wishes to request a reconsideration of the decision, or a review by another body, his ignorance of the reasons for the decision will create difficulties both in reaching a decision whether to initiate such a request and in presenting his case for reconsideration or review.

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

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

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

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

We accordingly make the following recommendation:

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

WRITTEN REASONS

Having been given orally the reasons which contributed to his nonreappointment, the faculty member, to avoid misunderstanding, may request that they be confirmed in writing. He may wish to petition the appropriate faculty committee, in accordance with Regulation 10 of Committee A's *Recommended Institutional Regulations*, to consider an allegation that the reasons he was given violate his academic freedom, or that the

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

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

We accordingly make the following recommendation:

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

Review Procedures: Allegations of Academic Freedom Violations

The best safeguard against a proliferation of grievance petitions on a given campus is the observance of sound principles and procedures of academic freedom and tenure and of institutional government. Committee A believes that observance of the procedures recommended in this statement — procedures which would provide guidance to nontenured faculty members, help assure them of a fair professional evaluation, and enlighten them concerning the reasons contributing to key decisions of their colleagues — would constitute a further step in the achievement of harmonious faculty relationships and the development of well-qualified faculties.

Even with the best practices and procedures, however, faculty members will at times feel that they have been improperly or unjustly treated and may wish another faculty group to review a decision of the faculty body immediately involved. Committee A believes that fairness both to the individual and the institution requires that the institution provide for such a review when it is requested. A possible violation of academic freedom is of vital concern to the institution as a whole, and where a violation is alleged it is of cardinal importance to the faculty and the administration to determine whether substantial grounds for the allegation exist. The institution should also be concerned to see that decisions respecting reappointment are based upon adequate consideration, and provision should thus be made for a review of allegations by affected faculty members that the consideration has been inadequate.

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

If a faculty member on probationary or other nontenured appointment alleges that a decision not to reappoint him was based significantly on considerations violative of (1) academic freedom or (2) governing policies on making appointments without prejudice with respect to race, sex, religion, or national origin, the allegation will be given preliminary consideration by the [insert name of committee], which will seek to settle the matter by informal methods. His allegation shall be accompanied by a statement that he agrees to the presentation, for the consideration of the faculty committees of such reasons and

evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Regulations 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which he bases his allegations, and the burden of proof shall rest upon him. If he succeeds in establishing a prima facie case, it is incumbent upon those who made the decision not to reappoint him to come forward with evidence in support of their decision.

We accordingly make the following recommendation:

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

(a) To determine whether or not the notice of nonreappointment constitutes on its face a violation of academic freedom.

(b) To seek to settle the matter by informal methods.

(c) If the matter remains unresolved, to decide whether or not the evidence submitted in support of the petition warrants a recommendation that a formal proceeding be conducted in accordance with Regulations 5 and 6 of the *Recommended Institutional Regulations*, with the burden of proof resting upon the complaining faculty member.

Review Procedures: Allegations of Inadequate Consideration

Complaints of inadequate consideration are likely to relate to matters of professional judgment, where the department or departmental agency should have primary authority. For this reason, Committee A believes that the basic functions of the review committee should be to determine whether adequate consideration was given to the appropriate faculty body's decision and, if it determines otherwise, to request reconsideration by that body.

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

Was the decision conscientiously arrived at?

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

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

Were irrelevant and improper standards excluded from consideration?

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

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

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

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

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Institutional Regulations, as follows:

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

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

6. *Petition for Review Alleging Inadequate Consideration* (Regulation 2 [f], *Recommended Institutional Regulations*). Insofar as the petition for review alleges inadequate consideration, the functions of the committee which reviews the faculty member's petition should be the following:

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

(b) To request reconsideration by the faculty body when the committee believes that adequate consideration was not given to the faculty member's qualifications. (In such instances, the committee, should indicate the respects in which it believes the consideration may have been inadequate.)

(c) To provide copies of its report and recommendation to the faculty member, the faculty body, and the president or other appropriate administrative officer.

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