

## PROPOSED FACULTY HANDBOOK REVISIONS RELATED TO FACULTY APPOINTMENTS

*(Background information about these proposed revisions is provided in the accompanying memo from the Faculty Affairs Committee to the Faculty Senate. In the sections that follow, text in regular font appears in the current Faculty Handbook. Boldface indicates proposed additions; strikeouts indicate proposed deletions. Sections of the Handbook without proposed revisions do not appear below.)*

### SECTION 3.1

#### 3.1 Members of the Faculty

~~Active Faculty are all those faculty (regular and other) who are employed by the University, including those on approved leave. Retired and emeriti faculty are not included in the category of Active Faculty.~~ **Santa Clara University has four broad categories of faculty: tenured and tenure-track faculty (3.1.1); faculty with renewable-term or continuing appointments (3.1.2.1); faculty with fixed-term appointments (3.1.2.2); and faculty with other kinds of appointments (3.1.2.3).**

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

**Comment [SCU1]:** The purpose of this change is to establish different categories of non-tenure-track faculty and to eliminate the distinction between "regular" and "other" faculty.

#### 3.1.1 ~~Regular~~ **Tenured and Tenure-Track** Faculty

~~Regular Faculty are those with tenure and those with tenure-track appointments. (Regular Faculty ranks include Professor, Associate Professor, Assistant Professor, and Acting Assistant Professor.)~~ **Tenured and tenure-track faculty comprise those holding appointments at the rank of Professor, Associate Professor, Assistant Professor, or Acting Assistant Professor. Ordinarily, tenured and tenure-track faculty shall constitute no less than one-half of the faculty holding appointments for a full academic year in any department.**

**Comment [SCU2]:** The purpose of this change is to establish a floor. Targets should be set through planning processes.

~~Probationary faculty are those with tenure-track appointments who have not yet been granted or denied tenure.~~ **Tenure-track faculty who have not yet been granted tenure hold probationary appointments.**

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

### 3.1.1.1 Assistant Professor

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

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

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

### 3.1.1.2 Associate Professor

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

### 3.1.1.3 Professor

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

### 3.1.2 Professor Emeritus or Emerita

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

**Comment [SCU3]:** This section now appears as 3.1.2.3.2 with one change.

### 3.1.3 Other Faculty

~~Other Faculty appointments are not tenured and do not accumulate credit towards tenure. Except for Senior Lecturers, Other Faculty are appointed for a fixed term of not more than three years. Letters of Appointment are nonetheless issued annually. Other Faculty appointments are made only for positions in which the principal responsibilities are classroom teaching, or scholarship or creative work, or some combination of these.~~

**Comment [SCU4]:** This change eliminates the distinction between "regular" and "other" faculty. Added text in subsequent sections supersedes the information in this section.

~~The following are the appointments most commonly made for Other Faculty:~~

### 3.1.2 Non-Tenure-Track Faculty

**Comment [SCU5]:** This section describes three different categories on non-tenure-track faculty, the rationale for them, and the differences among them.

Non-tenure-track faculty may hold renewable-term or continuing appointments (3.1.2.1), fixed-term appointments (3.1.2.2), or other appointments (3.1.2.3).

### 3.1.2.1 Faculty on Renewable-Term or Continuing Appointment

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

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

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

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

Faculty with a renewable-term or continuing appointment shall ordinarily not constitute more than one-third the number of tenured and tenure-track faculty in any department. In extraordinary circumstances and with the approval of the dean and Provost, their number may exceed this target.

Comment [SCU6]: The purpose of this paragraph is to ensure that tenured and tenure-track faculty maintain a primary, though not exclusive role, in departmental governance.

#### 3.1.2.1.1 Renewable-Term Positions in the School of Law

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

#### 3.1.3. Lecturer

A Lecturer holds an appointment primarily for teaching. A Lecturer shall possess at least a master's degree or its equivalent together with outstanding abilities as a teacher.

#### 3.1.2.1.2 Lecturer

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

Comment [SCU7]: The title of Lecturer is now restricted to those holding renewable-term appointments.

appropriate to the discipline and that contributes to their primary responsibility for teaching.

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

**Comment [SCU8]:** This language mirrors language used for tenure-track faculty.

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

### 3.1.3.2 Senior Lecturer

A Senior Lecturer, in addition to meeting the qualifications for appointment as a Lecturer, shall at minimum have: (a) nine years of full-time service as a Lecturer at the University, or equivalent academic experience; (b) a record of superior teaching and demonstrable high competence; (c) a record of outstanding service.

### 3.1.2.1.3 Senior Lecturer

A Senior Lecturer holds a full-time continuing appointment primarily for teaching in an area of persistent programmatic need. In addition to meeting the qualifications for appointment as a Lecturer, a Senior Lecturer shall at a minimum have nine years of full-time service as a Lecturer at the University, or equivalent academic experience. Standards for promotion to Senior Lecturer appear in 3.4A.2.1.

**Comment [SCU9]:** This section now focuses on basic qualifications rather than performance standards for promotion, which are addressed in 3.4A.2.1.

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

### 3.1.3.3 Visiting Faculty

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

**Comment [SCU10]:** This section has been moved to 3.1.2.3.1.

### 3.1.2.2 Faculty on Fixed-Term Appointment

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

Appointment is either part-time or full-time for a period of one academic term or one academic year. Should the need arise for a longer appointment period, the Provost may approve an appointment of up to three years.

Faculty who teach five or more courses per year on the quarter system or three or more courses per year on the semester system shall not remain in a fixed-term appointment for more than six academic years. Exceptions for faculty holding the rank of Adjunct Professor or its equivalent (see 3.1.2.2.1.2) or Research Professor (see 3.1.2.2.2) may be made in special circumstances with the prior written approval of the Provost.

**Comment [SCU11]:** The purpose of this rule is to ensure that appointments are stabilized through renewable-term appointments when there is evidence of persistent programmatic need. Some exceptions may be needed, however, for distinguished adjunct or research faculty who do not meet the “persistent programmatic need” test for appointment as Lecturer or Senior Lecturer but whose continuing presence is an asset to the University.

### 3.1.3.4 Adjunct Faculty

~~Adjunct Professorships, Adjunct Associate Professorships, and Adjunct Assistant Professorships are non-tenurable appointments for which the qualifications are the ordinary academic qualifications for the respective regular appointments or equivalent practical experience.~~

### 3.1.2.2.1 Adjunct Faculty

Adjunct faculty hold a non-tenurable fixed-term teaching appointment for one or more of the following purposes: to replace faculty on leave of absence or administrative assignment; to address persistent programmatic need on a part-time basis; to address short-term programmatic need on a full-time basis; to provide expertise in a specialty area; or to explore a new instructional area

#### 3.1.2.2.1.1 Adjunct Lecturer

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

#### 3.1.2.2.1.2 Adjunct Professor Ranks

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

With approval of the dean and Provost, a faculty member holding the rank of Adjunct Professor may be appointed with a different title such as Clinical Professor, Professor of the Practice, or Dean’s Executive Professor, provided such a title is more descriptive of the faculty member’s role and is consistent with general practice in the discipline or field.

### 3.1.2.2.2 Research Professor

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

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

**A Research Professor is eligible to serve as a principal investigator and may also engage in teaching as assigned. Appointment as a Research Professor must be made independently of employment through a particular grant or sponsored project.**

**Comment [SCU12]:** This new category recognizes a title that has been used occasionally but not codified in the Faculty Handbook.

### 3.1.3.5 Special Appointments

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

### 3.1.2.2.3 Appointments-in-Residence

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

**Comment [SCU13]:** The dean has been added to the approval process.

### 3.1.2.3 Faculty with Other Appointments

**Other faculty appointments may be made in the following categories.**

#### 3.1.2.3.1 Visiting Faculty

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

**Comment [SCU14]:** This section is moved from 3.1.3.3 in the current Handbook.

#### 3.1.2.3.2 Professor Emeritus or Emerita

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

**Comment [SCU15]:** This section is moved from 3.1.2 in the current Handbook. It is identical with the exception that "tenured" replaces "senior" in the last line.

## SECTION 3.2

### 3.2.2 Appointment Procedures

#### 3.2.2.1 ~~Regular Faculty~~ **Tenure-Track and Tenured Faculty**

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

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

Searches shall be conducted in accordance with procedures current at the time of the search.

Initial appointment may be made at any rank for which a candidate is qualified. A teaching scholar with an established reputation who has been tenured at another institution and whose presence on the Santa Clara faculty is particularly desired may be offered a tenured appointment if, in the judgment of the search committee, departmental faculty, and dean, and of the Provost and the President of the University, such an appointment is warranted.

#### 3.2.2.2 ~~Other~~ **Non-Tenure-Track** Faculty

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

~~Advancement to Senior Lecturer requires approval of the Provost upon the recommendation of the chair and dean.~~

### 3.2.3 Letters of Appointment

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

~~The President signs letters for tenured and tenure-track faculty, and the Provost signs letters for non-tenure-track faculty with academic-year appointments.~~

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

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

**Comment [SCU16]:** The Statutes of the Jesuit School of Theology require that the President sign appointment letters. For faculty in other parts of the University, it is appropriate for the chief academic officer to sign these letters.

## SECTION 3.3

### 3.3 Periodic Evaluation of Faculty

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

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

**Non-tenure-track faculty must be evaluated in writing as follows: annually for those holding renewable-term appointments; on a cycle determined by the dean with approval of the Provost for Senior Lecturers; and prior to reappointment for faculty holding other academic-year appointments.**

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

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

## SECTION 3.4

### 3.4 Policies and Procedures on Promotion and Tenure

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

**Comment [SCU17]:** Section 3.4A includes policies and procedures that apply to non-tenure-track faculty.

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

#### 3.4.2 Standards for Promotion and Tenure

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

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

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

Scholarly work is defined as scholarly or scientific articles published in learned or professional journals; scholarly or scientific books; textbooks distinguished for the originality and value of their content or method; and any intensive study of the kind recognized as research in the various academic disciplines. Creative work is defined as recognized accomplishment or significant production in the arts of painting, sculpture, music, drama, fiction, poetry, dance, journalism, or the like. Since the form and nature of contributions differ greatly by discipline, the most important element in evaluation of the scholarly or creative work of a candidate for promotion or tenure is the judgment of others in the field, particularly of those with a strong record of accomplishment in the candidate's field. Evaluations of a candidate's publications or artistic creations or performance by scholars, artists, or other experts outside Santa Clara are an important consideration for promotion or tenure.

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

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

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

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

## SECTION 3.4A

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

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

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

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

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

#### **3.4A.1 Reappointment of Lecturers**

##### **3.4A.1.1 Standards for Reappointment of Lecturers**

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

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

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

**Comment [SCU18]:** This section parallels 3.4.2 (Standards for Promotion and Tenure) in the current Faculty Handbook.

the effectiveness of the candidate's presentation, whether in lectures, discussion, or tutorial; the quality and rigor of the candidate's courses; and the respect for and stimulation to further study of the subject that is generated among the candidate's students. Any other factors that contribute to the candidate's effect upon the education of his or her students shall also be taken into account.

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

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

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

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

#### **3.4A.1.2 Applications for Reappointment of Lecturers**

A Lecturer eligible to apply for reappointment shall submit an application that follows University guidelines available from the dean.

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

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

The chair shall convey the recommendation of the department, along with a report explaining that recommendation, to the dean. After consulting with the Provost, the dean shall make the final decision and inform the candidate of that decision in writing. A negative decision is not subject to appeal.

### 3.4A.2 Promotion to Senior Lecturer

#### 3.4A.2.1 Standards for Promotion to Senior Lecturer

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

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

**Comment [SCU19]:** After broad consultation and careful consideration, the Faculty Affairs Committee believes that it is important to articulate a promotion pathway for Lecturers and that promotion to the rank of Senior Lecturer should be a recognition of performance above and beyond that expected for reappointment as Lecturer.

#### 3.4A.2.2 Applications for Promotion to Senior Lecturer

A Lecturer eligible to apply for promotion to Senior Lecturer shall submit an application that follows University guidelines available from the dean.

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

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

If the recommendation of the department is negative, the chair shall convey that recommendation along with a report explaining it to the dean. The dean shall notify the candidate of the negative decision. This decision is not subject to appeal.

If the recommendation of the department is positive, the chair shall convey that recommendation along with a report explaining it to a Committee on Promotion to

**Senior Lecturer which has been elected by eligible faculty in the college or school. This committee shall be different from the college or school Rank and Tenure Committee. It shall consist of three tenured faculty members and two Senior Lecturers who are elected by their respective peers in the college or school. If fewer than two Senior Lecturers in the college or school are eligible to serve, the committee shall consist of the three tenured faculty members and either one or no Senior Lecturer.**

**Comment [SCU20]:** The Faculty Affairs Committee (FAC) carefully considered the need for such committees and the issue of whether or not Senior Lecturers should be eligible to serve on them. The FAC decided that rank and tenure committees would not be the appropriate bodies to consider promotions to Senior Lecturer, because of the heavy workload of such committees and the possibility that different standards of evaluation might cross over from one type of promotion to the other. After consultation with the Faculty Senate Council, the FAC decided that a separate committee for senior lecturer promotions was needed in each college or school and that there should be some representation of Senior Lecturers on these committees. The Faculty Senate will need to amend its bylaws and election rules to include the new committees.

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

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

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

**Comment [SCU21]:** This parallels 3.4.8 for applicants for tenure or promotion to full professor, except that the President does not have to consult two senior tenured faculty and the decision is not subject to further appeal for any reason.

**A Lecturer who has been denied promotion to Senior Lecturer by the Provost will be informed of that decision in writing. On request, the Provost shall give unsuccessful candidates the fullest and fairest statement of reasons that is consistent with the confidentiality of the specific recommendations of those who have participated in the evaluations.**

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

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

- 1. the existence of significant and relevant new material that has become available since the appellant's petition for promotion was considered.**
- 2. significant inconsistency in the application of standards or procedures between the appellant's evaluation and others of the same year.**

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

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

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

#### 3.4A.2.5 Reapplication for Promotion to Senior Lecturer

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

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

##### 3.4A.3.1 Rights and Responsibilities of Candidates

Comment [SCU22]: This parallels 3.4.4.1 for tenure-track faculty.

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

##### 3.4A.3.2 Conflict of Interest in Evaluation

Comment [SCU23]: Same as 3.4.4.9 of the current Faculty Handbook for tenure-track faculty, with "reappointment" substituted for "tenure," and with the deletion of a paragraph about scholarship.

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

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

- a. One shall not stand for election to a Committee on Promotion to Senior Lecturer knowing that the other would be considered during his or her period of service on the committee.

- b. One in a position to evaluate the candidacy of the other at any level of the review process shall recuse himself or herself from both discussion and voting in that case.
- c. A candidate for promotion is responsible for asking the other party to recuse himself or herself from the review process and also for reporting the perceived conflict to the dean.

A “financial relationship” is a relationship between two faculty members that could allow one to significantly benefit or suffer financially, either directly or indirectly, from a decision on the reappointment or promotion of the other. Violations of these provisions will be governed by procedures specified in Section 3.9. (Sanction and Dismissal) of the Faculty Handbook.

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

#### **3.4A.3.3 Confidentiality**

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

**Comment [SCU24]:** Same as 3.4.6 of the current Faculty Handbook for tenure-track faculty.

#### **3.4A.3.4 Inception of New Appointment Status**

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

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

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

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

## SECTION 3.5

### 3.5 Policies and Procedures on Termination of Employment

#### 3.5.1 Retirement

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

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

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

#### 3.5.3 Non-Reappointment

##### 3.5.3.2 Senior Lecturers

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

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

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

**Comment [SCU25]:** This revision is in response to a recommendation of the Faculty Judicial Board.

##### 3.5.3.3 Other Non-Tenure-Track Faculty

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

1. The University may elect not to reappoint a non-tenure-track faculty member who holds an appointment with a term of more than one year, even when that term includes one or more additional years beyond the effective date of non-reappointment, provided written notice of the decision not to reappoint is given at least three months before the end of the terminal academic year. Such decisions may be made based on performance, availability of funds, or programmatic need.

2. Non-tenure-track faculty appointments of one academic year or less are made with no expectation of reappointment. Thus no notice of non-reappointment is necessary.

#### 3.5.4 Cancellation of a Letter of Appointment

#### 3.5.5 Termination of Contract

##### 3.5.5.1 Financial Exigency

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

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

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

##### 3.5.5.2 Partial Exigency

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

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

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

#### 3.5.5.3 Policy Pertaining to Both Types of Exigency

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

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

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

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

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

##### 3.5.5.3.1 Non-Tenured Faculty Members

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

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

In cases covered by the preceding two paragraphs, the place of the probationary faculty member or the Senior Lecturer concerned must not be filled by a replacement within a

period of two years, unless the released faculty member has first been offered reinstatement and a reasonable time in which to accept or decline.

#### 3.5.5.3.2 Termination of Tenured Faculty by Reason of Financial Exigency

#### 3.5.5.4 Changes in the Educational Program

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

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

## SECTION 3.6

### 3.6 Faculty Rights and Responsibilities

#### 3.6.2 General Faculty Responsibilities

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

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

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

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

2. All faculty members are expected to demonstrate competence in carrying out their core responsibilities **as defined in Section 3.1 or in writing by the dean or Provost.**

~~For Regular Faculty as defined in 3.1.1, these core responsibilities are teaching, scholarly or creative work, and service to the University, the profession, and the community. Regular faculty must demonstrate superior, not merely competent, performance in these criteria to be promoted to Associate Professor or full Professor.~~

~~For Other Faculty as defined in 3.1.3, whether full time or part time, core responsibilities are outlined in writing by the dean or Provost.~~

3. All faculty members are expected to exhibit ethical behavior consistent with established norms of the academic profession.

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

The statement on professional ethics adopted by the American Association of University Professors in 1966 and revised in 1987 provides an excellent summary of the major

general obligations incumbent on faculty in virtue of their position. It appears in Appendix D.

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

### 3.6.3 Specific Functions

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

#### 3.6.3.1 Specific Functions Related to Teaching

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

1. Teaching courses as assigned.

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

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

Comment [SCU26]: This codifies existing practice.

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

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

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

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

~~Full-time faculty engage in an appropriate level of scholarly or creative. Regular Faculty as defined in Section 3.1.1 are expected to produce scholarly or creative work recognized as such by the relevant academic discipline and in the quantity and quality appropriate to their rank. Other Faculty as defined in Section 3.1.3 are expected to maintain a level of scholarly or creative activity that enables them to fulfill their primary responsibility for teaching.~~

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

#### 3.6.3.3 Specific Functions Related to Service

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

## SECTION 3.7

### 3.7.4.3 Consulting and Other Paid Professional Activity

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

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

**Comment [SCU27]:** Not all faculty are full-time.

**Comment [SCU28]:** The purpose of this section is to recognize that the specified faculty may be of special value to the University precisely because of their outside activities.

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

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

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

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

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

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

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

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

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

1. Scholarship. This includes scholarly and creative productions as described in 3.4.2.
2. Professional Service. This includes service on editorial boards, peer review panels, committees of professional organizations, advisory groups at other universities, government boards, and similar bodies.
3. Sponsored Projects. These include all grants and contracts administered by the University.

Also excluded from the provisions of the consulting policy is teaching elsewhere. This includes full-time and part-time teaching appointments at other educational institutions. Since the acceptance of full-time appointment at Santa Clara University involves a commitment that is full-time in the most inclusive sense (3.6.2), full-time faculty must have the written approval of the dean and Provost before accepting a teaching appointment at another educational institution during the period of service specified in the Letter of Appointment.

Any question about whether an activity constitutes consulting under this policy should be resolved in advance with the appropriate dean.

## SECTION 3.8

### 3.8.2.1 Benefits for All Faculty

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

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

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

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

For purposes of calculating eligibility for benefits under this subsection, the official full-time course load for ~~Regular Faculty and Senior Lecturers~~ **tenured and tenure-track faculty** is seven courses of conventional unit value per year, or the equivalent, except in the School of Law **and the Jesuit School of Theology**. Therefore, except in the School of Law **and the Jesuit School of Theology**, teaching four such courses per year or the equivalent shall establish their eligibility for the benefits enumerated in this subsection.

~~The official full-time course load for Other Faculty (excluding Senior Lecturers) who hold academic year appointments is nine courses of conventional unit value per year, or the equivalent, except in the School of Law. Therefore, except in the School of Law, teaching five such courses per year or the equivalent will establish their eligibility for the benefits enumerated in this subsection.~~

**Except in the School of Law and the Jesuit School of Theology, renewable-term and continuing faculty teaching four courses per year or the equivalent, and fixed-term**

faculty teaching five courses per year or the equivalent, will be eligible for the benefits enumerated in this subsection.

Comment [SCU29]: This codifies existing practice.

## SECTION 3.10

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

#### 3.10.1 College and School Grievance Committees

##### 3.10.1.3 Jurisdiction

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

- a) Dismissal of a faculty member pursuant to 3.9;
- b) Sanctions other than dismissal imposed pursuant to 3.9;
- c) Cases involving alleged unlawful discrimination or sexual harassment by or against a faculty member pursuant to the Policy on Unlawful Harassment and Unlawful Discrimination, cases involving alleged misconduct in research by a faculty member pursuant to the Policy on Misconduct in Research, or any other matter for which different procedures are provided;
- d) Termination on account of financial exigency or changes in educational program pursuant to 3.5.5;
- e) A denial of promotion or tenure or a decision not to reappoint **pursuant to 3.4**. A faculty member seeking recourse from a denial of promotion or tenure because of the existence of significant and relevant new material or because of significant inconsistency in the application of standards or procedures between the faculty member and of her faculty members of the same year must do so through the procedure described in 3.4.8;
- f) **Non-reappointment of a Senior Lecturer pursuant to 3.5.3.2.**
- g) Any grievance asserted by a person who is no longer employed by the University.

**Comment [SCU30]:** The Faculty Handbook currently does not give Senior Lecturers any avenue to appeal a non-reappointment.

#### 3.10.2 Faculty Judicial Board

##### 3.10.2.2 Jurisdiction

The Faculty Judicial Board has jurisdiction:

1. Upon the request or a tie vote of a college or school Grievance Committee in any case involving a faculty grievance;

2. In cases where a faculty member alleges violation of academic freedom in a denial of tenure or promotion or where a probationary faculty member alleges that a decision not to reappoint is based substantially upon a violation of academic freedom;
3. In cases of sanctions for misconduct, as provided in 3.9;
4. In cases of dismissal for cause, as provided in 3.9.1;
5. In cases designated in the Policy on Unlawful Harassment and Unlawful Discrimination;
6. In cases in which a faculty member claims unlawful discrimination in the denial of promotion in rank or in the denial of tenure;
7. In cases of alleged misconduct in research, as provided in the Policy on Misconduct in Research.
8. In cases of termination based on financial exigency or change in educational program, as provided in 3.5.5;
9. **In cases of non-reappointment of a Senior Lecturer, as provided in 3.5.3.2.**
10. In such other extraordinary cases as the Provost may refer.

**Comment [SCU31]:** The Faculty Handbook currently does not give Senior Lecturers any avenue to appeal a non-reappointment.