

Faculty Manual, 2020-21

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1.1.0 Faculty Status and Rank

1.1.1 Faculty Members with Regular Appointment

Faculty members with regular appointments are professors, associate professors, assistant professors, and instructors who are eligible for tenure. Their teaching assignments normally consist of six courses or the equivalent during an academic year. Teaching assignments for ranked librarians include reference, instruction, collection development, and the shared management of the library. Such faculty members with regular appointments may also be assigned responsibilities in connection with advising, directing, and supervising independent studies and serving on department, faculty, or college committees or other special assignments.

1.1.2 Faculty Members with Joint Appointment

A joint appointment divides between two faculty members the rights and responsibilities equivalent to one full-time position, and may be negotiated after consultation with the department or departments involved. Each faculty member sharing a joint appointment is eligible individually for promotion and tenure in accordance with the regular criteria and procedures. A provision may be included in the initial contract that if one member of a joint appointment ceases for any reason to be a member of the faculty, the remaining member may assume the responsibilities of one position at the rank and tenure status of the remaining member. If that provision is not included in the initial contract, the remaining member retains tenure, if tenured, and may negotiate a full-time position by mutual agreement among the remaining member, the department, and the Provost. For joint appointments, teaching responsibilities and benefits are specified at the time of hire.

1.1.3 Faculty Members with Distinguished Endowed Chair Appointment

General Parameters: Distinguished Endowed Chair positions are funded by a substantial endowment, and the faculty members holding these appointments will be recognized scholars, champions of the liberal arts, and intellectual leaders in their fields. They will normally teach two to four courses per year, devoting significant time and effort to such work as writing, publishing, performing, initiating/running symposia, and other intra-

and extra-mural activities appropriate to the focus of their Chair and at a scale that is greater than the expectations of a “regular appointment” faculty member. If coming to Gustavus from a tenured position elsewhere, the Distinguished Endowed Chair may be appointed with continuous tenure, following approval by the relevant academic department(s), the Faculty Senate, Provost, President, and the Board of Trustees.

1.1.3.1 Development of a Common Vision

As early as possible in the discussion of a new Distinguished Endowed Chair position, the Provost will be briefed by the President or Advancement representative most familiar with donor intent and then will work with an appropriate academic department or program to clarify its desires on teaching and departmental/programmatic responsibilities, and the President to clarify administrative vision on intra-or extra-mural activities beyond the home department. Every Distinguished Endowed Chair position is unique and will be a highly visible position of the College. The Provost shall craft a written statement of common vision agreed upon by the department, the Provost, and the President, which shall then be shared with the Advancement Office. This document will serve (a) to facilitate sharing College intentions with the donor(s) and broadly codifying these intentions in final documentation of the gift, and (b) to guide the work of the search committee and others involved in the search process. If the common vision is inconsistent with the donor intent, the common vision will be revisited by the Provost, President, and academic department until resolution is achieved. The common vision statement may be updated/revised in the context of searches for a new holder of an already existing DEC.

1.1.3.2 Standard Process for Conducting the Search

The search committee for a Distinguished Endowed Chair will normally be chaired by an Associate Provost and will include program/department faculty members, a liberal arts search representation. One additional designee may be made by each of the President and Provost. The search process will be codified by the common vision statement, illustrate best practices in conducting searches and follow tenets of the Administrative Guidelines for Academic Departments Chairs for tenure-track searches. Regardless of its size, a majority of the members of the search committee shall be faculty members. The selection of finalists will be vested within the search committee, with a process that recognizes the expertise of faculty in judging the academic credentials of candidates and of other search committee members in their areas of competence. The search committee shall select finalists whose qualifications are consistent with the agreed-upon common vision document.

The search committee will recommend one to three finalists to the President and Provost with a written rationale for each candidate. All of the recommended finalists will have appropriately satisfied the criteria articulated in the agreed-upon vision statement. The President, in consultation with the Provost, will rank the top candidates with written rationale, considering the information provided by the search committee and review candidate materials and the common vision statement. The President’s ranking and rationale will be shared with the search committee. If the search committee agrees with the President’s rankings, then the Provost will make the offer to the top candidate and handle details of contract negotiation, letter of appointment, and public announcement. If the rankings of the President and search committee are not in agreement, then the President, Provost and the search committee will meet to resolve the inconsistencies and come to consensus. If consensus and resolution are not achieved at that meeting, then the search will be terminated and the process re-initiated as outlined above. In no case will the President or the Provost unilaterally appoint a Distinguished Endowed Chair.

1.1.3.3 Alternative Process for Conducting the Search

In recognition of the uniqueness of each Distinguished Endowed Chair position, before beginning a search, the President, the Provost, the Chair of the Department that will house the Distinguished Endowed Chair, and the Faculty Senate Chair will consult regarding whether the standard process set out in 1.1.3.2 is appropriate as written or whether instead to propose a revised or alternative process. If all agree that 1.1.3.2 is

appropriate as written, the search will proceed under the standard process. If the alternative process is selected, the President, the Provost, the Chair of the Department that will house the Distinguished Endowed Chair, and the Faculty Senate Chair will write a rationale statement that details the need for an alternative process and the details of the alternative search process that will be sent for consideration to the Faculty Senate. If the Faculty Senate agrees that the alternative search process is appropriate, then the process will be formally documented within the Provost's office and the search will commence. If modifications to the alternative search process are necessary, the President, the Provost, the Chair of the Department that will house the Distinguished Endowed Chair, and the Faculty Senate Chair will work with the Faculty Senate until resolution is achieved.

1.1.3.4 Interim Distinguished Endowed Chair Position

In the event that a Distinguished Endowed Chair position is vacated, an interim candidate may be selected to fill that role for up to two years. The interim candidate will be selected based on consistency with the common vision, and codified by the President, Provost, and department. In no case will the President or the Provost unilaterally appoint an Interim Distinguished Endowed Chair.

1.1.4 Faculty Members with Special Appointment

Special appointment faculty whose teaching or equivalent assignment consists of four or more courses during an academic year are either Visiting (fixed-term) or Adjunct (ongoing), Continuing Instructor (ongoing), or Senior Continuing Instructor (ongoing) and are not eligible for tenure. These appointments may include Visiting Instructor/Assistant Professor, Adjunct Instructor/Assistant Professor, Continuing Instructor/Lab Instructor/Assistant Professor, Senior Continuing Instructor/Lab Instructor/Assistant Professor, Research Professor, Artist, Composer or Writer-in-Residence, Lecturer, Field Study or Internship Supervisor, Laboratory Instructor, leave replacement, and persons funded by grants or other temporary funds. Teaching and/or other assignments, rank, if appropriate, and provisions regarding notice of renewal or termination will be specified at the time of appointment. Persons on special appointment are permitted but are not expected to accept committee or other assignments unless specifically designated to do so in their Position Description.

1.1.5 Faculty Members with Part-time Appointment

Part-time faculty members whose teaching or equivalent assignment consists of fewer than four courses during an academic year are appointed at the rank of instructor, except in specific instances for which preparation and/or experience clearly warrant a higher rank, and are compensated on a per-course basis. Part-time faculty members are permitted but not expected to accept committee or other assignments. They are not eligible for tenure; provisions regarding notice of renewal or termination will be specified at the time of appointment.

1.1.6 Professors Emeriti

A faculty member who retires from service at Gustavus Adolphus College is eligible for election to the status of professor emeritus and shall, if elected, be so designated irrespective of the rank held at retirement. Election to emeritus status will be by a majority vote of the ballots cast by those holding the rank of professor. This election will be conducted by the current voting method before the final faculty meeting of the academic year, with the results to be announced at that meeting.

1.1.7 Faculty/Administration Appointments

1.1.7.1 Appointment of Faculty to Administrative Positions

A faculty member may be appointed to a full-time, fixed-term administrative position for up to three years. If a faculty member on a probationary appointment accepts such an administrative appointment, the time spent in such assignment may be counted toward fulfilling the probationary period prior to tenure. Terms and conditions of such appointment will be stated in writing at the time of appointment. The academic department(s) concerned will normally be permitted to search for a full-time visiting special appointment faculty member to replace their colleague during this fixed-term administrative appointment.

A faculty member who accepts a full-time administrative appointment beyond three years retains rank and tenure status. At the time this appointment is accepted, the academic department(s) will normally be permitted to search for a tenure-track faculty replacement. Administrators holding tenured faculty status will have the option of assuming a regular faculty appointment upon leaving the administration. Should they do so, their appointment normally will constitute an additional faculty position in that department.

1.1.7.2 Appointment of Administrators to Faculty

The President, the Provost, or other senior administrators who hold a terminal degree may be offered faculty status or tenured faculty status. Faculty status may be offered following approval by the designated academic department and the Faculty Senate. If coming to Gustavus from a tenured position, tenured faculty status may be offered following approval by the academic department, the Faculty Senate, and the Board of Trustees. Administrators holding tenured faculty status will have the option of assuming a regular faculty appointment upon leaving the administration. Should they do so, their appointment normally will constitute an additional faculty position in that department.

1.1.7.3 Part-time Appointment of Administrators to Faculty

Administrators may be appointed as faculty to teach courses in J-Term or during the semester with the approval of the Provost and the appropriate academic department. When serving as faculty, administrators have all the rights and privileges of part-time faculty.

1.2.0 Types of Appointment

1.2.1 Term Appointments

Continuing Faculty will be appointed to one-year terms that are probationary toward Senior Continuing status and may be renewed, though no such appointment implies a presumption of renewal. Senior Continuing Faculty will be appointed to five-year renewable terms with a presumption of annual renewal to the end of the term except in circumstances of financial exigency. Other faculty members on special appointment and part-time faculty members will be appointed for terms of one year or other stated periods, which may be renewable or non-renewable as stipulated at the time of appointment. Persons with term appointments are not eligible for tenure.

1.2.2 Probationary and Tenured Appointments

Faculty members with regular or joint appointments will be on probationary appointments or on appointments with continuous tenure.

1.2.2.1 Probationary Appointments

Probationary appointments may be made for one year, or for other stated periods; a probationary appointment may be renewed, but no such appointment implies a presumption of renewal.

Previous service at Gustavus Adolphus College and other institutions of higher education may be included in the probationary period subject to limitations agreed upon in writing at the time of appointment. If not previously agreed upon in writing, a person with more than three years previous probationary service completed after the terminal degree has been earned will be appointed for a probationary period of not more than four years, even though the person's total probationary period in the academic profession is thereby extended beyond the normal maximum of seven years.

1.2.2.2 Appointments with Continuous Tenure

Appointments with continuous tenure are made after a probationary period of not more than seven years. The probationary period may be interrupted by time not counted as probationary service if the faculty member is substantially incapacitated (for example, due to prolonged illness) or devotes substantial time to an activity such as military service, public office, or caring for a child or disabled adult, independent of whether the faculty member has been granted a leave. To request an interruption of the probationary period, the faculty member must notify the Provost in writing no later than 6 months after the conclusion of the interruption and prior to the start of tenure proceedings. The general presumption is that the Provost should grant such requests. When the probationary period is interrupted, the tenure review will ordinarily be delayed a year and will be conducted in accordance with the usual standards; that is, the faculty member will not be expected to have used the additional elapsed time to accomplish more professional work. Tenure may be granted earlier, but not later, than the expiration of the probationary period.

2.1.0 Appointment

2.1.1 Qualifications

To be eligible for appointment to the faculty, a person will be professionally qualified and be sympathetic to the aims and purposes of Gustavus Adolphus College as set forth in the Mission Statement of the College.

2.1.2 Criteria

Professional education is reflected by academic degrees, and by apprenticeship and professional standing as indicated by professional registration, certification or licensure. The appropriate academic degree normally will be the earned doctorate except in the following cases:

- Arts (Dance, Studio Arts, Theatre) and creative writing: the M.F.A.
 - Economics and Management: Earned doctorate in an appropriate field; a relevant master's degree plus appropriate professional certification and substantial experience in accounting, management, international management, or finance may be considered in lieu of the doctorate as fulfillment of the requirement.
 - Library: the master's degree in library science.
 - Nursing: for those hired before 2012, the master's degree in nursing.
 - Athletic Training: Earned doctorate (Ph.D. or Ed.D.) in an appropriate and related field, such as kinesiology, exercise science, human movement studies, higher education, or other such field will be considered to be the terminal degree in the field in addition to an earned doctorate (Ph.D. or Ed.D.) in athletic training
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2.1.3 Terms and Conditions

Appointment to the faculty will be stated or confirmed in writing by the Provost and a copy of the appointment document will be supplied the faculty member. Normally, appointments begin on September 1.

Any subsequent extensions or modifications of any appointment, and any special understandings, will be stated or confirmed in writing and a copy furnished to the faculty member. An appointment to the faculty is not confirmed until a contract is issued and signed by both parties.

2.2.0 Evaluation

All probationary faculty members will be subject to periodic evaluation of their performance.

2.3.0 Retention

Recommendation for retention will be submitted to the Provost by the department concerned through its Chair. Departments in cooperation with the Provost will formalize and make available to all their members the procedure for reaching recommendations regarding retention of untenured persons. The decision to retain or not to retain will be made by the Provost. In addition to merit as a faculty member, enrollment and program needs of the College are proper considerations in deciding whether or not to renew any non-tenured appointment.

2.4.0 Promotion

The following criteria will be considered in reviewing nominations for promotion to the designated rank. In addition to the criteria listed below, librarians may have professional responsibilities in addition to teaching and scholarship. Their ability to set strategic initiatives, develop policies, organize, and manage in a given area of service may merit consideration.

2.4.1 To Assistant Professor

Promotion to the rank of assistant professor will normally be made effective with the beginning of the first semester after the appropriate terminal degree is conferred. This may be done upon the recommendation of the department with the approval of the Provost without the promotion review process.

2.4.1.1 Criteria

1. The terminal degree of certification in the discipline. (Faculty in the library will have earned a second master's degree.)
 2. Competence in subject matter field as reflected in the confidence of professional peers as well as students, colleagues, and administrators.
 3. Experience as reflected in the apprenticeship served in college teaching and related activities. Teaching at a level other than college and/or other professional experience may be recognized as legitimate bases for partially satisfying the apprenticeship requirement.
 4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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2.4.2 To Associate Professor

The Faculty Personnel Committee will assume that all successful candidates for tenure are automatically nominated for promotion to Associate Professor. Those candidates may, but need not, add material to their files for the committee's deliberations regarding promotion.

2.4.2.1 Criteria

A candidate for promotion to associate professor normally will hold tenure and will obtain an overall superior rating on the criteria for assistant professor and, in addition, the following criteria:

1. Excellence as a teacher as reflected in quality of and enthusiasm for work, effectiveness of methods, interest in subject matter, concern for student learning, effective advising of students within and outside the major and continued academic preparation and improvement.
 2. An emerging pattern of professional activities as reflected, for example, by publications, presentations at scholarly meetings or conferences and, in the arts, by manifestations of creativity demonstrated through exhibits or performances; another example may be involvement in professional and/or public organizations, boards, and commissions related to one's academic fields or college assignments.
 3. An emerging pattern of involvement in the activities of the College.
 4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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2.4.3 To Professor

Faculty who wish to be considered for promotion to full professor will indicate their desire in writing in accordance with the timetable established by the Faculty Personnel Committee. Promotion will be granted upon recommendation of the Faculty Personnel Committee, recommendation of the Provost, and approval by the President and report to the Board of Trustees. Promotion will commence in the following academic year.

2.4.3.1 Criteria

In addition to the criteria set forth for assistant professors and for associate professors, the following apply:

1. The continuing excellence and growth as a teacher, as evidenced, for example, by student and peer evaluations, course and program development, or participation in workshops and seminars related to one's field of expertise or teaching.
 2. Established record of professional accomplishments as evidenced, for example, by demonstrated research activities in private, public or corporate settings; publications; presentations at scholarly meetings or conferences; (in the arts) exhibits or performances; and leadership in professional and/or public organizations, boards, or commissions related to one's academic field(s) or assignments.
 3. An established record of leadership in the governance of the College in the candidate's department, in the faculty and its committees, or in other college positions.
 4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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2.4.4 To Senior Continuing Instructor

Each Continuing faculty member in their final probationary year is evaluated for promotion to Senior Continuing status by the department or program to which they are appointed. Ordinarily this will be in the sixth year, unless a shorter probationary period was agreed to at the time of initial appointment. The probationary period may be interrupted by time not counted as probationary service under the same circumstances as for appointments with continuous tenure. Upon completion of the evaluation, the

department or program will recommend either that the Provost promote the candidate to Senior Continuing status or that the Continuing Instructor appointment be brought to a conclusion in accordance with section 2.6.2.1.

2.4.4.1 Criteria

A candidate for promotion to Senior Continuing status normally will obtain an overall superior rating on the criteria established for them as a Continuing faculty member and, in addition, the following criteria:

1. Excellence as a teacher as reflected in quality of and enthusiasm for work, effectiveness of methods, interest in subject matter, concerns for student learning and continued academic preparation and improvement.
 2. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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2.5.0 Tenure

Election to appointment with continuous tenure is by the Board of Trustees upon recommendation of the President who will have received a recommendation from the Provost subsequent to an established system of peer review. Regular and joint appointment faculty will be considered for appointment with continuous tenure in the semester specified at the time of hire or in accordance with a written modification of that agreement. Appointments with continuous tenure are not made at the rank of instructor.

2.5.1 Criteria

The candidate for appointment with continuous tenure must demonstrate competence in subject matter field as reflected in the confidence of professional peers as well as students, colleagues, and administrators, must hold the appropriate terminal degree, and must demonstrate experience as reflected in the apprenticeship served in college teaching and related activities. Teaching at a level other than college and/or other professional experience may be recognized as legitimate bases for partially satisfying the apprenticeship requirement. The specific criteria for tenure are as follows:

1. Excellence as a teacher as reflected in quality of and enthusiasm for work, effectiveness of methods, interest in subject matter, concern for student learning, effective advising of students within and outside the major and continued academic preparation and improvement.
 2. An emerging pattern of professional activities as reflected, for example, by publications, presentations at scholarly meetings or conferences and, in the arts, by manifestations of creativity demonstrated through exhibits or performances; another example may be involvement in professional and/or public organizations, boards, and commissions related to one's academic fields or college assignments.
 3. An emerging pattern of involvement in the activities of the College.
 4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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2.6.0 Termination

2.6.1 By Faculty

2.6.1.1 Resignation

Following the acceptance of a contract by a non-tenured faculty member or the document containing the ongoing contract provisions for a tenured faculty member, it is expected that the faculty member will fulfill the contract except in cases of hardship or in a situation where the faculty member would otherwise be

denied substantial professional advancement or other opportunity. Faculty members who wish to resign shall notify the Provost's Office in writing within ten days of receiving a contract for the next academic year.

2.6.1.2 Retirement

The College does not have a mandatory retirement age. Faculty members who wish to retire shall notify the Provost's Office in writing by March 1 preceding the academic year in which they plan to terminate employment.

2.6.2 By College

2.6.2.1 Non-renewal of Probationary and Special Appointment

Probationary or special appointments may be made for one year, or for other stated periods; a probationary or special appointment may be renewed, but no such appointment implies a presumption for renewal.

Written notice that a probationary appointment is not to be renewed will be given to the faculty member by the Provost in advance of the expiration of her or his appointment as follows:

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, then 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 of service at the College.

2.6.2.2 Programmatic change/financial exigency

Financial exigency of the College is defined using AAUP criteria as a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means. Where termination of an appointment is based upon a bona fide financial exigency as determined by the administration, or discontinuance of a program or department of the College, faculty members affected by such an action will be able to have the issues reviewed at a hearing according to procedures established by the Faculty Senate. During that hearing the Senate will decide whether that determination of financial exigency is bona fide and may include testimony and/or evidence from faculty representatives from the Internal Budget Committee, the Vice-President for Finance, the President and the Provost. The Senate's review of these issues will be completed within sixty (60) calendar days and forwarded to the Board for its ultimate decision.

2.6.2.3 Medical Causes

Termination of an appointment for medical reasons before the end of the period of appointment will be based on clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be reached after appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If a faculty member so requests, the termination decision will be reviewed by the Faculty Senate. The final decision shall be made by the Board of Trustees which shall receive both the result of the Faculty Senate deliberations and the recommendation of the President.

2.6.2.4 Dismissal

Dismissal of a faculty member with a tenured appointment or a probationary or term appointment before the end of the specified term may be effected by the College only for adequate cause and will be in accordance with the procedures set forth in the Major Sanction Proceedings section (Section 3.2.4.3.2) of this manual.

3.1.0 Responsibilities and Duties

The faculty has primary responsibility for 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 Board of Trustees 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, personnel limitations, the time element, and the policies of other groups, bodies and agencies having jurisdiction over the institution may limit the realization of faculty advice.

3.1.1 Academic Program Responsibilities

It will be the faculty's responsibility:

1. to establish the requirements for the degrees offered, to determine when the requirements have been met, and to recommend to the administration candidates for degrees;
2. to prepare and approve courses of study to the administration;
3. to adopt aims and policies with respect to instruction;
4. to determine standards, time, and manner of examinations;
5. to develop policies regarding admission, promotion, probation, and discipline of students for academic reasons;
6. to recommend annually the academic calendar to the administration;
7. to promote measures whereby the spiritual, intellectual, and social life of the College may be enriched and ennobled, and the cultural aims of the College may be achieved.
8. to regularly assess student learning.

3.1.2 Teaching, Committee, and Ceremonial Responsibilities

In addition to teaching assignments, regular and joint appointment faculty, not on leave, whatever their teaching assignment, are expected to accept committee or other special assignments and to attend convocations and ceremonial occasions, including commencement.

3.1.3 Responsibilities to Colleagues

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 [college-wide] 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 the 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.

3.1.4 Participation in College Governance

Agencies for faculty participation in the governance of the College will be established at each level where faculty responsibility is present. The faculty participates in College governance in its actions as a total faculty, and through elected representatives on standing or special committees for such purposes as the search for and periodic evaluation of the President and the Provost, the development of the College budget, and the determination of faculty compensation. The faculty may constitute and elect committees as may be needed for the discharge of its responsibilities and duties, and determine the function and membership of such committees.

3.1.5 External Employment

Faculty members may provide compensated services as consultants or in other capacities to persons or agencies outside the College, providing such employment does not interfere with the fulfillment of their commitment to the College. (See Conflict of Interest Policy in *All-College Policies Handbook* for specific guidelines.)

3.1.6 Sale of Texts or Supplies

Faculty members will not sell texts or supplies to students; all course materials, including texts and handbooks authored by faculty members, will be sold on campus through the college book store or officially approved outlets of the College.

3.2.0 Rights and Privileges

3.2.1 Academic Freedom

All members of the faculty, whether on appointment with continuous tenure or not, are entitled to academic freedom as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure (See Appendix A) and additions and amendments thereto formulated by the American Association of University Professors and incorporated in the Constitution and Bylaws of the College (See Article X, Section 2.)

3.2.2 All-College Policies

Faculty members are afforded rights and protections under the policies found in the college's *All-College Policies Handbook*—such as the Policy Against Harassment and the Nondiscrimination Policy. In order to ensure the continued protection of academic freedom, nothing in these policies will supersede a faculty member's rights and protections as outlined in relevant sections of the *Faculty Manual*, especially those governing grievances, tenure, discipline, and dismissal.

3.2.3 Participation in Political Activities

Faculty members, as citizens, are free to engage in political activities. A faculty member's participation in political activities is as an individual, not as a representative of the College, and he/she will not make use of any college position or property; facilities may be available only insofar as they may also be available to non-college participants in political activities.

When necessary, a faculty member may be given an unpaid leave of absence for the duration of an election campaign or for the duration of a term of office of an elective or appointive position, on timely application and for a reasonable period of time. The terms of such leave will be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that the time spent on leave need not count as probationary service unless otherwise agreed.

3.2.4 Grievance, Disciplinary, and Appeal Procedures

3.2.4.1 Grievance Procedures

Faculty members who believe that they have been harassed may seek redress under the Policy Against Harassment, which is found in the *All-College Policies Handbook*.

Faculty members who seek redress for any other grievance may petition the Faculty Personnel Committee for appropriate action.

3.2.4.2 Disciplinary Procedures

Disciplinary Procedures may be initiated by the Provost when a faculty member's alleged conduct justifies a minor sanction or is sufficiently grave to merit a major sanction.

- 3.2.4.2.1 If the Provost believes that the conduct of a faculty member justifies the imposition of a minor sanction such as a formal reprimand, the Provost will notify the faculty member of the basis for the proposed sanction and provide her or him with an opportunity to persuade the Provost that the proposed sanction should not be imposed. If the faculty member so requests, a written copy of the charges will be provided before any sanctions are imposed. Should a satisfactory resolution between the faculty member and the Provost not be reached, or if the faculty member believes that what is termed to be a minor sanction constitutes a major sanction, the faculty member may petition

the Faculty Personnel Committee for redress as outlined under the Faculty Personnel Committee in the *Faculty Handbook*.

- 3.2.4.2.2 Major Sanction Proceedings

- 3.2.4.2.2.1 Preliminary considerations

- a. Before major sanction proceedings are initiated against a faculty member with continuous tenure or with a probationary or special appointment before the end of a specified period, discussions between appropriate administrative officers and the faculty member will seek a mutually acceptable resolution. If the parties reach a mutually acceptable resolution, the faculty member will waive the right to a hearing and the process will be concluded.

If required by law or by the need to ensure the welfare of students or other members of the Gustavus Adolphus College community, the administration may suspend with pay the faculty member in question or take other appropriate measures pending completion of these proceedings. Promptly upon suspending a faculty member, the administration will notify the Senate concerning the propriety, the length, and the other conditions of suspension.

- b. Except in cases originating from Title IX complaints, informal discussions seeking resolution may be continued, if necessary, by a panel designated equally by the administration, by the faculty member, and by the Faculty Senate. If informal attempts at resolution are not successful, the panel may recommend to the President, without its recommendation being binding upon the President, whether or not major sanction proceedings should be initiated.

- 3.2.4.2.2.2 Initiating proceedings

Preceding the imposition of a major sanction, the President or the President's delegate will initiate a major sanction by presenting a statement of the charges in writing, framed with reasonable particularity, to the faculty member and the Faculty Senate. The faculty member against whom the charges have been brought has a right to a hearing before the Faculty Senate. The Senate, in a timely fashion, will initiate the hearing procedures outlined below, such that the hearing is scheduled no later than the twentieth class day subsequent to the twentieth calendar day after the statement of charges is presented.

Adequate cause for a major sanction will be related, directly and substantially, to the fitness of the faculty member in her or his professional capacity as a teacher and/or researcher. Fitness for duty requires, but is not limited to, refraining from harassment or discrimination prohibited by state or federal law. No exercise of academic freedom or other rights as citizens will be cause for a major sanction.

The burden of proof that the faculty member is responsible for the conduct as charged and that the sanction proposed is appropriate rests with the College and will be satisfied only by the preponderance of evidence and argument in the hearing record.

- 3.2.4.2.2.3 Procedures

- a. The faculty member against whom charges have been brought may waive a hearing and/or respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, and denies the charges or asserts that the charges do not constitute adequate cause for a major sanction, the Senate will make its recommendation on the basis of available evidence and argument in the record.
 - b. Members of the Faculty Senate disqualified by reason of bias or conflicting interest will be removed from the hearing either by themselves or at the request of either party. Each party will have a maximum of two challenges without stated cause.

- c. Notice of the hearing with specific charges in writing will be served at least twenty (20) calendar days prior to the hearing. The Faculty Senate may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (1) simplify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, and (4) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.
- d. The Faculty Senate in consultation with the President and the faculty member will determine whether the hearing should be open or closed. The Senate and/or the Administration may be represented by legal counsel.
The faculty member may be represented by an academic advisor and/or legal counsel of her or his choice during the proceedings. Additionally, a representative of a responsible educational association may attend the proceedings as an observer at the invitation of either party or the Senate.
- e. The Faculty Senate will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Reasonable efforts will be made to obtain the most reliable evidence available. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the Faculty Senate in securing witnesses and making available documentary and other evidence.
In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from this and/or other institutions of higher education. The faculty member and administrative officials will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the Faculty Senate determines that the interests of justice require admission of their statements, the Faculty Senate will identify the witnesses, disclose their statements, and if possible, provide for interrogatories.
The Faculty Senate will grant recesses to enable either party to investigate evidence as to which a valid claim of surprise is made.
In the event that anything in this policy conflicts with state or federal law, the state or federal law takes precedence.
- f. A verbatim record of the hearing will be taken by the Senate and copies will be made available without cost to both parties.
- g. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers or the Senate will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Trustees.
- o 3.2.4.2.2.4 Disposition
 - a. Within fourteen (14) calendar days after the hearing, the Senate will report in writing to the President and to the faculty member its findings and recommendations which will be based solely on the record of the hearing. If the Senate concludes that the burden of proof that the faculty member is responsible for the conduct as charged has been met, but that a sanction other than that proposed by the Administration would be more appropriate, it will so recommend, together with supporting reasons.

- b. Within 14 calendar days of the Senate's report, either party may provide the other party a written request for review by the Board of Trustees. If neither party requests a review, the President will accept the Senate's conclusion.
- c. A request for review must include specific arguments supporting one or more of the following propositions: (1) the Senate's conclusion was based on improper procedure that materially prejudiced the party seeking review, (2) the Senate's conclusions were clearly erroneous or not reasonably supported by evidence contained in the hearing record, or (3) one or more of the Senate's recommendations was substantially disproportionate to the Senate's findings. The non-requesting party will have a 14-calendar-day opportunity to respond in writing to the requesting party's argument. The President will transmit to the Board of Trustees the record of the case, request for review, and response (if any).
- d. The review by the Board of Trustees or the Executive Committee of the Board will be based exclusively on the record of the Faculty Senate's hearings, the written argument submitted by the party requesting review, and any written response submitted by the other party. Within 30 calendar days, the decision of the Faculty Senate will either be sustained, or the proceedings returned to the Faculty Senate with specific objections. The President will notify the faculty member of the decision by the Board or Executive Committee. If the proceedings are returned to the Faculty Senate, the Faculty Senate will then reconsider, taking into account the stated objections and receiving new evidence if necessary. Within 14 calendar days of reconsideration, the Senate will communicate a revised report to both parties. The Board of Trustees, at its next regularly scheduled meeting, will make a final decision, which it will communicate to both parties, only after study of the Faculty Senate's reconsideration.
- e. If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: At least three [3] months, if the final decision is reached by March 1 of the first year of probationary service (or three [3] months prior to the expiration of the first year of probationary service); at least six [6] months, if the decision is reached by December 15 of the second year of probationary service (or after nine [9] months but prior to eighteen [18] months of probationary service); at least one [1] year, if the decision is reached after eighteen [18] months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the Faculty Senate or the President, the Board of Trustees, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

3.2.4.3 Appeals to the Faculty Senate

Faculty members shall have the right to request a hearing before the Faculty Senate on matters involving (1) reconsideration of grievances adjudicated by the Faculty Personnel Committee; and (2) reconsideration of a tenure decision made by the Faculty Personnel Committee, the Provost, and/or the President. Appeals of a tenure decision or of a promotion decision will be initiated with the Faculty Review Committee (see section 3.2.4.3.2).

- 3.2.4.3.1 Reconsideration of grievances adjudicated by the Faculty Personnel Committee
An intent to appeal a finding by the Faculty Personnel Committee regarding a grievance must be filed

to the Faculty Senate within thirty (30) days of the original finding, and the rationale for the appeal will be submitted to the Senate within sixty (60) days of the original finding. The Senate will hold a preliminary hearing to determine if a Grievance Appeal Hearing is warranted, and transmit its findings to the Faculty member filing the petition and to the Faculty Personnel Committee. If the Senate determines that a Grievance Appeal Hearing is warranted, the Senate will convene the hearing in a timely manner. There is no requirement for a quorum—rather the appeal of grievances adjudicated by the Faculty Personnel Committee will be deliberated by the number of elected members of the Senate who are not recused for conflict of interest. The Provost and the President or their designated representatives may also be present but may not participate in the reconsideration of a decision.

- 3.2.4.3.1.1 Disposition of a petition regarding grievances adjudicated by the Faculty Personnel Committee

Should the Senate, after deliberation of the evidence presented at a Grievance Appeal Hearing, find that the evidence does not warrant a reconsideration of the original Faculty Personnel Committee decision, it will promptly notify the Faculty member and the Provost of its findings in writing, providing appropriate rationale. Should the Senate find that a reconsideration of the original decision is warranted, it will promptly remand the case by transmitting its findings in writing to the Faculty Personnel Committee with appropriate rationale, and to the Faculty member. The Faculty Personnel Committee must rehear the case, but is not bound to concur with the Senate.

The Provost and, ultimately, the President will make the final decision after consideration of recommendations from the Senate and/or the Faculty Personnel Committee.

- 3.2.4.3.2 Appeals of decisions regarding tenure or promotion are initiated with the Faculty Review Committee. The charter for this committee can be found in section 3.2.4.3.2.9.

- 3.2.4.3.2.1 Appeal Rights

The purpose of this policy is to provide appeal rights to faculty members for these specific circumstances: 1) to a tenure-track faculty member who is denied tenure or 2) to a tenured faculty member who is denied promotion.

- a. An appeal must be based upon one or more of the grounds for appeal listed below.
- b. The remedy available through this procedure is that some or all of the applicable procedures be reviewed and the College's decision be reconsidered.

- 3.2.4.3.2.2 Grounds for Appeal

The grounds upon which appeals may be made are the following:

- a. Improper consideration: An appeal may allege that a decision against tenure or promotion was based significantly on improper consideration because the review process involved at least one of the following:
 - 1. violation of academic freedom
 - 2. unlawful discrimination
 - 3. violation of applicable College policies on discrimination.
- b. Improper procedure: An appeal may allege that a decision against tenure or promotion was based significantly on improper procedure. Although the Review Committee does not rehear the case, it determines in instances where improper procedure is alleged whether a department, the Faculty Personnel Committee, the Provost and/or the President followed the procedures stated in the *Faculty Manual*. Proper procedure defined: For the purposes of this policy, proper procedure refers essentially to procedural issues having a bearing on the substance of the decision. The standard of proper procedure would suggest the following kinds of questions:

1. Was all available evidence bearing on the relevant performance of the candidate sought out and considered?
2. Was there adequate deliberation over the import of the evidence in the various interviews with the candidate and department, and in subsequent closed committee?
3. Were irrelevant and improper considerations excluded?

Thus, a finding of improper procedure involves a critique of process and not a substitution of the Review Committee's judgment of the merits for that of the Faculty Personnel Committee, Provost, and/or the President.

- c. The merits of the case: With departmental support, an appeal of a negative decision for tenure may allege that the evidence available at the time of the original decision did establish a clear and convincing case for a positive recommendation. A negative recommendation for promotion cannot be appealed on the merits of the case. An appeal on the merits suggests that an error has been made in not granting the appellant tenure. Since proper procedures have assured tenure candidates of a thorough, conscientious review, the standard for overturning a negative decision for tenure on the merits must be high. It will not be sufficient for the Review Committee or the Faculty Senate to simply reach a different conclusion than did the Faculty Personnel Committee, the Provost, and/or the President. They must also conclude that the negative decision for tenure was clearly in error.
- o 3.2.4.3.2.3 Initiating an Appeal
 - a. To initiate an appeal, the faculty member shall deliver a written petition to the Chair of the Faculty Personnel Committee, the Chair of the Faculty Review Committee, the Office of the President, and the Office of the Provost. The petition must be delivered within fifty (50) calendar days of receipt of official written notice of the decision. In exceptional cases, the Faculty Review Committee may grant an extension of the deadline.
 - b. The petition must state the decision being appealed, the grounds for appeal and a statement of evidence in support of the allegations. The burden of proof in cases alleging improper consideration and/or improper procedure rests upon the appellant to establish a prima facie case.
A prima facie case of improper consideration and/or improper procedure has been established if the appellant's petition contains statements alleging facts, which, if they were not contradicted, would reasonably allow the Faculty Review Committee to conclude that the College's decision was based on improper consideration and/or improper procedure as defined above.
 - c. For an appeal on the merits of a negative tenure decision, the faculty member's petition must be accompanied by a letter of support from the faculty member's department. The letter must list the voting members of the department and report the outcome of the vote to support the appeal. The departmental letter, along with the appellant's petition, should also offer specific evidence in support of the appeal. A clear and convincing case for error has been established if the appellant's petition, as supported by his/her department, has not been sufficiently challenged or contradicted by the Faculty Personnel Committee, the Provost, and/or the President. The Review committee must conclude, not only that it disagrees with the

negative decision for tenure, but that any other reasonable body reviewing the same evidence would likely also disagree.

o 3.2.4.3.2.4 Appeal Procedures

a. Within twenty-one (21) calendar days of receipt of the petition, the Faculty Review Committee shall meet to determine whether:

1. the faculty member has alleged a proper basis for appeal;
2. the appeal was commenced within the deadline;
3. the appellant has established a prima facie case for improper consideration and/or improper procedure; or
4. the faculty member has established a clear and convincing case for error in a negative tenure recommendation.

The Committee will establish its own procedures for this preliminary meeting.

In the case of an appeal on the merits the Faculty Review Committee shall request a response to the appellant's petition from those parties involved in the negative decision for tenure, including the Faculty Personnel Committee, the Provost, and/or the President. The response letters from these parties shall be sent to the Faculty Review Committee within fourteen (14) calendar days after a copy of the petition has been provided to those parties. The response letters shall be available to Committee members prior to the Committee's preliminary hearing.

b. If the Faculty Review Committee determines that proper grounds for an appeal have not been alleged, or that an appeal has not been timely commenced, or that a prima facie case has not been established for improper consideration and/or improper procedure, or that a clear and convincing case for error in a negative tenure decision has not been made, it shall so notify the appellant, the Provost, and the President, and no further action shall be taken in review of the appeal.

c. If the Faculty Review Committee determines that proper grounds have been alleged, and that the appeal is timely, and that a prima facie case for improper consideration and/or improper procedure has been established, the Committee shall next determine how best to conduct its review of the appeal. Depending on the circumstances of each particular case, the Committee may request both parties to state their positions in writing, and make a determination based upon these submissions, or the Committee may choose to hold a hearing. Either the appellant or the respondent may also request a hearing.

In the case of an appeal on the merits, if the Faculty Review Committee determines that proper grounds have been alleged, and that the appeal is timely, and that a clear and convincing case for error in a negative tenure decision has been made, it will report this decision to the Provost and the Chair of the Faculty Senate as specified in section 3.2.4.3.2.5.d.

d. If the Faculty Review Committee determines that a hearing is warranted, in the case of an appeal of improper consideration and/or improper procedure, the following procedures will govern such a hearing. It is imperative that the procedures of the Committee assure due process while at the same time are pursued sensibly and in good faith. The hearing shall take place within fourteen (14) calendar days after the Committee's preliminary meeting.

1. The appellant shall have the right to have present an advisor chosen from among the College's faculty or administration. The advisor shall not be a member of the Provost's office or a member of the Faculty Personnel

Committee that voted on the decision being appealed. The decision being appealed will determine whether the Chair of the Faculty Personnel Committee, the Provost, or the President shall be the respondent. The respondent shall also have the right to have an advisor selected from the faculty or administration of the College. The role of the advisors is to listen to the proceedings, offer advice to the advisee, take notes and provide personal support to the advisee. Although the appellant and the respondent should be the primary speakers, advisors may speak and answer questions if the Faculty Review Committee feels doing so is appropriate and can be done fairly. Hearings of the Committee are open only to the appellant, the respondent, the Provost, the advisors to the parties, and other persons invited by the Committee.

2. The Faculty Review Committee may obtain information from whatever sources it deems necessary. If either the appellant or respondent believes that information from witnesses or other documentary evidence would be helpful in clarifying, but not supplanting, the existing tenure/promotion file, either or both may so inform the Committee. The Committee should provide the opportunity for such clarification, but also maintains the right to limit all additional material. The Committee is entitled to access to the appellant's tenure or promotion file used in making the original decision.
 3. The Faculty Review Committee shall have discretion to determine the manner and order in which it will take evidence. It may question all persons involved in the hearing. Neither the appellant nor the respondent, nor either of their advisors, if any, may question witnesses without the consent of the Committee. Rules of evidence and other rules and procedures applicable to a court of law need not apply.
 4. All hearings and deliberations of the Faculty Review Committee shall be conducted confidentially. All participants are bound to keep confidential the evidence and testimony presented or reviewed in hearings and deliberations. This provision is not intended to limit the ability of the appellant or the College to communicate freely with attorneys, governmental agencies, or as otherwise allowed or required by law.
- 3.2.4.3.2.5 Disposition of Faculty Review Committee Appeals
- a. In the case of alleged improper consideration and/or improper procedure, the Faculty Review Committee is charged with studying the merits of the appeal and reporting its findings to the President within fourteen (14) calendar days of the Committee's preliminary meeting or hearing, whichever is later.
 - b. In the case of alleged improper consideration and/or improper procedure, the Faculty Review Committee shall not substitute its judgment on the merits of the decision for that of the Faculty Personnel Committee, Provost, or the President as to the faculty member's suitability for tenure or promotion, but instead shall limit its findings of fact to the following:
 1. If the Faculty Review Committee finds improper consideration or improper procedure on the part of the Provost or Faculty Personnel Committee, the Faculty Review Committee shall recommend to the President that some or all of the applicable procedure shall be reviewed and that the decision shall be reconsidered. The Committee shall prepare a report explaining why the

Committee arrived at its findings and identifying which procedures shall be reviewed or repeated and by whom. The President shall provide copies of the Committee's report to the appellant, the Provost, and to the members of the Faculty Personnel Committee. The findings and contents of the report shall otherwise remain confidential.

2. If the Committee finds improper consideration or improper procedure on the part of the President alone, the Committee report shall recommend to the President that the President's decision be reconsidered. The report of the Committee shall explain why the Committee arrived at its findings. The President shall provide copies of the Committee's report to the Chair of the Board of Trustees, the Provost and to the members of the Faculty Personnel Committee. The findings and contents of the report shall otherwise remain confidential.
- c. Within ten (10) calendar days of receipt of the Faculty Review Committee Report of improper consideration or improper procedure, the President will either reverse the decision without further consideration or direct that some or all of the applicable procedures be reviewed as identified in the Committee's report. The directive for reconsideration shall include specific instructions for individuals or committees. Within twenty-one (21) calendar days of receipt of instructions to do so from the President, the Faculty Personnel Committee and/or the Provost shall review procedures, reconsider their recommendation, and report in writing to the President.
Within ten (10) calendar days of receipt of all required responses for reconsideration from individuals and committees, the President will either reverse the original negative tenure decision or let stand the decision and notify the appellant, the Provost, and the Faculty Personnel Committee. If the President decides to reverse the original negative tenure decision, positive recommendations for tenure or promotion will be forwarded to the Board of Trustees for final action. If the President decides to let stand the original decision, this decision of the President cannot be appealed further under this Appeals procedure.
The President's notification to reverse or let stand the original decision should include an explanation for the decision.
- d. In the case of an appeal on the merits, if the Faculty Review Committee determines that a clear and convincing case for error in a negative tenure decision has been made, it will report this decision to the Provost, the President, the appellant, the Chair of the Faculty Personnel Committee, and the Chair of the Faculty Senate within fourteen (14) calendar days of the Committee's preliminary meeting. The Faculty Senate will then convene a hearing of the appeal based on the procedures outlined in section 3.2.4.3.2.6. The Faculty Review Committee shall report in writing explaining why the Committee arrived at its findings and identifying specific evidence it believes was not properly interpreted. The Faculty Senate chair and Faculty Personnel Committee chair can share the report with their respective membership. The findings and contents of the report shall otherwise remain confidential.
- o 3.2.4.3.2.6 Faculty Senate Tenure Appeal Procedures
It is imperative that the procedures of the Faculty Senate assure due process while at the same time are pursued sensibly and in good faith.

- a. In the event a hearing is held, the appellant shall have the right to have present an advisor chosen from among the College's faculty or administration. The advisor shall not be a member of the Provost's office, the Faculty Senate hearing the appeal, or a member of the Faculty Personnel Committee that voted on the decision being appealed. The decision being appealed will determine whether the Chair of the Faculty Personnel Committee, the Provost or the President shall be the respondent. The respondent shall also have the right to have an advisor selected from the faculty or administration of the College. The role of the advisors is to listen to the proceedings, offer advice to the advisee, take notes and provide personal support to the advisee. Although the appellant and the respondent should be the primary speakers, advisors may speak and answer questions if the Committee feels doing so is appropriate and can be done fairly. Hearings of the Faculty Senate are open only to the appellant, the respondent, the Provost, the advisors to the parties, and other persons invited by the Senate.
 - b. The Faculty Senate may obtain information from whatever sources it deems necessary. If either the appellant or respondent believes that information from witnesses or other documentary evidence would be helpful in clarifying, but not supplanting, the existing tenure/promotion file, either or both may so inform the Senate. The Senate should provide the opportunity for such clarification, but also maintains the right to limit all additional material. The Senate is entitled to access to the appellant's tenure or promotion file used in making the original decision.
 - c. The Faculty Senate shall have discretion to determine the manner and order in which it shall take evidence. It may question all persons involved in the hearing. Neither the appellant nor the respondent, nor either of their advisors, if any, may question witnesses without the consent of the Senate. Rules of evidence and other rules and procedures applicable to a court of law need not apply.
 - d. All hearings and deliberations of the Faculty Senate shall be conducted confidentially. All participants are bound to keep confidential the evidence and testimony presented or reviewed in hearings and deliberations. This provision is not intended to limit the ability of the appellant or the College to communicate freely with attorneys, governmental agencies or as otherwise allowed or required by law.
- o 3.2.4.3.2.7 Disposition of Faculty Senate Tenure Appeals

The Faculty Senate is charged with conducting a hearing on the appeal, and reporting its findings to the President within twenty-one (21) calendar days of notification from the Faculty Review Committee.

 - a. If, in the Faculty Senate's judgment, there is not clear and convincing evidence to overturn the recommendations of the Faculty Personnel Committee or the Provost, or the decision of the President, it will report this finding in writing to the President, the Provost, the appellant, and to the chair of the Faculty Personnel Committee. The report should specifically address the findings of the Review Committee, and why the Senate was not persuaded that the original negative tenure decision was in error. The findings and contents of the report shall otherwise remain confidential.
 - b. If, in the Faculty Senate's judgment, the evidence is clear and convincing that the Faculty Personnel Committee, the Provost, or the President has erred on the merits of a properly appealed tenure case, the Faculty Senate shall recommend to the President that the decision be reversed. The Faculty Senate shall report in writing explaining why the Senate arrived at its findings and identifying specific evidence

that it believes was not properly interpreted. This report shall go to the President, the Provost, the appellant, and the chair of the Faculty Personnel Committee (who may share it with members of the Faculty Personnel Committee). The findings and contents of the report shall otherwise remain confidential.

Within fourteen (14) calendar days of receipt of a Faculty Senate recommendation to reverse a negative tenure decision, the Faculty Personnel Committee and/or the Provost will provide a written rebuttal to the President, explaining why they believe that the Faculty Senate is in error regarding the merits of the case.

Within ten (10) calendar days of receipt of all required responses for reconsideration from individuals and committees, the President will either reverse the original negative tenure decision or let stand the decision and notify the appellant, the Provost, the Faculty Personnel Committee, and the Faculty Senate. If the President decides to reverse the original negative tenure decision, positive recommendations for tenure or promotion will be forwarded to the Board of Trustees for final action. If the President decides to let stand the original decision, this decision of the President cannot be appealed further under this Appeals procedure.

The President's notification to reverse or let stand the original decision should include an explanation for the decision.

- 3.2.4.3.2.8 Appeals to the Board of Trustees
 - a. After all of the appeals processes outlined above have been completed, and if the Faculty Senate and/or the Faculty Review Committee has found that the President alone made improper considerations or used improper procedure that likely affected the decision, and if the President decides not to reverse the original negative decision on tenure, the appellant may appeal the decision of the President to the Board of Trustees by writing to the Chair of the Board.
 - b. After the Board has completed its review, the Board will either reverse the decision or let stand the original decision and the Board Chair will notify the appellant, the President, the Provost, and the members of the Faculty Personnel Committee.
 - c. The Board Chair's notification to reverse or let stand the original decision should include an explanation for the decision.
- 3.2.4.3.2.9 Charter of the Faculty Review Committee
 - a. Charge:
The Faculty Review Committee receives petitions, investigates, conducts hearings, and makes recommendations on appeals of decisions of tenure and promotion made by the Faculty Personnel Committee, the Provost or the President.
 - b. Committee staffing:
 - 1. Three tenured faculty members designated as regular members at the time of their elections. No two members can be from the same department.
 - 2. One tenured faculty member, also from a different department, designated as an alternate at the time of election.
 - 3. All members of the committee shall have been members of the faculty for at least five academic years.
 - 4. No member of the committee may be an administrative officer.
 - 5. No member may serve concurrently on the Faculty Personnel Committee or the Faculty Senate.
 - c. Terms of Office, Nominations, and elections:
 - 1. The term of office is three years. The terms shall be staggered.

2. When it is necessary to fill a position on or replace permanently a member of the committee, the Faculty Senate shall present nominations according to regular Faculty election rules, with additional nominations from the floor of the Faculty, providing all meet the requirements stated in 3.2.4.3.2.9.b.
- d. Procedures:
1. The committee shall elect a chair from among its regular members.
 2. Members shall excuse themselves, or the chair may excuse a member, from consideration of those cases where the member's impartiality could be questioned by the appellant, the Provost, the President or the Chair of the Faculty Personnel Committee. Such cases may include, but are not limited to, those that present a clear conflict of interest, or those in which the committee member may be called upon to offer testimony. The individuals raising questions of impartiality must address their concern to the committee chair at the time the appeal is initiated.
 3. If a regular member is excused from the consideration of a case, an alternate, if not also excused, will serve for the consideration of that case.
 4. If the chair is excused, the remaining members will elect a chair for the consideration of that case.
 5. Three members constitute a quorum. An alternate should attend all meetings, but not participate until and unless needed as a replacement.
 6. In the event that a quorum cannot be reached because of excuses, the elected members of the Faculty Senate shall elect sufficient replacements for the excused members to reach a quorum. These replacements shall serve only for the particular appeal and must meet the requirements for membership in 3.2.4.3.2.9.b.
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3.2.5 Compensation

3.2.5.1 Contracts

Contracts between all faculty members and the College will set forth in writing the commitments of each party. Contracts for renewed appointments and appointment letters for faculty with tenure will be offered not later than April 15 unless notification and explanation has been made to the Faculty Senate and, except for appointments with tenure, will be returned not later than thirty (30) calendar days after being tendered. Contracts not signed and returned within thirty (30) calendar days will be regarded to have been refused and to have expired.

3.2.5.2 Salary

Salary for regular appointment faculty will be in accordance with a published salary schedule (See Appendix B).

3.2.5.3 Fringe Benefits

Fringe benefits for all faculty members except part-time faculty members who teach fewer than four courses or equivalent per year, normally will be in accordance with a published fringe benefit schedule (See Appendix B).

3.2.6 Faculty Development and Leaves

3.2.6.1 Faculty Development

Faculty may participate in the faculty development programs in accordance with the stipulations of each of those exchanges, leaves, grants, seminars, and workshops.

3.2.6.2 Leaves of Absence

- 3.2.6.2.1 Compensated Academic Leaves

- a. Sabbatical Leaves for Regular Professional Development

Procedures regarding leaves of absence are outlined in the *Faculty Handbook*.

Regular professional development is a normal part of an academic career. The College affirms the teacher-scholar model of professional development as a way of valuing all legitimate professional development activities that contribute to a vital and healthy academic community. Since a sabbatical leave is a major investment in the faculty member's professional future, the individual, the relevant department, the Provost and the Faculty Development Committee will work together to devise a plan that is mutually beneficial to the individual and to the College. Faculty who apply for a sabbatical leave as part of their professional development must provide a coherent, well-planned proposal to the Faculty Development Committee for evaluation. The committee will review leave proposals and will forward its recommendation to the Provost. The college will fund all proposals recommended to it by the Committee, if possible. In cases where funding is insufficient, a recommended leave may be delayed one year after the Provost has consulted with the individual and the department.

- 3.2.6.2.2 Other Leaves

- a. Leaves for Graduate Study

Leaves of absence without salary from the College may be granted for graduate study toward an advanced degree and are negotiated with the Provost after consultation with the department concerned.

- b. Parental Leave

The College recognizes the important role of both parents in the arrival of a new child. The College's Parental Leave policy is found in the *All-College Policies* document.

- c. Family and Medical Leave

The College's Family and Medical Leave policy is found in the *All-College Policies* document.

- d. Leaves for Other Reasons

Leaves of absence for public service, exchange professorships, medical or other reasons may be negotiated with the Provost. Leaves of absence do not supersede, extend or otherwise alter the terminal limit of an employment contract between the employee and the College.

4.1.0 Procedures for Amending the *Faculty Manual* are as follows:

1. Any proposed amendment to the *Faculty Manual* (except for Appendix B as explained below), whether from Faculty or Board of Trustees, will be submitted in writing to the faculty at least ten (10) days prior to the faculty meeting at which it is to be discussed. The written notice will indicate the date of the faculty meeting at which the proposal will be discussed. Once the vote has been called, faculty will have no less than one week to vote on the amendment. A simple majority of faculty votes cast is required to adopt the amendment and recommend it to the Board of Trustees.
In Appendix B, the Faculty Salary Schedule and the details and provisions of Fringe Benefits may be amended annually by the Board of Trustees or its designees after consultation with the Faculty Senate or its designees and the Budget Committee.
 2. Approval by the Faculty and the Board of Trustees is required for an amendment to be adopted.
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Appendix A: AAUP 1940 Statement of Principles on Academic Freedom and Tenure

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

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. 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.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

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, [NOTE: Gustavus Adolphus College does not have a mandatory retirement age. See *Faculty Manual* 2.6.1.2] 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 the new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. 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 and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.
5. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

Appendix B: Faculty Salary and Compensation

Note: The salary and fringe benefits schedules listed below are an indication of intention only and carry no contractual commitment beyond the contract year. Specific provisions of the salary and fringe benefits schedules are subject to annual review by the appropriate committees, the administration, and the Board of Trustees.

2020-21 Step System for Regular Appointment Faculty

| Assistant | | Associate | | Professor | |
|-----------|----------|-----------|----------|-----------|----------|
| 101 | \$52,875 | 207 | \$60,049 | 316 | \$71,768 |
| 102 | \$53,807 | 208 | \$61,056 | 317 | \$72,891 |
| 103 | \$54,739 | 209 | \$62,063 | 318 | \$74,014 |
| 104 | \$55,671 | 210 | \$63,070 | 319 | \$75,137 |
| 105 | \$56,603 | 211 | \$64,077 | 320 | \$76,260 |
| 106 | \$57,535 | 212 | \$65,084 | 321 | \$77,383 |
| 107 | \$58,467 | 213 | \$66,091 | 322 | \$78,506 |
| 108 | \$59,399 | 214 | \$67,098 | 323 | \$79,629 |
| 109 | \$60,331 | 215 | \$68,105 | 324 | \$80,752 |
| 110 | \$61,263 | 216 | \$69,112 | 325 | \$81,875 |
| 111 | \$62,195 | 217 | \$70,119 | 326 | \$82,998 |
| 112 | \$63,127 | 218 | \$71,126 | 327 | \$84,121 |
| 113 | \$64,059 | 219 | \$72,133 | 328 | \$85,244 |
| 114 | \$64,991 | 220 | \$73,140 | 329 | \$86,367 |
| 115 | \$65,923 | 221 | \$74,147 | 330 | \$87,490 |
| 116 | \$66,855 | 222 | \$75,154 | 331 | \$88,613 |
| 117 | \$67,787 | 223 | \$76,161 | 332 | \$89,736 |
| 118 | \$68,719 | 224 | \$77,168 | 333 | \$90,859 |
| 119 | \$69,651 | 225 | \$78,175 | 334 | \$91,982 |
| 120 | \$70,583 | 226 | \$79,182 | 335 | \$93,105 |
| 121 | \$71,515 | 227 | \$80,189 | 336 | \$94,228 |
| 122 | \$72,447 | 228 | \$81,196 | 337 | \$95,351 |
| 123 | \$73,379 | 229 | \$82,203 | 338 | \$96,474 |
| 124 | \$74,311 | 230 | \$83,210 | 339 | \$97,597 |
| 125 | \$75,243 | 231 | \$84,217 | 340 | \$98,720 |

| | | | | | |
|-----|----------|-----|----------|-----|-----------|
| 126 | \$76,175 | 232 | \$85,224 | 341 | \$99,843 |
| 127 | \$77,107 | 233 | \$86,231 | 342 | \$100,966 |
| 128 | \$78,039 | 234 | \$87,238 | 343 | \$102,089 |

2020-21 Step System for Continuing Faculty

| Step | Continuing | Step | Senior Continuing |
|------|------------|------|-------------------|
| 2 | \$45,825 | 60 | \$51,440 |
| 3 | \$46,325 | 61 | \$51,950 |
| 4 | \$46,825 | 62 | \$52,460 |
| 5 | \$47,325 | 63 | \$52,970 |
| 6 | \$47,825 | 64 | \$53,480 |
| 7 | \$48,325 | 65 | \$53,990 |
| 8 | \$48,825 | 66 | \$54,500 |
| 9 | \$49,325 | 67 | \$55,010 |
| 10 | \$49,825 | 68 | \$55,520 |
| 11 | \$50,325 | 69 | \$56,030 |
| 12 | \$50,825 | 70 | \$56,540 |
| 13 | \$51,325 | 71 | \$57,050 |
| 14 | \$51,825 | 72 | \$57,560 |
| 15 | \$52,325 | 73 | \$58,070 |
| 16 | \$52,825 | 74 | \$58,580 |
| 17 | \$53,325 | 75 | \$59,090 |
| 18 | \$53,825 | 76 | \$59,600 |
| 19 | \$54,325 | 77 | \$60,110 |
| 20 | \$54,825 | 78 | \$60,620 |
| 21 | \$55,325 | 79 | \$61,130 |
| 22 | \$55,825 | 80 | \$61,640 |
| 23 | \$56,325 | 81 | \$62,150 |
| 24 | \$56,825 | 82 | \$62,660 |
| 25 | \$57,325 | 83 | \$63,170 |
| 26 | \$57,825 | 84 | \$63,680 |
| 27 | \$58,325 | 85 | \$64,190 |
| 28 | \$58,825 | 86 | \$64,700 |
| 29 | \$59,325 | 87 | \$65,210 |
| 30 | \$59,825 | 88 | \$65,720 |

Per-Course Rate

The per-course rate for the 2020-21 academic year will be \$4,100 for a standard 1-credit semester or January term course. Partial-credit courses will be prorated.

Fringe Benefits

All eligible full-time employees receive the following fringe benefits. For complete terms and conditions of each benefit see the *Employee Benefits Booklet*, published annually by the Office of Human Resources.

1. Comprehensive medical insurance
2. Dental insurance
3. Term life insurance
4. Short-term salary continuation (for salaried employees)
5. Short-term disability (for hourly employees)

6. Long-term disability income insurance
7. A tax shelter retirement plan
8. Tuition Scholarship Plan for Dependent Children
9. Employee and Spouse/Domestic Partner Tuition Benefit Plan.

Additionally, all eligible faculty members may receive the following benefits in accordance with the stipulations specified for each:

1. Leaves of absence
 2. Professional travel and mileage allowance.
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Appendix C: Faculty Emeriti Privileges

Privileges of faculty emeriti shall include:

1. Medical insurance benefits, if eligible, as provided in Gustavus Adolphus College Post-Employment Medical Benefits Plan (see *All-College Policies*);
 2. provision for office space at the College where possible;
 3. participation in all public academic events such as commencement exercises;
 4. library privileges and use of athletic facilities;
 5. faculty identification cards for admission to all college events such as plays, concerts, recitals, and athletic contests; and
 6. complimentary subscriptions to college publications.
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