

SECTION III

3. FACULTY POLICIES AND PROCEDURES**3.1.FACULTY MEMBERSHIP**

The faculty of the College consists of the teaching faculty (each of whom holds a faculty rank and whose primary responsibility is classroom teaching), the Provost, the Associate Provost, emerita/us faculty, professional librarians, and those College administrators who, though their primary responsibilities to the College are other than teaching, have been appointed to the faculty by the President.

3.2.RESPONSIBILITIES OF THE FACULTY**3.2.1. RESPONSIBILITIES OF THE TEACHING FACULTY****3.2.1.1. GENERAL RESPONSIBILITY**

The teaching faculty as a whole has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, selection of new faculty members, faculty tenure status and related matters, 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 and delegated by it to the President, is exercised adversely only in exceptional circumstances, and for reasons communicated to the teaching faculty in writing. Thereafter, the teaching faculty has the right of further consideration and transmittal of its views to the President or, through the President, to the Board of Trustees.

3.2.1.2. SPECIFIC RESPONSIBILITIES

3.2.1.2.1. TEACHING Faculty are expected to demonstrate in their teaching a command of the subject matter, an ability to communicate, and a capacity to stimulate students. Faculty are also expected to be well organized in their presentation, to be well prepared for classes, to be available to students, to be interested in the development of students, to be fair in evaluation of students, and to be professional in relations with students. Further, faculty are expected to develop as teachers; development is evidenced by such factors as the introduction of new interests, ideas, or techniques in existing courses; the development of new courses; or movement into new subject areas.

3.2.1.2.2. SCHOLARLY ACTIVITIES Beyond the responsibility of maintaining a superior level of instruction, the teaching faculty are expected to cultivate and to improve their scholarly competence. This may be demonstrated by: published research, artistic production, distinguished performance, activity in professional societies, and other scholarly inquiries as deemed appropriate by the departments and the Committee on Rank and Tenure.

- 3.2.1.2.3. SERVICE In addition to responsibilities as teachers and scholars, the teaching faculty participates with the Board of Trustees and the President in determination of long-range plans for the College; selection of the President and other academic officers; improvements in the academic curriculum; decisions regarding buildings and facilities to be used in the educational work of the College; allocation of finances among competing demands; formulation of policies and procedures relative to salary and ancillary benefits of the teaching faculty; and recommendation of structures and procedures for faculty participation in College governance through membership in the Academic Leadership Council and on College councils and committees. As members of the community, teaching faculty have the obligations of all citizens. They measure the urgency of these public responsibilities in the light of responsibilities to the students, to their disciplines, and to the College.

3.2.2. RESPONSIBILITIES OF THE PROFESSIONAL LIBRARIANS

3.2.2.1. GENERAL RESPONSIBILITY

The professional librarians as a whole have primary responsibility in the College for such fundamental areas contributing to the educational and research mission of the College as: library service, reference service, collection development, bibliographic organization, and control. Professional librarians do not generally teach credit-bearing courses; however, they do have equivalent professional responsibilities commensurate with their role in the library. As members of the faculty, professional librarians have all the privileges and responsibilities of the faculty with the exception of academic rank.

3.2.2.2. SPECIFIC RESPONSIBILITIES

- 3.2.2.2.1. LIBRARIANSHIP Professional services in the library include administration, collection building, patron service, information literacy instruction, assessment of library services, and bibliographic organization and control;
- 3.2.2.2.2. SCHOLARLY ACTIVITIES Beyond the responsibility of maintaining a superior level of librarianship, the library faculty are expected to cultivate and to improve their scholarly competence through bibliographic research, library and information science research, disciplinary research when appropriate, research into the scholarship of teaching and learning, preparation of catalogues and indexes, participation in workshops and professional meetings, and publications;
- 3.2.2.2.3. SERVICE Professional librarians are expected to participate in appropriate professional and scholarly organizations, to participate in College governance through membership in the Academic Leadership Council and on College councils and committees. As members of the community, professional librarians are expected to contribute to the work of the college, using their skills and interests as a guide to where they can best serve.

3.2.3. RESPONSIBILITIES OF ADMINISTRATORS WHO ARE MEMBERS OF THE FACULTY

3.2.3.1. GENERAL RESPONSIBILITY Administrators who hold faculty rank have contractually designated responsibilities that are specific to their positions. Their positions as administrators preclude their election as faculty on College councils and committees.

3.2.3.2. SPECIFIC RESPONSIBILITIES These are unique to each position and are delineated in the administration position description.

3.2.4. RESPONSIBILITIES OF THE EMERITA/US FACULTY

3.2.4.1. GENERAL RESPONSIBILITY Emerita/us faculty are expected to support the principles, objectives, and standards of the college in a manner befitting their honored status.

3.2.4.2. SPECIFIC RESPONSIBILITIES Emerita/us faculty do not have specific responsibilities to the College unless they are contractually retained. If so disposed, they may continue to serve on College councils and committees.

3.3.FACULTY RANKS

3.3.1. GENERAL POLICY

All permanent faculty hold academic rank. There are four primary academic ranks for tenure track faculty: Instructor, Assistant Professor, Associate Professor, and Professor, plus Professional Librarian. Each faculty member is assigned to one of these according to the principles and procedures established for appointment and promotion. In addition to the four primary ranks, there are several academic designations with rank for part-time faculty and faculty not on the tenure track. All faculty are expected to fulfill the responsibilities appropriate to their position on the faculty and each has the rights appropriate to that position.

3.3.2. TENURE TRACK ACADEMIC RANKS

3.3.2.1. INSTRUCTOR The beginning rank, may be assigned to those who have not completed all the requirements for the terminal degree in their discipline.

3.3.2.2. ASSISTANT PROFESSOR The second academic rank, ordinarily conferred upon those who have completed their terminal degree and who have not yet been promoted to the rank of Associate Professor.

3.3.2.3. ASSOCIATE PROFESSOR The third academic rank, ordinarily conferred upon those who have served as assistant professors, have been recognized for superior teaching, and have achieved public recognition in their discipline.

3.3.2.4. PROFESSOR The fourth academic rank, ordinarily conferred upon those who have served as associate professors, have been recognized for superior teaching, and have achieved widespread recognition in their discipline.

3.3.2.5. PROFESSIONAL LIBRARIAN The designation of Professional Librarian is normally conferred on persons possessing the appropriate terminal professional degree. Appointment of Librarians follows the same procedures as those established for appointing other tenure track faculty.

3.3.3. NON-TENURE ACADEMIC DESIGNATIONS

There are several rationales for non-tenure track faculty positions, including 1) the institution sometimes has a need for shorter-term positions to fill temporary staffing gaps; 2) the institution needs to recruit and retain new and established professionals in their fields for more specific purposes, e.g. clinical teaching and placement oversight; focus on teaching; or focus on practice. In these cases, it is the mutual interest of the institution and the faculty member both to qualify for the position based on their experience and skills in the area of focus and to have a workload and evaluation expectations commensurate with that focus.

Non-visiting, ongoing, full-time non-tenure faculty positions, both as professional specialists and teaching professors will have an opportunity for promotion. The ranks include assistant, associate, and full professor. Promotion under this context does not confer tenure or the expectation of tenure. Because of the more specialized expectations and credentialing of these positions, they are not substitutes for tenure-track lines. Rank follows the same general timeline for promotion as for tenure/tenure-track faculty. A non-tenure track faculty member is typically eligible for promotion to associate after six years of employment and to full professor after 12 years of employment at Saint Mary's college. With the support of annual reviews, the provost's office, division director, and department chair will determine appropriate rank in consultation with the faculty member.

3.3.3.1. ADJUNCT FACULTY The designation of Adjunct Faculty is normally conferred on persons who are paid to teach on a course-by-course basis. They may hold other academic or administrative positions. A letter of agreement is issued to them on a semester basis. Adjuncts are appointed on an ad hoc basis in consultation between the Department Chair/Division Director and the Associate Provost.

3.3.3.2. VISITING The designation of Visiting Faculty is conferred on persons holding short-term period, of no more than three years, in a full-time appointment with rank. A visiting faculty can be hired as a professional specialist or teaching professor. A load is typically 4:3 to 4:4 which equals up to 12 credit hours each semester (if service expectations exist, the load will more likely be at a 4:3 level). Visiting Faculty should meet the qualifications for the rank they hold (e.g. Visiting Assistant Professor or Visiting Associate Professor, etc.). Visiting Faculty are appointed following the procedure for Appointment to the Faculty.

3.3.3.3. PROFESSIONAL SPECIALIST The designation of Professional Specialist is conferred upon full-time faculty not on the tenure track whom have ongoing and yearly teaching expectations but also have specialized training, knowledge, skills,

competencies and experience in a particular field relevant to a departmental or programmatic need with full service expectation to the department and participation in departmental activities. Faculty Professional Specialists must have an advanced degree, professional credentials, licensure or certification, and/or current professional experience in their respective discipline as determined to be appropriate by the departmental faculty, the Division Chair, and the Provost. Professional Specialists are expected to maintain requisite clinical competencies and professional credentials. Normally faculty specialists do not need to hold a terminal degree. If they do hold a terminal degree relevant to the position, an increase in salary will be given. Professional Specialists are appointed following the procedure for Appointment to the Faculty.

3.3.3.3.1. CLINICAL PROFESSIONAL SPECIALISTS The designation of Clinical Professional Specialist is conferred upon faculty who hold professional credentials that support clinical work and/or supervision.

3.3.3.4. TEACHING PROFESSOR The designation of Teaching Professor is conferred upon full-time faculty not on the tenure track who are appointed primarily to provide instruction with full service expectation to the department and participation in departmental activities (e.g. advising, assessment, and/or curriculum development). The basic qualifications and standards vary by discipline, but the title reflects strong teaching ability and a relevant basis of scholarly work or professional expertise and achievement. The expected teaching load is typically a 4:3 (or 3:4) load which is the equivalent of 21 hours over both semesters. These individuals need to hold an advanced degree but a terminal degree is not required. If they do hold a terminal degree in the relevant position, an increase in salary will be given. Teaching professors are appointed following the procedure for Appointment to the Faculty.

3.3.3.4.1. CLINICAL TEACHING PROFESSOR Faculty who serve an essential teaching function that requires substantive clinical expertise and leadership in a clinical practice area. Teaching is their primary responsibility with expectations for service commensurate with a tenure track position and possible outreach with community partners. Research is not a specific expectation for this position but in many cases these faculty are conducting clinical scholarship. A terminal degree, often a clinical doctorate, is required. In most cases, maintenance of clinical licensure is expected.

3.3.3.5. FACULTY FELLOWS The designation of Faculty Fellow is conferred upon individuals who: teach courses for a graduate program on a regular basis (typically at least one course per year); contribute to the work of designing, implementing, assessing and reviewing their graduate programs; engage in efforts to develop the reputation of their graduate programs outside the College; and participate in recruitment and mentoring of students in ways that exceed the bounds of course instruction (e.g., directing student research, constructing and evaluating comprehensive exams, supervising students in community of field placements, etc.). Faculty Fellows are

individuals who bring significant expertise in their fields (normally possessing the terminal degree), but who do not hold a full-time or part-time faculty appointment at the College.

3.3.3.6. Non-tenure track faculty expectations and opportunities

- 3.3.3.6.1. As faculty members, all non-tenure track faculty are expected to uphold the professional norms expected of all faculty in terms of teaching responsibilities and professional integrity and abide by the expectations of the governance manual. The specific expectations in terms of teaching, service, research and/or other responsibilities to the College will be dictated by the position description and/or faculty contract, with any additional details outlined in the appointment letter.
- 3.3.3.6.2. All non-tenure track faculty are immediately eligible upon hire to participate in faculty development workshops on teaching and assessment offered through their departments, divisions, or the Center For Academic Innovation (CAI).
- 3.3.3.6.3. All full-time non-tenure track faculty are eligible for internal grants and travel funds starting immediately.
- 3.3.3.6.4. All non-tenure track faculty are eligible to serve and may serve on the ALC, ALC committees, as well as department, divisional, provost, and college committees, but non-tenure track faculty should not be pressured to serve in areas that are beyond the scope of their title and associated obligations. Service participation will be incorporated into annual reports. Non-tenure track faculty do not serve on the Rank & Tenure Committee.

3.4.APPOINTMENT TO THE FACULTY: TEACHING AND NONTEACHING FACULTY

3.4.1. APPOINTMENT PROCEDURE

- 3.4.1.1. CRITERIA FOR APPOINTMENT The appointment of a member of the faculty is based on a careful evaluation of the individual's potential for fulfilling the responsibilities of a faculty member and on the needs of the institution.
- 3.4.1.2. POSITION APPROVAL PROCEDURE In consultation with the Department Chair, the Division Director prepares a position request for the Associate Provost. Guidelines and requirements will be posted on the Council of Chairs/Division Director portal. Position requests will be reviewed by the Associate Provost and Provost, with the hiring decision made in discussion with the President.

3.4.1.3. SEARCH PROCEDURE Upon receipt of position approval, departments/divisions will establish search procedures and conduct a search for a candidate in accord with the College's Equal Employment Opportunity Policy. Normally, all faculty in the department, or a Search Committee selected by them, will review the credentials of applicants for the position.

3.4.1.4. CANDIDATE APPROVAL Except in extraordinary circumstances, the division in consultation with the department originates the recommendation for filling approved positions. The chair of the search committee sends credentials of the candidates and the recommendation of the search committee to the Provost, who approves the list of candidates to be brought to campus for interviews. The Chair of the Search Committee will invite candidates to campus for interviews. Candidates who visit campus will be reimbursed for their travel expenses according to the policies described under Travel Reimbursement.

3.4.1.5. CANDIDATE INTERVIEWS All members of the department shall have the opportunity to interview each candidate. Candidates will be interviewed by the Associate Provost, or the Provost, or their designees. Normally, candidates are expected to make a presentation to students and faculty, who will be requested to complete an evaluation of the candidate's performance. After the interviewing process is completed, the search committee will evaluate and rank all of the candidates in order of hiring preference. The Division Director will then forward the recommendation to the Provost. The Associate Provost, the Provost, and the President will review the recommendation along with their own evaluations in light of institutional priorities.

3.4.1.6. INVITATION TO JOIN FACULTY Upon a positive decision, the Provost will invite the applicant to join the faculty of the College. A time limit of one week is ordinarily given to the applicant to accept or decline the offer. Upon acceptance of the offer the Initial Letter of Appointment [Section III.E] will be sent by the Provost's Office.

3.4.2. QUALIFICATIONS FOR TENURE/TENURE-TRACK APPOINTMENT

3.4.2.1. INSTRUCTOR. Appointment to the rank of Instructor requires:

- 3.4.2.1.1. An appropriate academic degree or the standard accepted equivalent;
- 3.4.2.1.2. The promise of superior teaching ability.

3.4.2.2. ASSISTANT PROFESSOR. Appointment to the rank of Assistant Professor requires:

- 3.4.2.2.1. an earned doctorate or its recognized equivalent in the professional discipline and/or area of teaching; and
- 3.4.2.2.2. evidence of teaching excellence, at an institution of higher learning; and

- 3.4.2.2.3. evidence of scholarship or creative activity in one's professional discipline.

3.4.2.3. ASSOCIATE PROFESSOR. Appointment to the rank of Associate Professor requires:

- 3.4.2.3.1. an earned doctorate or its recognized equivalent in the professional discipline and/or area of teaching; and
- 3.4.2.3.2. evidence of teaching excellence as a full-time faculty member; and
- 3.4.2.3.3. accomplishment in scholarship or creative activity in one's professional discipline.
- 3.4.2.3.4. Evidence of active service in an academic position.

3.4.2.4. PROFESSOR. Appointment to the rank of Professor requires:

- 3.4.2.4.1. an earned doctorate or its recognized equivalent in the professional discipline and/or area of teaching; and
- 3.4.2.4.2. evidence of teaching excellence as a full-time faculty member; and
- 3.4.2.4.3. excellence in either research or service and at a minimum, meets expectations in the other.

3.4.2.5. EMERITA/US This rank is ordinarily granted upon retirement to a person who has spent ten or more years at Saint Mary's College.

3.4.2.6. PROFESSIONAL LIBRARIAN The designation of Professional Librarian is normally conferred on persons possessing the appropriate terminal professional degree. Appointment of Librarians follows the same procedures as those established for appointing other tenure-track faculty.

3.4.2.7. PART-TIME TENURE-TRACK APPOINTMENTS Part-time tenure-track appointments to the faculty are permitted for persons who for appropriate reasons must devote less than full-time service to the College provided that the service is at least half-time. Except in extraordinary situations no more than one-fourth of the tenure-track faculty in any department shall have part-time appointments.

- 3.4.2.7.1. Requests by members of the tenure-track faculty for transfers between full-time and part-time service shall be made in accordance with Section 3.4.1. Such a transfer can be made only by mutual agreement between the appointee and the College.
- 3.4.2.7.2. Standards for appointment and reappointment to tenure-track positions shall be the same for part-time service as for full-time service. The duration of contractual periods and academic ranks shall also be the same. The

responsibilities and privileges of a member of the tenure track faculty with a part-time appointment are as defined in the Governance Manual, but on a proportionate scale, to those of a member with full-time appointment.

3.4.2.8. OTHER ACADEMIC DESIGNATIONS

ADMINISTRATORS WHO TEACH Administrators who do not hold faculty rank and who teach will be designated “Teaching Professor” at the appropriate rank and according to the terms of their appointment. To teach, administrators should meet or exceed the qualifications listed for initial appointment to the teaching faculty at the Instructor level.

3.4.3. APPOINTMENTS WITH TENURE

Ordinarily, tenure is not granted upon appointment. If a candidate wishes to be considered for an appointment with tenure, that request must be considered by the Committee on Rank and Tenure. Denial of tenure will not affect the candidate’s status as a candidate for appointment, nor should it be considered as affecting future consideration for tenure.

3.4.4. ADMINISTRATIVE APPOINTMENT WITH FACULTY RANK

Administrators who wish to retain their faculty rank or who wish promotion in rank to accompany their administrative appointment must meet the criteria established for that rank in 3.6.2.

3.4.5. TRAVEL AND OTHER EXPENSES FOR CANDIDATES

Travel and other expenses connected with the recruitment or visit of faculty candidates to Saint Mary's campus are paid by the College. Candidates’ expenses are charged to the recruitment budget in the Provost Office.

To receive reimbursement, a candidate must submit all receipts to the search committee who forwards them to the Provost Office with a request for reimbursement. If candidates use their own cars, they are reimbursed at the rate which the Internal Revenue Service allows as a tax deduction for professional travel. (The current rate may be obtained from the Business Office.)

3.5.LETTERS OF APPOINTMENT AND RENEWAL

3.5.1. INITIAL LETTER OF APPOINTMENT: ALL FACULTY

The initial letter of appointment from the Provost is issued upon acceptance of the offer to join the College faculty. The letter states the rank or title; the salary; the contracted time; and provisions, if any, for reimbursement of moving expenses. The initial letter of appointment also defines the terminal degree for the position and the candidate’s status with regard to that degree.

3.5.2. LETTERS OF RENEWAL: ALL FACULTY

Letters of renewal for faculty are issued by the Provost during the first week of March. The letter states the rank or title, salary, beginning and ending dates of the contract period, and the tenure status of the faculty member

3.5.3. RECOMMENDATION OF RENEWAL OR NONRENEWAL OF APPOINTMENT FOR PRE-TENURE FACULTY

3.5.3.1. The Division Director shares in confidence the pre-tenure faculty member's Annual Review report with the Department Chair and tenured members of the department in developing a recommendation for renewal or non-renewal of the pre-tenure faculty member's appointment. The recommendation, signed by the Division Director, Department Chair and the tenured members of the department's faculty, along with the reasons for the recommendation, must be received by the Associate Provost by November 15.

3.5.3.2. The Provost and the Associate Provost review each case with the President and convey a decision to the Division Director by December 15.

3.5.3.3. In the case of pre-tenure faculty in their first year of appointment, since there is no Annual Review report of the prior year's performance, an abbreviated Annual Review report of the results of the first semester's appointment will be shared in confidence with the tenured members of the department in developing a recommendation for renewal or non-renewal of the pre-tenure faculty member's appointment. The Associate Provost must receive this recommendation and the reasons therefore by February 1. It is to be placed at the end of the Annual Review report and must be signed by the Division Director, the Chair and the tenured members of the department's faculty. The Provost and the Associate Provost review each case with the President and convey a decision to the Division Director by February 15.

3.5.4. NOTIFICATION TO NON-TENURED FACULTY OF RENEWAL OR NONRENEWAL OF APPOINTMENT

Regardless of assigned rank, a non-tenure track instructional appointment generally begins with a single-year contract and, given satisfactory performance, may be renewed annually, but does not lead to tenure status. If not in a short-term or visiting non-tenure track position, depending on annual reviews and the faculty member's ability to meet expectations for the position, two-year contracts may be offered within the first six years of hire at Saint Mary's. Following promotion, typically after six years of service at Saint Mary's, Professional Specialist and Teaching Professor positions may be offered variable-year terms, in 2-5 year increments. Terms are determined by the Provost, Chair, and Division Director. Renewals are dependent upon enrollment demand and performance.

In cases of non-renewal, the College follows the American Association of University Professors (AAUP) recommendations in “Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments” (AAUP Policy Documents and Reports as amended). Faculty members not being renewed will be notified by the Associate Provost. Faculty members in their first year receive three months notice, no later than March 1 of their first year of service to the College. Faculty members in their second year of service receive six months notice, no later than December 15 of their second year of service to the College. Faculty members in their third year, to the end of their tenure probationary period (as defined in section 3.7.2.1.), receive 12 months notice. Such notification is normally sent to the faculty member at the time contracts are issued, but in no instance will notification occur later than twelve months before the expiration of the appointment.

3.6.PROMOTION

3.6.1. PROMOTION POLICY

- 3.6.1.1. Promotion is neither automatic nor assured, except when promotion is contractually delineated at the time of appointment.
- 3.6.1.2. Promotions are subject to the procedures of the Committee on Rank and Tenure as found in section 3.8.
- 3.6.1.3. The principal qualifications for promotion in tenure/tenure-track positions relate to teaching excellence, scholarly/creative work or its professional equivalent, and service to the institution and/or community. (See Section 3.8.1 for more information.)
- 3.6.1.4. The principal qualifications for promotion in non-tenure track positions relate to the expectations for each of the non-tenure track positions. Typically, this includes teaching excellence, professional capabilities and expectations, and service to the institution and/or community.

3.6.2. QUALIFICATIONS FOR PROMOTION IN TENURE/TENURE-TRACK POSITIONS

Candidates for promotion normally are expected to meet the following qualifications for promotion to an academic rank:

- 3.6.2.1. ASSISTANT PROFESSOR: The rank of Assistant Professor requires:
 - 3.6.2.1.1. an earned doctorate or its recognized equivalent in the professional discipline and/or area of teaching; and
 - 3.6.2.1.2. evidence for teaching excellence at an institution of higher learning; and

3.6.2.1.3. evidence of scholarship or creative activity in one's professional discipline.

3.6.2.2. ASSOCIATE PROFESSOR: Promotion to the rank of Associate Professor requires:

3.6.2.2.1. an earned doctorate or its recognized equivalent in the professional discipline and/or area of teaching; and

3.6.2.2.2. evidence of teaching excellences as a full-time faculty member at the rank of Assistant Professor in this or any other institution of higher learning; and

3.6.2.2.3. Accomplishment in scholarship or creative work either through publication of the results of academic research or its professional equivalent; and

3.6.2.2.4. evidence of active service in the College department, community, or profession other than teaching and scholarship or its equivalent, which is consistent with the mission and goals of the College and the profession.

3.6.2.3. PROFESSOR: Promotion to the rank of Professor requires:

3.6.2.3.1. an earned doctorate or its recognized equivalent in the professional discipline and/or area of teaching; and

3.6.2.3.2. evidence of teaching excellence as a full-time member of the faculty at the rank of Associate Professor in this or any institution of higher learning; and

3.6.2.3.3. Excellence in either scholarship or service and, at a minimum, meets expectations in the other:

3.6.2.3.3.1. Active accomplishment in one's scholarship or creative work; and

3.6.2.3.4. evidence of leadership in service to the College, department, community or profession, other than teaching and scholarship or its equivalent, which is consistent with the mission and goals of the College and the profession. Candidates for promotion to Professor are advised to pursue those levels of quality and achievement which bring ever greater stature to the academic reputation of the College.

3.6.3. PROMOTION EVALUATION CRITERIA

The criteria used in evaluating faculty performance for purposes of promotion are described in Section 3.8.

3.7.TENURE

3.7.1. TENURE: DEFINITIONS AND OBJECTIVES

Except as provided in Section 3.10, tenure is a permanent commitment by the College and by the faculty member until retirement or resignation. The significance of tenure to the faculty lies in the establishment of a climate where freedom of teaching, research, and extramural activity are possible. Tenure's significance to the institution lies in its provision of a core of able professionals who have the freedom to pursue the search for truth and its free exposition. Providing an atmosphere where the search for truth is possible fulfills the institution's obligations to both students and society.

3.7.2. TENURE POLICY

Saint Mary's College generally endorses the policy recommendations of the AAUP. College policy, however, in certain instances may differ from the detailed procedures described in AAUP publications and, in those instances, College policy takes precedence. The material in this section is an interpretation of the following AAUP statements as they apply to the granting of tenure to the faculty at Saint Mary's College: "Academic Freedom and Tenure: 1940 Statement of Principles and Interpretive Comments," and "1976 Recommended Institutional Regulations on Academic Freedom and Tenure," AAUP Policy Documents and Reports.

3.7.2.1. TENURE PROBATIONARY PERIOD: FULL AND PART-TIME FACULTY

3.7.2.1.1. Tenure is granted after a probationary period at Saint Mary's College which will not exceed seven years of full-time equivalent teaching. Faculty members who have taught at other institutions may negotiate a reduction of their probationary period. The terms of this reduction appear in the faculty member's initial letter of appointment. The probationary period ordinarily will not be shortened by more than two years. Customarily, the College does not grant tenure before the completion of the probationary period.

3.7.2.1.2. Part-time faculty in tenure track positions receive probationary credit in relation to the number of full-time equivalent hours they teach. Thus, the maximum tenure probationary period for a part-time faculty member who teaches one-half time is fourteen years.

3.7.2.1.3. During the midpoint of the probationary period, a review of the faculty member's performance is conducted by the Committee on Rank and Tenure. This review is based on information provided by the individual, the Department Chair/Division Director, and tenured members of the department. The criteria used in the process are found in Section 3.8.1. The faculty member is informed in writing of the results of this review.

3.7.2.2. TERMINATION OF A TENURED APPOINTMENT

Tenured appointments are terminated only under exceptional circumstances, pursuant to the provisions of Section 3.10.

3.7.2.3. TENURE AND RETIREMENT

Tenure ceases upon retirement.

3.8.PROMOTION AND TENURE IN TENURE/TENURE-TRACK POSITIONS: CRITERIA AND PROCEDURES

3.8.1. PROMOTION AND TENURE EVALUATION FACTORS

Three distinct criteria are employed in evaluating faculty performance in tenure-track positions: Teaching, Creative and Scholarly Activities, and Service. The criteria for evaluating creative and scholarly work and service vary considerably from one department to the next. It is the responsibility of the Division Director and the Department Chair to assist their faculty members to understand how the standard applies to their discipline and to assist the members of the Committee on Rank and Tenure in interpreting the standards of performance in their respective disciplines. Candidates for promotion and/or tenure are evaluated in terms of the following general factors:

3.8.1.1. TEACHING: Superior teaching is essential. Faculty are expected to effectively demonstrate all of the following criteria in their teaching practice (the criteria are in no particular order of importance):

- 3.8.1.1.1. Command of subject and remaining knowledgeable in current research and information that contributes to the field.
- 3.8.1.1.2. Teaching at an appropriate level that promotes intellectual engagement and/or curiosity of students
- 3.8.1.1.3. Ability to communicate effectively
- 3.8.1.1.4. Organization of material
- 3.8.1.1.5. Availability to students
- 3.8.1.1.6. Encouragement and mentoring of students
- 3.8.1.1.7. Academic advising of students
- 3.8.1.1.8. Engage in assessment of student learning
- 3.8.1.1.9. Efforts to continually improve the quality of teaching in response to evaluations and feedback, assessment, and/or best practices in pedagogy and how students learn. This could include participation in opportunities provided through on campus or national training.

3.8.1.1.10. Ongoing development and improvement of courses. Examples could include:

3.8.1.1.10.1. Development of new courses and/or curriculum

3.8.1.1.10.2. Revision of existing courses

3.8.1.1.10.3. Developing courses or curricular materials that focus on themes of diversity, equity, inclusion, and justice.

3.8.1.1.10.4. Development of certificates and/or credentials.

3.8.1.1.10.5. Development of courses or curricular materials that employ pedagogies of community engagement.

3.8.1.1.11. Incorporate inclusive pedagogy in teaching and in all interactions with students. This includes:

3.8.1.1.11.1. Fostering an inclusive classroom environment that values diversity, takes into consideration students from a broad variety of backgrounds and learning styles, and challenges students to their best efforts.

3.8.1.1.11.2. Ensuring equity in the classroom by removing barriers that might otherwise prevent students from being able to participate.

3.8.1.2. CREATIVE, SCHOLARLY, AND RESEARCH ACTIVITIES

All faculty at Saint Mary's are expected to demonstrate continuing involvement in the professional life of their disciplines. This could also include scholarly work on teaching and community-engaged research. To facilitate comprehension of this complex area, the Committee on Rank and Tenure, in consultation with the various departments, has prepared the following listing. Activities have been divided into three categories presented in order of decreasing importance of the category. (Activities listed within the category have equal weight unless noted.) This listing is intended to be illustrative, not exhaustive. While some activities corresponding to those in Category I are essential to promotion and tenure, it is expected that faculty will be involved in various activities of the kind listed below. Please be sure to include, as appropriate, any contribution to DEIJ (Diversity, Equity, Inclusion, and Justice) shapes one's discipline in any of the categories below.

3.8.1.2.1. CATEGORY I

Essential production within Category I (depending on the discipline) includes:

3.8.1.2.1.1. Publishing peer-reviewed work in the field of research and/or teaching

3.8.1.2.1.2. Giving invitational recitals and concerts

3.8.1.2.1.3. Participation in solo or group art/design exhibitions or competitions at peer-recognized venues; or peer-recognized public art/design commissions or community-based projects

3.8.1.2.1.4. Guest participation in one's discipline in professional theater (such as acting, directing, stage managing)

Other options in Category I include:

3.8.1.2.1.5. Presenting papers or posters at peer-reviewed sessions at meetings of professional organizations and/or societies.

3.8.1.2.1.6. Presenting invited papers at meetings of professional organizations and/or societies.

3.8.1.2.1.7. Receiving external grants in support of scholarly activity as PI or co-PI.

3.8.1.2.1.8. Peer-reviewed fellowships or residencies.

3.8.1.2.1.9. Acquisition of creative or scholarly work into peer-recognized public or private collections.

3.8.1.2.1.10. Holding office in national/international professional societies in one's discipline. This could also include positions on editorial boards for scholarly journals and/or producing edited volumes or special editions.

3.8.1.2.1.11. Receiving external honors and awards indicative of professional recognition in one's discipline

3.8.1.2.1.12. Publishing a peer-reviewed textbook, including open access.

3.8.1.2.1.13. Peer-reviewed clinical practice and certification and/or licensure renewal.

3.8.1.2.2. CATEGORY II

3.8.1.2.2.1. Engaging in ongoing research. This includes ongoing research with students as part of undergraduate research (e.g. summer research projects) as well as oversight of graduate student research projects.

3.8.1.2.2.2. Having one's work cited by other scholars

3.8.1.2.2.3. Refereeing papers and/or acting as official peer reviewer of manuscripts

- 3.8.1.2.2.4. Publishing laboratory manuals and other kinds of teaching tools, including open access
- 3.8.1.2.2.5. Giving invitational lectures on scholarly subjects both on and off campus
- 3.8.1.2.2.6. Publishing non-peer-reviewed work in the field of research or of teaching for public audiences.
- 3.8.1.2.2.7. Participating in solo or group art/design/scholarly exhibitions at mid-tier venues; mid-tier public art/design commissions or community-based projects
- 3.8.1.2.2.8. Participating in on-campus concerts, art exhibitions, or theatrical productions
- 3.8.1.2.2.9. Designing seminars and/or workshops for professional meetings and/or societies
- 3.8.1.2.2.10. Writing reviews of scholarly books, concerts, art exhibitions, or theatrical productions
- 3.8.1.2.2.11. Primary authorship of a substantive assessment report or benchmark
- 3.8.1.2.2.12. Leadership in development of new undergraduate or graduate programs
- 3.8.1.2.2.13. Receiving external grants not directly related to scholarly activity as PI or co-PI
- 3.8.1.2.3. CATEGORY III
 - 3.8.1.2.3.1. Receiving internal grants to support scholarly/creative activity
 - 3.8.1.2.3.2. Participating in group art/design/scholarly exhibitions or community-based art/design projects at entry-level venues
 - 3.8.1.2.3.3. Giving lectures in the areas of one's academic discipline for non-professional organizations
 - 3.8.1.2.3.4. Being chosen as an officer and/or board member of a local organization on the basis of expertise in one's academic discipline
 - 3.8.1.2.3.5. attending professional workshops, conferences, and seminars in one's discipline.

While it is true that criteria for evaluating creative and scholarly work vary greatly, these categories in effect constitute a ranking.

3.8.1.3. SERVICE: Service embraces a wide range of activities including:

- 3.8.1.3.1. College governance and College committee work
- 3.8.1.3.2. Departmental and Divisional activities
- 3.8.1.3.3. Service to professional organizations
- 3.8.1.3.4. Service to the College community
- 3.8.1.3.5. Service to the community outside the college, utilizing one's professional abilities as teacher and scholar
- 3.8.1.3.6. Services that fosters a culture of DEI in the college and/or community including contributions to the College's diversity, equity, inclusion and diversity goals

3.8.2. PROMOTION AND/OR TENURE PROCEDURES

Faculty who intend to apply for tenure and/or promotion should notify the Chair of the Committee on Rank and Tenure no later than June 1, so as to allow adequate time for the Committee's planning for cases, and for the candidate to gather, develop, and distribute materials for the review

3.8.2.1. NOMINATION FOR PROMOTION AND/OR TENURE

Tenure and promotion in faculty rank at Saint Mary's College normally originate with the Division Director; however, they may be initiated by the faculty member, a colleague, or an administrator. Nominations are submitted to the Chair of the Committee on Rank and Tenure who initiates the procedures outlined below. To avoid prejudicing a case, the source of the nomination is kept confidential by the Chair of the Committee. College policy does not encourage nominations for early tenure.

3.8.2.2. CANDIDACY FOR PROMOTION AND/OR TENURE

- 3.8.2.2.1. The Chair of the Committee on Rank and Tenure notifies faculty nominated for promotion or tenure, in writing, of their nomination.¹ The nominee may accept or decline the nomination. If a nominee declines the nomination, that person's name is withdrawn and no further consideration is given to that case that year except in cases of faculty at end of probationary period (see paragraph below). The person or persons making the nomination

¹ Faculty who are expecting to be nominated for tenure and/or promotion should notify the Chair of the Committee on Rank and Tenure by June. 1.

are so notified in writing. If the nominee accepts, that faculty member becomes a candidate.

- 3.8.2.2.2. Faculty members who reach the end of the probationary period and refuse the nomination for tenure are issued a terminal contract. On the basis of the acceptance notices received from the nominees, the Chair of the Committee on Rank and Tenure prepares a list of candidates for promotion and/or tenure. This list is known only to the members of the committee on Rank and Tenure and the President of the College.

3.8.2.3. CANDIDACY MATERIALS

It is the candidate's responsibility and opportunity to make her or his best case for tenure and/or promotion. The Committee on Rank and Tenure considers the following materials (3.8.2.3.1-3.8.2.3.6.) for each candidate. Additional materials may be submitted by the candidate.

3.8.2.3.1. CANDIDATE

- 3.8.2.3.1.1. The Committee on Rank and Tenure Evaluation form can be found on the College portal, under the Faculty Committee tab.
- 3.8.2.3.1.2. Supporting materials such as representative syllabi, student course/instructor surveys, publications, slides, reviews, programs, original evaluation forms with student comments, etc.

3.8.2.3.2. DEPARTMENT CHAIR / DIVISION DIRECTOR

- 3.8.2.3.2.1. The Committee on Rank and Tenure Evaluation form can be found on the College portal, under the Faculty Committee tab.
- 3.8.2.3.2.2. Supporting materials.

3.8.2.3.3. FACULTY

- 3.8.2.3.3.1. The Chair of the Committee on Rank and Tenure Evaluation requests each member of a candidate's department to submit an evaluation of the candidate.
- 3.8.2.3.3.2. The Committee on Rank and Tenure may request that colleagues outside of the department submit evaluations of the candidate. This is normally done in instances where there has been significant involvement with the candidate. A candidate may ask that the Committee request an evaluation from any faculty member. Ordinarily, however, the candidate is expected to issue the request to the evaluator.

3.8.2.3.4. STUDENTS

3.8.2.3.4.1. Quantitative data from Student Course Instructor Surveys are assembled by the Office of the Associate Provost.

3.8.2.3.4.2. Students are asked to provide a written evaluation of the candidate's strengths and weaknesses as well as to evaluate the candidate as a member of the Saint Mary's College community. A sample of students who have had only lower division courses and a sample of students having a range of courses are asked to write. Students' names are selected from class lists of preceding years. Candidates are not to solicit letters from current students.

3.8.2.3.5. ALUMNAE

Alumnae who have taken one or more courses with the candidate are asked to provide written evaluations of the candidate's strengths and weaknesses and to evaluate the candidate as a member of the Saint Mary's College community. A random sample of alumnae throughout the candidate's time at Saint Mary's is chosen representing undergraduate majors and non-majors and graduate students.

3.8.2.3.6. EXTERNAL REVIEWERS

3.8.2.3.6.1. As part of the review of all cases for tenure and/or promotion, the Committee on Rank and Tenure asks for input from reviewers from outside the College who are in a position to speak knowledgeably about the accomplishments of the candidate in the area of scholarly/creative activity. Outside reviews are ordinarily sought only from the individuals identified by the candidate, but the Committee may request assessments from other individuals as well.

3.8.2.3.6.2. No later than the first day of the academic year in which the candidate will be considered for tenure and/or promotion, the candidate submits to the Chair of the Committee, a list of external reviewers who have agreed to review the candidate's scholarly/creative activity. The list includes names and contact information for a minimum of 3 and a maximum of 5 individuals.

3.8.2.3.6.2.1. It is the candidate's responsibility to send, in a timely fashion, materials she or he deems necessary to complete the review process to the individuals on the list. The material includes a copy of the candidate's own narrative report to the committee, and may include any other materials that the candidate judges to be useful to the reviewer, e.g., representative syllabi, articles, books, texts of presentations, reproductions of art work.

3.8.2.3.6.2.2. No later than September 1, the Chair of the Committee contacts the individuals on the list provided by the candidate and requests that they return their completed evaluations by October 1.

3.8.2.4. REQUESTS TO APPEAR BEFORE THE COMMITTEE

3.8.2.5. Candidates for promotion and/or tenure who wish to make a personal appearance to the Committee on Rank and Tenure may do so by contacting the Chair of the Committee prior to the deadline set for candidacy materials. Faculty who are not candidates and administrators who wish to appear before the Committee in support of, or in opposition to a candidate, should contact the Chair of the Committee prior to November 1. Those who wish to recommend changes in procedure or policy should contact the Chair of the Committee.

3.8.2.6. REVIEW PROCEDURES: COMMITTEE ON RANK AND TENURE

Although there may be deviation from the following procedure, the Committee on Rank and Tenure normally follows the procedure described below in reviewing all candidates. **All deliberations of the Committee on Rank and Tenure and the materials on which they are based are strictly confidential.**

3.8.2.6.1. PHASE 1 Prior to considering any candidate for promotion and/or tenure, and prior to meeting with the Department Chair/Division Director of the candidate, the Committee on Rank and Tenure must be in receipt of the above candidacy materials. The Committee members review the candidate's materials prior to the meeting.

3.8.2.6.2. PHASE 2 Committee members do not discuss their observations based upon their review of the materials among themselves nor with others prior to meeting with the Department Chair/Division Director. Thus, each Committee member forms a personal assessment and develops a line of inquiry to be pursued during the meeting. If the Chair of a department is a candidate for promotion, the most recent past chair of the department or the Division Director will complete the candidate report and present the candidate to the Committee on Rank and Tenure.

3.8.2.6.3. PHASE 3 Following the meeting with the candidate's Department Chair/Division Director, the Committee on Rank and Tenure discusses the case before it. The Committee may decide to defer the discussion pending further review of the materials. When the Committee is satisfied that it can make an informed judgment, a vote is taken. All decisions which serve as the basis for the Committee's recommendation are based on a majority vote via secret ballot.

3.8.2.7. RECOMMENDATIONS OF THE COMMITTEE ON RANK AND TENURE

The Committee on Rank and Tenure submits its written recommendations together with all candidate material to the President no later than January 1.

3.8.2.8. PRESIDENT'S DECISION

The President communicates the decision on promotion and tenure to the Provost and to the Committee on Rank and Tenure no later than February 1. If the President does not accept a Committee recommendation, the President meets with the Committee to discuss the rationale for this decision. The President may request a meeting with the Committee on Rank and Tenure to seek clarification or to review these decisions. The President reports tenure decisions to the Executive Committee of the Board of Trustees at its winter meeting.

3.8.2.9. NOTIFICATION OF DECISION ON PROMOTIONS AND TENURE

Division Directors, Department Chairs, and candidates for promotion and/or tenure are given written notification of decisions from the President by February 15. Faculty members who are promoted and/or granted tenure receive contracts that reflect their new status. Those denied tenure and who are at the end of their probationary period receive terminal contracts. Public announcement of promotions conferred by the College is made at the annual President's Dinner.

3.8.2.10. CONFIDENTIALITY

With the exception of supporting materials (e.g., publications, slides, etc.), all materials submitted to the Committee as well as materials generated by the Committee on Rank and Tenure are confidential. Only Committee members and the President are granted access to these materials. Committee members do not have access to the written evaluations by faculty members of candidates considered in previous years.

3.8.2.11. REASONS FOR RANK AND TENURE DECISIONS

3.8.2.11.1. Reasons which contributed to the decision to deny tenure or promotion to a faculty member will be given verbally if that faculty member requests them.

3.8.2.11.2. Unsuccessful candidates for promotion and/or tenure have the right to meet with the President and Provost to discuss the decision.

3.8.2.11.3. If, having received reasons verbally and having been advised of potential adverse consequences, the faculty member believes that written confirmation of the reasons for denying tenure or promotion might be useful in pursuing a professional career, that individual may request and shall receive the reasons in writing. Such a request must be submitted in writing by April 15 of the academic year in which the decision to deny tenure and/or promotion was communicated in writing to the candidate.

3.8.2.12. REAPPLICATION FOR PROMOTION

3.8.2.13. Tenured faculty denied promotion may not reapply the following academic year.

3.8.3. APPEAL OF A PROMOTION OR TENURE DECISION

Faculty who are denied promotion and/or tenure and who wish to appeal the decision must submit a written appeal to the President within thirty working days after they are notified of the denial. Faculty who believe there has been a procedural irregularity or lack of adequate consideration may appeal their case to the Grievance Committee of the Academic Leadership Council.

3.9.PROMOTION IN NON-TENURE-TRACK POSITIONS: CRITERIA AND PROCEDURES TO BEGIN FALL 2025

3.9.1. PROMOTION EVALUATION FACTORS

3.9.1.1. As faculty members, all non-tenure track faculty are expected to uphold the professional norms expected of all faculty in terms of teaching responsibilities and professional integrity and abide by the expectations of the governance manual.

3.9.1.2. Teaching excellence is measured similar to the criteria for tenure/tenure-track faculty. Please see 3.8.1.1 of the Governance Manual.

3.9.1.3. Service to the department and participation in departmental activities is expected for promotion. Non-tenure track faculty, can participate in College-wide service. When College-wide service is expected of the position, this will be required for promotion.

3.9.1.4. Other specific expectations in terms of research and/or other responsibilities to the College dictated by the position description and/or faculty contract will be evaluated as part of promotion.

3.9.2. PROMOTION PROCEDURE

3.9.2.1. Promotion will be based on annual evaluations in alignment with the expectations for each of the non-tenure track positions.

3.9.2.2. The timeline for promotion will follow a similar timeline for tenure/tenure-track faculty. Non-tenure track faculty are eligible for promotion typically in the sixth year and will typically be eligible again for promotion in another six years.

3.9.2.3. A summative evaluation will be conducted at times of promotion which includes:

3.9.2.3.1. a complete and updated curriculum vitae provided by the candidate that speaks to the expectations of the non-tenure track position and that defined in the individual's position description and/or contract.

3.9.2.3.2. a review of annual performance evaluations by the department, chair, and division director.

3.9.2.3.3. a written recommendation will be provided by the department. This recommendation, while written by the chair, should be agreed upon by the department and furthermore signed by tenured members of the department.

3.9.2.3.4. a written recommendation will be provided by the division director.

3.9.2.4. These recommendations and annual evaluations will be reviewed by the Provost's office for a final decision.

3.10. ACADEMIC FREEDOM

3.10.1. ACADEMIC FREEDOM POLICY

3.10.2. Saint Mary's College generally endorses the policy recommendations of the AAUP. College policy, however, in certain instances may differ from the detailed procedures described in AAUP publications and, in those instances, College policy takes precedence. The material in this section is an interpretation of the following AAUP statements as they apply to the academic freedom of the faculty at Saint Mary's College: "Academic Freedom and Tenure: 1940 Statement of Principles and Interpretive Statements" and "1976 Recommended Institutional Regulations on Academic Freedom and Tenure," AAUP Policy Documents and Report.

3.10.2.1. FREEDOM OF TEACHING

Faculty are entitled to freedom in the classroom in discussing their subjects, but they should be careful not to introduce into their teaching controversial matter which has no relation to the subject. They are expected to exercise care in their own subjects so that hypotheses, theories, and opinions are presented as such, and not as facts.

3.10.2.2. FREEDOM OF RESEARCH

Faculty are entitled to full freedom in research and in the publication of their results subject to the adequate performance of other academic duties. Research for pecuniary return must be based upon an understanding with the College administration.

3.10.2.3. FREEDOM OF EXTRAMURAL ACTIVITY

Faculty are citizens, members of learned professions, and officers of instruction. When they speak or write as citizens they are free from institutional censorship or discipline, but their special position in the community imposes special obligations. As learned persons and officers of instruction, faculty should remember that the public may judge their profession and institution by their utterances. Hence, faculty should 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 as representatives of the institution.

3.10.2.4. ACADEMIC FREEDOM IN A CATHOLIC COLLEGE

Saint Mary's College is a Roman Catholic institution. Faculty are free to research, to present, and to discuss all positions on important issues; however, they must do so in an atmosphere which promotes the highest intellectual standards and recognizes and respects the tradition of Christian belief, which is a major foundation of this institution.

3.10.3. GRIEVANCE PROCEDURES INVOLVING ALLEGATIONS OF VIOLATION OF ACADEMIC FREEDOM

Cases involving issues centering on alleged violation of academic freedom are handled by the Grievance Committee of the Academic Leadership Council according to the special procedure delineated for cases involving academic freedom.

3.11. TERMINATION OF SERVICE

3.11.1. TERMINATION OF TENURED FACULTY

3.11.1.1. POLICY

Saint Mary's College generally endorses the policy recommendations of the AAUP. College policy, however, in certain instances may differ from the detailed procedures described in AAUP publications and, in those instances, College policy takes precedence. The material in this section is an interpretation of the following AAUP statements as they apply to the termination of tenured faculty at Saint Mary's College: "1976 Recommended Institutional Regulations on Academic Freedom and Tenure," Section 4, AAUP Policy Documents and Reports, as amended.

3.11.1.2. PROCEDURE FOR TERMINATION OF TENURED FACULTY

The contracts of tenured faculty may be terminated only under the following conditions: extraordinary financial emergency of the College, discontinuance of an academic program or division, and serious cause. To terminate a tenured appointment, the College must establish conclusively that one or more of the above conditions prevail and, except in the case of serious cause (3.10.5.), must give the faculty member not less than twelve months-notice or one full-year's salary in lieu thereof. The standards of notification and procedure in cases involving serious cause are outlined in the section on serious cause [Section 3.10.5]. In instances other than serious cause:

- 3.11.1.2.1. termination of regular appointment is to be sought only as a last resort, after every effort has been made to meet the need in other ways and to find for the teacher other employment in the institution or with other institutions of higher learning at the same or similar pay and responsibilities;

- 3.11.1.2.2. notification of the intent to terminate a permanent position is to be made in writing stating reasons for the termination;
- 3.11.1.2.3. notification is to be made twelve months prior to the termination of the position;
- 3.11.1.2.4. If a tenured appointment is terminated because of financial exigency (financial exigency is a bona fide severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole. AAUP Recommended Institutional Regulations on Academic Freedom and Tenure 4 (c), the released faculty member's place will not be filled by a replacement within a period of three years unless the released faculty member has been offered reappointment, with tenure, and at the same or better rank and salary, and has rejected it in writing.

3.11.2. TERMINATION OF PRETENURED FACULTY

3.11.2.1. POLICY

The services of faculty who do not hold tenure may be discontinued at the end of a contract period. Termination of non-tenured faculty generally follows the procedures and policies of the AAUP, as amended. In certain instances, College policy may differ from detailed procedures described in AAUP publications and, in those instances, College policy takes precedence. The material in this section is an interpretation of the following AAUP statements as they apply to the faculty in Saint Mary's College: "Standards for Non-reappointment" and "Statements on Procedural Standards in the Renewal of NonRenewal of Faculty Appointments," (AAUP Policy Documents and Reports.

3.11.2.2. PROCEDURES FOR TERMINATION OF PRETENURED FACULTY

3.11.2.2.1. RECOMMENDATION FOR NON-REAPPOINTMENT

3.11.2.2.1.1. The Division Director shares in confidence the pre-tenure faculty member's Annual Review report with the Department Chair and tenured members of the department in developing a recommendation for renewal or non-renewal of the pre-tenure faculty member's appointment. The Associate Provost must receive this recommendation and the reasons therefore by November 15. It is to be placed at the end of the Annual Review report (or Third Year Review Report) and must be signed by the Division Director, Department Chair, and the tenured members of the department's faculty. The Provost and Associate Provost review each case with the President and convey a decision to the Division Director by December 15.

3.11.2.2.1.2. In the case of pre-tenure faculty in their first year of appointment, since there is no Annual Review report of the prior year's performance, an

abbreviated Annual Review report of the results of the first semester's appointment will be shared in confidence with the Department Chair and tenured members of the department in developing a recommendation for renewal or non-renewal of the pre-tenure faculty member's appointment. The Associate Provost must receive this recommendation and the reasons therefore by February 1. It is to be placed at the end of the Annual Review and must be signed by the Division Director, Department Chair and the tenured members of the department's faculty. The Provost and Associate Provost review each case with the President and convey a decision to the Division Director by February 15.

3.11.2.2.2. NOTIFICATION OF NON-REAPPOINTMENT

In cases of non-renewal, the College follows the AAUP recommendations in "The Standards for Notice of Non-Reappointment" (AAUP Policy Documents and Reports, as amended). Faculty members in their first year receive three months' notice, no later than March 1 of their first year of service to the College. Faculty members in their second year receive six months' notice, no later than December 15 of their second year of service to the College. Faculty members in their third year, to the end of their probationary period, receive twelve months' notice. Normally, notification is sent to the faculty member at the time contracts are issued by the College; in no instance will notification occur later than twelve months before the expiration of the appointment.

3.11.2.2.3. NON-REAPPOINTMENT AND ACADEMIC FREEDOM: GRIEVANCE

If a pre-tenured member of the faculty alleges that a decision for non-renewal resulted from considerations that were in violation of academic freedom, these allegations are to be presented to the Grievance Committee of the Academic Leadership Council. If appeal is made to the Grievance Committee, the matter is to be heard according to the procedure in the section on Dismissal for Serious Cause, except that the burden of proof rests with the faculty member who must establish that a violation of academic freedom was an element in the decision for non-renewal of contract.

3.11.2.2.4. REASONS FOR NON-REAPPOINTMENT

Reasons which contributed to the decision not to reappoint a faculty member may be given verbally if that faculty member requests them. If, having received reasons verbally and having been advised of potential adverse consequences, the faculty member believes that written confirmation of the reasons for denying reappointment might be useful in pursuing a professional career, that individual may request and shall receive the reasons in writing. Such a request must be made in writing and presented during the academic year in which notification of non-reappointment occurs.

3.11.3. TERMINATION OF NONTENURED FACULTY

3.11.3.1. POLICY

Nontenured faculty are defined as those individuals who are not in a tenure-track position and who do not hold tenure. Nontenured faculty who are hired by semester or year based on department need should be requested when the call for part-time faculty is made. For those nontenured individuals who fill continuing positions, nonrenewal of contract or termination will follow the procedures listed in the following section.

3.11.3.2. PROCEDURES FOR TERMINATION OF NONTENURED FACULTY

3.11.3.2.1. RECOMMENDATION FOR NONRENEWAL OF CONTRACT/TERMINATION

The Division Director should discuss with the Associate Provost reasons for a recommendation for nonrenewal of contract. If the department no longer has a position available for that individual, or the administration has determined the position is no longer needed or cannot be supported, the nontenured individual will be notified by the Division Director no later than March, prior to the issuance of new contracts, that s/he will not be receiving a contract for the following academic year. If the position is still needed but the individual is not fulfilling the duties to the satisfaction of the department, the Division Director will explain to the individual why s/he is not being recommended to continue on the position. In both of these instances, the individual is allowed to continue working to the end of the contract year/term

3.11.3.2.2. If an employee must be terminated in the middle of a contract semester or year for a behavioral or performance concern, the Division Director first meets with the Associate Provost to discuss the concern and strategize about ways to resolve the issue. The Division Director explains the concerns to the employee and issues a verbal warning about the need to resolve the issues immediately. The Division Director, using the strategies discussed with the Associate Provost, works with the employee to determine the best course of action to resolve the issues. If these measures are not successful (requires documentation), the employee is asked to meet with the Associate Provost and the Division Director of her/his department to discuss the behaviors in question. At this time, a written warning is given to the employee by the Associate Provost stating that continuation of the concerning behaviors could result in termination if not addressed immediately. If appropriate the employee is then made aware of the Employee Assistance Program and other avenues for acquiring support in addressing her/his issues. If the behaviors of concern are still not resolved (requires documentation), the employee is asked to meet again with her/his Division Director and the Associate Provost at which time the employee is informed s/he is terminated immediately without further options for appeal.

3.11.4. RESIGNATION: ALL FACULTY

3.11.4.1. VOLUNTARY TERMINATION OF SERVICES

Resignation is the termination of services by voluntary action of the faculty member. If a member of the faculty desires to terminate an existing appointment or to decline a renewal, that member is to give notice in writing as early as possible but no later than April 1. Such notification is to be given to both the Division Director and the Associate Provost. Faculty members may properly request a waiver of this requirement in cases of hardship or situations where they would otherwise be denied substantial professional advancement

3.11.4.2. NEGOTIATED RESIGNATION

Resignation may be negotiated by the College. In these instances, the College takes the initiative, offering faculty the choice of resigning, in lieu of dismissal, in order to protect professional reputation and status.

3.11.5. DISMISSAL FOR SERIOUS CAUSE: ALL FACULTY

3.11.5.1. DEFINITION OF SERIOUS CAUSE

3.11.5.2. The College reserves the right to terminate the services of any member of the faculty for serious cause. Dismissal for serious cause may be justified by demonstrating professional incompetence, gross neglect of professional responsibilities, conviction of a felony, continual serious disrespect for the Catholic character of this institution, or notorious and public scandal

3.11.5.3. PROCEDURES FOR ESTABLISHING SERIOUS CAUSE FOR DISMISSAL

3.11.5.3.1. POLICY

If it is necessary to consider termination of the services of a faculty member for serious cause, formal proceedings are conducted according to the procedural recommendations of the AAUP contained in the "Statement on Procedural Standards in the Faculty Dismissal Proceedings," (AAUP Policy Documents and Reports). What follows is an interpretation of this statement as it applies to Saint Mary's College.

3.11.5.3.2. PRELIMINARY TO FORMAL CHARGES

Before formal charges are brought against a member of the faculty, the President will appoint the Provost and one tenured faculty member to attempt conciliation in private. If conciliation fails, the President will request the Executive Committee of the Academic Leadership Council to inquire informally into the situation, and to advise whether formal proceedings to consider the dismissal should be instituted.

3.11.5.3.3. FILING OF FORMAL CHARGES

The formal proceedings commence with a written communication from the President informing the faculty member of the charges and that, if requested, a hearing on the charges will be conducted by a Hearing Committee. The Grievance Committee of the

Academic Leadership Council will serve as the Hearing Committee. The faculty member must notify the President in writing within thirty working days from the receipt of the President's communication whether a formal hearing is requested. Absence of such a written request results in waiving the right for any further consideration of the case.

3.11.5.3.4. PROCEDURES OF HEARING COMMITTEE

The Hearing Committee will convene, elect its own chair, and will choose a specified time and place for meeting. The Chair will establish the rules for conduct of the hearing. The following procedure will be in effect at the hearing:

- 3.11.5.3.4.1. during the proceedings the faculty member is permitted to have an academic advisor of his/her choice;
- 3.11.5.3.4.2. the faculty member has the right to confront and question all witnesses adverse to him/her and to present witnesses on his/her own behalf;
- 3.11.5.3.4.3. a verbatim record of the hearings will be taken. A copy of it will be made available to the faculty member without cost, at the faculty member's request;
- 3.11.5.3.4.4. the burden of proof that adequate cause exists rests with the institution and is satisfied only by clear and convincing evidence in the record considered as a whole.

3.11.5.3.5. RECOMMENDATIONS FROM THE HEARING COMMITTEE

The President and faculty member should be notified of the decision of the Hearing Committee in writing and should be given a copy of the record of the hearing. The President should transmit to the Board of Trustees the full report of the Hearing Committee. If the Board wishes to review the case, its review should be based on the record of the hearing accompanied by an opportunity for argument, written, or oral or both, by the principals at the hearing or their representatives. The decision of the Hearing Committee should either be sustained or the proceeding be returned to the committee with objections specified. In such a case, the committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before. Only after study of the committee's reconsideration should the Board of Trustees make a final decision overruling the committee.

3.11.5.3.6. FACULTY MEMBER'S STATUS DURING HEARINGS

Until the final decision on the termination of an appointment has been reached, the faculty member will be suspended only if immediate harm to self or others is threatened by continuance.

3.11.5.3.7. TERMINAL SALARY

If the appointment is terminated for reasons not involving moral turpitude, the faculty member receives the contracted salary in accordance with the following schedule:

- 3.11.5.3.7.1. faculty members in their first through third year of probationary service receive their contracted salary for three months following the date of notification of their dismissal;
- 3.11.5.3.7.2. faculty members in their fourth through sixth year of probationary service receive their contracted salary for six months following the date of notification of their dismissal;
- 3.11.5.3.7.3. tenured faculty members receive their contracted salary for twelve months following the date of notification of their dismissal.

The provision for terminal salary does not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. Moral turpitude applies to that kind of behavior which goes beyond simply warranting discharge and is so utterly blameworthy as to make it inappropriate to require the continuation of the faculty member's salary. The standard is not that the moral sensibilities of the persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally.

3.11.6. RETIREMENT

Tenure ceases upon retirement

Saint Mary's College grants the title of Emerita/us to an individual in recognition of service of significant length and effectiveness to the educational goals of the College. This rank is ordinarily granted upon retirement to a person who has spent ten or more years at Saint Mary's College.

3.12. FACULTY LEAVES OF ABSENCE

3.12.1. SABBATICAL LEAVE

3.12.1.1. POLICY

- 3.12.1.1.1. The sabbatical leave program makes it possible for members of the tenured teaching faculty to take the time from normal academic duties to engage in activities appropriately construed as serving the faculty member's development. The College recognizes that the long-term value of a sabbatical leave program outweighs any short-term disadvantages to students, instructional programs, and purposes of the College.

3.12.1.1.2. The sabbatical leave is a central element in the faculty development program at Saint Mary's College. It exists to enable faculty members to continue to grow as teachers, thinkers, and professionals. The variety of activities appropriate for sabbatical leave support represents the wide range of departments, disciplines, areas of study, and individuals that make up Saint Mary's community.

3.12.1.1.3. A tenured faculty member is eligible for sabbatical leave after 12 semesters of full-time service to the College with academic rank. Full-time service includes an ongoing commitment to teaching excellence, a commitment to scholarship, and demonstrated participation in service. Eligibility for additional sabbatical leaves will occur after six years of full-time service following the return of the faculty member from the previous sabbatical. Tenured faculty holding full-time administrative appointments are not eligible for faculty sabbatical leaves. Tenured faculty who have part-time teaching appointments will accrue sabbatical leave eligibility on a pro-rated full-time equivalent basis. The sabbatical leave entitles a faculty member to full salary for one semester or one-half salary for a full-year leave. The sabbatical leave also provides faculty members with the opportunity to continue their participation in all the benefit programs of the College. Participation in TIAA-CREF will be based on the actual salary paid during the sabbatical leave.

3.12.1.1.4. It is expected that faculty commit to at least one year of full-time work after a sabbatical before leaving the institution unless an alternative commitment is agreed upon in advance with the provost's office.

3.12.1.2. PROCEDURE

3.12.1.2.1. Formal request for sabbatical leave must be made in writing to the faculty member's Department Chair/Division Director no later than November 1 for sabbatical leave to be granted the following academic year. The proposal should contain the following in a letter not to exceed two, single-spaced pages.

3.12.1.2.1.1. The proposal should state clearly the nature of the activity to be undertaken during the tenure of the sabbatical.

3.12.1.2.1.2. Included in the proposal should be evidence to suggest the feasibility of completing the activity; for example, the proposal should briefly address potential problems and anticipated needs.

3.12.1.2.1.3. The proposal should explain how the activity will enhance the individual's development as a faculty member.

The preceding guidelines are designed to help all faculty who are applying for sabbatical leaves prepare applications that best express their intentions and provide the information necessary to make an informed evaluation. They are not offered to limit the

creativity and innovation of faculty in designing professional activities. The Faculty Development Committee reviews the proposal and advises the Provost of the merit of its content. Copies of successful proposals are available from the Provost Office

3.12.1.2.2. The Division Director consults with all full-time faculty in the department in determining recommendations for sabbatical leave. The written recommendation should be submitted to the Provost Office by November 15, and should include a copy of the candidate's proposal. In the letter the Division Director will indicate how the department proposes to meet the needs created by the faculty member's absence. Ordinarily other faculty members' teaching loads should not be increased to accommodate sabbatical leaves.

3.12.1.2.3. The Associate Provost and Provost, together with the President, will review the request, the Division Director's evaluation, and the review of the Faculty Development Committee. The judgment concerning the granting of the request will be based on the merits of the proposed activity and budget considerations. The President informs the applicant of the decision in writing by December 15.

3.12.1.3. EARLY REQUEST FOR SABBATICAL LEAVE

3.12.1.3.1. A faculty member may request approval of proposed sabbatical leave activities as early as two years prior to the expected leave. Reasons for early application would include such things as additional time to search for supplementary funds, arrangement for a visiting professorship, the need to effect special arrangements for research.

3.12.1.3.2. If the conditions that led to the request for early approval of the sabbatical are met, that is, if the grant is received, the visiting professorship arranged, the special arrangements effected, etc., the sabbatical leave will be granted as requested and approved. If, however, the special conditions are not met, the candidate must reapply.

3.12.1.4. SABBATICAL REPORT

The faculty member assumes the obligation of presenting a written report on the sabbatical leave activities to the Provost Office and the Division/Department. This report is to be filed within six months of the end of the leave.

3.12.2. LEAVES OF ABSENCE WITH SALARY

3.12.2.1. SHORT-TERM LEAVES OF ABSENCE

3.12.2.1.1. POLICY

Short absences of faculty members for personal business, illness, jury duty, military training duty, and similar limited absences normally are with full salary.

3.12.2.1.2. PROCEDURE

When practical, the Department Chair/Division Director is to be notified in advance of absences which may affect class, laboratory, research, or other College-related commitments. The Department Chair/Division Director and faculty member in consultation are to secure a substitute instructor if possible or if deemed necessary.

3.12.2.2. PARENTING LEAVE

3.12.2.2.1. Full-time faculty members with a tenure-track appointment are eligible for the Parenting Leave plan after completing a minimum of one semester of their initial appointment. The College adheres to its high scholarly and educational standards, and at the same time supports the fact that a number of faculty have the dual concern of maintaining professional competency and of caring for children without harmful pressure of teaching and professional duties. Our primary concern is that a talented faculty member not be lost to Saint Mary's College because of the strains of maintaining both family and career.

3.12.2.2.2. The College's parenting leave policy is consistent with the following principles: A faculty member who takes primary responsibility for the care of a newborn child or a newly adopted child while the College is in session, or near the beginning of a semester, should not feel compelled to return to work. Arrangements made in connection with the new child should disrupt the students' education and the operation of the departments as little as possible. Pregnancy, delivery, and/or care of an infant are major events in the life of a faculty member. These events should not penalize a faculty member in pursuit of tenure.

3.12.2.2.3. The College offers faculty members a series of options. In consultation with the division and department, a faculty member may choose from the plans listed below the one most appropriate. The College includes the following policies as part of its parenting leave plan:

3.12.2.2.3.1. Tenure. In the case of the birth or adoption of a child, the faculty member will be granted a one-year extension of the tenure probationary period. If he/she chooses to be considered for tenure at the normal date, the decision will be honored.

3.12.2.2.3.2. Benefits. Full benefits will continue with TIAA-CREF contribution and group life insurance prorated on the basis of salary.

3.12.2.2.3.3. Sabbatical Leave. A faculty member of the rank of Assistant Professor or above who chooses one of these options acquires credit towards sabbatical on a prorated basis.

3.12.2.2.3.4. Teaching Assignment. The faculty member needs to be able to negotiate an option which is workable for him/her and the department. If he/she continues to teach, every effort will be made to arrange a convenient teaching schedule. In the case that the medical leave option is chosen, the College will hire a substitute, since faculty members cannot be expected to assume a colleague's full load during an extended medical leave.

3.12.2.2.4. Parenting leave options include:

3.12.2.2.4.1. Plan A: Medical Leave. The faculty member takes a medical leave (typically for a six-week period for normal pregnancy and delivery) but otherwise teaches full-time. He/she draws his/her full salary and benefits for the semester. Substitutes covering classes during the absence are paid by the College.

3.12.2.2.4.2. Plan B: One semester parenting leave: half pay, full benefits.

3.12.2.2.4.3. Plan C: One semester half-time teaching load: full pay, full benefits. Note: circumstances such as the actual date of birth and complications will sometimes require an extension or combination of these options over a period of two semesters.

3.12.2.3. LONG-TERM LEAVES AND ABSENCES.

3.12.2.3.1. POLICY

Non-occupational absences of more than six months resulting from total disability may be covered through the College's participation in a group long-term disability insurance plan in accordance with the plan's provisions. Between the onset of the disability and the beginning of long-term disability payments, the College will continue the faculty member's salary and benefits, for a maximum of six months, as though that member were still working. The salary continuation policy includes disabling maternity, illness, and disability.

The tenure status of faculty members on long-term disability is fixed at the time of the onset of the disability; i.e., tenured faculty retain tenure, untenured faculty resume their probationary period with their return to teaching. Further information on the College's long-term disability policy is available in Section IV, Faculty Personnel Policies.

3.12.2.3.2. PROCEDURE

As soon as a non-occupational disability becomes known to the Department Chair/Division Director, the Division Director reports this in writing to the Provost who in turn communicates this information to the Director of Human Resources who establishes the degree and likely duration of the non-occupational disability. The Department Chair/Division Director consults with departmental faculty to determine how the department is to cope with the faculty member's absence and communicates this information to the Provost Office. If further action is required, the issue may be taken to the Grievance Committee of the Academic Leadership Council.

Any work related injury must be reported immediately to the Division Director and the Department of Human Resources. The Division Director informs the Associate Provost of the accident.

3.12.3. LEAVES OF ABSENCE WITHOUT SALARY

3.12.3.1. POLICY

Leaves of absence without salary may be granted to a faculty member should the situation be deemed appropriate by the Division Director and the Associate Provost. Appropriate reasons include professional growth, research activities, health, or family requirements. Faculty who are on long-term leave without salary are normally not eligible for continuation of benefits.

3.12.3.2. PROCEDURE

3.12.3.2.1. A faculty member requesting a leave of absence without salary shall submit the request to the Provost with a copy to the Division Director. The request should outline the nature of the proposed activity during the leave and such other information as would be useful in evaluating the request. In the case of a non-tenured faculty member applying for a leave without salary, the Provost and the faculty member will negotiate whether leave time will count as probationary time for purposes of tenure. Within two weeks of the date of the request, the Division Director shall send to the Associate Provost an evaluation of the request and Division Director's recommendation. The Associate Provost shall send written notification to the Division Director, Department Chair, and the applicant of the Administration's decision within thirty days of the receipt of the original petition.

3.12.3.2.2. Normally requests for leave of absence without salary are made at least six months before the beginning of the semester the leave is expected to commence. The Division Director and the Department Chair consult with the members of the department on how to meet the needs created by the faculty member's absence.

3.13. OUTSIDE EMPLOYMENT

Under normal circumstances, full-time members of the faculty and part-time tenure-track faculty members are not to engage in any outside employment during the academic year. Exceptions in cases involving special circumstances may be made. In these cases faculty members must request exceptions through their Division Director. Requests must contain all pertinent information related to employment. The Division Director will send this request along with a written recommendation to the Associate Provost. The final decision will be made by the Provost and the Associate Provost. If a favorable decision is made, it will be effective only for that particular situation.

3.14. CONFLICT OF INTEREST POLICY (interim policy approved by Cabinet, August 2019)

3.14.1. Preamble

This Conflict of Interest Policy is designed to allow Saint Mary's College faculty and staff to determine if a potential or actual conflict of interest, hereafter COI, exists in their professional life with respect to the financial operations of the College, to entities sponsoring grants, or to research activities. Disclosure and management of potential or actual conflicts of interest protects the reputation of both individual faculty or staff members and the College as a whole and helps to maintain public trust in higher education. These standards also promote objectivity in research and enable unbiased scholarship and sponsored research activities.

If there is a potential or actual financial or other COI, there is an expectation that the faculty or staff member will disclose it so that a proper management process can be implemented. Disclosing a potential COI does not mean that the faculty or staff member will need to sever the relationship, but it may require the faculty or staff member to minimize potential problems. Overall, COI is about disclosure and management, not about prohibitions.

The policy applies to both faculty and staff members who engage in regular financial transactions of the College, administer or work on grant funded activities, and to those who, on occasion, might find themselves with a potential or actual financial COI.

3.14.2. Definitions

Entity - Any person, firm, corporation, governmental entity, or organization that currently does business with, is attempting to do business in the future with the College, or which is directly or indirectly providing funding through grants or other modalities.

3.14.2.1. **Faculty** - The Faculty of the College consists of the teaching Faculty (each of whom holds a Faculty rank and whose primary responsibility is classroom teaching), the President, the Provost, Emeritus Faculty, Professional Librarians, and Academic Administrators.

3.14.2.2. **Staff** - A College Staff member consists of exempt or non-exempt employees of the College other than faculty.

- 3.14.2.3. **Investigator** - Any person responsible for the design, conduct, or reporting of Research. This includes the Principal Investigator (PI) and any other person involved in the conduct of Research by or under the auspices of Saint Mary's College. This may include students, volunteers or others, if the individual has some degree of independence in conducting aspects of the research.
- 3.14.2.4. **Research** - An organized program of scientific inquiry that involves a systemic investigation performed by or under the auspices of Saint Mary's College.
- 3.14.2.5. **Family Member** - Family Members are defined as spouses, parents, siblings, children, and any other person that resides in the same household as the Faculty or Staff member.
- 3.14.2.6. **Financial Interest** - The receipt or expectation of anything of greater than nominal monetary value, including salary or other payment for services (e.g., consulting fees), equity or other ownership interest (e.g., stocks or stock options), or intellectual property rights (e.g., patents, copyrights and royalties from such rights) or sponsored travel.

Financial Interest **does not include** income from investment vehicles such as mutual funds or retirement accounts, as long as the faculty or staff member does not directly control the investment decisions made in those vehicles.

- 3.14.2.7. **Controlling Interest** - As used in this section, means 50 percent or more ownership, directly or indirectly, of the stock of a corporation, profits interest in a partnership, or equitable interest in an estate or trust. An individual shall be considered as owning the stock, partnership interest, or estate or trust interest, owned directly or indirectly by the Faculty or Staff member or by a Family Member, as defined in this policy.

3.14.3. POLICY

- 3.14.3.1.1. A FACULTY OR STAFF MEMBER SHALL BE CONSIDERED TO HAVE A CONFLICT OF INTEREST IF:

- 3.14.3.1.1.1. Such Faculty or Staff member has actual or potential financial or other interests which impair or might reasonably appear to impair her/his independent, unbiased judgment in the discharge of her/his responsibilities to the College or that could affect the design, management, or reporting of activities and results related to externally funded research;
- 3.14.3.1.1.2. Such faculty or staff member is aware that a member of her/his family, or any organization in which such faculty or staff member (or a member of her/his family) is an officer, director, employee, member, partner, trustee, or stockholder who has a Controlling Interest in such

organization, and has such existing or potential financial or other interests which impair or might reasonably appear to impair her/his independent, unbiased judgment in the discharge of her/his responsibilities to the College;

3.14.3.1.1.3. “Interest” includes having an interest in an organization which is in competition with Saint Mary’s College and/or having an interest in an entity seeking to do business with the College. In either case, the potential conflict arises when the faculty or staff member’s position gives her/him access to proprietary or privileged information which could benefit the entity in which the faculty member or her/his family member has an interest.

3.14.3.1.2. A faculty or staff member must disclose in a timely fashion when duties exercised on behalf of Saint Mary’s College or related to grant funded activities bring them into business negotiations with an entity in which they or members of their family have a material financial interest or significant indebtedness.

3.14.3.1.3. A faculty or staff member must disclose in advance and in a timely fashion and prior to the submission of requests for external funding, her/his participation in decisions or actions on behalf of Saint Mary’s College or in conjunction with a grant funded activity which may result in personal gain or greater than normal value for the faculty or staff member or the faculty or staff member’s family.

3.14.3.1.4. In each application for federal grant funding and many applications for corporate and foundation funding Saint Mary’s College is required to certify the existence of this policy and a process to identify any existing conflicts. A Principal Investigator (hereinafter PI) applying for support for their research or project must disclose any potential conflict of interest. If a conflict arises after federal grant funding has been secured, the faculty or staff member is required to report the conflict as soon as the faculty or staff member could reasonably be aware of the conflict.

3.14.3.1.5. Faculty and staff members also have a duty to disclose all solicitations to or offers from entities outside the College for financial support for their programs of study, research or scholarship. Faculty and staff members involved with the design, conduct, or reporting of research or educational scholarly activities supported by outside funding of any significant value must disclose this involvement.

3.14.3.1.6. This COI Policy disallows the following unless approved in advance by the Provost for faculty or by the Human Resources Department for other employees: acceptance of gifts, entertainment, payments, loans, or favors of

greater than nominal value involving more than social amenity from suppliers or goods or services to the College, or from persons associated with or seeking association with the College.

3.14.3.2. DISCLOSURE OF CONFLICT OF INTEREST

- 3.14.3.2.1. All faculty and staff, including but not limited to those authorized to sign for expenditures, acting as principal investigators, project directors or the key/senior personnel, collaborators or consultants involved in proposing, conducting or reporting on grant-funded activities on grants, or involved in making purchases on behalf of the College are required to complete a [Conflict of Interest Questionnaire](#). The forms are kept in the Human Resources Office. The Human Resources Department shall distribute the forms annually. If a faculty or staff member becomes aware of a COI or a possible COI subsequent to submitting the annual questionnaire, the faculty or staff member must up-date the Conflict of Interest Questionnaire.
- 3.14.3.2.2. Any faculty or staff member who is uncertain whether a COI may exist in any matter will discuss said matter with her/his Division Chair or Vice President. The faculty or staff member's Division Chair or Director shall consult with the Provost and/or sponsoring Vice Presidents regarding the need for the faculty or staff member to further disclose said matter on the Questionnaire.
- 3.14.3.2.3. The Provost and sponsoring Vice President, in consultation with the Faculty Affairs, Inclusion and Retention (FAIR) Committee of the Academic Leadership Council and the Vice President for Strategy and Finance, shall determine if a potential or actual financial COI exists for a faculty or staff member. If such a conflict is found to exist, an acceptable management plan or other appropriate means for resolving a potential or actual COI will be developed by the faculty member in consultation with the Department Chair and Provost or sponsoring Vice President.
- 3.14.3.2.4. If there is a conflict in conjunction with a federal grant, no grant funds shall be expended until the COI has been managed or eliminated. If an acceptable management plan for the conflict cannot be reached or if Saint Mary's proceeds without the imposition of conditions or restrictions to address the conflict, Saint Mary's shall comply with all requirements of external funders in regards to reporting any conflicts and shall notify the Office of General Counsel for the federal agency that sponsored the grant. After a COI has been identified and a COI management plan has been developed, Saint Mary's shall notify the grant sponsoring agency of the COI and the management plan. Such notifications must be made within sixty (60) business days of the identification of the COI.

3.14.3.2.5. If a faculty member wishes to appeal the determination of a potential or actual COI, she/he may do so to the Grievance Committee of the Academic Leadership Council. If a staff member wishes to appeal the determination of a potential or actual COI, she/he may do so to the President.

3.14.3.2.6. In order to comply with requirements to be eligible for federal grants, Saint Mary's College reserves the right to impose sanctions on faculty or staff for failure to disclose serious financial interests that pose a conflict and for failure to abide by this policy. Recommendations regarding the imposition of sanctions will be made by the supervising Vice-President in conjunction with the College Counsel. Sanctions may include restrictions on future submission of research proposals and other disciplinary actions. Institutional sanctions will travel with the faculty upon transfer to another institution.

3.14.3.2.7. The College will incorporate, as part of a written agreement with a subrecipient or other collaborator, terms that establish whether the subrecipient or other collaborator will be governed by Saint Mary's Conflict of Interest policy or the sub-recipient or other collaborator's own policy. The sub-recipient or other collaborator will be required to follow Saint Mary's Conflict of Interest Policy if the policy of the sub-recipient or other collaborator is not in compliance with the Grantor's requirements.

3.14.4. RECORDS

The College will retain records of all disclosures and actions taken to manage or eliminate conflicts of interest for at least three years beyond the end of the grant to which they pertain or until the final resolution of the conflict, whichever is longer.

3.14.5. COMPENSATION FROM GRANTS AND CONTRACTS

3.14.5.1. Compensation from grants, contracts and other sponsored agreements shall be in the form of salary for actual work performed on the project from which the salary is paid. Compensated services must be performed during the project period. No faculty or staff member of Saint Mary's College may receive monthly compensation in excess of their regular monthly institutional salary by engaging in sponsored projects. All sponsor rules and restrictions regarding faculty and staff member compensation will be followed.

3.14.5.2. The applicable regulations for this policy are the Office of Management and Budget (OMB) Uniform Guidance: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The OMB Uniform Guidance is very specific about faculty salaries charged to federal sponsored projects. The cost principles prescribe pay for faculty on sponsored projects during two periods: 1) during the academic year, and 2) periods outside the academic year. During the academic year, faculty members working on federal sponsored projects may charge a

proportionate share of their institutional base salary to the sponsored project, but faculty may not increase their total compensation by working on a sponsored project. The salary charged to the sponsored project must be based on their regular, annual compensation. Faculty may earn additional compensation for working on grants over the summer, again based on their regular, annual compensation. Likewise, administrative staff working on federal sponsored projects may, through release time, charge a portion of their institutional base salary to a sponsored project, but may not increase their total compensation by working on the sponsored project.

3.14.5.3. The OMB Uniform Guidance is the authoritative source regarding federal grants; however, non-federal agencies refer to the OMB Uniform Guidance as well. Employees expending effort on any sponsored project, federal or non-federal, must comply with the following procedures:

3.14.5.3.1. During the academic year, faculty may not earn any additional compensation from a sponsored project. If a faculty member intends to apply for a grant or contract that will require effort during the academic year, then the faculty member must apply to the appropriate Division Chair and the Provost's Office for release time, i.e. course buy-out(s). The faculty member's proportionate salary (commensurate with effort) will be charged to the sponsored project, thus freeing up salary in the regular Division account to pay an adjunct to teach the faculty member's course(s), if necessary.

3.14.5.3.2. Faculty may earn additional compensation during the summer (defined as mid-May through mid-August) based on the percent effort they will be working on a sponsored project each summer. Faculty members receiving three months of summer support (the maximum allowable) from a sponsored project must spend the entire three months of the summer working on the sponsored project, unless the sponsor's rules restrict allowable compensation to less than three months of support.

3.14.5.3.3. Faculty with full time administrative duties and staff may not earn any additional compensation from a sponsored project. If a faculty with full time administrative duties or staff member intends to apply for funding for a sponsored project that will require effort, then the faculty or staff member must apply to their supervisor for release time. In such cases, the faculty or staff member's proportionate salary (commensurate with effort) will be charged to the sponsored project, thus freeing up salary in the regular unit account with which to hire adjuncts or additional staff, if necessary.

3.14.5.3.4. Prior to the start of work, the Principal Investigator, the Grant Administrator and the Human Resources Department shall meet with all faculty and staff who are to perform work on a sponsored project and instruct on how to properly report their time to ensure that only the actual work time attributable to a sponsored project is reported.

- 3.14.5.3.5. Any and all work attributed to a sponsored project must be documented at the time the work was performed and submitted to the PI on a bi-weekly basis. **Incorrectly charging time to federal sponsored project means that the person reporting the time is making a false claim against the government, which carries criminal penalties.**
- 3.14.5.3.6. Saint Mary's College Grant administrator in conjunction with the PI will document that the faculty or staff member did not receive compensation from the sponsored project in excess of the work performed in furtherance of the sponsored project.
- 3.14.5.4. When an application for a grant, contract, or other sponsored funding is prepared, this policy shall be used to estimate personnel costs for the proposal. Actual salary payments will be based on salaries at the time effort is expended.
- 3.14.5.5. The Grant Administrator and the Human Resources Department or the Provost Office, as appropriate, will ensure that requested compensation meets this policy and that any release time requests have been approved.
- 3.14.5.6. All sponsored project funds shall be subject to a compliance audit prior to certification that the time attributed to the sponsored project was in compliance with the terms of the sponsored project.
- 3.14.5.7. Non-Compliance with this compensation policy or those of the sponsor-specific program requirements, and/or federal rules and regulations may result in discipline.

3.14.6. PARTICIPANT SUPPORT COSTS

- 3.14.6.1. Participant support costs (PSC) are direct costs for items such as stipends or subsistence allowances, travel allowances and registration fees paid to or on behalf of participants in connection with conferences or training projects. Sponsor approval must be obtained before incurring participant support costs on sponsored awards.
- 3.14.6.2. A participant is defined as the recipient, not the provider, of a service or training associated with a workshop, conference, seminar, symposium or other short-term instructional or information-sharing activity. Participants may include students, scholars, and scientists from other institutions, individuals from the private sector, teachers and state or local government personnel. Employees of Saint Mary's College are **not** eligible to receive participant support.

Participant support costs are exempt from facilities and administration ("F&A") on federally sponsored projects. For Non-Federal awards, sponsor-specific and/or award-specific guidelines should be reviewed at the time of proposal to determine if F&A is allowable.

3.14.6.3. Unallowable Costs: The intent of participant support is solely to provide financial assistance for participants to attend conferences and training. These funds are not intended to pay the costs of hosting the conference or training program. Unallowable costs include honoraria for guest speakers, room rental, supplies, and expenses for the PI, project staff or collaborators to attend, and payments made to research subjects as an incentive for recruitment or participation in a research project. Costs for hosting the conference or training should be budgeted and charged to the parent budget.

3.14.6.3.1. Managing participant support funding: Participant support funding is typically restricted for purpose and exempt from F&A, requiring separate accountability from the rest of the award. If participant support is approved by the sponsor and indicated in the award documents, the Finance Office shall set up a sub-account for the Grant to administer the PSC.

3.14.6.3.2. Do not assume that an unexpended balance on the participant support sub budget may be used to offset a deficit on the parent budgets. If the award agreement restricted the funds for PSC, they may not be used to offset a deficit on the parent budget without written approval from the sponsor.

3.14.6.4. Rebudgeting participant support: Generally, participant support may not be formally or informally rebudgeted without written approval from the sponsor. Please review your award document and/or the sponsor's terms and conditions.

3.14.6.5. Participant support costs:

- are identified specifically on National Science Foundation (NSF) awards.
 - are awarded by other sponsors (but not necessarily referred to as "participant support costs") and tend to be by program
 - are accounted for in separate sub budgets.
 - are often subject to special sponsor regulations
 - do not allow re-budgeting from the participant support cost category into other categories without prior sponsor approval.
 - may be exempt from facilities and administrative (F&A) costs.
 - require Saint Mary's College to return any unexpended participant support costs to the sponsor.
 - are associated with special programs that provide research experience for participants, such as Research Experience for Undergraduates (REU) and Research Experiences for Teachers (RET) on National Science Foundation grants.
- Additional sponsor regulations:
- do not allow participant support costs to be budgeted on REU and RET sub budgets to be spent on non-participant activities.
 - Budget allocations cannot offset a deficit in the parent account.
- 3.14.6.6. The PI in conjunction with the Grants Administrator shall:

- 3.14.6.6.1. Review award documents, looking for wording similar to “PSC”, “participant support” or “participant costs awarded” to determine if this issue is applicable to your grant.
- 3.14.6.6.2. Check the sponsor's regulations to see if any rules prohibit Saint Mary's College from applying F&A costs to these charges.
- 3.14.6.6.3. If a separate sub budget has not been set up and the sponsor does not allow Saint Mary's to apply F&A costs to these charges or requires separate accountability for these costs, notify the Finance Office and a separate sub account will be established.
- 3.14.6.6.4. Monitor expenditures for appropriateness throughout the life of the grant.
- 3.14.6.6.5. Work with the Finance Office at closeout.
- 3.14.6.6.6. Obtain written sponsor approval for any re-budgeting into or out of the participant support cost sub budget.

3.14.7. ALLOWABLE COSTS

- 3.14.7.1. The consistent treatment of grant-related costs facilitates an understanding of allowable costs for federal grant awards. The Principal Investigator is responsible for determining whether expenditures are allowable, reasonable, and allocable to the award. The PI is responsible for approving expenditures and providing justification for each transaction.
- 3.14.7.2. There are two types of costs related to grants: direct cost and indirect costs.
 - 3.14.7.2.1. Direct Costs: Direct costs are expenses that are specifically associated with a particular sponsored project and can be directly assigned to such activities easily with a high degree of accuracy.
 - 3.14.7.2.2. Indirect Costs: Indirect costs are expenses that cannot be identified specifically with a particular project of activity. They are expenses that benefit more than one activity.
- 3.14.7.3. A direct cost must meet the allowable cost criteria in order to be charged to grants. OMB Circular A-21: “Cost Principles for Educational Institutions” provides the regulations for determining the costs on federally sponsored projects. However, each awarding agency can establish its own terms and conditions which take precedence over the provisions of A-21. An allowable cost is a cost that can be charged or assigned to a sponsored program. All expenditures charged to sponsored programs must meet the criteria of reasonable, allocable, consistent and allowable.

- 3.14.7.3.1. Reasonable: A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.
- 3.14.7.3.2. Allocable: A cost is allocable to a particular federal award or other cost objective if the goods or services involved are chargeable or assignable to that federal award or cost objective in accordance with relative benefits received. For a cost to be allocable it must be incurred specifically for the award; benefit the award and other work distributed in a reasonable proportion; and it is necessary to the overall operation of the College and is assignable in part to the award.
- 3.14.7.3.3. Consistent: A cost is consistent if similar expenses are treated the same in similar circumstances.
- 3.14.7.3.4. Allowable: A cost is allowable if it is fully in line with the respective sponsored agreement. Costs also must be determined in accordance with Generally Accepted Accounting Principles (GAAP), conform to any limitations or exclusions set forth in the award, not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period, and be adequately documented.
- 3.14.7.4. If a cost is greater than the Simplified Acquisition Threshold rate, competitive bids must be obtained from an adequate number of qualified sources. The “adequate number” of qualified sources will be a matter of judgment.
- 3.14.7.4.1. Unallowable Costs: Costs that fail to pass one or more of the allowable tests above, are considered unallowable costs. In the event that a PI proposes to charge a direct cost to a grant that does not pass the allowable tests, the PI must obtain written approval from the cognizant agency. General office items with multifunctional use (computers, fax machines, file cabinets, chairs, desks, etc.) that do not have a direct relationship to a specific sponsored project’s scope of work are examples of unallowable costs. These are indirect costs.
- 3.14.7.5. When the Finance Office receives a signed Grant award, a restricted account will be established to administer the grant funds. The restricted grant administration accounts shall not include funding from more than one funding source.
- Prior to the expenditure of grant funds, the PI, the Division Chair, the Finance Office, and the Grants Administrator shall meet to review the following:
- 3.14.7.5.1. restricted account number and budget;
- 3.14.7.5.2. the PI’s responsibilities as to grant policies, compliance, and reporting;
- 3.14.7.5.3. sub-award monitoring plan, as needed;

3.14.7.5.4. guidelines on purchasing, including equipment, supplies, and travel;

3.14.7.5.5. guidelines on personnel costs directly attributed to the grant.

3.14.8. FEDERAL FUNDING RESOURCES

Federal funding sources set very strict policies and guidelines for awardees to follow. If the grant is from one of the following agencies, the meeting shall include a review of the grant policies from the appropriate agency.

The Office of Management and Budget (OMB) has issued the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Uniform Guidance) (2 CFR Chapter I, Chapter II, Part 200, et al.) in December 2013. The OMB Uniform Guidance supersedes and streamlines requirements from eight OMB circulars, A-21, A-87, A110, A-122, A-89, A102, A-133 and A-50 into one document. A copy of the Uniform Guidance can be downloaded from <http://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf>

For National Science Foundation (NSF), a copy of the Grant Policy can be downloaded from https://www.nsf.gov/pubs/manuals/gpm05_131/gpm05_131.pdf

For National Institutes of Health (NIH) projects, the policy manual can be found in http://grants.nih.gov/grants/policy/nihgps_2012/index.htm.

For U.S. Department of Health and Human Services (HHS), the grant management guidance is available for reference at <http://dhhs.gov/asfr/ogapa/grantinformation/appbusguidance.html>

3.15. PROCEDURES FOR AMENDING FACULTY POLICIES AND PROCEDURES

The President determines faculty policies and procedures only after consultation with the Provost. The Faculty may also propose changes directly to the President. The Provost ensures that this section of the *Governance Manual* is kept up to date.