

Chapter 4. Conditions of Faculty Employment

4.1 Academic Freedom

4.1.1 Statement of Principles

Pacific University endorses and honors the “1940 Statement of Principles and 1970 Interpretive Comments on Academic Freedom and Tenure” of the American Association of University Professors for all members of the faculty, whether tenured or not. That portion describing Academic Freedom follows:

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

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

Academic Freedom

“Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the proper authorities of the institution.” (See 4.10)

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

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

4.1.2 Non-Discrimination

All members of the faculty, whether tenured or not, are entitled to protection against illegal discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member’s professional performance, including, but not limited to, discrimination on the basis of race, color, sex, religious preference, national origin, age, disabled veteran or Vietnam

Era status, physical or mental disability (however, see the adapted AAUP statement in 4.5.1.b, adopted by Pacific University), or sexual orientation.

4.1.3 Classroom Relationship between Faculty Members and Students (adapted from the AAUP 1967 Joint Statement (with four other organizations) on Rights and Freedom of Students, as amended)

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they enroll. Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, students are responsible for maintaining standards of academic performance established for each course in which they enroll. Students must also recognize that, as members of a community of learners, they have an obligation to be responsible members of that community, and that the exercise of their freedom of expression must not impinge on the rights of others in their quest for learning. In addition, students must acknowledge the responsibility of the professor to create and preserve an environment conducive to the learning of all students.

4.2 The Staffing of New and Vacant Positions

Pacific University affirms that staffing of faculty positions is primarily a faculty responsibility and thus requires faculty participation and consent. The responsibility for initiating and directing the search for suitable candidates for faculty positions lies with the dean or director. For all full-time appointments, search committees are appointed by the dean or director, with the approval of the college personnel committee, or in the case of Arts & Sciences, the College of Arts & Sciences Council (CASC).

Voting members of search committees are full-time faculty members, a majority of whom are tenured, tenure-track, extended-term, or extended-term-track, or in the case of programs that rely primarily on term contracts, relatively senior members of the faculty. Students may also be included as voting members of search committees as the faculty of the unit considers appropriate. Search committees are to consider any candidates from within the University as well as from outside it and are responsible for selecting candidates and forwarding a recommendation to the dean or director for appointment by the university President. In no case should a candidate be hired or shifted to tenure-track status without approval of either a search committee or the personnel committee.

The search committee may rely upon the office of the dean or director for many of the details of the search, including advertising availability of the post, handling correspondence with candidates, and arranging interviews.

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The responsibility for initiating the hiring and selection of suitable candidates for part-time positions lies with the dean or director. For each such appointment, the candidate is selected with the agreement of the faculty within the affected unit.

4.3 Conditions of Faculty Service

The following conditions of service are part of all contractual agreements between the University and full-time faculty members.

4.3.1 Faculty Rank

Faculty members are appointed to the rank of Instructor, Assistant Professor, Associate Professor, or Professor in the letter of appointment or contract.

4.3.2 Term of Service

The term of service is specified in the letter of appointment or contract.

4.3.3 Attendance

4.3.3.a Faculty members are required to be present for all Faculty Conferences, Orientation, periods of student advising, Commencement, and during all scheduled class days.

4.3.3.b Faculty members may be required with reasonable notice to be present on days between academic periods, including winter and spring breaks, excluding university holidays.

4.3.3.c Faculty members are not required to be present for university holidays and during non-contractual periods. Such attendance would only be expected under emergency conditions or upon mutual consent between the faculty member and the dean or director.

4.3.3.d Prior authorization for absence from any required duty must be obtained from the dean or director.

4.3.4 Compensation

The salary tendered to full-time faculty members is payment for all services to the University, whether the services are performed in the classroom or in the pursuit of any duties that may normally be classified as university business. The University does not pay a faculty member for special duties or overload teaching, unless covered by a specific written agreement. Duties beyond the normal teaching load, or in addition to the usual activities, are not to be required without the consent of the faculty member. Within the parameters of the university salary plan, compensation for members of the faculty is based upon the following criteria:

- level of educational preparation
- length of service

- appropriate experience
- academic rank
- discipline
- meritorious performance.

Faculty members are evaluated for compensation by the dean or director using procedures and criteria reviewed by the college personnel committee. Such criteria must be appropriate to the faculty member's assignment and include teaching, advising, research, administrative effectiveness, professional and scholarly development, and contributions to the general welfare of the University. The dean or director is responsible for informing faculty members of the criteria and procedures.

4.3.5 Workload

The 1.0 FTE workload is 24 credit hours or its equivalent per academic year, but the dean or director may allow deviations from this definition.

4.3.6 Office Hours and Advising

All faculty members have an obligation to work with students outside the classroom to help them in planning their courses of study. Most faculty members are asked to serve as academic advisors to students. All faculty members must be reasonably accessible to students and keep regular, posted office hours as part of this requirement.

4.3.7 Performance of Assigned Duties

Faculty members, as professional officers of the University, are expected to meet all duties without exception. If assigned duties cannot be kept, faculty members must notify their immediate supervisors and those included in the activity. In cases of absences from duties, except when authorized by the dean or director, or of failure to perform the work assigned, faculty members may have amounts deducted from their salaries, proportionate to the time lost (see 4.11.3).

4.3.8 Faculty Conferences

Faculty conferences are held for the purposes of hearing reports from various committees, Faculty Senate, and university President; discussing matters of concern to the university community; introducing new faculty and administrative members; and conducting any necessary business of the faculty. Faculty conferences, to carry on the business of the faculty, are generally held two times per year. Attendance at faculty conferences is mandatory, unless individual faculty members are excused with prior approval of the dean or director.

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4.3.9 University Property

Faculty members are responsible for all university property entrusted to their care and are expected to use reasonable prudence in its care and operation. If called upon by the Provost or

the Provost's designee, they must prepare and submit an inventory of university property in their care.

4.4 Faculty Appointments

4.4.1 General Provisions

4.4.1.a Full-time faculty positions at Pacific University are defined as at least 0.625 FTE appointments. Faculty members may hold tenured, tenure-track, extended-term, or extended-term-track appointments only if they carry a 0.625 FTE or greater. Exceptions are included in 4.4.2.i and 4.11.3.

4.4.1.b All full-time faculty members must have a primary appointment of at least 0.5 FTE in one of the academic units: schools, colleges, or one of the academic units that report to the Provost, such as the Library, English Language Institute, Center for Gender Equity, and Pacific Institute for Ethics & Social Policy. The remainder of the appointment may be with the primary academic unit or may be with one or more of the other academic units within Pacific University.

4.4.1.c Faculty members may not accept assignments in other academic units, outside of joint appointments, for more than the equivalent of one four-credit course per year, except with the permission of the respective deans and directors.

4.4.1.d Personnel evaluation, including recommendations on tenure and promotion, occurs within the college personnel committee of the primary appointment or in the University Personnel Committee for other academic units (see 4.4.2.h.1 and 4.4.2.h.2). Other units in which the faculty member has an appointment are expected to provide results of any course evaluations and an overall assessment of performance to the primary unit.

4.4.1.e When a faculty member has appointments in more than one academic unit, the financial obligation is divided proportionately among the units according to FTE. The pay rate is determined by the salary schedules of the respective units.

4.4.1.f Participation in faculty affairs is governed according to the rules of each academic unit where the faculty member holds an appointment. Normally, university service is conducted within the FTE of the primary appointment. Other arrangements must be specified in the appointment letter.

4.4.1.g The general contract provisions for appointments may only be altered with approval of the dean or director and the Provost.

4.4.1.h The terms and conditions of contracts for every appointment and reappointment must be stated in writing and must be in the possession of both the University and the faculty member before the appointment commences. Subsequent extensions or modifications of a contract or job description and any special understanding must be stated in writing. Copies of any letters of

appointment, reappointment, extension, or modification must be given to the faculty member and must be placed in the faculty member's open personnel file.

4.4.1.i Letters of notification for contract renewal include the following statement: "The terms and conditions of this contract are defined in Chapter 4 of the University Handbook (with title and online URL cited)."

4.4.1.j The University must notify faculty members of the terms and conditions of their contract renewals no later than April 15th each year. In the event that this date cannot be met, the University must notify the faculty before April 1st each year with a date certain for contract renewals.

4.4.1.k Requirements for notification for non-renewal are specific to each type of appointment (see 4.5).

4.4.2 Types of Appointments

Though other types of appointments are described in this section, tenure-track and tenure positions are the primary types of full-time faculty positions and constitute a large majority of positions within the University (see 4.7).

4.4.2.a Tenure Appointments

A tenure appointment is issued to and renewed each year at the option of each tenured faculty member. The University may terminate tenure appointments only as provided in 4.5.3.

4.4.2.b Tenure-Track Appointments

Tenure-track positions are established by academic units with the approval of the dean or director, the personnel committee, and the Provost. In Arts & Sciences, the College of Arts & Sciences Council (CASC) replaces the personnel committee in this provision.

Tenure-track appointments are normally for one year, but may be for other stated periods, and are subject to renewal annually by the University. Faculty members within the schools and colleges are reviewed annually by the college personnel committee for progress toward meeting the criteria for tenure and for renewal of their appointments. Faculty members within the other academic units are reviewed annually by the University Personnel Committee for progress toward meeting the criteria for tenure and for renewal of their appointments.

Tenure-track faculty members may not serve at the University for more than seven years. Therefore, the total period of full-time service in a tenure-track appointment prior to the acquisition of indefinite tenure may not exceed six years, including years credited for previous full-time service in a tenure-track position with the rank of instructor or higher in other institutions of higher learning (see exception in 4.7.1.a). Faculty members with prior full-time university teaching experience, which may include term appointments at Pacific or relevant professional experience, may be credited with time toward the tenure-track period on a year-for-

year basis, normally up to a maximum of three years. In exceptional circumstances, with approval of the dean or director and personnel committee, a tenure-track period of less than three years may be granted. The academic year in which consideration for tenure occurs is stated in writing at the time of initial appointment. This date may be altered by mutual agreement of the faculty member, the dean or director, and the personnel committee, so long as the change does not violate other provisions of this section or those of 4.7.1.a.

For the procedure for non-renewal of tenure-track appointments, see 4.5.

4.4.2.c Extended-Term Appointments

Extended-term-track positions are established by academic units with the approval of the dean or director, the personnel committee (CASC in Arts & Sciences), and the Provost.

Extended-term-track or extended-term faculty members are reviewed within the schools and colleges by the college personnel committee and within the other academic units by the University Personnel Committee.

Full-time faculty members in approved positions may be offered renewable, non-tenured, extended-term appointments after a period of at least three years of service on an extended-term track. Faculty members on an extended-term track are reviewed annually by the appropriate personnel committee for progress toward meeting the criteria delineated in the job descriptions for those positions and for renewal of their appointments. Such probationary appointments are subject to renewal annually by the University.

Faculty members who have served Pacific for a period of six years on full-time term contracts must be considered by the personnel committee for three-year, renewable, non-tenured, extended-term contracts. Therefore, the total period of full-time service in term appointments prior to acquiring extended-term appointments may not exceed six years. Those faculty members denied extended-term appointments are issued non-renewable, one-year, term contracts.

Extended-term appointments are for a period of three years and are issued by the dean or director, with concurrence of the personnel committee. (Faculty members holding five-year extended-term appointments at the time of enactment of this paragraph automatically retain their five-year extended-term appointments.) Faculty members on extended-term appointments may hold rank of Instructor, Assistant and Associate Professor, and Professor and are eligible for promotion as outlined in 4.8 and for sabbaticals, but not tenure status. Extended-term faculty members have the right and obligation to hold positions on university committees that require tenured status.

During the period of appointment, contracts are renewable at the option of the faculty member, with the exceptions noted in 4.5.

Contracts for extended-term appointments are renewed annually (e.g., for three-year extended-term contracts, renewal returns the contracts to three full years) at the option of the faculty member, unless the University notifies the faculty member of non-renewal (see 4.5).

Extended-term appointments may be offered for (1) pre-collegiate teaching (such as the English Language Institute); (2) clinical faculty; (3) librarians; (4) appointments at off-campus sites; (5) teaching primarily lower-level or service courses; (6) faculty appointments with substantial student services responsibilities; and (7) any other positions specifically identified by each academic unit.

When an extended-term position becomes vacant, the academic unit must consider making that position tenure-track. The dean or director and the personnel committee (CASC in Arts & Sciences) must justify to the Provost a decision to keep the position extended-term. Faculty members with extended-term appointments may be shifted to tenure-track appointments only after completion of a new search process or with the approval of the personnel committee (see 4.2).

4.4.2.d Term Appointments

Full-time term positions within schools and colleges are established with the approval of the dean or director, personnel committee (CASC in Arts & Sciences), and Provost. Term positions within other academic units are established with the approval of the director and the Provost.

A term contract is issued to faculty members for a specified period, usually one year. This appointment is renewable only at the option of the University. Holders of school and college term appointments are reviewed by the college personnel committee; holders of term appointments in other academic units are reviewed by the director and the Provost.

Faculty members with term appointments may be shifted to tenure-track appointments only after completion of a new search process or with the approval of the personnel committee (see 4.2).

Faculty members who have held full-time term appointments at the University for at least three years may be shifted to extended-term contracts with the approval of the dean or director and personnel committee. Upon serving for six years at full-time, faculty members must be considered for and switched to extended-term contracts or be issued one-year, non-renewable, term contracts (see 4.4.2.c).

4.4.2.e Terminal Appointments

A terminal contract is issued in the final year of service and is not renewable by the faculty member or by the University.

4.4.2.f Part-Time Appointments

Part-time appointments are made for specific teaching or clinical assignments, and contract letters are issued by the dean or director. Such faculty members may not be on tenure-track or extended-term-track appointments but may be eligible for promotion, provided that they have university assignments at a minimum of 3 credit hours per academic year or its equivalent. In general, university criteria for promotion eligibility should be employed, although one additional

year of service is required for eligibility. Rank other than Instructor may be assigned upon initial appointment on the basis of credentials or rank at another university; the dean or director makes this assignment, with consent of the personnel committee.

4.4.2.g Off-Site Clinical Health Professional Appointments

The provisions in this paragraph apply solely to off-site clinical faculty appointments. Health professionals who directly supervise Pacific students at off-campus preceptorship or internship sites may receive clinical faculty appointments. Clinical faculty status may be earned after at least one year of service, at the discretion of the dean or director and personnel committee. Clinical faculty members are eligible for promotion, but not tenure or extended-term appointments, and receive neither a salary nor employment benefits from the University. They may enjoy other privileges of full-time faculty members, as determined by the school or college, provided that their FTE involving education of Pacific students is at least 0.625 using the formula for clinical faculty appointments used by that school or college.

4.4.2.h Other Appointments that May Carry Faculty Rank

1. Library. The library may establish term, extended-term-track, and tenure-track faculty positions as outlined in 4.4.2.b-d. Such faculty members are expected to meet the same general standards of excellence required of other university faculty members. Because of their unique role in teaching and service across the University's colleges and schools, evaluation and review for promotion and tenure of professional librarians are conducted by the Library Director and the Provost, who provide supervisory responsibility, and the University Personnel Committee.
2. Other Academic Units. The English Language Institute, the Center for Gender Equity, the Pacific Institute for Ethics & Social Policy, and any other academic units under the purview of the Provost may establish term, extended-term-track, and tenure-track faculty positions as outlined in 4.4.2.b-d. Such faculty members are expected to meet the same general standards of excellence required of other University faculty members. Evaluation and review for promotion and tenure are conducted by the Provost, who provides supervisory responsibility, and the University Personnel Committee.
3. Administrators. Administrators within schools or colleges may be given academic rank and may be promoted with written approval of the college personnel committee. Administrators in other academic units may be given academic rank and may be promoted with written approval of the Provost and the University Personnel Committee.
4. President. The President may be given academic rank through action of the Board of Trustees.

4.4.2.i FTE Requirements for Tenured, Tenure-Track, Extended-Term, and Extended-Term-Track Appointments.

Unless a position is designed to be less than 1.0 FTE, tenure may be granted only to candidates who have held 1.0 FTE appointments at Pacific for at least half of their tenure-track time, and all of the tenure-track time must be at 0.625 FTE or greater (see exceptions below; see 4.7.1.b and 4.11.3.a for exceptions for leaves of absence). If a tenured, tenure-track, extended-term, or extended-term-track faculty member's contracted academic year responsibilities drop below 0.625 FTE for more than one semester, that person's status is reviewed by the University Personnel Committee, which forwards a recommendation to the Provost for final approval. Ordinarily, tenure, tenure-track, extended-term, or extended-term-track status is forfeited in such cases. The following exceptions are permitted:

1. Temporary Assignments. Temporary assignments for administrative or other non-teaching duties may be approved by the dean or director, with personnel committee consent.

2. Non-teaching Duties or Part-time Positions. Tenured, tenure-track, extended-term, or extended-term-track faculty members may be appointed to part-time positions, provided that their teaching and research duties for the year do not fall below 0.5 FTE. Such appointments may be approved by the dean or director, with consent of the personnel committee. Faculty members so appointed retain the privileges and responsibilities accorded to regular, full-time faculty members, including tenure, tenure-track, extended-term, or extended-term-track status. Compensation and benefits are pro-rated.

Note: Sabbaticals and leaves of absence do not affect tenure, tenure-track, extended-term, or extended-term-track status, though leaves of absence for more than one semester stop the tenure clock (see 4.7.1.b and 4.11.3.a for exceptions). Sabbaticals and leaves of absence do not require requests for exceptions.

4.5 Non-Renewal and Termination of Appointments

Section 4.5 does not include regulations covering denial of tenure when tenure-track faculty members apply for tenure; those regulations are included in 4.7.

4.5.1 Non-Renewal of Tenure-Track, Extended-Term-Track, and Extended-Term Appointments

This section does not include procedures for termination of appointments for cause, for financial exigency, or for program discontinuance or reduction, as outlined in section 4.5.3.

4.5.1.a Notification

Written notice that the University is not going to renew a tenure-track or extended-term-track appointment must be given to the faculty member as outlined below.

1. Not later than March 1st of the first academic year of service, if the appointment expires at the end of that academic year; at least three months in advance of the expiration of the appointment, if the appointment expires during an academic year.

2. Not later than December 15th of the second academic year of service, if the appointment expires at the end of that academic year; at least six months in advance of the expiration of the appointment, if the appointment expires during an academic year.
3. At least twelve months before the expiration of the appointment after two or more years at the University. Faculty members on academic-year appointments must be notified by June 1st that they are being issued a terminal contract.
4. In some circumstances, the faculty member may be excused from all duties and paid for the notice period.

Written notice that an extended-term appointment is not going to be renewed by the University must be given to the faculty member not later than April 15.

4.5.1.b Process

The personnel committee (see 4.4.2) reviews the faculty member and makes a recommendation to the dean or director. When a recommendation not to renew a tenure-track, extended-term-track, or extended-term appointment is made by the committee and accepted by the dean or director, the dean or director informs the faculty member in writing and includes the reasons for the decision.

Legitimate reasons for non-renewal may include, but are not limited to, the following:

1. Failure to achieve adequate progress toward meeting the criteria for tenure
2. Failure to achieve adequate progress toward meeting the criteria for extended-term appointments
3. Non-performance of duties because of health reasons (see the adapted AAUP statement below on disability; see also 4.5.7)
4. Lack of congruence between the expertise of the faculty member and the educational needs of the academic program
5. Personal or professional misconduct (see 4.5.3.a and 4.5.8).

Pacific University Statement on Disability, adapted from AAUP Statement on Disability (from *Recommended Institutional Regulations on Academic Freedom and Tenure*). Termination of a tenured, tenure-track, extended-term, or extended-term-track appointment because of physical or mental disability must be based upon clear and convincing medical evidence that the faculty member, even with reasonable accommodation, is no longer able to perform the essential duties of the position. The decision to terminate must be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an

opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty Appeals Panel, as outlined in 4.5.7 and 4.5.9, before a final decision is made by the University.

4.5.1.c Appeals

The faculty member may request reconsideration by the personnel committee that made the decision, based on substantive new information, on a belief that proper procedures were not followed, or on both. The request must be made in writing, within ten university working days of receiving notification of an adverse decision, to the dean or director and must specify the basis for the request. Upon receipt of such a request, the committee must reconsider the original decision.

If the personnel committee upholds the original decision and if the faculty member alleges that the recommendation against renewal was based on improper procedure, that faculty member may appeal to the Faculty Appeals Panel for review under the procedures defined in 4.5.9. The request must be made in writing to the Provost, within ten university working days of receiving notification of an adverse decision, specifying the basis for the request.

If the Appeals Panel finds a violation of procedure, the process must be repeated, with the correct procedure being followed by the committee. If the Panel finds no violation of procedure, the original decision stands.

4.5.2 Termination of Appointment by Faculty Member

A faculty member who wishes to terminate an existing appointment at the end of the academic year should give notice in writing to the dean or director prior to May 1st of that year. If a faculty member resigns during the academic year, the salary is prorated based on the proportion of workload fulfilled.

4.5.3 Termination of Tenure, Tenure-Track, Extended-Term, or Extended-Term-Track Appointments by the University for Cause, Financial Exigency, or Program Discontinuance or Reduction

Termination is a severance action by which the University discontinues the services of a tenured, tenure-track, extended-term, or extended-term-track faculty member. The only reasons for such an action are dismissal for cause, financial exigency, or program discontinuance or reduction. In all cases of this nature, a written statement of particulars from the Provost must precede termination.

4.5.3.a Dismissal for Cause

1. Termination of tenured, tenure-track, extended-term, or extended-term-track faculty members may be effected by the institution for adequate cause. Termination proceedings may be instituted only for one or more of the following reasons:

- a. Professional incompetence
 - b. Continued neglect of professional or contractual duties in spite of written warnings
 - c. Grave personal or professional misconduct that would invoke the condemnation of the academic community generally
 - d. Grave violation of the rights and freedoms of fellow faculty members, administrators, or students that would invoke the condemnation of the academic community generally
 - e. Violation of a major university policy, even after written warning, that gravely disrupts the basic operation of a program, department, or the University as a whole, or that clearly exposes the University to serious legal judgments against it
 - f. Continued overall performance that, even after repeated attempts at remediation, is so poor that it undermines the ability of the faculty member's program or department to achieve its basic educational objectives.
2. Adequate cause for dismissal must be related, directly and substantially, to the fitness of the faculty member in fulfilling contractual responsibilities. Dismissal may not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.
 3. If termination takes the form of dismissal for cause, it must be pursuant to the procedures specified in 4.5.8 (see also 4.5.6.b).

4.5.3.b Termination Because of Financial Exigency

1. Termination of tenured, tenure-track, extended-term, or extended-term-track faculty members may occur because of a *bona fide* financial exigency, i.e., an imminent financial crisis that threatens the survival of an academic unit or the University as a whole and that cannot be alleviated by less drastic means.
2. The Board of Trustees is responsible for declaring a financial exigency following adequate on-campus discussion as outlined in Chapter 6.
3. After the Board of Trustees has reviewed the results of the on-campus discussion and declared a financial exigency, the University Council considers the financial status of the University and determines that feasible alternatives to termination of tenured, tenure-track, extended-term, and extended-term-track faculty members have been pursued before recommending termination or reduction of one or more academic programs. The retention of viable academic programs must be the primary goal, and it must be demonstrated to the University faculty that the faculty is not bearing an undue proportion of necessary economies. See 4.5.3.c for definitions of programs.

4. In the event that tenured, tenure-track, extended-term, and extended-term-track faculty members must be terminated because of declared financial exigency, the judgments to determine where within the academic program terminations occur involves considerations of educational policy. These judgments must be made in accordance with University Guidelines for Program Review (see Chapter 6).

5. A program recommended for personnel reduction must complete a program review, followed by a recommendation to the dean or director, who then makes recommendations to the University Personnel Committee on individuals whose appointments may be terminated or modified. Decisions on personnel reductions must be based upon the University's adopted criteria (see 4.5.3.d and Chapter 6).

4.5.3.c Termination Because of Discontinuance or Reduction of a Program not Mandated by Financial Exigency

1. Termination of tenure, tenure-track, extended-term, or extended-term-track appointments may occur as a result of formal program review that leads to discontinuance or reduction of a program or department.

2. Definitions:

a. Program. Any one of the following:

- i. A major or minor in undergraduate study
- ii. A track (an emphasis in a degree program)
- iii. A degree or credential (requiring a systematic, usually sequential, grouping of courses)
- iv. A division, department, school, or college of the University.

b. Discontinuance. Termination or closing out of a program, either by a phasing-out process or all at once.

c. Reduction. Diminishing the scope of a program while continuing to offer some elements of it. This could include reducing the number of courses offered or the frequency of offerings within a program.

3. The decision to discontinue or reduce a program must be based upon educational considerations, including an analysis of available resources and long-range judgments about educational mission and institutional stability. "Educational considerations" do not include minor cyclical or short-term fluctuations in enrollment.

4. The decision to discontinue or reduce a program must be made following the University Guidelines for Program Review (see Chapter 6). Should discontinuance or reduction require termination of faculty appointments, the dean or director will make recommendations to the University Personnel Committee according to established procedures (see 4.5.3.d).

4.5.3.d Termination Procedures Other Than for Cause

After the University makes a determination that one or more faculty positions must be terminated, the following procedures take effect.

1. Before the dean or director makes recommendations to the University Personnel Committee on terminations, the unit and the University must make reasonable efforts to place affected faculty members in other suitable positions within the University. Included could be the following:

- a. Reduction to part-time (not less than 0.5 FTE) without loss of tenure or extended-term appointment
- b. Retirement, either immediately or on a phased-in program
- c. Reassignment to a different discipline or non-teaching position. If placement in another position would be facilitated by a reasonable period of training, financial and other support may be offered. If no such position is available within the University, faculty members' appointments may be terminated, but only with proper notice as defined below and in 4.5.6 and 4.5.8.

2. If personnel reduction cannot be achieved through voluntary changes in status, the following criteria must be used for terminations:

- a. Tenure rights must be protected insofar as possible. Tenured or extended-term faculty members must not be terminated in favor of non-tenured or term faculty members, except in extraordinary circumstances where serious distortion of the academic program would otherwise result or in cases of planned program reductions or discontinuances. If it is necessary to terminate tenured or extended-term faculty members, due consideration to the essential needs of various programs must be given, even if the principle of seniority may be compromised in the resulting decisions.
- b. Termination of tenured or extended-term faculty members is normally in inverse order of seniority, provided the remaining faculty members have the required qualifications and are able to perform satisfactorily (as determined by the dean or director and the University Personnel Committee).

Definition of seniority:

- i. Tenured faculty members have seniority over extended-term faculty members
- ii. Academic rank
- iii. If equal academic rank, then years of service in rank at Pacific

iv. If equal academic rank and years of service in rank at Pacific, then the University Personnel Committee will evaluate the faculty members in accordance with Handbook criteria for promotion and tenure.

3. The University Personnel Committee makes its termination recommendations based upon review of procedures employed and of established university policies, ensuring that faculty members' rights have been protected.

4. When recommendations to terminate faculty members are made by the University Personnel Committee and approved by the President, affected faculty members must be informed in writing by the Provost.

5. Faculty members may appeal a proposed reassignment or termination in writing, within ten university working days of receiving notification, and have the right to a hearing before the Faculty Appeals Panel (see 4.5.9). The issues in such a hearing may include:

a. The validity of the educational judgments and the criteria for identification for termination. The recommendations of the program review bodies and the University Personnel Committee on these matters are presumed valid; therefore, the burden of proof falls on the faculty member.

b. Whether the criteria are being properly applied in the individual case.

(see 4.5.9.d for rendering of findings)

6. Terminated positions may not be reactivated within three years, unless released faculty members have been offered reinstatement and a reasonable time in which to accept or decline.

7. If the University terminates appointments in a program, it may not at the same time make new faculty appointments in that program, except in extraordinary circumstances where serious distortion of the academic program would result.

4.5.4 Dismissal of Term Faculty Members

Cause for dismissal of term faculty members, in addition to reasons listed in section 4.5.3.a, Dismissal for Cause, is failure to appear at two or more classes without an acceptable reason and prior notification of the supervisor. The University may dismiss term faculty members immediately, though salaries are normally paid through the end of the current term or clinical sessions.

4.5.5 Suspension Prior to Termination

If immediate harm to themselves or others is threatened by their continuance, faculty members may be suspended while the termination process takes place. If faculty members are suspended

for reasons not involving gross dereliction of duty, grave professional or personal misconduct, or moral turpitude, they receive their salaries.

4.5.6 Termination Notice

4.5.6.a Termination Notice for Non-reappointments Because of Financial Exigency or Program Reduction or Discontinuance

Written notice that the University will not renew a tenure, tenure-track, extended-term, or extended-term-track appointment must be given to the faculty member as follows:

1. Not later than March 1st of the first academic year of service, if the appointment expires at the end of that academic year; at least three months in advance of the expiration of the appointment, if the appointment expires during an academic year.
2. Not later than December 15th of the second academic year of service, if the appointment expires at the end of that academic year; at least six months in advance of the expiration of the appointment, if the appointment expires during an academic year.
3. At least twelve months notice must be given after two or more years at the University. Faculty members on academic-year appointments must be notified by June 1st that they are being issued a terminal contract.
4. In some circumstances, the faculty member may be excused from all duties but paid for the notice period.

On recommendation of the dean or director, the University Personnel Committee, the Faculty Appeals Panel, the Provost, or the President, the length and quality of service of the faculty member may be taken into account in notice and salary continuation considerations beyond these minimal provisions.

4.5.6.b Termination Notice for Non-reappointments for Cause (see 4.5.3.a and 4.5.8)

The provisions in section 4.5.6.a are followed, except in serious cases that include gross dereliction of duty, grave professional or personal misconduct, or moral turpitude. In serious cases, upon recommendation of the dean or director, the University Personnel Committee, the Faculty Appeals Panel, or the Provost, the President may shorten any of the terms in section 4.5.6.a.

4.5.7 Complaints of Violation of Academic Freedom or of Discrimination in Non-reappointment

If a tenure-track or other non-tenured faculty member alleges that a decision against reappointment was based primarily on considerations that violate academic freedom or that discriminate on the basis of race, color, sex, religious preference, national origin, age, disabled veteran or Vietnam Era status, physical or mental disability (however, see the adapted AAUP

statement in 4.5.1.b, adopted by Pacific University), or sexual orientation, the allegation will be given preliminary consideration by the Faculty Appeals Panel (see 4.5.9), which will seek to settle the matter by informal methods. The allegation must be accompanied by a statement that the faculty member agrees to the presentation before the Appeals Panel. The University must then present the reasons and evidence in support of its decision. If the matter is unresolved at the end of this stage, and if the Panel so recommends, the matter will be heard in the manner set forth in 4.5.8.c, except that the faculty member making the complaint will be responsible for stating the grounds upon which the allegations are based, and the burden of proof will rest upon the faculty member. If the faculty member succeeds in establishing a *prima facie* case before the Appeals Panel, those who made the decision against reappointment must present evidence in support of their decision. Statistical evidence of improper discrimination may be used in establishing a *prima facie* case.

4.5.8 Procedures to be Followed in Dismissal for Cause of Faculty Members with Tenure, Tenure-Track, Extended-Term, or Extended-Term-Track Appointments

Dismissal for cause of faculty members with tenure, tenure-track, extended-term, or extended-term-track appointments is preceded by:

- first, discussions between the faculty member and appropriate administrative officers in an effort to effect a mutual settlement
- second, if no agreement can be reached, the Provost will seek a negotiated settlement
- third, if no agreement can be reached, the Provost will determine whether formal dismissal proceedings should be undertaken
- fourth, if the Provost brings specific charges, the procedures to be followed are

4.5.8.a The University Personnel Committee Conducts a Formal Hearing

The Chair of the University Personnel Committee presides over the hearing, and the Provost does not serve as an *ex-officio* member for the hearing. The Provost presents the University's case to the committee.

1. At least ten days before the hearing, the faculty member is served notice of the hearing, which includes written specification of the charges, and is informed in writing and notified of the right to appear before the University Personnel Committee to present oral or written evidence.

The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing, and if the faculty member denies the charges or asserts that the charges do not support a finding of adequate cause, the University Personnel Committee will hear all available evidence and will rest its recommendation upon the evidence in the record.

2. This hearing excludes the presence of legal counsel for either party except by mutual consent of the parties. Testimony before the Committee is tape-recorded.
3. For the hearing, the faculty member is permitted to choose an adviser from the university faculty.
4. At the request of either party or of the University Personnel Committee, a representative of a responsible educational association is permitted to attend the hearing as an observer.
5. During the hearing, the University Personnel Committee grants adjournments to enable either party to investigate the evidence about which a valid claim of surprise is made.
6. The faculty member is afforded an opportunity to obtain the necessary witnesses and to gather documentary or other evidence. The administration, insofar as possible, secures the cooperation of witnesses and makes available documents and other evidence within its control.
7. The faculty member and the University Personnel Committee generally have the right to cross-examine all witnesses. Where the witnesses cannot or will not appear, but the University Personnel Committee determines that the interests of justice require admission of their statements, the University Personnel Committee will identify the witnesses, obtain and disclose their statements and, if possible, provide for interrogatories.
8. A charge of professional incompetence must be supported by testimony of one or more qualified faculty members from this or other institutions of higher education.
9. The University Personnel Committee is not bound by strict rules of legal evidence and may consider any evidence that is of probative value in understanding the issues involved. Every possible effort should be made to obtain the best reliable evidence available.
10. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers should be avoided until the proceedings have been completed.

4.5.8.b Closed Deliberations by University Personnel Committee

The Chair of the University Personnel Committee presides over the deliberations of the committee, and the Provost is not present.

1. The findings of fact and the recommendation itself are based solely on the hearing record.
2. 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. There is no written or recorded record of the deliberations, except for the formal vote, which is by secret ballot. A dismissal recommendation requires a yes vote from a majority of those eligible to vote.
4. If the University Personnel Committee recommends dismissal of the faculty member, it will so notify the faculty member and will provide reasons for its recommendation.
5. If the faculty member does not appeal the recommendation, as outlined in section 4.5.8.c, then the recommendation will be forwarded to the President.

4.5.8.c Appeals

The faculty member, within ten working days of receiving a recommendation to dismiss, may direct an appeal, in writing, to the Provost. An appeal may be based on either:

1. A violation of procedure as outlined in the Handbook. In this case, the Faculty Appeals Panel takes up the matter, and its procedures are followed (see 4.5.9). If the Appeals Panel finds a violation of procedure, the process must be repeated, with the correct procedure being followed by the appropriate committees. If the Panel finds no violation of procedure, the original recommendation stands.
2. Substantial new information. In the case of new information being brought forward, the University Personnel Committee consults with the President. If either the President or the Committee or both believe that substantial new information has become available, a reconsideration of the recommendation will be granted. The faculty member will be given written notice of the procedures to be followed, together with calendar deadlines for the process.

If the President and the University Personnel Committee agree that the new information is not substantial enough to warrant reconsideration, the original recommendation stands.

4.5.8.d Presidential Decision

If the President agrees with the recommendation of the University Personnel Committee to terminate, the President will notify the faculty member within ten days of receipt of the recommendation from the Committee. If the President agrees with the recommendation, termination notice will be handled in accord with 4.5.6.b.

If the President disagrees with the recommendation issued by the University Personnel Committee, the President must state the reasons for doing so, in writing, to the Committee and must provide an opportunity for response from the Committee. In making a final decision, the President may accept or reject the University Personnel Committee recommendation.

4.5.9 Faculty Appeals Panel

4.5.9.a General Functions

The purpose of the Faculty Appeals Panel is to hear grievances and to resolve disputes related to faculty personnel actions, violation of academic freedom, or discrimination in non-reappointment. Grievances by staff members are to be resolved using University Staff Handbook procedures. Prior to activating the grievance procedures of the Faculty Appeals Panel, every effort should be made by the parties involved to settle the dispute in a mutually satisfactory manner.

In using this process, any party to a grievance procedure may choose as a representative another full-time faculty member or administrator, provided that person agrees to serve. Professional legal services may not be used within the University adjudication procedures. If any party to a grievance insists on being represented by legal counsel, then the dispute must be handled by the appropriate municipal, state, or federal court, so that all parties may enjoy the full privileges of civil or criminal law. The University reserves the right to refer alleged violations to civil authorities, if deemed appropriate.

The standing members of the Appeals Panel may attempt to mediate a dispute prior to proceeding to a formal hearing by contacting the parties in the dispute with a proposal developed by the standing members and approved by the Provost. If the mediation is successful, the parties must sign a formal statement indicating acceptance of the agreement. An unsuccessful mediation may not prejudice the formal hearing.

The primary duties of the Panel are

1. To recommend to the Faculty Senate revisions to the rules governing the Panel's procedures.
2. To render findings and recommendations in the following cases:

A candidate's appeal of a negative

- a. Tenure decision
- b. Extended-term decision
- c. Promotion decision.

Faculty members' appeals of changes in their status, including

- d. Non-renewal of a probationary contract
- e. Termination of an extended-term contract
- f. A proposed reassignment or termination resulting from discontinuance or reduction of a program

- g. Termination for cause
- h. Complaints of violation of academic freedom or of policies prohibiting discrimination.

4.5.9.b Structure

1. Membership (7). Membership consists of seven tenured faculty members: four standing members and three selected on a case-by-case basis. The standing members, one from each college, are appointed to three-year overlapping terms by the Faculty Senate, in accordance with adopted procedures for faculty appointments to committees (see Chapter 2). The Chair of the Appeals Panel and each party to the dispute each nominate one case-specific member. At the request of the Chair, the Faculty Senate may also temporarily replace standing members because of conflicts of interest or inability to attend meetings.
2. Officers. The standing members of the Appeals Panel elect one of the standing members to serve as Chair and one to serve as Secretary.
3. Voting. Decisions on all cases are reached by secret ballot, with all seven members present and voting. A majority of votes cast is required for any decision.

4.5.9.c Procedures

1. Procedures are initiated with a letter to the Provost that sets out the complainant's case. The Provost forwards the letter to the Appeals Panel Chair.
2. On receipt of the letter, the Chair convenes the standing members of the Appeals Panel, which decides whether or not to hear the case. The Panel may decide not to hear the case because the matter either falls outside its jurisdiction or is not of sufficient import to consider. If the Panel decides to hear the case, the following procedures will be followed for that specific case:
 - a. The four standing members decide if any of them has a conflict of interest. If any member has a conflict of interest, he or she will be excused from any further deliberations, and the Faculty Senate will be asked to appoint a replacement.
 - b. The Chair asks each of the parties to the complaint to nominate a tenured faculty member to join the Appeals Panel. The Panel reviews each nomination to determine if there is a conflict of interest. The nominating party will be asked to nominate another tenured faculty member if there is a perceived conflict of interest. When the nominees are found not to have conflicts of interest, their names, along with the name of a tenured faculty member nominated by the panel Chair, are forwarded to the Faculty Senate for temporary appointment to the Appeals Panel.
 - c. Once the panel is established, a date for the hearing is arranged. In order to prepare for the proceedings, each side is asked to submit a two-page document laying out the

evidence for its side of the case. This document is to be made available through the Provost's Office to the Panel, at least two days before the hearing. Supplementary materials may also be provided.

- d. The hearing is scheduled to allow sufficient time to hear the case and to carry out deliberations, usually at least three hours. At the hearing, each side is given at least thirty minutes to present its case. Each party may have a representative, as described above, to assist with the presentation. After a party has made a presentation, the Panel may ask clarifying questions and for additional information. The presentations and the answers to clarifying questions are tape-recorded. Deliberations take place with only members of the Panel present and are not recorded. After deliberations are completed, the Panel votes by secret ballot, with a majority necessary for a decision.
- e. The Chair of the Appeals Panel communicates, in writing, the decision to the parties to the complaint. Copies are provided to the President and to the Provost.

4.5.9.d Rendering Findings and Recommendations.

1. Appeals of tenure decisions (see 4.7). To initiate an appeal of a tenure decision, within ten working days of receiving notification of the decision, the faculty member must request a hearing, in writing, to the Provost. An appeal of a tenure decision may be based on either a violation of procedure as outlined in Chapter 4.7 or the discovery of substantial new information. If the Appeals Panel finds a violation of procedure, the case is referred back for reconsideration to the personnel committee that made the decision, with directions on the procedures to be followed. Appeals based on new information are referred to the original personnel committee or to the University Personnel Committee (see 4.7.4).
2. Appeals of promotion decisions (see 4.8). A faculty member may appeal a promotion decision to the Faculty Appeals Panel only on the grounds of procedure. The appeal is made, in writing, to the Provost for consideration by the Appeals Panel. If the Panel finds a violation of procedure, the case will be referred back to the college committee for reconsideration, with instructions on procedures to be followed. The decision resulting from the college committee's reconsideration will be final. Appeals based on substance are referred to the personnel committee.
3. Appeals of decisions for non-renewal of probationary, extended-term track, and extended-term contracts (see 4.5.1). Before submitting an appeal of a non-renewal decision, the faculty member may request reconsideration by the college personnel committee, based on procedure or on substantive new information. The request is made in writing to the dean and must specify the basis for the request.

If the faculty member believes that the recommendation against renewal by the college committee was based on improper procedure, the faculty member may appeal to the Appeals Panel. The request is made in writing, within ten university working days of receiving notification of an adverse decision, to the Provost and must specify the basis for

the request. In the case of a claim of improper procedure, the Panel determines whether the recommendation was the result of proper procedure as defined in the University Handbook. If the Panel believes that proper procedures were not followed, it will designate the necessary procedures that the recommending committee must follow in its reconsideration.

4. Appeals of proposed reassignment or termination resulting from discontinuance or reduction of a program (see 4.5.3.b-d and 4.5.6.a). A faculty member may appeal a proposed reassignment or termination resulting from discontinuance or reduction of a program. The request for a hearing before the Appeals Panel must be made in writing, within ten university working days of receiving notification of an adverse decision, to the Provost. In considering such an appeal, the Panel determines whether the rules, procedures, and criteria as outlined in Chapters 4 and 7 of the University Handbook have been properly applied in the decision to reassign or to terminate. In rendering its decision, the Panel recommends to the President whether or not to uphold the decision to reassign or to terminate. The decision of the President is final, except in the case of termination the faculty member may appeal to the Board of Trustees.
5. Appeal of decisions to terminate tenured, tenure-track, extended-term, or extended-term-track faculty members for cause (see 4.5.3.a, 4.5.6.b, and 4.5.8). A faculty member may appeal a decision of termination for cause if the faculty member believes that the decision was based on improper procedures or on substance. The request for a hearing based on improper procedures before the Appeals Panel must be made in writing to the Provost. In considering such an appeal, the Panel determines whether the rules, procedures, and criteria as outlined in Chapter 4 have been properly applied. If the Panel finds a violation of procedure, the University Personnel Committee must repeat the process following procedures specified by the Panel. Appeals based on substance are referred to the University Personnel Committee.
6. Rendering findings and recommendations in cases of complaints of violation of academic freedom or of violation of policies prohibiting discrimination (see 4.5.1.b and 4.5.7). A faculty member on probationary or other non-tenured appointment who alleges that a decision against reappointment was based substantially on considerations that violate academic freedom or that discriminate on the basis of race, color, sex, religious preference, national origin, age, disabled veteran or Vietnam Era status, physical or mental disability, or sexual orientation may request a hearing by the Appeals Panel. The request must be made in writing, within ten university working days of receiving notification of an adverse decision, to the Provost. In the letter, the faculty member must agree to the presentation of such reasons and evidence as the University used in support of its decision.

If a faculty member alleges a violation of policies prohibiting discrimination, the Provost may appoint a neutral party, either from within or outside the University, to investigate the allegations.

In considering the allegations, the Appeals Panel considers the evidence provided by the complainant, including statistical evidence of improper discrimination; the evidence provided by the personnel committee in support of its decision; and, if available, the findings of the neutral party appointed by the Provost. If the Panel determines that a decision against reappointment was made in violation of academic freedom or of policies prohibiting discrimination, the decision against reappointment will be reversed. In cases where the decision is not reversed, the faculty member may appeal to the President, whose decision is final.

4.6 Evaluation of Faculty Members

Principles

Candid and objective evaluation of faculty members is critical to both the faculty and the University. Evaluations by personnel committees must be based solely on the criteria contained in Chapter 4 and must be carried out by applying these criteria solely to the written record as contained in personnel files.

Faculty members have the right to request reconsideration of personnel committee decisions concerning termination, denial of tenure, or denial of promotion. Each college establishes, and has approved by the University Personnel Committee, a procedure for reconsideration of its personnel committee decisions.

Faculty members also have the right to appeal college personnel committee decisions to the Faculty Appeals Panel (see 4.5). University Personnel Committee decisions may be appealed in accordance with procedures set forth in 4.5.

4.6.1 Personnel Files

4.6.1.a Purpose of Files

The University maintains open and restricted personnel files for each active faculty member, in addition to employment records contained in the Office of Human Resources. The written record of faculty member performance is contained in the open and restricted personnel files and is used as the basis for conducting performance evaluations.

4.6.1.b File Location

Open and restricted personnel files are maintained in the faculty member's academic unit in a secure location designated by the dean or director. When action is required by the University Personnel Committee, the files are forwarded to the Provost's office where they are kept in a secure location. When action is complete, the files are returned in a timely fashion.

Personnel files, including those kept in the Office of Human Resources, are maintained for a period of seven years after employment ceases.

4.6.1.c File Access

1. Open and restricted personnel files and employment records in the Office of Human resources, not including those in 4.6.1.c.3, are available only to the University Personnel Committee, the college personnel committee, the Provost, the dean or director, the President, and others designated by the Provost. Open personnel files are also available to those who are required or who are expected to provide routine evaluations of faculty members, such as department and division chairs in Arts & Sciences.
2. Faculty members have access to their open personnel files and employment records in the Office of Human resources pertaining specifically to them, not including those in 4.6.1.c.3.
3. Administrative records concerning a faculty member that relate to sexual harassment or other disciplinary investigations or that are subject to attorney-client privilege are accessible only to those designated by the Provost. They are not available for inspection by the faculty member.
4. Commencing on September 1, 2005, subject to conditions outlined below, faculty members have the right to inspect the contents of their own restricted personnel files. They do not have direct access to confidential materials submitted prior to September 1, 2005, except as provided below.
5. Access to materials collected after September 1, 2005. A faculty member may waive the right to access to materials in his or her restricted personnel file. Any exercised waiver is permanent for the materials collected under that waiver; materials so collected must be prominently identified. Individuals whose opinions are solicited are informed as to whether their submissions may be reviewed by the faculty member. The personnel committee should acknowledge receipt of submitted materials.

If the faculty member has not waived the right to see restricted materials collected after September 1, 2005, access to the restricted file will be provided in the presence of the dean or director or his or her designee.

6. Access to materials collected before September 1, 2005. A faculty member may submit a written request to obtain access to materials collected before September 1, 2005. The request must cover a specific time period of at least one year, and all materials collected during that time frame must be included. If such a request is made, the dean or director will attempt to contact the authors of the documents in question to secure permission to release copies to the faculty member. If an author cannot be reached or does not give permission, then the dean or director will provide a redacted copy of that document, done in a way to protect the author's identity. If it is not feasible to protect the author's identity through redaction, then the document will be summarized in writing instead; in this instance, the chair of the college personnel committee, or his or her designee, will verify the accuracy of the summary.

4.6.1.d Contents of the Open Personnel File

It is the faculty member's responsibility to ensure that the Open Personnel File is complete and current.

1. Obligatory Contents (these items are not subject to removal by anyone).

- a. An inventory of material in the file; a signoff sheet to record that the faculty member has reviewed the file before it is given to the personnel committee and for the personnel committee members to record when they reviewed the file
- b. The letter or contract of initial appointment
- c. A current curriculum vitae
- d. Correspondence between the faculty member and the college and University personnel committees
- e. Annual reports, self-evaluations, or resume updates completed by the faculty member
- f. Evaluations by appropriate administrators (see 4.6.1.d.3)
- g. Any summary of peer review online surveys
- h. Student Evaluations for the previous six years
 - i. Faculty members are responsible for having student evaluations administered in all classes each academic year. These evaluations are normally administered during the next to last class session of the semester, except when administered online.
 - ii. The faculty member initiates the procedure. Approved forms and instructions for their use are secured from the dean's or director's office. When administered online, standard procedures approved by the personnel committee are used.
 - iii. Someone other than the course instructor administers on-site evaluations. The proctor reads the instructions printed on the front of the evaluation forms. The proctor collects the forms, seals them in an envelope, fills out the requested data on the class, dates the envelope, signs it, and delivers it promptly to the dean's or director's office, where the contents remain for six years.
 - iv. The dean or director files one copy of the statistical summary and comments in the faculty member's personnel file and sends another copy to the instructor. Each unit is responsible for maintaining student confidentiality.
 - v. Results of the student evaluations are provided to the faculty member after recording of grades for the semester.

2. Documents That May be Provided by the Faculty Member

a. Faculty members place in their personnel files, by the deadline published by the University Personnel Committee, all material that they wish to have considered. Faculty members are encouraged to provide evidence of teaching quality (e.g., syllabi), professional activities, and the quality of University service.

b. Materials concerning the originality and quality of the faculty member's work are important. A representative sample of the faculty member's best work should be included. This may consist of articles, books, chapters, published music, reports, slides, videotapes, etc., as appropriate. Evidence that by its nature cannot be inserted in the file (e.g., large art works, musical performances) should be noted in writing with an indication of where the work is located or was performed. Reviews of performances should be included when appropriate.

c. The materials described in 4.6.1.d.2 remain the property of the faculty member, and their insertion or removal are at the exclusive prerogative of the faculty member; however, copies of documents that are removed are placed in an archive file and are not considered in future deliberations, unless an issue of academic honesty or an issue about a previous decision is raised that concerns material in the archived documents.

3. Documents That May Come From Other Sources

Department chairs, direct supervisors, deans, and directors may add to the file any special evaluations or reports that may be pertinent to the personnel action under consideration. Copies of such additions must be provided to the faculty member.

Documents not solicited by the personnel committee may be included only in the open personnel file or in files defined in 4.6.1.c.3. Special care must be exercised in handling unsolicited letters from students. Generally, letters alleging harassment or illegal activity should be forwarded to the Provost. Unsolicited letters from students concerning job performance are not normally included in the faculty member's open file, though such letters may trigger an investigation of the faculty member's performance by the personnel committee.

4.6.1.e Contents of Restricted Personnel Files

A restricted personnel file may contain letters of recommendation and evaluation that are solicited by the appropriate personnel committee for the purpose of evaluation of the faculty member's performance. Concerns brought out in materials covered by waivers are summarized in writing for the faculty member by the dean or director without attribution. All materials must be signed by the writer.

Documents not solicited by the personnel committee may be included only in the open personnel file (see 4.6.1.d.3) or in files defined in 4.6.1.c.3.

4.6.1.f Right to Respond to File Contents

Faculty members have the right to respond in writing to items in their personnel files, except those described in 4.6.1.c.3, and they may request that these responses be placed in their open or restricted personnel files.

4.6.2 Faculty Evaluation Procedures

The faculty of each college develops and maintains an evaluation process that contains, at a minimum, the following elements.

4.6.2.a Evaluation Schedule

1. Tenure-Track, Extended-Term-Track, and Term Faculty Members with Continuing Appointments

The personnel committee reviews the files annually of each tenure-track, extended-term-track, and full-time term faculty member with a continuing appointment and provides a written evaluation of performance, including any recommendations regarding reappointment, tenure, or promotion.

2. Tenured and Extended-Term Faculty Members

The personnel committee reviews the files of each tenured and extended-term faculty member on the cycle included below and provides a written evaluation of performance, including any recommendations regarding reappointment or promotion.

a. Tenured assistant professors

- i. Every year until promotion is granted

b. Tenured associate professors

- i. Three years after promotion to associate professor
- ii. After the three-year review referred to in i, when promotion is requested or after five years, whichever occurs first
- iii. Every five years thereafter
- iv. The personnel committee, at its discretion, may choose to evaluate some tenured associate professors more frequently

c. Tenured professors

- i. Every five years

- ii. The personnel committee, at its discretion, may choose to evaluate some tenured professors more frequently
- d. Extended-term faculty members
- i. Every three years for those holding rank of instructor or assistant professor and on the same schedule as tenured faculty members for those holding rank of associate professor or professor
 - ii. The personnel committee, at its discretion, may choose to evaluate some extended-term faculty members more frequently.

4.6.2.b Evaluation of Faculty Administrative Performance

The dean or director provides an annual, written evaluation of the administrative performance of faculty members with administrative responsibilities greater than or equal to 0.375 FTE. Copies are given to faculty members and placed in their open files.

4.6.3 Faculty Evaluation Criteria

Pacific University uses three main faculty evaluation criteria: teaching, scholarly or creative contributions, and service. Faculty members must make the case that they fulfill the evaluative criteria in all three in order to be awarded tenure or promotion. Performance must at least meet minimum university and college standards in each category, and at least one category should be judged as very strong or excellent; however, effective teaching is required, and all faculty members should aspire to become excellent teachers. Promotion to professor requires demonstrated, sustained achievement at a high level in all categories.

Personnel committees and supervisors should use the evaluative methods described below and further developed by the colleges to make decisions about appointments and to assist faculty members in becoming more accomplished in teaching, scholarly or creative work, and service. In each of the areas of evaluation of faculty performance, colleges are directed to develop evaluative tools; in order to ensure quality across the University, the University Personnel Committee should periodically evaluate each college's procedures.

The University generally applies the principles articulated by Ernest L. Boyer in *Scholarship Reconsidered: Priorities of the Professoriate*, The Carnegie Foundation for the Advancement of Teaching, 1990, to each of the three main faculty evaluation criteria, as appropriate. Further national dialogue on the Boyer categories also informs the principles articulated here, and the categories are adapted to Pacific University's specific circumstances.

4.6.3.a Teaching

Teaching is the principal activity of the Pacific University faculty and includes appropriate work and involvement with students beyond, as well as within, the classroom. In addition to being

effective teachers, faculty members must stay current in their fields and incorporate new pedagogies, as appropriate. Faculty members under review must demonstrate teaching effectiveness.

1. Teaching. Teaching excellence encompasses both a consistent history of strong teaching performance and promise for sustained achievement in the future. Evaluation of teaching includes not only assessment of classroom and clinical instruction by peers and students but also of activities directly related to teaching, such as advising, course development and revision, syllabus preparation, tutorial assistance, mentoring, evidence of keeping current in the subjects taught, and adopting effective teaching strategies. The colleges are expected to maintain a broad spectrum of evaluative tools to judge teaching performance. The following procedures include some of the methods that normally are used for evaluation:

a. Peer Observation. Evaluation of teaching should be conducted periodically and is based on direct personal observation of the faculty member's work in the classroom and in other activities that relate directly to instruction. Examples: classroom visits, team teaching, invited guest lectures, and observations of clinical instruction. Faculty members seeking tenure or promotion and the personnel committee must ensure that peer evaluation has occurred on a regular basis.

b. Analysis of Student Evaluations. Student evaluations of faculty member performance should be judged relative to the school or college as a whole and to courses taught in an area, department, or emphasis. In addition, evaluations are analyzed with comparisons between upper- and lower-division courses and between graduate and undergraduate courses. The number of different course preparations and average class size are also relevant data for consideration.

c. Quality of Course Content. Content is evaluated according to criteria such as quality of course materials and syllabi, nature of course requirements, examination and written assignment rigor, and grade distribution. In special courses—such as senior projects, independent studies, research, reading and conference, co-ops, internships, and innovative courses—the evaluative evidence should include papers, course outlines and a complete description of the experience. Faculty members seeking tenure or promotion must make the case with concrete evidence that their courses are both rigorous and of high quality.

d. Evidence of Learning. Faculty members seeking tenure or promotion must present evidence that students have met course objectives and have learned the material. Types of evidence that might be submitted include performance on standardized or board exams, competency exams, graded exams or essays, materials presented at conferences, posters prepared, juried art shows or music performances, papers evaluated by peers, capstone presentations, creative works, web pages, student reflections on learning, and portfolio evaluation. Each college must maintain examples of what student products should be evaluated and what constitutes effective learning.

e. Student Advising. When advising is required, the advising load and quality of advising are considerations in the overall evaluation of teaching quality. Data on advising should be provided in self-evaluations or annual reports. The faculty of the school or college define criteria for evaluation.

2. Staying Current. Faculty members must stay current in their fields and integrate the results of their scholarship or creative work into their teaching. Scholarship and creative work should help to shape teaching, and teaching should help to shape scholarship and creative work.

The faculty should engage in developing curriculum that not only includes knowledge at the forefront of discovery but also integrates that knowledge across disciplines and applies that knowledge to worthy issues and questions. Expectations include:

- a. staying current in the fields one teaches
- b. staying current on effective teaching strategies
- c. ensuring effective learning
- d. developing evaluative methods that demonstrate student learning.

Each college must develop and maintain means of evaluating pedagogical expectations for its faculty. Faculty members seeking tenure or promotion must document their approach to pedagogy.

4.6.3.b Scholarly and Creative Contributions

Scholarly and creative contributions take many forms, and the discussion below places the various activities into categories outlined by Boyer. Regardless of the category, however, Pacific University expects faculty members seeking tenure or promotion to present evidence of quality work that has been presented to external peer audiences in at least one of the Boyer categories. The tenure or promotion portfolio may also include work that has not undergone external peer review, but the applicant should describe how the work fits the college's definition of scholarship. Colleges, schools, and departments must maintain lists of what constitutes acceptable types of scholarly and creative work and the quality and quantity levels required for tenure and promotion. When changes in expectations occur, clarification should be given about how the changes would affect those in transition.

The Boyer categories in this area include:

- discovery of knowledge
- integration of knowledge
- application of knowledge
- transformation of knowledge through teaching.

1. Discovery of Knowledge

No tenets in the academy are held in higher regard than the commitment to knowledge for its own sake, to freedom of inquiry and to following, in a disciplined fashion, an investigation

wherever it may lead. ... The *scholarship of discovery*, at its best, contributes not only to the stock of human knowledge but also to the intellectual climate of a college or university.

Scholarship Reconsidered, p. 17

Inquiry into fundamental questions in a discipline or original contributions to creative work in the arts form the most traditional approaches to scholarly work. Communication of the results of this work in quality peer-reviewed venues external to the University would satisfy the quality aspect of the scholarship requirement. Each college must develop means to evaluate work in this area.

2. Integration of Knowledge

Those engaged in integration ask, “What do the findings *mean*? Is it possible to interpret what’s been discovered in ways that provide a larger, more comprehensive understanding?” Questions such as these call for the power of critical analysis and interpretation.

Scholarship Reconsidered, pp. 19-20

This scholarly work gives meaning to other bodies of work by putting those studies in perspective, by making connections across disciplines, or by placing them in a larger context. This work seeks to interpret, to draw together, or to bring new insight to bear on original research. Communication of the results of this work in quality peer-reviewed venues external to the University would satisfy the quality aspect of the scholarship requirement. Each college must maintain examples of what constitutes integration of knowledge in its disciplines and must develop means of evaluating this area. Some examples include:

- books and book chapters at high-quality presses
- book reviews
- articles in high-quality discipline-specific publications (e.g., *Chemical & Engineering News*, *J. of Education Research*, *Optometry: J. of the American Optometric Association*)
- articles in high quality lay publications (e.g., *Atlantic*, *New Yorker*, *Scientific American*, *Natural History*, *Smithsonian*).

3. Application of Knowledge

[T]he *application* of knowledge, moves toward engagement as the scholar asks, “How can knowledge be responsibly applied to consequential problems? ...

... To be considered *scholarship*, service activities must be tied directly to one’s special field of knowledge and relate to, and flow directly out of, this professional activity. Such service is serious, demanding work, requiring the rigor—and the accountability—traditionally associated with research activities.

... New intellectual understandings can arise out of the very act of application—whether in medical diagnosis, serving clients in psychotherapy, shaping public policy, creating an architectural design, or working with the public schools. In activities such as these, theory and practice vitally intersect, and one renews the other.

Such a view of scholarly service—one that applies and contributes to human knowledge—is particularly needed in a world in which huge, almost intractable problems call for the skills and insights only the academy can provide... [S]cholarship has to prove its worth not on its own terms but by service to the nation and the world.”

Scholarship Reconsidered, pp. 21-23

Demonstrating high-level engagement in the scholarship of application is not an easy task, which makes it critical for faculty members engaged in this area to have solid and extensive documentation of external peer-review from scholars in their disciplines, offering testament to the quality of their scholarly or creative contributions. Particular attention must be paid to how the scholarly or creative work develops “...new intellectual understandings ... out of the very act of application” and how the application “...contributes to human knowledge.” Each college must maintain a list of what constitutes application of knowledge in its disciplines and must develop means of evaluating this area. Some examples include:

- developing disciplinary tools that apply the results from discovery of knowledge
- music, dance, and theatre performances
- invited performances or lectures
- work that connects theory to practice
- work that uses one’s professional expertise to solve substantive societal problems
- professional awards.

4. Transformation of Knowledge through Teaching

[T]eaching, at its best, means not only transmitting knowledge, but *transforming* and *extending* it as well.

Scholarship Reconsidered, p. 24

In addition to engagement in pedagogy as described previously under teaching, faculty members may produce scholarly or creative works applied to teaching. The research generated here, which could focus on the effectiveness of various pedagogies or could develop new pedagogies, would be published in books and articles and presented at conferences. Communication of the results of this work in quality peer-reviewed venues external to the University would satisfy the quality aspect of the scholarship requirement. Each college must maintain examples of what constitutes transformation of knowledge in its disciplines and must develop means of evaluating this area.

All faculty members with continuing appointments are expected to produce scholarly or creative work. Information about scholarly or creative accomplishments must be provided by all tenured, tenure-track, extended-term, or extended-term-track faculty members undergoing review, by term faculty members seeking promotion, and by any other faculty members whose contracts so dictate. This information aids in evaluating the quality of their accomplishments. Faculty members must provide concrete evidence regarding the ways in which research, scholarship, and creative engagement have contributed to their teaching and professional growth.

To aid faculty members in understanding the level of scholarly or creative production expected for tenure or promotion, each college must set guidelines that take into account generally accepted practices at their peer institutions. Faculty members undergoing reviews must

demonstrate continuing scholarship that carries recognition by peers beyond the limits of the campus. For tenure and promotion, candidates provide lists of names of internal and external reviewers who are asked by the college personnel committee to comment on the candidate's scholarship and creative work. The minimum number of reviewers in each category is determined by each college. There must be reviews from at least two external peer evaluators with whom the candidate may have a professional but not a personal relationship. Candidates should provide reviewers with a curriculum vitae and sufficient supporting materials so that the reviewers have a basis to judge the quality of the scholarly work.

Peers do not necessarily have to be faculty members; they could be professionals with sufficient expertise to judge the quality of the work. Colleges may want to define what constitutes a peer for some or all of its disciplines.

In addition to having external peers comment on faculty work, the following items, depending on the appropriateness to the program, may be used as evidence of quality scholarly and creative work. Colleges may determine how much importance to attach to each of these items. This is not an exhaustive list:

1. To give an invited talk on one's scholarly work at another university
2. To lead a quality external music group as a guest conductor or to produce a music composition for an external music group
3. To assemble and to participate in a panel discussion or other session at a national conference in one's discipline
4. To deliver a workshop on one's scholarly work or on a synthesis of work in a field to a professional audience
5. To assist a business in streamlining its processes to achieve greater efficiency
6. To instruct practitioners in how to use the results of cutting edge research as a basis for diagnosis and treatment
7. To serve as an officer in a scholarly organization.

Colleges should consider developing a list of examples of scholarly recognition for its disciplines.

4.6.3.c Service

Service includes supporting the life of the University; it also includes using one's scholarly or creative ability in service both to one's profession and to those outside the profession. All faculty members must engage in quality service; at any given time, that service could occur inside or outside the University or both.

1. Service using one's scholarly or creative expertise.

Faculty members should use their expertise as professionals and as educators in service to their professions, to the University, and to the larger community. Such contributions, which may be minimal for new faculty members, should increase with more time in the profession. Faculty members seeking promotion to professor must demonstrate some level of quality engagement in service, using their professional expertise.

Such service might include:

- a. holding board member, committee member, or other positions in professional societies
- b. serving as journal editor, journal reviewer, conference or session organizer, or other position in a professional society
- c. serving on university committees where one's professional expertise could be put to use
- d. volunteering expertise in service to the University
- e. serving on non-profit, public interest, educational, or community bodies where one's professional expertise could be put to use
- f. developing a public presence outside the University on matters of substantial import
- g. using one's professional expertise to address substantive societal problems.

More substantial levels of service using one's professional expertise might legitimately be categorized as application of knowledge under Scholarly and Creative Contributions (4.6.3.b.3 includes examples of substantial contributions).

2. Apart from using one's scholarly expertise in service to the University, an integral part of the work of faculty members lies in supporting the life of the University. Institutions depend on active participation of all members. Students depend on faculty guidance and support in activities outside the classroom. As educators, faculty members also have an important role to play in the community and should set high standards for community engagement. Performing high quality service is mandatory for all faculty members and must be demonstrated for tenure and promotion. Items in the following list may or may not make use of a faculty member's professional expertise. Service to the University using professional expertise may also appropriately be considered part of the preceding list.

Such service may include:

- a. Faculty Governance. Active participation in faculty governance is an expected part of a faculty member's responsibilities. The quality of that participation may be demonstrated by leadership positions held and by evaluations from those in a position to judge the faculty member's participation.

- b. Student Activities. Student clubs, organizations, and projects form a special part of a student's education. Students depend upon the advice of faculty members to help guide their college activities. Faculty members may demonstrate the value of this form of service by providing a description of their activities and through written testimonials from participants.

c. University Community Activities. Faculty member participation in and leadership of community activities constitutes another means of engaging in service. Faculty members may demonstrate the value of this form of service by providing a description of their activities and through written testimonials from recipients.

d. External Community Activities. Faculty members may include descriptions of their community service outside the University. Activities that shed positive light on the University and its academic programs and faculty are especially valued. However, such service may not substitute for participation in faculty governance.

4.7 Tenure

The tenure policy and employment practices of Pacific University strengthen the University by providing quality instruction and research, stability, freedom of expression, and reasonable employment security for its professors. Academic freedom and economic security, protected by tenure, are indispensable to the success of an institution in fulfilling its obligation to its students and to society. Through these means, the University assures itself of the continuing ability to maintain the quality of its educational programs and of having the services of a dedicated and competent faculty. Much of the text included here is based on the document “Statement of Principles on Academic Freedom and Tenure,” American Association of University Professors (AAUP), 1940, as amended.

While the policies and practices outlined here have been strongly influenced by the AAUP 1982 document “Recommended Institutional Regulations on Academic Freedom and Tenure,” and while the following provisions for the regulation of academic tenure at Pacific University are intended to affirm tenure as practiced in American higher education, the University Handbook is an independent document subject to the charter of the University and the By-Laws and other actions of the Board of Trustees.

Tenure means a continuing appointment to full-time employment through each successive academic year, in duties appropriate to a faculty member’s training and experience, at a salary no lower than the base for a person’s rank, as indicated by the announced faculty salary schedule for the particular year. Tenure may be granted in all academic units within the University. Initial tenure recommendations are made by college personnel committees for faculty members who hold tenure-track appointments within the colleges and by the University Personnel Committee for faculty members who hold tenure-track appointments within the other academic units (see 4.4).

Tenured faculty members are expected to demonstrate continued excellence in teaching, service to the University, and growth as professionals within their disciplines and through their scholarly and creative activities. On the schedule outlined in 4.6.2.a, the personnel committees should provide guidance in writing to tenured faculty members regarding their record in meeting university expectations and make suggestions as to how their performance and contributions to the University might be enhanced.

4.7.1 Eligibility

Faculty members are considered for tenure according to the provisions of their initial letters of appointment or contract and any subsequent written changes.

4.7.1.a A faculty member may request lengthening the probationary period beyond the date specified in the original contract. The faculty member must initiate a request to adjust the probationary period prior to the academic year in which the tenure decision is to be made. The new probationary period must have the written concurrence of the faculty member, the dean or director, and the personnel committee. The extension may not, however, lengthen the probationary period beyond six full years at the University in a tenure-track position; however, upon recommendation of the dean or director, the college personnel committee, or the Provost, the University Personnel Committee may grant time beyond six years in cases where some of the time to tenure was spent at part time. In considering this request, the University Personnel Committee should take into account the fraction of time spent at part-time and not grant an extension substantially beyond the equivalent of six full-time years. It should also take into account the reason for part-time status; if it were primarily to conduct research, then an extension should probably not be granted.

4.7.1.b The tenure clock does not stop for full or partial leaves of absence for up to one semester (see 4.11.3.a). Faculty members granted leaves of absence for more than one semester at any FTE between 0 and 0.49 (see 4.4.2.i) may count the period spent on leave as part of the probationary period, if such leave is for professional advancement and if the dean or director has agreed in writing to credit leave time toward tenure. Otherwise, periods of leave at any FTE between 0 and 0.49 beyond one semester do not count as part of the probationary period.

4.7.1.c Faculty members are reviewed annually for progress toward meeting the criteria for tenure and for the renewal of their appointments by the personnel committee.

4.7.2 Evaluative Criteria

The personnel committee considers the following criteria in making its recommendations for tenure:

4.7.2.a Professional Credentials. Faculty members hold a doctoral degree, its equivalent, or other comparable terminal degree in fields where the doctorate is not normally held.

4.7.2.b University Handbook Adherence. Faculty members operate within the provisions of the University Handbook and within the limits of their authority.

4.7.2.c Teaching. Faculty members are consistently excellent teachers. Characteristics of excellence include, but are not limited to:

1. A concern for students' total learning experience

2. Openness to constructive criticism and a willingness to improve teaching as a result of the evaluation process
3. Accessibility to students for providing advice, counsel, or other professorial services; excellence in academic advising
4. Clear communication of expectations and objectives to students; reasonable flexibility in responding to student needs
5. Preponderance of positive comments from students; preponderance of very favorable student evaluations
6. Preponderance of positive comments from colleagues and supervisors
7. Maintenance of high academic standards
8. Quality of work by students; accomplishments of former students
9. Service as a role model for students by showing respect for people, by exhibiting a love of knowledge and discipline, and by exhibiting excitement for learning and high academic standards
10. Integration of scholarly or creative work into teaching; staying current in one's field
11. Rigorous evaluation of student learning
12. Adoption of effective teaching strategies
13. Promotion of opportunities for students to present their work to internal and external audiences.

4.7.2.d Professional Achievements. Faculty members have exhibited potential for continued achievement in professional, scholarly, creative, or interpretive work in at least one of the categories outlined in 4.6.3.b.

4.7.2.e Service. Faculty members make contributions to the general welfare of the University and the larger community. This includes an appropriate standard of ethical, responsible, and professional interaction with students, staff members, administrators, faculty members, professional colleagues, and organizations, both inside and outside the university community.

Examples (see also 4.6.3.c.) include the quantity and quality of:

1. service in administrative positions
2. service in the university co-curricular and extracurricular programs

3. active participation in the daily academic and administrative business of the faculty member's academic unit
4. significant service on university committees
5. professional service to the University
6. professional and volunteer service to the larger community
7. service to one's profession.

4.7.3 Process

4.7.3.a The tenure decision is made during the year designated in the initial letter of appointment or as modified by the personnel committee (see 4.4.2.b and 4.7.1.a).

4.7.3.b The University Personnel Committee publishes a schedule by October of each academic year to allow faculty members sufficient time to place all necessary materials in their files.

4.7.3.c The college dean writes a recommendation regarding the application for tenure and includes it in the candidate's file prior to consideration by the college personnel committee or prior to consideration by the University Personnel Committee or both, at the dean's discretion. In either case, the candidate has the right to provide a response to the dean's recommendation. Either the college or university personnel committee, depending on when the recommendation is received, must give the candidate an opportunity to submit a response before acting on the tenure case.

4.7.3.d The college personnel committee conducts the initial review for tenure (see 4.4.1.d, 4.4.2.h.1, 4.4.2.h.2, and 4.7). This process does not begin until the faculty member has signed the personnel file signoff sheet or until the published deadline for signoff has passed. All files remain open for input until the posted closing date prior to review for tenure or promotion. With three exceptions, they remain closed to input until the University Personnel Committee has rendered a decision regarding tenure or promotion. The first exception is when a personnel committee has rendered a negative decision; in this case the faculty member may add material as part of an appeal. The second exception is the addition of new *and* significant information pertinent to the tenure or promotion case. The criterion of new *and* significant is determined by mutual agreement of the Provost and the Chair of the University Personnel Committee. The third exception is when a dean's recommendation is added to the file. The faculty member is entitled to ten university working days from receipt of the recommendation in which to respond to the newly added material.

4.7.3.e Upon completion of its deliberations, the college personnel committee transmits a written summary of its evaluation to the candidate.

4.7.3.f The candidate has ten university working days from receipt of the recommendation in which to submit a written response to be included in the personnel file. In the event of an adverse

recommendation, the candidate may request that the personnel committee reconsider its decision, and the committee must honor such a request (see 4.7.4).

4.7.3.g The personnel committee forwards its recommendation to the University Personnel Committee by the published deadline established each year by the University Personnel Committee (see 4.7.4).

4.7.3.h The University Personnel Committee reviews the entire personnel file, discusses the case, votes by written secret ballot, and makes its recommendation to the Provost, based solely on the information brought before it. The recommendation and summary of its evaluation are also transmitted in writing by the Chair of the Committee to the candidate and are placed in the candidate's personnel file. The vote count remains confidential. If any member of the University Personnel Committee believes that he or she has a conflict of interest, that member should state the perceived conflict and, with Committee approval, should abstain from the Committee's deliberations and voting.

4.7.3.i In the event of an adverse recommendation, the candidate has ten university working days from receipt of the recommendation in which to submit a written response to the Provost (see 4.7.4).

4.7.3.j The Provost reviews the file, places his or her recommendation in the file, and forwards a copy to the candidate. If the Provost's recommendation is contrary to the University Personnel Committee's recommendation, a summary of the reasons for a contrary evaluation must be included in the recommendation. The Provost has the right to ask the University Personnel Committee to reconsider; after reconsidering, the Committee may restate or may change its recommendation. In the event of an adverse recommendation, candidates may appeal as outlined in 4.7.4.

4.7.3.k At this point the file is complete, and the Provost transmits it to the President for final action.

1. If the recommendation of the University Personnel Committee is negative, the President may not forward a positive recommendation to the Board of Trustees but may ask the Committee to reconsider, based upon a written evaluation by the President. A negative recommendation of the Committee may be presented to the Board of Trustees for informational purposes only.

2. If the recommendation of the University Personnel Committee is positive, after reviewing the file, the President will forward his or her recommendation, the recommendation of the University Personnel Committee, and the file to the Board of Trustees for its final action.

4.7.3.l The President notifies the faculty member of the Board's decision by noon of the first University working day following the Board's decision.

4.7.3.m If tenure is not granted after a positive University Personnel Committee recommendation and a negative recommendation from the President (see 4.7.3.k.2), the faculty member may

request in writing to the President that the President provide a written explanation of the decision. The President must provide a written explanation promptly.

4.7.3.n Denial of tenure should not be confused with dismissal of tenured or non-tenured faculty members for cause (see 4.5.3.a and 4.5.8).

4.7.4 Appeals

4.7.4.a Faculty members may appeal an adverse recommendation of the original personnel committee or of the University Personnel Committee, but not a decision by the Board of Trustees. Written appeals must be filed within ten university working days of receipt of notification from either committee. Appeals must be filed with the dean or director in the case of the original committee and with the Provost in the case of the University Personnel Committee.

1. For an original personnel committee adverse recommendation:

a. The written letter of appeal should make a case for changing the recommendation. The appeal may be based on procedure or substance or both. The committee may return to the candidate a revised or its original recommendation and forwards its recommendation to the University Personnel Committee. It must also forward the written appeal.

2. For a University Personnel Committee adverse recommendation, an appeal may be based on:

a. A violation of procedure as outlined in the University Handbook. In this case, the Faculty Appeals Panel takes up the matter, and its procedures are followed (see 4.5.9). If the Appeals Panel finds a violation of procedure, the process must be repeated with the correct procedure being followed by the appropriate committees. If the Panel finds no violation of procedure, the original recommendation stands.

b. Substantial new information. In the case of new information being brought forward, the University Personnel Committee consults with the President. If either the President or the Committee or both believe that substantial new information has become available, a reconsideration of the recommendation will be granted. The faculty member will be given written notice of the procedures to be followed, together with calendar deadlines for the process. Such a reconsideration normally will start with the original personnel committee.

If the President and the University Personnel Committee agree that the new information is not substantial enough to warrant reconsideration, the original recommendation stands.

4.7.5 Contract Status in the Event of Tenure Denial

In the event of unsuccessful tenure bids, faculty members are offered one-year, non-renewable, term contracts for the following academic year. At the University's discretion, such faculty members may be offered a severance package in lieu of pay for services.

4.8 Promotion

4.8.1 Eligibility

Faculty members are eligible for promotion when they have attained the requisite number of years of service at their present rank, as outlined below.

4.8.2 Evaluative Criteria

4.8.2.a Common Criteria

The following criteria apply to all levels of promotion. Promotion to successively higher rank requires increasingly substantial contributions in scholarly or creative activity and to the general welfare of the University.

Faculty members seeking promotion:

1. Operate within the provisions of the University Handbook and within the limits of their authority
2. Are consistently excellent teachers. See 4.7.2.c for characteristics of excellence
3. Have exhibited potential for continued achievement in professional, scholarly, creative, or interpretive work in at least one of the categories outlined in section 4.6.3.b

Examples:

- a. quality and quantity of published or creative work
 - b. service as consultant, lecturer, editor, or officer in scholarly or professional organizations
 - c. substantial contributions to applications of knowledge (see 4.6.3.b.3)
 - d. recognition by peers through special awards, honors, and grants.
4. Make contributions to the general welfare of the University. This includes an appropriate standard of ethical, responsible, collegial, and professional interaction with students, staff members, administrators, faculty members, professional colleagues and organizations, both inside and outside the university community. See 4.6.3.c and 4.7.2.e for examples of effective service.

4.8.2.b Criteria for Promotion from Instructor to Assistant Professor

Faculty members seeking promotion from instructor to assistant professor:

1. Hold at least a masters degree
2. Have served at least two years at Pacific University
3. Have satisfied the common criteria for all levels of promotion listed above.

4.8.2.c Criteria for Promotion from Assistant to Associate Professor

Faculty members seeking promotion from assistant to associate professor:

1. Hold a doctoral degree, its equivalent, or other terminal degree in fields where the doctorate is not normally held
2. Have served at least six years in rank, with at least three years of service at Pacific University; in exceptional circumstances, with approval of the dean or director and personnel committee, a period of less than three years may be granted
3. Have satisfied the common criteria for all levels of promotion listed above.

4.8.2.d Criteria for Promotion from Associate Professor to Professor

Faculty members seeking promotion from associate professor to professor:

1. Hold a doctoral degree, its equivalent, or other terminal degree in fields where the doctorate is not normally held
2. Have served at least six years of service as associate professor, with at least three years of service at Pacific University; in exceptional circumstances, with approval of the dean or director and personnel committee, a period of less than three years may be granted
3. Have satisfied the common criteria for all levels of promotion listed above
4. Have demonstrated sustained achievement in professional, scholarly, creative, or interpretive work
5. Have made many substantial and outstanding contributions to the general welfare of the University.

4.8.3 Schedule for Action

4.8.3.a The personnel committee publishes annually a schedule that allows at least one month for faculty members to place all material in their files. The committee does not begin its review until the faculty member has signed the signoff sheet or until the published deadline for signoff has passed.

4.8.3.b The college personnel committee reaches its decision based on the written record and by secret written ballot. In the case of a negative decision, the reasons for the decision are forwarded in writing to the candidate, with the intent of helping the faculty member to understand what would be necessary to achieve a positive decision in a subsequent year. In the event of an adverse decision, the candidate may request that the college personnel committee reconsider its decision, and the committee must honor such a request (see 4.8.4).

4.8.3.c A positive decision is forwarded to the University Personnel Committee, where it is reviewed for consistency with university standards. The University Personnel Committee may ask the committee to reconsider its decision, but the University Personnel Committee may not alter the decision, unless it determines that the professional credential criterion specified in 4.8.2.b.1, 4.8.2.c.1, or 4.8.2.d.1 has not been met, in which case it may alter a positive decision.

Reconsidered positive decisions must again be forwarded to the University Personnel Committee to be reviewed for consistency with university standards and must be accompanied by a rationale that addresses University Personnel Committee concerns. In the absence of agreement between the two committees, the decision will go forward without the recommendation of the University Personnel Committee.

4.8.3.d The Provost forwards the decisions to the President, who reports them to the Board of Trustees.

4.8.4 Appeals

A faculty member may appeal an adverse promotion decision on the grounds of violation of procedure, as outlined in the Handbook, or on substantive grounds. Appeals on substantive grounds are made to the college personnel committee; appeals on procedural grounds may be made to the college personnel committee or to the Faculty Appeals Panel. All appeals must be written and filed within ten university working days of receipt of notification.

a. Appeals to the college personnel committee. The written letter of appeal should make a case for changing the recommendation and may include clarifying information or items. The appeal may be based on procedure or substance or both. The committee may return to the candidate a revised or its original decision. If an adverse decision is rendered, then a final appeal on procedural grounds may be made to the Faculty Appeals Panel.

b. Appeals to the Faculty Appeals Panel. The appeal is made to the Provost for consideration by the Faculty Appeals Panel, and its procedures are followed (see 4.5.9). If the Appeals Panel finds a violation of procedure, the process must be repeated with the correct procedure being followed. If the Panel finds no violation of procedure, the original decision stands.

4.9 Research

In order to encourage faculty research and creative work, a faculty member may negotiate with the dean or director to engage in research or creative work for up to one-third of his or her total duties during the academic year, without changing the nature of the position from a primary emphasis on teaching. The University may enter into such arrangements as funds allow but is under no obligation to enter into any specific arrangement with any faculty member.

4.10 Consulting

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4.11 Sabbatical Leaves, Leave-for-Study, and Leaves of Absence

4.11.1 Sabbatical Leave Policy

4.11.1.a Purpose

Sabbatical leaves are intended to provide Pacific University faculty members with opportunities for research and study. The primary reason for implementing this program is to improve the effectiveness of faculty members, rather than to serve as a reward for past services.

4.11.1.b Eligibility

To be eligible for an initial sabbatical leave, a faculty member must have been full-time for at least six years and, at the time of application, must already have been granted tenure or an extended-term appointment. After concluding an initial sabbatical, faculty members become eligible to apply again in six years.

Time spent on leaves of absence at an FTE between 0 and 0.49 are not credited to the six-year eligibility period (see 4.11.3.a for exceptions).

Postponement of authorized sabbaticals does not invalidate future eligibility.

4.11.1.c Selection

In selecting faculty members for sabbatical leave, consideration is given to length of time served since the last sabbatical, to academic rank, and to the nature of the proposed research project or study plan (see 4.11.1.d Evaluative Criteria).

The personnel committee reviews each sabbatical proposal, requesting that the proposer submit clarifying material or revise the proposal where warranted, and then forwards each proposal to the Provost with a recommendation to grant or not to grant the sabbatical. Departments and individuals potentially affected by a faculty member's absence must be consulted before making a recommendation to the Provost.

Major changes in a sabbatical proposal that may develop during a sabbatical must be approved by the personnel committee, dean, or director.

4.11.1.d Evaluative Criteria

The committee considers the following criteria in making its recommendations for sabbatical leaves.

1. The faculty member has presented evidence that the sabbatical project would lead to accomplishment in one or several areas of scholarship as defined in 4.6.3.b; it may also include development in areas that would enhance the faculty member's course portfolio.
2. The faculty member has agreed to publish or present results of the sabbatical to peers in the faculty member's discipline during or upon conclusion of the sabbatical project.
3. The quantity of work proposed for the sabbatical project is commensurate with the length of leave requested.
4. The faculty member proposing the sabbatical has demonstrated the ability to bring scholarly projects to successful completion. Results of prior sabbaticals may be taken into account in evaluating the likelihood of success of the current proposal. The faculty member receives feedback regarding the success of his or her sabbatical in the next scheduled review letter.

4.11.1.e Application and Award Dates

Application for sabbatical leave is made in writing to the dean or director by the deadline established by the University Personnel Committee.

Awards are announced after acceptance by the Provost and President.

4.11.1.f Stipend

For faculty members on nine- and ten-month appointments, the sabbatical leave is for one-half or one full academic year, as appropriate. The half-year leave carries full salary and the full-academic-year leave half salary.

For faculty members on eleven- or twelve-month appointments, the sabbatical leave is for four, eight, or twelve months, as appropriate. The four-month leave carries full salary, the eight-month leave two-thirds of annual salary, and the twelve-month leave one-third of annual salary.

Remuneration received by faculty members for research grants, publications, fellowships, or employment directly related to research projects does not reduce the salary paid by the University. Faculty members may not use sabbatical leaves to hold faculty positions at other institutions, unless such positions are directly connected to proposed sabbatical research projects and do not include pay for teaching.

4.11.1.g Benefits Coverage

The University's contribution to retirement plans is proportional to the salary paid during the leave.

Benefits packages normally available to faculty members continue for sabbatical leaves.

4.11.1.h Conditions of Appointment

In return for accepting sabbatical leaves, faculty members are obligated to return to Pacific University for not less than two years. Sabbatical leaves are not granted to faculty members who contemplate retirement within two years.

4.11.1.i Number of Awards

Because granting sabbaticals may increase operating costs, the number of sabbaticals granted by the University in a given year may be limited. However, personnel committees may not judge sabbatical proposals based on budgetary impacts. To ensure the program's integrity, each school and college should routinely budget to cover its sabbatical leaves.

4.11.2 Leave-for-Study Program

4.11.2.a Purpose

The primary purpose of Leave-for-Study grants is for faculty members to obtain advanced degrees or to engage in special studies of importance to them and to the University.

4.11.2.b Eligibility

An application for a Leave-for-Study grant may be submitted by any full-time faculty member of the rank of instructor or higher who (1) holds at least a masters degree, (2) has demonstrated ability and determination to obtain an advanced degree or to do a specialized study, (3) holds a tenured, tenure-track, extended-term, or extended-term-track position, and (4) has agreed to at least an additional two years of service to the University following completion of the leave.

4.11.2.c Selection

Applicants for the study grant must submit a full outline of the proposed study or research, indicating how it would help them obtain advanced degrees or improve their abilities as faculty members. Applications are submitted to the dean or director. The personnel committee makes a recommendation to the Provost. Final approval is made by the Provost and the President.

Selection is based on excellence in teaching, scholarly and creative activity, and university service, as well as on perceived benefits to the faculty member.

4.11.2.d Application and Award Dates

Application and award notification for Leave-for-Study grants is made on the same schedule as for sabbatical leaves.

4.11.2.e Stipend

The stipend does not exceed half-salary for twelve months.

Faculty members granted Leave-for-Study are paid a stipend of up to one-half normal salary. The stipend is in the form of a loan, repayable with interest equal to the prime rate plus 2% if the grantee does not return and complete at least two years of service. If the University terminates the faculty member's services during the leave or the following two-year period, the loan will be forgiven. The grantee may accept fellowships, scholarships, and other forms of remuneration directly related to the leave. However, the grantee is expected to engage in full-time study and may not accept a paid teaching assignment during the leave, unless the teaching assignment is a required component of an advanced degree program.

4.11.2.f Benefits Coverage

Benefits packages normally available to faculty members continue for paid or unpaid Leave-for-Study.

The University's contribution to retirement plans is proportional to the salary paid during the leave.

4.11.2.g Conditions of Appointment

The period of the paid leave may not exceed twelve months, although leaves may be extended for up to an additional twelve months with the consent of the dean or director and, in the case of Arts & Sciences, the faculty member's department. After the appointment is made, a major change in the grantee's program would require prior approval of the dean or director, personnel committee, and Provost.

Leave-for-Study time does not count toward completion of the probationary period for a tenure or extended-term appointment, nor does it count toward the time required for a sabbatical leave.

4.11.2.h Location of Work

Normally, grantees affiliate with one institution for study or to work on an advanced degree.

4.11.2.i Number of Awards

Because a Leave-for-Study program may increase operating costs, the number of leaves granted by the University in a given year may be limited. However, personnel committees may not judge proposals based on budgetary impacts.

4.11.3 Leaves of Absence Without Pay

4.11.3.a Availability

Faculty members may apply for full or partial leaves of absence. See 4.9 for procedures governing partial leaves of up to one-third time to conduct research. See 4.11.4 for procedures governing medical and family leaves.

1. Full or partial leaves at 0.49 or lower FTE. With a minimum of four months advance notice to the University, unpaid leaves of absence for scholarly or personal reasons will be granted for up to 12 months; less than four months notice requires permission of the dean or director.

Leaves may extend beyond twelve months, up to a total of twenty-four months, with the consent of the dean or director and, in the case of Arts & Sciences, the department. Leaves for more than one semester at an FTE of 0 to 0.49 do not normally count toward the time required for a sabbatical leave or toward completion of the probationary period for a tenure or extended-term appointment; as outlined in 4.7.1.b, the tenure clock does not stop for leaves of absence for up to one semester. Faculty members granted leaves of absence for more than one semester may count the period spent on leave as part of the probationary period, if such leave is for professional advancement, and if the dean or director has agreed in writing to credit leave time toward tenure or an extended-term appointment.

2. Partial leaves at 0.50 or greater FTE. Faculty members may choose to take partial leaves of absence, reducing the FTE to 0.50 or greater. Leaves may extend beyond one year with approval of the dean or director and, in the case of Arts & Sciences, the department. Any semesters beyond the first one below 0.625 FTE do not count toward tenure or extended-term appointments.

4.11.3.b Benefit Coverage

Benefits packages for faculty members on unpaid leaves of absence do not include a university contribution, if the leave takes the faculty member below 0.625 FTE for the year. If continued coverage is desired, the faculty member must make arrangements with Human Resources for premium payment for individual and dependent coverage. University contributions to retirement plans are proportional to salary paid.

4.11.3.c Short-Term Leaves of Absence

A faculty member who desires to be excused from duties for longer than one work week because of a non-university commitment, as defined by the dean or director, must submit a written request to the dean or director for a leave. The dean or director may grant approval for such leave for a reasonable period, if the faculty member has made the case that such leave would be of sufficient professional value; in the case of Arts & Sciences, the department's consent is also required. Such leaves would be without pay unless the faculty member makes an argument,

accepted by the dean or director, that the leave would provide sufficient benefit to the University. This leave policy does not cover provisions for medical and family leaves, as outlined in 4.11.4.

4.11.4. Medical and Family Leaves

4.11.4.a Purpose

Pacific University strives to accommodate within reasonable limits the needs of full-time faculty members for periods away from work because of (1) personal illness or injury, (2) the serious health condition of an immediate family member, or (3) the birth or placement of a child for adoption or foster care.

The University attempts to cover faculty member medical leaves in the best way possible for the short term and to hire temporary replacements for longer terms. When the leave is likely to be of short duration, the faculty member and the supervisor should endeavor to make arrangements with other department or school members to carry out the faculty member's immediate commitments. Leaves should also be scheduled, insofar as possible, to avoid disruption to classroom responsibilities. Salary and benefits continue to be paid during short-term leaves due to illness or injury. The faculty member should inform the dean or director of such absences.

In some circumstances, the faculty member's illness, injury, or family responsibilities may result in an extended inability to meet full-time commitments or in a prolonged absence. The University will work with the faculty member to make leave arrangements consistent with the needs both of the faculty member and of enrolled students. In some circumstances, faculty members may be able to work part-time. In other situations, the provisions for disability or family leaves may apply. The dean or director must approve such leaves or reduced work schedule.

4.11.4.b Short-Term and Long-Term Disability Leave

Benefit-eligible faculty members who are unable to work for a continuous period of 30 days or more because of non-work-related illness or injury are covered by a university-funded, short-term disability program. Faculty members are paid in full for the first six months that they are disabled.

Following 180 days of short-term disability, coverage changes to an insurance-paid, long-term disability plan payable at 60% of salary.

4.11.4.c Family Medical Leave

Full-time faculty members who have completed 180 days of service are eligible to apply for family medical leave. This is an approved absence for:

1. the faculty member's serious health condition, including pregnancy issues, that interferes with ability to perform necessary job functions

2. the care of a child, spouse, domestic partner, parent, or parent-in-law who suffers from a serious health condition
3. the care of a sick child with an illness or condition that is not a serious health condition but that requires home care.

Faculty members who request family medical leave may be required to furnish medical certification of their conditions or that of their family members. In addition, faculty members who are granted leave for their own serious health conditions may be required to provide medical certification that they are able to return to work.

Family Medical Leave may be granted for up to twelve weeks (one semester). The Short- and Long-Term Disability programs are used, if applicable.

4.11.4.d Parental Leave

Full-time faculty members who have completed 180 days of University service are eligible to apply for parental leave. This approved leave follows the birth of a child or taking physical custody of an adopted child or foster child under the age of 18. Parental leave must conclude within twelve months of the child's birth or foster or adopted child placement.

Parental leave may be granted for up to twelve weeks (one semester). Faculty members are eligible to receive eight weeks of contract salary while on parental leave. Leave for pregnancy and delivery is covered under Family Medical Leave (4.11.4.c); extra paid leave beyond eight weeks is available in some circumstances.

4.11.4.e Benefits Coverage During Medical and Family Leaves

Benefits packages normally available to faculty members continue for a paid leave of absence.

The University's contribution to retirement plans is proportional to salary paid.

4.11.4.f Application Procedure

A faculty member requiring a medical or family leave should request the leave as soon as possible, but at least thirty days in advance, unless the situation is an emergency. The dean or director must approve leaves of absence or reduced work schedules. Applications for a leave or reduced work schedule are available in Human Resources. The form must be completed and returned to Human Resources.

4.11.4.g Other Provisions

1. When a faculty member requests a prolonged leave under the Medical and Family Leave Policy, the faculty member and the dean or director should discuss whether a flexible staffing alternative might serve the needs of the University and faculty member. Staffing alternatives may include, but are not limited, to:

- a. Reduced teaching responsibilities
 - b. Reduced advising and service responsibilities
 - c. An extended leave period without assigned responsibilities.
2. The faculty member on leave must keep in regular contact with the college and, in Arts & Sciences, the department regarding the faculty member's status and plans to return to work.
 3. Faculty members who take a leave normally are evaluated in accordance with the provisions of the University Handbook. Such faculty members may request a one-year delay in their evaluation by submitting a request in writing to the dean or director.
 4. Faculty members on leave of absence for more than one semester at an FTE of less than 0.625 do not accrue time toward their eligibility for sabbatical leave or for a tenure or extended-term appointment (see 4.7.1.b).

4.11.5 Military Leave

Military leave is granted if faculty members have been called to active duty or alternative national service. Refer to Staff Policies and Procedures for further details.

4.11.6 Jury Duty

If called for jury duty, faculty members continue to receive full pay. Faculty members should notify the dean or director of the call to jury duty and should provide verification of serving upon completion of jury duty.