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SECTION THREE

This and the Three Hundred Appendices are the Contractual Part of the Handbook

300.00 FACULTY RANK AND QUALIFICATIONS

300.01 RANKED FACULTY

300.02 The Academic Ranks

- a. Faculty members who by means of their qualifications have been appointed to one of the academic ranks constitute the ranked faculty of the University. The academic ranks for long-term fixed-term appointments are, in ascending order: Lecturer and Senior Lecturer. The academic ranks for tenure/tenure-track faculty are, in ascending order: Instructor, Assistant Professor, Associate Professor and Professor. Qualifications for the various ranks are given in Section 300.05 for fixed term faculty, and Section 302 for tenure/tenure track faculty.
- b. A full-time faculty member is defined as one who holds a ranked faculty appointment and is employed by the University on a full-time basis. The main duties of teaching faculty normally are instructional. The main duties of library faculty are the provision of professional library services.
- c. Except for fixed-term appointments, all appointments to the ranked faculty are either probationary or with tenure. Only ranked faculty are eligible for tenure.

300.03 Departmental (or school) Appointments

The University appoints all ranked faculty to specific departments (or schools, outside the College of Arts and Sciences) with rank and voting rights in those departments or schools and in the Faculty Assembly, and they may serve on committees listed in Section 200.

300.04 Joint and/or Split Appointments

Specific duties and voting rights for joint and/or split appointments are negotiated with the faculty of the involved departments or schools at the time of initial appointment. A ranked faculty member may also be appointed as adjunct faculty in another department; such faculty are considered to be full-time members of the department where they hold the ranked appointment.

300.05 Fixed-term Appointments

- a. The University may use fixed term appointments to fill non-tenure track positions under the following restriction:
 - Minimally 60% of all class sections in each college or school must be taught by tenure/tenure track faculty. The Law School, Foley Faculty, and English Language Center Faculty are excluded from this restriction.
 - The University shall only go under this percentage in the case that a formal state of financial exigency has been declared (as per section 308.08).
- b. Faculty members on fixed-term contracts neither have tenure nor are eligible for it.

- c. Faculty members holding fixed-term appointments do not have department or school voting rights unless these are specifically granted by a written vote of the tenured and tenure-track faculty of the department or division (or school, in the case of schools which do not have departments or divisions).
- d. The University shall offer contracts to fixed-term faculty in one of the following categories, and each contract shall explicitly state which of the following categories the contract falls under:

1. Short term contracts:

- a. One year contracts are for sabbatical, leave of absence replacements, unsuccessful tenure track searches and unanticipated immediate needs. Individual faculty members may only receive these contracts for a total of three consecutive years, after which they must be moved into a long-term contract with time credited toward their probationary period.

2. Variable term contracts:

- a. A dean may be allocated positions which he or she could then allocate within the school in accordance with the fluctuating relative needs of member departments.
- b. The terms of such contracts would vary from one to three years at the discretion of the dean. An individual faculty member may only receive these contracts for a total of three consecutive years, after which they must be moved into a long-term contract with time credited toward their probationary period.

3. Long term contracts:

- a. An ongoing teaching position for which a pedagogical rationale would be given why it would be better for it to be a non-tenure track slot. This would likely include job requirements that differ from normal tenure track expectations.
- b. There would be annual contracts for a three-year probationary period followed by a rolling three year contract (i.e., annually renewed contracts two years in advance).
- c. Fixed-term faculty with long-term contracts have an alternate ranking system: initially they are given the rank of Lecturer. After a seven-year period, an individual may submit to their department or division (or school, in the case of schools which do not have departments or divisions), an application for promotion to Senior Lecturer. The criteria for a successful promotion shall be determined on a per-position basis by the department, division, or school in question. In no case should this process involve the University Rank and Tenure Committee.

300.06 Administrators

The President, Academic Vice President, and deans of academic units hold faculty rank and are eligible for tenure, although they are not members of the Faculty Assembly. If they do not have tenure when the University appoints them, their application for tenure follows the procedures described in section 303.

300.07 NON-RANKED FACULTY

- a. Persons holding the positions listed below are not members of the ranked faculty. They do not qualify for tenure. They may qualify for benefits as described in Section Four of this Handbook. Non-ranked faculty are not permitted to vote on faculty assembly matters or to serve on any of the committees listed in Section 200.00.

- b. An individual school or department may permit non-ranked faculty assigned to that school or department to vote on internal matters and serve on internal committees. The University uses appropriate and published reappointment procedures to judge the non-ranked faculty member's academic performance.

300.08 Adjunct Faculty

An adjunct faculty member is one who teaches, performs library service, or does research part-time.

300.09 Visiting Faculty

A visiting faculty member is one who normally holds rank at another college or university, serves at Gonzaga full-time for one year or less, and does not expect to remain at Gonzaga. The University does not grant this designation to a faculty member in continuous service.

300.10 Emeritus Faculty

An emeritus faculty member is one who has given generous and distinguished service as a teacher or administrator. The process of granting emeritus status is initiated and supported by the faculty member's department (or school, in schools in which there are no departments). Support may be determined by a majority vote of either all department members or of the relevant reappointment committee. In ordinary circumstances minimum qualifications for emeritus status would be (a) having served as a faculty member at Gonzaga for at least ten years, and (b) having held the rank of Full or Associate Professor at Gonzaga for at least five years.

301.00 APPOINTMENTS, REAPPOINTMENTS, AND TENURE

Appointments and reappointments are made and tenure is conferred by the President of the University as authorized by the Board of Trustees.

301.01 Initial Appointments and Reappointments

In making initial appointments to the faculty, the President is advised by the Academic Vice President, the appropriate Dean, the department chair (where applicable), and members of the department or school who hold ranked faculty positions. The rank granted at the initial appointment shall be determined according to the minimum qualifications for rank as specified in this Handbook (See section 302.09-302.11.). In making reappointments of faculty, the President is advised by the Academic Vice President, the appropriate Dean, the department chair and a departmental or school committee on Reappointment. Section 303 explains the procedures for reappointment.

301.02 Contract Renewal

Contracts for ranked faculty normally run for one academic year. While tenured faculty receive their contracts automatically, untenured faculty receive notice of renewal or nonrenewal. Tenure-track faculty who are in their first, second or third year toward tenure will receive written notice of renewal or nonrenewal of their annual contract by March 1. Tenure-track faculty who are in their fourth or fifth year toward tenure will receive written notice of renewal or nonrenewal of their annual contract by June 1. From their second year on, tenure-track faculty whose annual contract is not renewed will be offered a year of employment following the academic year in which they are notified of nonrenewal. Faculty with fixed-term appointments will receive written notice of renewal or nonrenewal for the next year by April 15. If in any case the University does not give notice by the required deadline, the faculty member's contract is automatically renewed.

301.03 Extraordinary Termination

Only four extraordinary reasons justify ending a contract before its specified term of appointment: major changes in the curriculum, financial exigency, disability, or cause. See sections 306, 308, and 309.

301.04 Probationary Appointments

The probationary appointment precedes the awarding of tenure. It provides time for individuals to develop and prove themselves as members of the University community and for their colleagues to observe and evaluate and to assist and advise them in their performance. The University does not award tenure lightly or automatically; the probationary period is real, not perfunctory.

301.05 Definition of Tenure

- a. Tenure means that the University continues to offer a faculty member a contract annually until he or she retires. Exceptions to this rule arise only for the following reasons which are explained in sections 306, 308 and 309: major changes in the curriculum, financial exigency, disability, or cause. The purposes of tenure are:
 - to encourage freedom in teaching and research
 - to protect faculty members from unwarranted pressure to conform to other people's views, especially political views held by people outside the University
 - to provide sufficient economic security to make academic service at the University attractive to talented men and women of ability
- b. Tenure carries duties to the University and its students, as well as rights for the faculty member. The University evaluates tenured faculty every year according to the procedures in section 304. It expects tenured faculty to maintain good performance throughout their service and to continue to take an active role in the life of the University.

301.06 The Probationary Period and the Date of Tenure

- a. The University awards tenure after a faculty member successfully completes a seven-year probationary period serving in the ranked faculty.
- b. The University and the faculty member may agree to shorten the probationary period when a faculty member comes to the University with experience as a full-time teacher or librarian at an accredited college or university. In such cases, up to three years may count as part of the University's probationary period. The University may make other rare exceptions, for example, tenuring a faculty member upon initial appointment.
- c. An initial appointment granting tenure as a faculty member must be evaluated by the University's Rank and Tenure Committee prior to the appointment. The faculty member's first contract shows any such exceptional conditions. Notice not to grant tenure will be given by the University in writing before the last day of the faculty members' contract for the sixth year of employment.

302.00 CRITERIA FOR PROMOTION, REAPPOINTMENT, AND TENURE

302.01 General Criteria

- a. The essential criteria for promotion, reappointment, and tenure are teaching (or performance in the case of library faculty), professional development, advising, and academic citizenship. In the undergraduate programs of Gonzaga, more emphasis is placed upon teaching excellence and less upon research than is the practice in research institutions or in Gonzaga's graduate programs. It is clear that to maintain the standard of teaching which Gonzaga desires, research activity or similar continuing professional development is essential. To the extent that faculty are involved in graduate level education, there is a greater expectation for contribution to professional knowledge through scholarly writing. Effective advising and professional contact with students outside the classroom are also necessary to reappointment, promotion and tenure. Additional factors which are necessary for reappointment, promotion, and tenure include commitment to the specific objectives and goals of the department, college, or school, and to the missions of the University as demonstrated by service to and participation in the life and governance of the University.
- b. All faculty members are advised, at the time of initial appointment, of the substantive standards and procedure generally employed in decisions affecting renewal and tenure. Any special standards of the faculty member's department or school are also brought to the individual's attention at this time. Each faculty member is advised of the time when decisions affecting renewal or tenure will be made and is given the opportunity to submit material which is believed will be helpful to an adequate consideration of the circumstances.
- c. In its promotion, reappointment, and tenure procedures, the University seeks to insure both excellence in its faculty and fairness to individual faculty members under consideration. The University's administrators, appropriate committees, and the schools, divisions, and departments, bear responsibility for describing standards and procedures. The individual faculty member bears responsibility for becoming familiar with standards and procedures [see section 303]. The essential criteria for promotion, reappointment, and tenure are the following.

302.02 Teaching

Gonzaga University is committed to excellence in teaching. The development of the whole person and the pursuit of truth are fundamental components of its mission. Teaching is both an art and a science. It demands constant innovation and improvement.

- a. There are a variety of signs of teaching excellence including: presenting subject matter clearly while recognizing its complexity; enthusiasm for seeking, possessing, and sharing knowledge; bringing subject matter, when appropriate, to bear on the present human condition; encouraging students to explore, invent, and discover; inspiring in students a desire to continue studying and learning; and challenging them to grow beyond their present capacities; and, when appropriate, relating subject matter to human values, issues of peace and justice, and other dimensions of the human condition.
- b. The sources of evidence for such evaluation include the following: the written evaluations of appropriate administrators, students, and colleagues, supported by concrete evidence and examples; classroom visitation; the achievements of current and former students; a thoughtfully developed philosophy of teaching; evidence of continued development of pedagogical skills; directions of theses, dissertations, projects, internships, or other major works; program development; and preparation of new courses and course materials.

c. Corollary expectations for librarians

1. Gonzaga University is committed to excellence in library service. The library faculty shares with the teaching faculty a commitment to the development of the whole person and the pursuit of truth as stated in 302.02(a), but their specific duties usually do not involve formal classroom instruction. Librarianship, like teaching, is both an art and a science, and similarly demands constant innovation and improvement.
2. Excellence in librarianship is manifested in many ways, including, expertise in the content, context, selection and organization of information resources; skilled provision of instruction in and support of information use to the Gonzaga community; encouragement of commitment to lifelong learning; contributions to the development of the library profession; participation in the planning and design of systems for information access; advocating that contractual, legal and ethical obligations concerning information use are met; and provision of appropriate information services to facilitate personal and professional development within the Gonzaga community.
3. Members of the library faculty are evaluated according to standards which share the spirit of 302.02 a-c, but which recognize the differing nature of their contributions. Standards are based on generally accepted standards within the library profession for the performance of the assigned duties. References to “teaching” throughout this Handbook refer to professional performance in the case of library faculty. Individual evaluations are based on a varied range of evidence appropriate to assigned duties and responsibilities. Sources of evidence may include written evaluations of appropriate administrators, students, and colleagues, supported by concrete evidence and examples.

302.03 Professional Development

- a. Gonzaga University is devoted to the discovery and pursuit of knowledge and to academic excellence. Faculty members should share, particularly, in Gonzaga’s commitment to responsible and ethical intellectual inquiry, respect for the positions of others, academic freedom, and the highest ethical norms of their disciplines.
- b. The University expects faculty to continue to grow and develop as members of their disciplines after they have completed their advanced degrees and evaluates their progress in this area.
- c. Important signs of professional growth are the formal activities usual to the discipline. These include publication of peer-reviewed research articles and books, or other writing normal to the discipline; juried exhibits and performances; invited presentations, exhibits, and performances; editorships and consultantships; invited evaluations and reviews of the work of other professionals; and presentations to professional groups.
- d. Additional professional activities may include leadership of, committee work for, and participation in scholarly and professional organizations; sustained activity in course and/or program development; advanced study and participation in seminars and workshops; and selection for grants, fellowships and awards.
- e. Schools and departments may develop more explicit or extensive requirements, but these must be based on specific needs related to program and the normal standards of the discipline, and must be consistent with the general criteria of this Handbook. These requirements must be described in writing and filed with the appropriate dean. They must be given to and clearly explained to the faculty member at the time of initial appointment and at appropriate times, such as reappointment evaluations, thereafter.

302.04 Advising

- a. Advising and consulting with students are major faculty responsibilities. The central element in advising excellence is a genuine and sustained concern for students as persons and for their academic and personal growth. An effective advisor is available to students for consultation outside the classroom; familiar with current requirements of the University and the student's standing in relation to these requirements; and knowledgeable about other services available to students. An effective advisor also helps students in setting and achieving their goals while at the university.
- b. Individual colleges, schools and departments develop their own methods for evaluating advising. Evidence used in evaluating advising may include a self-evaluation; the written evaluations of appropriate administrators, students, and fellow faculty members; the achievement of former students; and any other relevant information identified as appropriate.

302.05 Academic Citizenship and Service

- a. Gonzaga University subscribes to the 1966 AAUP statement on Professional Ethics (**See Appendix A**) and expects faculty members to reflect its principles in their lives at Gonzaga.
- b. Faculty members also must be familiar with the mission of the University. There are many ways in which faculty members may contribute to this mission according to their own gifts and beliefs. Faculty members should share, particularly, in Gonzaga's commitment to responsible intellectual inquiry and academic freedom, to the dignity of the person, to justice, and to ethical behavior. Academic citizenship entails showing respect for diverse ideas and opinions. Faculty members act with respect and fairness toward others; they treat others as equals, with compassion, and tolerance.
- c. Academic citizenship also entails service to the University, taking an active role in shaping the kind of community Gonzaga is and what it will become. Faculty members reflect their commitment to the mission in their participation in the life and governance of the University and in their relations to the civic community.
- d. Evaluation of faculty as academic citizens includes assessment of the ways in which the individual faculty member has defined his or her own place in the life of the University. Evidence of academic citizenship includes patterns of respect and fairness toward others; participation in the University community through committee service and faculty and university governance; and attendance at functions such as convocations, faculty meetings, and commencement activities. Academic Citizenship may also include participation in and/or contributions to activities such as conferences and workshops on Jesuit and Catholic intellectual traditions and educational philosophies; such work may count as evidence of professional development when it has a scholarly dimension. Academic citizenship may be evidenced also by contributions to activities on the campus, both academic and related to student life and ministry; and service to the larger community.

302.06 SPECIFIC CRITERIA FOR PROMOTION, REAPPOINTMENT, AND TENURE

In addition to the general criteria outlined above, the following specific criteria are used for reappointment, promotion, and tenure:

302.07 Criteria for Reappointment

- a. Teaching and advising excellence are the primary criteria for reappointment in the first years of service for ranked faculty on tenure track. Sustained professional development and responsible academic citizenship become progressively more important as the individual advances toward tenure.

- b. If a faculty member's teaching performance is judged to be unsatisfactory, such factors as the likelihood of future improvement and the extent of the person's contributions in professional development and University service are considered, but they will not substitute for a continued lack of excellence in teaching.
- c. Besides judgments about the individual made on professional grounds, other institutional considerations such as long-range academic needs and the financial condition of the University may lead to non-reappointment.
- d. For ranked faculty on fixed-term appointments, teaching and advising excellence are the primary criteria for reappointment or contract renewal in the first years of service. Depending on the nature of the appointment, sustained professional development and responsible academic citizenship become progressively more important as the individual remains in service at the University.
- e. Faculty appointed for a fixed term will be advised at the time of their appointment of the extent to which professional development and academic citizenship are, or will become, factors in their reappointment or contract renewal.
- f. If a fixed-term faculty member's teaching performance is judged to be unsatisfactory, such factors as the likelihood of future improvement and the extent of the person's contributions in professional development and University service are considered, but they will not substitute for a continued lack of excellence in teaching. Besides judgments about the individual made on professional grounds, long-range academic plans and needs of the University and the financial situation of the University may lead to non-reappointment or non-renewal.

302.08 Criteria for Promotion

In addition to the general criteria, the following special criteria are used for promotion:

302.09 To Assistant Professor

To be promoted to the rank of Assistant Professor, a faculty member should possess the doctorate or the usual terminal degree of the profession, or have had other appropriate professional experience. The candidate should also have demonstrated satisfactory performance in teaching and advising and shown evidence of professional growth and responsible academic citizenship as described under general criteria in sections 302.00 - 302.04.

302.10 To Associate Professor

- a. To be promoted to the rank of Associate Professor, a faculty member should exhibit evidence of a substantial extension of the record on which the assistant professorship was based, and must have served at least five years at the rank of Assistant Professor, at least one year of which must have been at Gonzaga University. (Candidates may apply in their fifth year, except that candidates hired before September, 1999 may apply in their fourth year.)
- b. The faculty member must have demonstrated excellence in teaching or library performance and advising and shown evidence of continuing professional development and responsible academic citizenship as described under general criteria in sections 302.00 - 302.04.

302.11 To Professor

- a. To be promoted to the rank of Professor, a faculty member should exhibit evidence of a substantial extension of the record on which the associate professorship was based, and must have served at least five years at the rank of Associate Professor, at least one year of which must have been at Gonzaga University. (Candidates may apply in their fifth year, except that candidates hired before September, 1999 may apply in their fourth year.)
- b. The faculty member must have continued to maintain excellence in teaching or library performance, advising, and responsible academic citizenship as described under general criteria in sections 302.00 - 302.04, and must have achieved recognition as a mature and established scholar or professional based on significant research and publication in the normal channels of the discipline, or by distinguished work in the practical or fine arts.

302.12 Criteria for Tenure

- a. Tenure is one of the most important commitments which Gonzaga makes to its faculty. The decision to confer or deny tenure is made in the last year before the completion of the probationary period. The process of evaluation for tenure is a continuous one, from the initial appointment through the final tenure review. The decision to award tenure represents the judgment of the department or school and the university community that the faculty member has achieved a high level of performance and will continue to grow, that the faculty member is and will continue to be a desirable permanent colleague, and that the faculty member will continue to make significant contributions to the university in the future.
- b. The successful candidate will have demonstrated satisfactory progress during the probationary period. Although the conferral of tenure is a separate decision from advancement in rank, candidates for tenure must demonstrate a high level of performance in all the criteria described in sections 302.00 through 302.04. They must show evidence of excellence in teaching or library performance and advising. They must contribute actively to their discipline and have some publications or other formal activity normal to their discipline. They must be positive and responsible colleagues who have taken an active role in the life of the whole university community, as well as in their departments or schools.
- c. Evidence of serious deficiencies in meeting any of the criteria will act as a bar to the awarding of tenure. Besides judgments about the individual made on professional grounds, long-range academic plans and needs of the University and the financial situation of the University may lead to the denial of tenure.

303.00 PROMOTION, REAPPOINTMENT, AND TENURE PROCESSES

- a. Reappointment cases arise automatically at scheduled intervals (see section 301.02). Tenure cases arise automatically at the end of the probationary period. Individual faculty members decide, however, when they wish to seek promotion. A faculty member who chooses to apply for promotion in the same academic year as the tenure review will submit a single petition in the spring semester, following the deadlines for the tenure application (see 303.23).
- b. The Academic Vice President maintains and sends to the Deans a checklist of requirements and helpful suggestions for candidates. The Deans will disseminate up-to-date procedural descriptions to the department chairs and the individual under consideration in time to meet deadlines. The Academic Vice President normally holds informational meetings to review guide lines and procedures for faculty seeking either reappointment, promotion, or tenure.
- c. It is the responsibility of the individuals under consideration to make sure that they thoroughly understand the procedures and their part in them, to make sure that the material which they want

included has in fact been included, and to supply any additional relevant information to the committee by the appropriate deadline.

303.01 School and Department Committees on Promotion, Reappointment, and Tenure

303.02 Election of Committees

- a. Normally schools, divisions, or departments have a committee of three or more members, elected yearly by the full-time faculty (see **b** below) and chaired by the department or division chair (except when his or her own case is pending) whose responsibility is to consider applications for promotion, reappointment, and tenure. This committee is the principal departmental voice in making recommendations regarding promotion, reappointment, and tenure. Elections of members for the school, division, department committees must take place prior to September 15; terms are from one to three years as established by the department or school.
- b. The entire committee reviews each case according to the procedures described in the following sections. A school or department may separate this committee into two: one for reappointment and one for promotion and tenure. Probationary and fixed-term faculty members may not vote for or serve on committees making decisions on reappointment, tenure, or promotion unless the tenured faculty members of the department or school specifically vote to grant them those rights. Probationary and/or fixed term faculty cannot constitute a majority of such committees.

303.03 Departments that are too small to be organized into committees may select faculty from other departments to serve on the committee. Faculty members whose duties include significant involvement in interdisciplinary programs or other programs which take them outside their departments will be evaluated by a committee consisting of representatives from their departmental committee and from the allied department(s) or program(s). The faculty members, the appropriate departments, and the Dean will establish the details of the selection and operation of this committee on a case by case basis. These departments may exclude probationary and fixed term faculty members, as noted above.

303.04 Descriptions of Procedures

- a. Departments, divisions, or schools will submit written descriptions of their committee structure and procedures to their Dean and to the Academic Vice-President for the approval of both. The Dean or the Academic Vice-President may request that these be amended for practical reasons or to assure consistency and equity. If the nature or procedures of the committee are changed in the future, a written description of the changes must be submitted to the Dean and the Academic Vice-President for approval.
- b. Procedures within a school or college must be communicated to all faculty members of the school or college. The Academic Vice-President will be responsible for maintaining up-to-date records of procedures of each school, division, or department and for making these available to the Rank and Tenure Committee as it deliberates. If the Dean or the Rank and Tenure Committee feel that problems are occurring with individual committee structures or procedures they may recommend that the academic Vice-President ask the school, division, or department for amendment. The Academic Vice-President also may initiate a request for such an amendment.

303.05 Committee Responsibilities

All departmental or school promotion, reappointment, and tenure committees must do at least the following as they consider cases:

- They must meet and formally deliberate as a body.

- They must receive and consider relevant and appropriate evidence concerning the case in question.
- They must inform the candidate of the general nature of the evidence they are considering and give the candidate the opportunity to respond to specific evaluations or descriptions of alleged fact.
- They must develop procedures that will allow for input from all department or school members in decisions regarding tenure and promotion.
- They must ensure that evaluations include classroom visitations.
- They must vote. The vote total, but not the specific votes of committee members, must be reported by the Committee's chair to the candidate and to the Dean.

303.06 Candidate's Responsibilities

- a. It is the responsibility of the candidates for promotion, reappointment, and tenure to make sure that they thoroughly understand the procedures and their part in them, and to make sure that the material which they want considered has in fact been included in the application portfolio by the appropriate deadline.
- b. All candidates and referees must submit material to be considered for promotion, reappointment, and tenure to the chair of the departmental or school committee by the appropriate deadline.
- c. It is the responsibility of the chair of the promotion, reappointment, and tenure committee to make sure that all committee members receive the same, complete set of materials for consideration. It is also the responsibility of the chair to elicit the participation of department and school faculty in the evaluation in cases of promotion and tenure and to make available these same materials to them.

303.07 PROCEDURES FOR REAPPOINTMENT

303.08 Candidate's Responsibilities

Candidates for reappointment should submit to the appropriate committee within their school or department a self-evaluation and personal statement, a current resumé, teaching evaluations and other appropriate material as specified by the school or college. (see 303.06)

303.09 Committee and Administrative Evaluators' Responsibilities

- a. On the basis of the evidence submitted, the committee shall prepare its evaluation of the faculty member and by vote make its recommendation. The chair of the committee shall either write the recommendation or appoint another member to do so. After approval of the letter by the committee, the chair shall inform the candidate of the contents of the letter.
- b. The committee's letter, supporting documents, evaluation, minority reports (if any) and a record of the vote shall be given to the Dean. The Dean will evaluate the file, make a recommendation and forward the entire record to the Academic Vice President. The Dean shall advise the candidate of her or his recommendation.
- c. After studying the record, the Academic Vice President will present it and his recommendation to the President.
- d. The President will decide to reappoint or not reappoint and promptly notify the candidate of the decision. If the decision is to not reappoint, the reasons for that action will be given in writing to the candidate by the Academic Vice President at the candidate's request.

303.10 Committee and Administrative Evaluators' Responsibilities in Cases of Disagreement

If either the Dean or the Academic Vice President's recommendation on reappointment differs from that of the preceding evaluators, he or she will notify those evaluators of the difference and the reasons for it in writing, before sending the recommendation to the next level of evaluation.

303.11 Candidates' Rights

- a. The candidate has the right to receive all the considerations and processes, including the right to respond, as specified in 307.01 through 307.02.
- b. In the event of a negative recommendation, the candidate has the right to submit counter statements to the evaluators who have made that recommendation. Those statements will become part of the record. The right to respond applies only at the first level of decision-making at which a negative recommendation is made, unless decisions at subsequent levels are negative for different reasons.

303.12 PROCEDURES FOR PROMOTION AND TENURE

303.13 The University Committee on Rank and Tenure

- a. The Committee on Rank and Tenure has responsibility for recommending to the President members of the faculty for promotion in academic rank and for tenure. Through its recommendations, the University Committee on Rank and Tenure carries the responsibility for upholding the academic standards of the university and strives to ensure fairness and consistency of the process.
- *b. The Committee on Rank and Tenure consists of ten elected faculty members and the Academic Vice President. Committee faculty members will be elected by the following constituencies: one each from the Schools of Business, Education, Engineering and Applied Science, Foley, Law, Nursing and Human Physiology, and Professional Studies; three from the College of Arts and Sciences [one from the humanities, one from the natural sciences, one from the social sciences]. The Academic Vice President and a faculty member will serve as co-chairs. The faculty co-chair shall be elected from among the ten faculty members of the committee at the first committee meeting in September and is a voting member. The Academic Vice President is a non-voting member of the committee.
- c. Only full-time tenured faculty members are eligible to serve. Except for the Academic Vice President, Deans and Administrators are not eligible to serve on the committee. At least two faculty members in any year must be full professors. The terms of office are three years, and the terms are staggered so that at least two members are elected or appointed each year.

303.14 If a voting member of the committee is unable to serve a full term, a new member shall be elected by the Faculty Assembly or appointed by the President (as in the initial selection) to fill the remainder of the term.

303.15 Members of the Rank and Tenure Committee are not eligible for promotion. A committee member who chooses to apply for promotion must resign from the committee.

303.16 The election of committee members normally takes place as part of the faculty election process.

303.17 During the first two weeks in September the committee will meet to determine its schedule. The committee shall convene by the second Wednesday in November to consider promotion in rank, and by the first Wednesday in March to consider tenure cases. Other meetings will be called by the Academic Vice President as necessary.

303.18 Six voting members, together with the Academic Vice President, shall constitute a quorum.

303.19 Application for Promotion in Rank

303.20 The provisions of paragraphs 303.08-303.11 establishing evaluators' responsibilities and candidates' rights in retention decisions will be followed in promotion and tenure decisions as well.

303.21 Initial Deadlines

- a. Deans will distribute the necessary instructions and deadlines for submission of materials regarding promotion to the department chairs prior to April 15. Prior to the last day of class in the spring semester, faculty members considering promotion should review their progress with the appropriate department chair or Dean. (see section 302 for criteria for promotion.) Faculty members who apply for promotion and tenure in the same year will submit a single petition in the spring semester, following the deadlines for the tenure application (see 303.23). Application forms and guidelines will be available from the Academic Vice President.
- b. By September 1, department chairs will send the Deans: 1) a list of those who wish to be considered for promotion that year; and 2) the deadlines for the department's committee processes. The chairs also will disseminate this information to the candidates and to the other members of the department. Faculty members who apply for promotion and tenure in the same year will submit a single petition in the spring semester, following the deadlines for the tenure application (see 303.23). The candidate will submit her or his application file to the department or school evaluation committee by the deadlines established by the committee. Following the guidelines in section 303.01, the department or school evaluation committee will meet to vote and make a recommendation written by the committee chair and approved by the whole committee.

303.22 Actions of the Chair and Dean

- a. The chair will summarize the contents of the recommendation in writing to the candidate. The candidate may respond to the committee evaluation in writing within five working days. This response will become part of the application file.
- b. The recommendation and all materials gathered in departments, whether by the chairperson or the candidate, will be sent to the Dean by the previously announced deadline. The Dean will evaluate the record, make a recommendation, and inform the candidate in a written summary of the contents of the recommendation. The candidate may respond to the Dean's recommendation in writing within five working days. This response will become part of the application file.
- c. The Dean will send the application file to the chairperson of the University Committee on Rank and Tenure together with the Dean's own evaluation and recommendation prior to November 1.
- d. Normally, material will not be added to a candidate's file after the deadline for submission of materials to the departmental committee. Any additional material or information submitted after the departmental recommendation will be added to the file only with the approval of the candidate, the departmental committee, the Dean, and the University Committee on Rank and Tenure. If they do not agree, the application will be returned to the department or school committee which will determine whether the additional material will become part of the file.
- e. If the departmental or school committee decides to exclude the additional material, the application will proceed without it. If the departmental or school committee decides that the new material should be

included in the candidate's file, the departmental or school committee and the Dean will review the new file and may reaffirm or revise their original recommendations. They will report to the candidate, and the candidate may respond to these, as above. In such a case, the Academic Vice President will set new deadlines for the process.

303.23 Application for Tenure

- a. By September 15 of each year the Dean will notify the department chair of those who will be considered for tenure in March. The Dean will distribute instructions and deadlines for the submission of materials to the department chairs and the faculty members under consideration by October 1. Prior to November 1, the department chair will notify the candidates and the dean of the deadlines for the department's committee processes. The candidate will submit her or his application file to the department or school evaluation committee by the previously announced deadline. Following the guidelines in section 303.01, the department or school evaluation committee will meet to vote and make a recommendation written by the committee chair and approved by the whole committee.
- b. The chair will summarize the contents of the recommendation in writing to the candidate. The candidate may respond to the committee evaluation in writing within five working days. This response will become part of the application file.
- c. The recommendation and all materials gathered in departments, whether by the chairperson or the candidate, will be sent to the Dean by the previously announced deadline. The Dean will evaluate the record, make a recommendation, and inform the candidate of the contents of the recommendation in a written summary. The candidate may respond to the Dean's recommendation in writing within five working days. This response will become part of the application file.
- d. The Dean will send the application file to the chairperson of the University Committee on Rank and Tenure together with the Dean's own evaluation and recommendation prior to March 1.
- e. Normally, material will not be added to a candidate's file after the deadline for submission of materials to the departmental committee. Any additional material or information submitted after the Departmental recommendation will be added to the file only with the approval of the candidate, the Departmental Committee, the Dean, and the University Committee on Rank and Tenure. If they do not agree, the application will be returned to the Department or school committee which will determine whether the additional material will become part of the file.
- f. If the departmental or school committee decides to exclude the additional material, the application will proceed without it. If the departmental or school committee decides that the new material should be included in the candidate's file, the departmental or school committee and the Dean will review the new file and may reaffirm or revise their original recommendations. They will report to the candidate, and the candidate may respond to these, as above. In such a case, the Academic Vice President will set new deadlines for the process.

303.24 The Action of the University Committee on Rank and Tenure

- a. The deliberations of the committee are confidential. After deliberating on the materials submitted by the Deans and the candidates, the committee shall vote on each case by secret ballot. The Academic Vice President shall tally the vote and announce the results to the committee. The majority vote shall prevail. In case of a tie, the Academic Vice President shall exercise a tie-breaking vote.

- b. The Academic Vice President will prepare a summary of the Committee's conclusions on each candidate. After the Rank and Tenure Committee approves it, he shall forward it, the candidate's complete file, and the record of the vote to the President.
- c. The President normally abides by the committee's recommendation. If he disagrees with it, he shall specify the reason for his objections and return the matter to the committee. The committee will then reconsider and return another recommendation or affirm its previous recommendation.
- d. In all cases of promotion and tenure, the President shall make the final decision and promptly relay his decision to the candidates.

303.25 Denial of Promotion or Tenure

The Academic Vice President will give the reasons for denial of promotion or tenure to the candidate in writing at the candidate's request.

303.26 Notification of Denial

Nothing in these sections regarding procedures for the review of faculty contract renewals, promotion, and the granting or denial of tenure shall affect the obligation of the University to grant written notice of denial by specified dates, as provided in section 301.02. The granting of timely notice shall fulfill the University's obligation, and the continuation of review or appellate procedure after the prescribed date shall not increase the obligation of the University. (Example: if a faculty member is notified a full year in advance and by the appropriate date, e.g. May 31, that tenure will not be granted, the fact that review procedure may extend beyond June 1 of that year does not impose upon the University the obligation of automatically granting tenure.)

304.00 EVALUATION OF TENURED FACULTY

304.01 Evaluation of Tenured and Fixed-Term Faculty

Evaluation procedures for faculty who are candidates for reappointment, promotion, and tenure are described above. Tenured and fixed-term faculty also are evaluated regularly, using the following procedures. Tenured and fixed-term faculty whose departments (or divisions or schools) do not have regularly scheduled evaluations are evaluated every three years. The purpose of these reviews is to help assure the continuation of excellence among the long-term faculty, to stimulate faculty development, to help provide a record of achievement for promotion and for merit pay, and to help faculty solve emerging difficulties before they become serious. Schools and departments will establish staggered schedules for these evaluations and will inform their faculty members of them.

304.02 Materials for Evaluation of Tenured and Fixed-term Faculty

Materials for evaluation of tenured and fixed-term faculty not seeking promotion include the following: at least the numerical portion of student course evaluations since the last evaluation; an up-to-date curriculum vitae; a self-evaluation of the faculty member's performance in teaching, professional development, advising, academic citizenship, and any other relevant activities or achievements; a report on progress in overcoming any problems noted in the previous evaluation; and a description of goals and anticipated activities for the coming years.

304.03 Submission of Materials for Evaluation

- a. These materials are submitted by the faculty member to the department or divisional chair by February 1. The faculty member and the chair will discuss the self-evaluation prior to March 1. The chair will prepare a summary of the discussion and will provide the faculty member with a copy of the summary before submitting it to the Dean. The chair will forward the faculty member's material and a summary of the discussion to the appropriate Dean. The faculty member may respond to the summary in writing either to the chair or to the Dean.
- b. If the evaluation indicates continued satisfactory performance or only minor or temporary difficulties, the evaluation and summaries will be filed in the Dean's office and the evaluation will be concluded. In schools without departments or divisions, the faculty member will submit the evaluation materials directly to the Dean and will discuss the evaluation and receive a summary from the Dean.

304.04 Addressing Problems Revealed in the Evaluation

- a. If the evaluation indicates that there are serious or persistent problems, the faculty member and the chair will discuss strategies for overcoming them and prepare a plan of action to address them. The chair will forward this plan of action to the Dean along with the other material. The Dean may then consult with the faculty member about the problems and the proposed course of action. If the faculty member and the chair cannot agree, they will each file reports to the Dean who will arrange a meeting to discuss and resolve the disagreement and to produce a plan of action.
- b. In the case of schools without departments or divisions, the faculty member and the Dean will discuss strategies and prepare the plan of action. If they cannot agree, they will each file reports with the Academic Vice President who will arrange a meeting to discuss and resolve the disagreement and to produce a plan of action.

c. Serious and Persistent Problems

If the evaluation indicates there are serious and persistent problems, the faculty member must give evidence of substantial progress toward the correction of these deficiencies within two years of the date of the evaluation. If the department chair or dean conclude that substantial progress has not been made, the department or school committee(s) on promotion, reappointment, and tenure will review the faculty member's performance. If, in its judgment, evidence of substantial progress is lacking, it will inform the Dean and Academic Vice President that grounds exist for more extensive remedial action, sanctions short of termination, or termination (see section 309.00).

305.00 ACADEMIC FREEDOM FOR FACULTY

305.01 The faculty and administration of the university agree that the protection of academic freedom is crucial to realizing the missions of the University.

305.02 Gonzaga University accepts the 1940 AAUP Statement on Academic Freedom and Tenure, which is adapted and printed below (305.03), as descriptive of the core of its Academic Freedom Policy. The original statement is printed in its entirety in Appendix 300B. A complete understanding of Gonzaga's Academic Freedom Policy includes the correlative professional responsibilities described in the AAUP Statement on Professional Ethics, incorporated in this Handbook as Appendix 300A.

305.03 Adaptation of 1940 AAUP Statement on Academic Freedom and Tenure

Academic freedom is essential to the purposes of a university and applies to both the teaching and research activities of all faculty.

Freedom in research is fundamental to the advancement of truth. Academic freedom is fundamental for the protection of the rights of the teacher in teaching and of the student's freedom to learn. It carries with it duties correlative with rights.

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

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

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

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar.

305.04 The protection of academic freedom requires the University to avoid infringing on the privacy of faculty communications, papers, and electronic documents. The use of equipment and supplies provided by the University in no way diminishes the university's obligation to avoid infringing on the privacy of faculty communications, papers, and documents. The University notifies faculty immediately when the management of electronic resources requires viewing specific pieces of e-mail or monitoring faculty use of network resources.

305.05 Allegations of Violations of Academic Freedom

- a.** If a faculty member alleges an infringement of academic freedom in matters not involving non-renewal of contract or dismissal for cause, the matter will be handled by the Grievance Committee following the procedures described in section 307.00 and Appendix D.
- b.** If a faculty member alleges that an infringement of academic freedom has or will result in non-renewal of contract or dismissal for cause, the matter will be handled by the Academic Freedom and Tenure Committee following the procedures described in section 309.00 and Appendix E.

306.00 SEXUAL HARASSMENT POLICY

- 306.01** The mission of Gonzaga University includes the values of dignity of the human person, pursuit of excellence and truth, freedom, justice, and service. Gonzaga University brings these values to bear on all its activities and programs, on its relationships with students, its educators, its staff, and to the public that it serves. Consistent with its mission, Gonzaga University believes that all members of the University community are entitled to learn and work in an atmosphere that is free from harassment of any type. Sexual harassment is a form of discriminatory conduct that harms the environment the University seeks to maintain. Harassment subverts the University's mission and threatens the careers, educational experience, and well-being of Gonzaga community members.
- 306.02** The University will not tolerate sexual harassment of any form between or among members of the University Community. Sexual harassment is especially serious when it threatens relationships and violates trust between teacher and student, or supervisor and subordinate. In such relationships, sexual harassment unfairly exploits the power inherent in a faculty member's or supervisor's position.
- 306.03** Gonzaga University is committed to vigorously enforcing its sexual harassment policy at all levels within the University community by promptly investigating all complaints. When harassment is discovered, the University will take appropriate action, up to and including discharge or expulsion, against University personnel or students who have violated this policy as determined through the procedures contained herein.
- 306.04** Retaliation or reprisal by the University, or by any member of the University community, against anyone who has in good faith articulated a concern about harassment, resisted harassment, participated or cooperated in a complaint investigation or hearing, or filed a complaint alleging harassment, is illegal. Such retaliation is also prohibited by this policy.
- 306.05** The University's EEO Compliance Officer serves as the Ombudsman for Sexual Harassment and monitors compliance with this policy and complaint procedures.
- 306.06** The full policy statement is Section 412.00. The Complaint Procedures are contained in Appendix C300.

307.00 GRIEVANCES

307.01 The Grievance Committee

The Grievance Committee has seven members, all of whom must be full time tenured faculty. Six members are elected by the faculty to a three year term. The President shall appoint the seventh member of the committee. The first set of members will be elected to staggered terms to provide continuity in membership thereafter. The Committee will elect a chairperson from its ranks for a one-year term each fall.

307.02 Grievance Defined

- a. A grievance is a claim that a decision within the University is unfair, unjust, or in violation of established policies, procedures or rules of the University. A grievance may be filed by any faculty member who believes that a decision has had, or will have, an adverse affect on that faculty member.
- b. Recommendations by the Committee on Rank and Tenure, the Academic Freedom and Tenure Committee, and the Harassment/Discrimination Committee, as well as actions of others which can be heard by those committees, may be grieved only for errors in process.

307.03 Procedures for Grievances are described in Appendix D

308.00 TERMINATION OF CONTRACT

308.01 Termination by Mutual Agreement

By mutual agreement a contract between the University and a faculty member may be terminated at any time. If a faculty member resigns during the contract year, sufficient notice shall be given to allow for orderly transition and replacement.

308.02 The University may terminate the employment of a non-tenured faculty member at the end of any contract term by giving proper written notice by the dates specified in section 301.02.

308.03 Termination of Tenured Faculty for Reasons of Program Change

A decision to discontinue formally or reduce significantly a program or department of instruction because of long-range educational needs will not be made by the President and Board of Trustees without their having received the recommendations of the Academic Council and other appropriate committees and the schools or departments involved. In cases where the University is contemplating the termination of a tenured faculty member, it will attempt to prepare the faculty member for other suitable employment within the University. If no such position is available with or without retraining, the appointment may be terminated and the University will assist the terminated faculty member in a search for new employment.

308.04 A tenured faculty member so terminated will receive terminal notice one year prior to the date on which teaching duties are terminated or one year's full salary. The President, acting on the recommendation of the University Rank and Tenure Committee, may determine what, if any, additional severance salary will be paid, considering the length and quality of service of the faculty member. The terminated faculty member will receive written assurance that the position from which the faculty member was terminated will not be filled for at least three years from the date on which teaching duties are terminated, unless that person is first given the opportunity for reinstatement with rank, tenure and salary no less than that held at the time of termination.

308.05 Identification of tenured faculty members to be terminated in the event of significant reduction, but not elimination, of program or department will be according to the criteria outlined in: "Termination for Reasons of Financial Exigency," 308.07-308.18.

308.06 A tenured faculty member may appeal a proposed relocation or termination to the Committee on Academic Freedom and Tenure. In any hearing the recommendation of the Academic Council, or other appropriate body, that a program or department is to be discontinued or significantly reduced will be considered presumptively valid, but the burden of proof on other issues will rest on the Administration.

308.07 Termination for Reasons of Financial Exigency

308.08 Determination of Financial Exigency

A financial exigency is an emergency condition in which the University's existence is in serious jeopardy for financial reasons. When the President and the Board of Trustees have determined that such a condition is imminent, the President will inform the Officers and Executive Committee of the Faculty Assembly of the University's situation and the measures which are being considered. The University shall disclose the full financial condition of the University to the Officers and the Executive Committee of the Faculty Assembly and other appropriate bodies. A decision to terminate tenured faculty members,

or to terminate a probationary or special appointment before the end of the specified term, will not be made by the President and the Board of Trustees without their having received the recommendation of the appropriate advisory bodies and the Officers and Executive Committee of the Faculty Assembly. Any final decision concerning financial exigency that will serve as a basis for action rests with the President and the Board of Trustees.

308.09 Identification of Areas to be Reduced

Once the existence of a condition of financial exigency has been established, the Officers and the Executive Committee of the Faculty Assembly, in conjunction with the appropriate Officers of the Administration and other university bodies, shall identify academic areas for reduction and/or discontinuance and make recommendations on reduction and discontinuance to the President. The Officers and Executive Committee of the Faculty Assembly will recommend to the President of the University a person or group of persons to be appointed by him to identify the individuals to be terminated, using the following criteria which have been approved by the Faculty Assembly:

308.10 Rights of Tenured Faculty

In proceeding to reduce faculty positions because of bonafide financial exigency, faculty rights under academic tenure will be protected. Thus the service of a tenured faculty member will not be terminated in favor of retaining someone without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result. In such cases departmental needs for sub-discipline specialties might require retention of a non-tenured faculty member over a tenured member in the same department, if the tenured member is not competent to teach that specialty.

308.11 If a choice must be made between two or more tenured faculty, primary consideration will be the overall good of the University. The criteria for retention will include: teaching effectiveness and also seniority, departmental needs for balance in sub-disciplines, scholarly productivity (publications, grants, exhibits, etc.), affirmative action guidelines and adaptability of affected faculty to a new assignment within the University.

308.12 If tenured faculty are of necessity affected by departmental reductions or termination, the University will make a reasonable good faith attempt to prepare the faculty member for other suitable employment within the University. If no such positions are available with or without retraining, the appointment may be terminated. The faculty member so terminated will be given assistance by the University in a search for new employment.

308.13 A tenured faculty member terminated for financial reasons will receive terminal notice one year prior to the date on which teaching duties are terminated or one year's salary. Said salary shall be for the period beyond the expiration of the current contract whether or not that person remains in the employment of the University during the one-year notice period. Acting on the recommendation of the University Rank and Tenure Committee, the President may determine what, if any, additional severance salary will be paid beyond this one year period, considering the length and quality of service of the faculty member.

308.14 A tenured faculty member so terminated has the right to be reinstated if her or his position is restored within three years from the date on which teaching duties end. Rank, tenure, and salary will be no less than at the time of termination. The faculty member must accept or decline reinstatement in writing within sixty days of the reinstatement offer. The University will specify these terms in writing at the time the faculty member is notified of termination.

308.15 Appeal of Termination Because of Program Changes or Financial Exigency

If the Administration issues notice to a particular faculty member of an intention to terminate the appointment because of program changes or financial exigency, the faculty member will have the right to a full on-the-record hearing before the Academic Freedom and Tenure Committee, following the procedures outlined in 305.05 and Appendix E of this section. The issues in this hearing may include:

308.16 The existence and the extent of the condition of financial exigency. The burden will rest on the Administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.

308.17 The validity of the educational judgments and the criteria for identification for termination; but the recommendations of the faculty body on these matters will be considered presumptively valid.

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

308.19 Termination due to Disability

a. If the University receives proper notification that a faculty member has a mental or physical condition that affects the individual's ability to perform essential duties, the University will make reasonable accommodations, guided by applicable state and federal laws.

b. The University, guided by applicable state and federal laws, may terminate a faculty member due to a disability if

1. it is determined by proper medical evidence that the faculty member's mental or physical condition is such that the individual cannot, with reasonable accommodation, perform essential duties satisfactorily, and;

2. clear and convincing medical evidence indicates that the condition is likely to persist.

c. A faculty member so terminated may appeal. In such an appeal the Committee on Academic Freedom and Tenure will review the case and the evidence, following the procedures outlined in Appendix E.

309.00 INVOLUNTARY TERMINATION FOR CAUSE

309.01 Any faculty member who is believed to be guilty of gross neglect of duty, gross professional incompetence, or gross personal misconduct may be subject to immediate suspension. The power to so suspend is reserved to the President. Payment of salary will continue until formal notification of dismissal.

309.02 The actions or reasons for which the University, after an opportunity for a formal hearing, may dismiss a faculty member for cause are:

a. incompetence in teaching or other essential duties;

b. general neglect of duty;

c. willful violation of major policies, directives or rules of the University and its officials, in spite of warning;

d. grave personal misconduct.

309.03 Procedures for the Dismissal of a Faculty Member for Cause are Contained in Appendix E

309.04 If a request for dismissal for cause is based on sexual harassment, or if the Ombudsman for Sexual Harassment, in consultation with the appropriate Dean, concludes that dismissal is a possible sanction in a sexual harassment complaint, the Faculty Harassment Committee shall serve as the Academic Freedom and Tenure Committee. The Harassment Committee shall select a chair whose responsibilities will be the same as those of the chair of the Academic Freedom and Tenure Committee. In such cases, the proceedings shall follow the processes specified in the Sexual Harassment Policy Statement and Complaint Procedures contained in Appendix 300 C instead of the procedures for dismissal referred to above and contained in Appendix 300 E.

310.00 SABBATICAL LEAVE AND LEAVE OF ABSENCE

310.01 Sabbatical Leave

A sabbatical leave is for the purpose of study, research, writing or other activities designed to improve effectiveness as a teacher and a scholar. The leave may either be for a full year or one semester. If the sabbatical is for a full academic year, the recipient will be given seventy-five percent of salary for that academic year. If the sabbatical is for one semester, full salary will be paid during the months of the sabbatical leave.

***310.02 Eligibility**

- a. Full-time tenure track and tenured faculty members of Gonzaga University holding the rank of assistant professor or higher are eligible for sabbatical leaves. A faculty member may apply for her or his first sabbatical leave in the sixth year of continuous full time employment to be granted in the seventh year as long as the faculty member is tenured or has been approved for tenure by the President prior to the beginning of the faculty member's seventh year of employment. Subsequent sabbatical leaves may be applied for in the sixth year of continuous full-time employment following the year of the last sabbatical.
- b. Faculty members whose employment is interrupted by a leave (leave of absence, sick leave, personal leave, disability, etc.) resume their continuous service upon return to full time regular employment, but normally may not apply time in leave toward the required six years of continuous employment for sabbatical.

310.03 Application for Sabbatical

Applications for sabbatical leave should contain a statement of the proposed plan for study, research or other activities, and should be submitted to the Dean with a recommendation from the department chair not later than November 1 of the year preceding the academic year for which leave is requested.

310.04 Approval Process for Sabbatical

Sabbatical leaves are granted by the Academic Vice President upon the recommendation of the Dean and department chair. The grant of sabbatical leave will not be automatic, but will be made at the discretion of the University administration, taking into account the needs of the department, the potential for enhancing the value of the recipient's service to the University, the petitioner's achievement and promise as a scholar and teacher, and the finances of the University.

310.05 The recipient shall agree to remain in the service of the University for at least one year after sabbatical leave.

310.06 Medical Leave of Absence

After one full year of service, full-time faculty members are eligible for medical leave of absence for a disability. Paid leave will be coordinated with the short-term and long-term disability plans offered by the University. The duration of the leave is guided by medical certification, terms of the individual's contract, and the approval of the appropriate academic administrator.

310.07 Leave of Absence Without Pay

- a. Any ranked member of the faculty may request full-time or part-time leave of absence without pay for such reasons as family care, illness/ injury which may not be covered by short-term or long-term disability plans, research, formal study, military, public, or other professional service. Such leave must be mutually agreed upon and shall not ordinarily be for longer than one year.
- b. Applications for leave of absence should contain a statement of the purpose of the leave and normally should be submitted to the Dean not later than November 1 of the year preceding the academic year for which it is requested. After consultation with the appropriate department chair and the Dean, the Academic Vice President will make the final decision.
- c. Time on such leave will not count toward tenure or promotion in rank and is not credited toward time in service for sabbatical leave. Exceptions to this policy will be agreed upon in writing at the time leave is granted. The faculty member will not forfeit rank or previous time in service as a result of being on leave without pay. Faculty on leave without pay continue their fringe benefits by paying them through the University if they are not extended during that period.

311.00 BENEFITS

311.01 Gonzaga University provides employee benefits as part of a total compensation package to members of the faculty as outlined in Section Four and in the *Faculty Benefits Bulletin*, issued by Human Resources. Both the University and the faculty recognize these benefits as an integral part of faculty contracts. The majority of benefits are administered by outside vendors; these vendors routinely change the rates and level of service provided. Such changes are negotiated by the University on behalf of and in the best interest of all University employees within available financial resources.

- a. The initiation of any new benefit, or the elimination or reduction of any existing benefit will not be made without a full review by the Faculty Assembly or by a committee designated by it.
- b. Likewise, for benefits where the University and faculty share the premium or contributions, the relative proportion of premiums or contributions associated with benefits may not be changed without a full review by the Faculty Assembly or by a committee designated by it.
- c. In negotiating rates and levels of service for benefits with outside vendors, the University will discuss proposed changes with, and seek the advice of, the faculty through the Faculty Assembly or by a committee designated by it before those changes are implemented. In the case of unanticipated or untimely changes in the level or rates for service, the University will make a good faith effort to discuss with, and seek the advice of, the faculty through Faculty Assembly or a committee designated by it before the changes are made.

312.00 TUITION BENEFITS

For faculty members hired before November 1, 1996, tuition benefits are as follows:

- 312.01** All ranked members of the faculty will receive full tuition remission for courses in all units of the University. All additional fees are to be met by the faculty member. Course attendance must not interfere with the faculty member's regular responsibilities to the University.
- 312.02** Spouses and dependent children of ranked faculty qualify for free tuition in all units of the University, except as in 312.04 below. All other fees are met by the individual.
- 312.03** Faculty who are teaching at least six semester hours or the equivalent are granted full tuition remissions, but this benefit does not extend to spouses and dependent children.

Faculty who are teaching fewer than six semester hours are granted a 50% reduction in tuition.
- 312.04** For the purpose of this benefit, "dependent children" is defined to mean sons and daughters through the age of 25 years who are enrolled in the undergraduate programs of the University.
- 312.05** Gonzaga University will waive the tuition of the dependent children of retired faculty members who have held tenure and of dependent children of ranked faculty members who have died during their employment at Gonzaga (subject to the provisions outlined in 312.01 through 312.04).

For faculty members hired after November 1, 1996, tuition benefits are as follows:

- 312.06** Tuition waivers do not apply to Law School courses.
- 312.07** Full-time faculty members are eligible for full tuition waivers (100%) for undergraduate, graduate, and doctoral courses on a space available basis. Part-time faculty (on fifty to seventy-four percent contract) are eligible for half tuition waivers (50%).
- 312.08** Legal spouses and dependent children of full-time faculty members are eligible for tuition waivers based on the faculty member's years of service completed before the beginning of the semester. Eligibility is as follows: up to one year--0%; one to three years--50%; three to five years--75%; five or more years--100%.
- 312.09** Spouse tuition waivers are for one Gonzaga degree, either undergraduate or graduate, excluding doctoral and law.
- 312.10** Dependent children tuition waivers are for undergraduate courses only.
- 312.11** Dependent children are defined as natural, adopted, or step-children under the age of twenty-six. Children must be financially dependent on the employee and meet the definition of dependent outlined by the Internal Revenue Service. The University reserves the right to require proof of dependency.
- 312.12** Tuition waivers are limited to one non-matriculated course per semester.

313.00 PRIVILEGES FOR EMERITI

- 313.01** The member and spouse may register for classes tuition free.

- 313.02** The member and spouse shall have all faculty privileges consistent with the position. This includes a faculty card, admission to the University functions on the same basis as other faculty members, etc.
- 313.03** To the extent practicable, the member may continue to have office facilities as long as the person remains active at the University.
- 313.04** To the extent practicable, the member may, by arrangement with the appropriate Dean or department chair, utilize the research facilities of the University.

314.00 POLICIES AND PROCEDURES

- 314.01** A full-time faculty member is expected to attend general and departmental faculty meetings, be available to act as an academic adviser, serve on committees, and discharge within reason other recognized professional and academic duties consequent upon the faculty member's position in both the University and in the particular department.
- 314.02** Full-time members of the faculty are required to be in attendance at the University during the entire academic year unless excused by the Dean, and must devote their full time to their academic duties and must be accessible and available for their campus responsibilities.
- 314.03** The University encourages limited outside activities in the faculty member's discipline or area of specialization to the extent that such activities contribute to the improvement of teaching skills, provide a needed professional service, and/or advance the cause of University/Community relations. Such compensated or volunteer activities must not interfere with the thorough, efficient and earnest performance of a faculty member's duties. Each faculty member must inform her or his dean of proposed activities if they amount to one working day, or more, per week. If such activities exceed the equivalent of one day per week, the faculty member must have written approval from the Dean.
- 314.04** Every full-time faculty member must be available for consultation with students during a minimum of four hours a week. These hours are to be posted at the entrance to the faculty member's office.
- 314.05** Classes should begin on time and should not be dismissed before the end of the designated period without good reason. Class schedules and examination schedules must be adhered to and may not be changed without authorization by the Dean.
- 314.06** If sickness or other emergency prevents a teacher from meeting class, notification should be given the Dean and/or department chair as soon as possible.
- 314.07** Faculty members are not authorized to make private arrangements to give credit for courses not listed in the regular schedule without prior approval in writing by the Dean, nor may they make special provision to give credit to students unable to fulfill the usual attendance requirements of the course without approval of the Dean.

315.00 AMENDMENTS TO SECTION THREE HUNDRED OF THE FACULTY HANDBOOK

Amendments to Section Three of the Faculty Handbook may be proposed by the Faculty, the Administration, and the Board of Trustees.

315.01 Amendments Initiated by the Faculty

The Amendment process for proposals that initiate with the faculty is as follows:

A proposal to amend may be initiated in one of two ways:

1. by an absolute majority of the Executive Committee of the Faculty Assembly;
2. or by an individual with 20 co-sponsors from the faculty.

***315.02 Faculty Approval**

Faculty approval of the proposal is by vote using written ballot, and includes the following steps:

1. All proposals for amendment(s) to Section Three of the Faculty Handbook must be in writing and must be distributed to all full-time faculty members through the campus mail, email, or other official forms of communication.
2. No sooner than one week after distribution of the proposed amendment(s) there will be a Faculty Assembly meeting to discuss the amendment(s). That meeting must be announced one week in advance by written announcement distributed to all full-time members through the campus mail, email, or other official forms of communication.
3. If a majority of the Faculty Assembly members present at the Faculty Assembly meeting wish to have further meetings on the proposed amendment(s), these will be scheduled and announced as above.
4. After discussions of the proposed amendment(s) have been completed, a written ballot, including the text of the proposed amendment(s) shall be distributed to all full-time faculty members through the campus mail, email, or other official forms of communication. That ballot shall specify a deadline for completion, which shall be no sooner than one week from the date of distribution.
5. Ratification will consist of approval by 60% of those voting, with 50% of the full-time faculty vote constituting a quorum.

315.03 Approval by the Trustees

The proposal to amend, once approved by the Faculty Assembly, is presented to the President together with the numerical results of the Faculty vote on the proposal. The President will present the proposal to the Board of Trustees for consideration and approval.

315.04 Implementation

The amendment(s), after ratification by the Board of Trustees and the Faculty, will become effective at the beginning of the next ANNUAL ACADEMIC YEAR contract period.

315.05 Faculty action on amendments to Section Three of the Faculty Handbook must be taken during the fall or spring terms of the academic year.

315.06 Amendments Initiated by Administration or Trustees

The amendment process for proposals that initiate with the Administration or the Board of Trustees is as follows:

In cases where the ratification of the faculty is required to amendments proposed by the Administration or the Board of Trustees, the procedure for faculty ratification set forth in Section 315.02 above shall be followed.

APPENDIX 300A: 1966 AAUP STATEMENT ON PROFESSIONAL ETHICS

Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to the professor in his utterances as a citizen, in the exercise of his responsibilities to students, and in his conduct when resigning from his institution or when undertaking Government-sponsored research.* The Statement on Professional Ethics that follows, necessarily presented in terms of the ideal, sets forth those general standards that serve as a reminder of the variety of obligations assumed by all members of the profession. For the purpose of more detailed guidance, the Association, through its Committee B on Professional Ethics, intends to issue from time to time supplemental statements on specific problems.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to assure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the General Secretary and Committee B, to counsel with any faculty member or administrator concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of dismissal, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.

The Statement

- I. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him. His primary responsibility to his subject is to seek and to state the truth as he sees it. To this end he devotes his energies to developing and improving his scholarly competence. He accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. He practices intellectual honesty. Although he may follow subsidiary interests, these interests must never seriously hamper or compromise his freedom of inquiry.
- II. As a teacher, the professor encourages the free pursuit of learning in his students. He holds before them the best scholarly standards of his discipline. He demonstrates respect for the student as an individual, and adheres to his proper role as intellectual guide and counselor. He makes every reasonable effort to foster honest academic conduct and to assure that his evaluation of students reflects their true merit. He respects the confidential nature of the relationship between professor and student. He avoids any exploitation of students for his private advantage and acknowledges significant assistance from them. He protects their academic freedom.
- III. As a colleague, the professor has obligations that derive from common membership in the community of scholars. He respects and defends the free inquiry of his associates. In the exchange of criticism and ideas he shows due respect for the opinions of others. He acknowledges his academic debts and strives to be objective in his professional judgment of colleagues. He accepts his share of faculty responsibilities for the governance of his institution.
- IV. As a member of his institution, the professor seeks above all to be an effective teacher and scholar. Although he observes the stated regulations of the institution, provided they do not contravene academic

freedom, he maintains his right to criticize and seek revision. He determines the amount and character of the work he does outside his institution with due regard to his paramount responsibilities within it. When considering the interruption or termination of his service, he recognizes the effect of his decision upon the program of the institution and gives due notice of his intentions.

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

APPENDIX 300B: 1940 AAUP STATEMENT ON ACADEMIC FREEDOM AND TENURE

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

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

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

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

ACADEMIC FREEDOM

- (a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- (b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
- (c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

APPENDIX 300C: HARASSMENT/DISCRIMINATION PROCEDURES

C300.00 PROCEDURES FOR RESOLVING COMPLAINTS WHEN THE ACCUSED IS A FACULTY MEMBER

- C300.01 These procedures are used to resolve complaints of alleged harassment or discrimination by any member of the Gonzaga community against a faculty member in violation of state and/or Federal statutes and/or University policy. It is hoped that issues of harassment and discrimination can be resolved between the immediate parties or with some assistance from within the University community.
- C300.02 The Ombudsman for Harassment (the University's EEO Compliance Officer) advises complainants of resolution processes, conducts preliminary inquiries and investigations, evaluates cases and advises academic administration on resolution, seeks to insure that procedures and time tables are followed, provides administrative review of all complaint outcomes, and insures that complete and proper documentation is maintained.
- C300.03 Steps in the resolution process will normally be in the following order:
- 1) Preliminary Inquiry
 - 2) Informal Intervention
 - 3) Formal Complaint and Hearing by the Faculty Harassment/Discrimination Committee
 - 4) Appeal Process

C301.00 REPORTING HARASSMENT

- C301.01 Any member of the Gonzaga community may bring complaints or concerns about alleged harassing or discriminatory behavior by a faculty member to any responsible party. Students may bring complaints or concerns about harassment or discrimination by a faculty member to their advisors, other faculty, any chair or dean, Student Life, the Academic Vice President's Office, or to the Ombudsman. Students making complaints against faculty members may choose to receive confidential support and guidance from Student Life staff throughout the process. Accused faculty members may choose to receive confidential advice and support through the Academic Vice President's office.

Employees may bring complaints or concerns about faculty to their supervisor, department head, any vice president, the Human Resources Department, or the Ombudsman.

- C301.02 If a complaint against a faculty member, or information which creates a reasonable belief that a faculty member has engaged in harassment or discrimination, is received by a responsible party (faculty or administrator as described in the preceding paragraph), this person shall, within three work days, report the harassment or discrimination complaint or basis for reasonable belief that harassment or discrimination has occurred to the Ombudsman. The individual should maintain a written record, noting the time and date of the complaint/information, and briefly summarizing it, in order to document timely handling. Once the complaint is communicated to the Ombudsman, the Ombudsman will first conduct a preliminary inquiry.

C302.00 (1) PRELIMINARY INQUIRY

- C302.01 A preliminary inquiry is the first step in the resolution process after allegations of harassment or discrimination are reported through proper channels. Its purposes are to: 1) determine the facts, 2) determine whether a reasonable basis exists for the allegations 3) advise the complainant of

resolution options, and 4) notify the accused of allegations and obtain a response. Any response must allow the faculty member time to fully present his/her version of events to the Ombudsman or appropriate academic chair/dean.

- C302.02 The Ombudsman will meet with the complainant to receive full and complete details about the allegations. Once the Ombudsman has the initial facts of the case, the Ombudsman will normally meet with the accused's chair or dean to discuss the case and determine the appropriate steps for resolution. Normally with notice to the complainant(s), the chair or dean and/or the Ombudsman may conduct limited questioning of others believed to have knowledge of the situation in an attempt to verify the allegations. If the Ombudsman determines that a reasonable basis exists for the allegations, the Ombudsman and/or chair or dean will meet with the accused faculty member to explain the allegations and obtain a response.
- C302.03 If the Ombudsman cannot reasonably determine that the alleged incident(s) occurred, or that it/they did not constitute harassment or discrimination, the Ombudsman will communicate this to the complainant. Some form of informal intervention may occur at this point in an attempt to resolve any misperceptions or misunderstandings, or deal with allegations of conduct which may be improper but not harassment or discrimination. Serious allegations of misconduct which are not considered harassment or discrimination may be handled through the Faculty Handbook APPENDIX 300E, PROCEDURES FOR DISMISSAL FOR CAUSE, at the University's discretion.
- C302.04 The University will conduct a preliminary inquiry in response to all complaints. Any further action deemed necessary will be determined by the results of the preliminary inquiry. It is expected that the preliminary inquiry will normally be completed within seven working days of the date the Ombudsman receives the report of alleged harassment or discrimination.

C303.00 (2) INFORMAL INTERVENTION

- C303.01 Informal intervention entails a variety of actions the University may take to resolve the complaint. Every attempt is made to resolve complaints informally so there will be no need for a hearing.
- C303.02 Intervention does not necessarily involve sanctions or discipline, or require a specific finding that University policy has been violated. Each case will be evaluated on its own merits. The University will consider such factors as the seriousness of the allegations (nature of the conduct and type of harassment or discrimination), the number of complainant(s) involved, the length of time the alleged conduct has occurred, and the effect of the alleged conduct on the complainant. If necessary, a more extensive investigation may be undertaken by the Ombudsman or appropriate academic officer to determine these factors.

The Dean and or Ombudsman may mediate a resolution at any time during Informal Intervention.

- C303.03 Intervention may include one or more of the following, which are negotiated with the accused faculty member:
- (a) informal discussions with the parties (normally informal discussions will be used only to resolve a first complaint against a faculty member¹)
 - (b) education

¹ A verbal warning and counseling are insufficient responses to continuing sexual harassment. "Counseling is sufficient only as a first resort." To avoid liability, the employer must impose more severe measures. Intlekofer v. Turnage, 59 FEP Cases 929 (9th Cir. 1992).

- (c) offer of apology to the complainant
- (d) formal mediation by a professional
- (e) verbal or written notice from the appropriate academic administrator requesting specific behavior changes
- (f) leave of absence, transfer, demotion, resignation
- (g) other measures deemed appropriate for the situation

C303.04 If a satisfactory resolution cannot be reached, or if additional complaints are received, the Dean or accused faculty member may initiate a hearing.

C304.00 **RECORDS**

C304.01 The Ombudsman will keep a confidential record of discussions and actions of the preliminary inquiry and informal intervention in a separate file. Information will become part of the accused faculty member's official personnel file and academic record only if the resolution agreed upon in Informal Intervention involve actions beyond informal discussions, as described above in 303.03 (a).

C304.02 If an individual merely seeks information or clarification about harassment or discrimination from the Ombudsman or any faculty or administrator, but does not address specific offensive conduct, then no record will be kept or any faculty named.

C304.03 Throughout this part of the complaint process, the University will be guided by discretion, with information shared on a need-to-know basis only.

C305.00 **PROTECTING COMPLAINANTS AND OTHERS**

C305.01 To the extent practical, the complainant will be informed of steps taken during the resolution process.

C305.02 Reasonable actions will be taken to insure that no one involved in the process will suffer any retaliation as a result of their involvement in the process. Retaliation violates the law and University policy.

C306.00 **PROTECTING THE ACCUSED**

C306.01 In the event that the allegations are not substantiated, reasonable steps may be taken to restore the accused's reputation if it was damaged by the proceedings.

C306.02 A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to University discipline.

C307.00 **(3) FORMAL COMPLAINT AND HEARING PROCEDURE**

A formal complaint requiring a hearing occurs only after Informal Intervention has not resolved the complaint. If a complaint proceeds to a hearing, the parties to the complaint are the University and the accused faculty member. An individual (student, employee, other faculty) who made the complaint appear in the role of witness.

C307.01 1. Written Complaint and Hearing

C307.02 a. The case will be heard by the Harassment/Discrimination Committee of the Faculty Assembly. The Ombudsman shall notify the Committee to proceed to hear the complaint. The Ombudsman shall be an ex-officio, non-voting member of the Committee, to assure that

procedures and deadlines are met. The Ombudsman shall not participate in deliberations of the Committee to ensure that the Committee bases its decision solely on the evidence received at the hearing.

- C307.03 b. The Committee will proceed so that normally the entire formal procedure may be completed within thirty working days from the first date of the hearing, giving high priority to the issue and taking into account all important evidence to determine if the complaint was proven as charged. The parties to the formal hearing shall be the University through the appropriate dean and the accused faculty member, who may choose to be represented by counsel or another advisor. Each party shall have the right to have an attorney present during the hearing. The investigation shall proceed in such a way as to give a fair hearing to all parties involved, including the following procedures. The Committee will determine the extent of all questioning.
- C307.04 1. The Committee shall have overall responsibility for the conduct of the hearing. This will include the determination of the admissibility and relevance of testimony and evidence. The Committee will control the proceedings so that all parties maintain mutually respectful conduct. The University shall have the burden of proving that the accused engaged in harassment or discrimination as charged by a preponderance of the evidence.
- C307.05 2. The Committee will take reasonable measures to protect the privacy of all those involved in the hearing. To that end, the Committee will tell those appearing before it not to discuss their statements, nor comment on the proceedings outside of the hearing.
- C307.06 3. The parties and their advisors/counsel, if any, will be permitted to sit in the hearing during all statements and questioning. Other persons will be permitted to attend only during their own statements and questioning.
- C307.07 4. The University may make an opening statement to the Committee.
- C307.08 5. The accused faculty member, or their counsel or other advisor if any, will make an opening statement to the Committee.
- C307.09 6. The University (through appropriate dean or alternate as designated by President) shall have responsibility for presenting the case to the Committee, and may call and question the accused faculty member and witnesses and submit other relevant evidence.
- C307.10 7. The accused, or the accused's counsel/advisor, if any, shall have the opportunity to call and question these witnesses.
- C307.11 8. Upon completion of the University's case, the accused or the accused's counsel/advisor, if any, shall present his/her case and may call and question witnesses and submit other relevant evidence.
- C307.12 9. The University shall have the opportunity to question these witnesses.
- C307.13 10. The Committee shall have the right to question any witnesses before the Committee and to secure any additional evidence or information the Committee deems relevant.
- C307.14 11. Once both parties have presented their cases, the Committee shall meet to deliberate in confidence.

- C307.15 12. If the Committee requests counsel, the University will provide independent counsel for the Committee.
- C307.16 13. Committee members shall be released from their teaching responsibilities so that the hearing may be concluded in a timely manner. All witnesses and participants shall make themselves available to appear at the Committee's request in accordance with the Committee's time table. The University will direct faculty, staff, and/or administrators to appear if requested by the Committee.
- C307.17 c. The Ombudsman will ensure that an audio record of the proceedings is kept. This record will be the exclusive record of the hearing. The Committee's deliberations and notes taken by individual Committee members, however, will be private and confidential. Committee members are responsible for the security of any notes they take.
- C307.18 The parties may not bring their own court reporters or record the hearing. Copies of the audio record will be available to all parties upon request. Those having access to the audio record will not disclose its contents outside the hearing procedure unless compelled to do so by law.
- C307.19 d. The Committee's decision will be based solely on the evidence presented at the hearing, together with consideration of the parties' oral arguments. Normally, the Committee shall reach and issue a written decision by majority vote not later than ten working days after the hearing.
- C307.20 The decision shall contain the Committee's determination of whether the accused engaged in harassment or discrimination, and shall include specific findings of fact.
- C307.21 If the Committee finds harassment or discrimination, the Committee shall be empowered to propose a sanction consistent with the severity of the action. These could range from verbal or written reprimands to recommended suspension from teaching duties, or discharge. The decision shall also include the Committee's recommendation for disciplinary action, if any, to be imposed.
- C307.22 If the Committee should find that a false charge has been brought against a faculty member, the Committee will report to the appropriate vice president with a copy to the Ombudsman. When there is clear evidence of malicious intent on the part of a complainant to create a situation that constitutes harassment of the accused, the Committee may refer the matter to the appropriate office for appropriate discipline. The confidential records regarding a false or unsubstantiated charge shall not be entered in the accused's personnel file, but will be kept by the Ombudsman.
- C307.23 e. The formal procedure, including issuance of the Committee's decision, normally should take no longer than thirty working days from the date the formal hearing begins.
- C307.24 2. Implementation
- C307.25 a. The Committee's decision shall be filed with the Ombudsman who shall immediately furnish copies to the parties and to the appropriate supervisors and vice presidents of the parties. The Ombudsman shall furnish a copy of the Committee's decision to any complainant(s) involved in the matter at issue in the formal hearing, with personally identifiable information about other individuals removed. The Ombudsman also shall notify each party of the review process available.

- C307.26 b. If disciplinary action is deemed necessary, the Committee will forward its determination and recommendation as to sanctions to the Academic Vice President. The Academic Vice President normally abides by the Committee's recommendation. If there is a disagreement with the recommended sanctions, the Academic Vice President shall specify the reason for the objections and return the matter to the Committee. The Committee will then reconsider and return another recommendation or reaffirm its previous recommendation.
- C307.27 c. Any disciplinary action ordered by the Academic Vice President shall be initiated within seven working days after expiration of the deadline for filing an appeal, or within seven working days of the vice president's receipt of the Reviewing Officer's decision if an appeal is filed under the review process. Advice in implementing the decision should be sought from the chair and/or dean and, when necessary, the Director of Human Resources.
- C307.28 d. When the decision has been implemented and the appropriate parties notified, the Ombudsman shall retain in a confidential file all records assembled by the Ombudsman pertaining to this matter. A written record of the finding of harassment or discrimination will be entered into the accused's personnel file unless overruled by the appeal process or a court of law.

C308.00 (4) APPEAL PROCESS WHEN THE ACCUSED IS A FACULTY MEMBER

- C308.01 The purpose of this process is to provide the parties an opportunity to have an independent review of a decision from the formal hearing. No review is provided for actions taken during informal intervention.
- C308.02 The Ombudsman for Harassment (EEO Compliance Officer) is the Compliance Officer for this process.
- C308.03 This appeal process should normally be completed within thirty calendar days from the date of the appeal request. If more time is needed, the Ombudsman will notify the appropriate parties in writing of a reasonable time frame for completion.
- C308.04 Any party who believes the formal hearing procedures have been violated or improperly applied, or that the decision and/or sanctions are inappropriate, may appeal to the President as follows:
- C308.05 1. The appealing party must submit a written appeal with the Ombudsman within seven working days of receipt by the party of the Academic Vice President's (AVP) decision on the Committee determination and recommendation in the formal hearing procedure. This appeal must specify the error(s) the appealing party believes existed in the process or in the AVP's decision. The appeal may address the Committee's fact-finding, the determination of guilt or innocence, and/or the disciplinary action/sanctions ordered.
- C308.06 2. The University President will serve as the Reviewing Officer. Within two working days of receiving the appeal request, the Ombudsman shall notify the President, and the other ("non-appealing") party to the complaint of the appeal. The Ombudsman shall also send the President and the non-appealing party a copy of the appeal.
- C308.07 3. The non-appealing party and his or her representative(s) have seven working days after receiving the appeal to file a written response with the Ombudsman, stating the reasons for accepting or rejecting the appeal. If the non-appealing party believes the Harassment/ Discrimination

Committee's decision contains errors, he or she may cross-appeal; a copy of any cross-appeal will be sent to the appealing party within two working days of its submission.

- C308.08 4. The appealing party then has seven working days from receipt of a copy of the cross-appeal to file a written response with the Ombudsman, who will send a copy to non-appealing party within two working days of its receipt.
- C308.09 No further written material may be filed by any party.
- C308.10 5. The Ombudsman will send to the President and to both parties the record and decision from the formal hearing, and will schedule a mutually satisfactory date for a hearing before the President. Both parties will attend, and oral argument may be presented by them or their attorneys (or other designated spokespersons). The President may retain legal counsel. The President may establish time and appearance limitations for the appeal, consistent with the intention that this process is to review existing evidence and not to hear additional evidence. The President may refer the matter back to the Committee for further hearing on new evidence if a reasonable explanation exists for it not having been presented at the formal hearing. The President may ask either party questions proper or essential to the review.
- C308.11 6. The Ombudsman shall ensure that an audio record of the proceedings is kept, and also prepare and retain a brief written summary of the evidence presented. All documentation presented will be retained by the Ombudsman.
- C308.12 7. Normally within three working days of receiving the summary, the President will issue a written decision which will affirm, modify, or reverse the Faculty Harassment/Discrimination Committee's decision. The President should briefly state reasons for his decision on the appeal. The President's decision shall be based only on the material received from the formal hearing, together with the material submitted and arguments made in the appeal process, and the decision shall be final.
- C308.13 8. The President's decision shall be filed with the Ombudsman, who shall distribute copies to both parties and to the Academic Vice President. The Academic Vice President will implement the President's decision within the time specified in the formal hearing procedure.
- C308.14 9. The President's decision is the final recourse within the University.

C309.00 ALTERNATIVE STEPS

- C309.01 Gonzaga University's intention is that through these procedures any complaints will be resolved internally; however, a complaint may be filed with federal or state agencies, such as:

WASHINGTON STATE HUMAN RIGHTS COMMISSION

Information and Complaints

1-800-233-3247

1-800 622-2755 (Spanish)

Washington State Human Rights Commission

905 Riverside, Suite 416

Spokane, WA 99201

(509) 456-4473

U.S. Department of Labor
Office of Federal Contract Compliance Programs
1111 Third Ave., Suite 610
Seattle, WA 98101
(206) 553-4508

U.S. Department of Education
Office for Civil Rights
915 Second Avenue, Room 3310
Seattle, WA 98174
(206) 220-7880

TDD (206) 220-7907

Equal Employment Opportunity Commission
Federal Office Building
909 First Avenue, #400
Seattle, WA 98104
(206) 669-4000

C310.00 INDEMNIFICATION

- C310.01 In the event a complainant, charging harassment or discrimination, brings suit in a court of law against a faculty member who has been found not to have engaged in the alleged harassing or discriminatory behavior through internal procedures outlined in this document, the University shall indemnify said faculty member in accordance with Article VIII of the University By Laws. The foregoing provision shall apply only to instances in which the alleged charges are work-related.
- C310.02 In the event any member of the Harassment/Discrimination Committee is sued over a matter for which the Committee conducted a hearing, the University shall indemnify said faculty member in accordance with Article VIII of the University By Laws. However, the Faculty Harassment/Discrimination Committee members who conducted the hearing agree not to volunteer information regarding any hearing proceedings or Committee deliberations unless required by law.

HARASSMENT/DISCRIMINATION COMMITTEE

1. The Harassment/Discrimination Committee shall consist of four members of the faculty elected by members of the Faculty Assembly in April of each year. All members of the Harassment/Discrimination Committee must be full-time tenured faculty. Two members will be elected for two-year terms in the spring of even years and two members will be elected for two-year terms in the spring of odd years.*
2. Each elected member of the Harassment/Discrimination Committee will receive formal training in the areas of harassment and discrimination. Arrangements and funding for this training will be provided by the Administration.
3. Elected members of the Harassment/Discrimination Committee shall select their own chairperson who president at all meetings.
4. If any faculty member, staff member, or student feels that harassment or discrimination has occurred, the Harassment/Discrimination Committee may be petitioned for a hearing according to the Formal Procedures of the Harassment/Discrimination Complaint Procedures.
5. If all four member are present during the proceedings of a given complaint, then the chairperson would conduct the proceedings, but would be a non-voting member of the Harassment/Discrimination Committee for the decisions regarding the complaint.
6. If a member of the Harassment/Discrimination Committee has served as the Mediator under the Informal Procedures of the Harassment/Discrimination Complaint Procedures, then that faculty member could be brought before the Committee to give statements or be questioned, but that faculty member would not serve on the Harassment/Discrimination Committee for the Formal Procedures for the same complaint.
7. Other specific duties and Harassment/Discrimination procedures are detailed in the Harassment/Discrimination Complaint Procedures.

*(During the first election only, the two faculty members receiving the third and fourth highest number of votes will be elected from one-year terms.)

NOTE: On November 30, 1992, the Faculty Assembly approved the following proposal as a two-year experiment, which—if successful—will be submitted to the Faculty Assembly and the University Trustees as a formal amendment to the H/D Procedures described above.

The following is the full proposal for how the H/D Committee will be composed for 1993-1995.

The Faculty Harassment/Discrimination Committee will consist of eight tenured members. Three males and three females will be elected by the Faculty Assembly. Two members will be appointed by the Executive Committee as follows. The Committee will call for volunteers to achieve as diverse an ethnic participation as possible on the H/D Committee, and will appoint two of these volunteers to achieve this purpose. The Committee will also try to implement the University's non-discrimination policy statement (601.00), which lists seven other prohibited types of discrimination. All eight members will receive the training required by the H/D Complaint Procedures for H/D Committee members.

If a complaint of harassment or discrimination arises, a Hearing Board will be chosen to hear and decide the complaint as follows. Each side (complainant and respondent) will each pick one member of the pool to serve on the Committee; then each will eliminate one member of the pool from serving on the committee, then each will

pick another member of the pool to serve on the committee. That four-person group will then choose a chairperson from among the remaining non-excluded members (elected members if any are available), who will not vote except in case of a tie. The Hearing Board will function according to the Harassment/Discrimination Complaint Procedures adopted in 1992.

If this proposal is adopted after a two-year trial period as the permanent composition of the H/D Committee, all eight committee members will have two-year terms, half of which will end every year. During the two-year period, in the first year, half of the members will receive three-year terms (so as not to waste their training, three year terms seem better than one-year terms); the other half will receive two-year terms. Of the six faculty elected the first year, two female and one male will receive three-year terms' two males and one female will receive two-year terms. (If this proposal is altered, the committee members with three-year terms should be kept on the revised committee so as not to lose their training and experience.)

As amended Summer 2001

APPENDIX 300D: GRIEVANCE PROCEDURES

General Rules:

1. The entire process for hearing a grievance must be completed within 75 working days.
2. The Grievance Committee may choose to develop a set of rules and regulations governing its actions. If developed, these rules will be filed with the Faculty Assembly Executive Committee and the Academic Vice President.

Step One.

- A. The grievance must be filed within 30 working days of the time of the incident or decision giving rise to it, or within 10 working days of when the grievant learns of the incident or decision, whichever is later.
- B. The grievant must file the grievance with the individual or body (the respondent) who the grievant believes has or will make a decision subject to grievance. It must be in writing.
- C. The parties shall make every effort to resolve the matter.
- D. If both parties agree to a resolution, the process will end at this point. Both parties will indicate their agreement in writing.
- E. If the complaint is not resolved the respondent shall respond to the grievance in writing.
- F. This first step must be completed within ten working days.

Step Two.

- A. If the grievance is not resolved in step one, the faculty member may file a written grievance with the Grievance Committee within ten working days of having received the response required in Step One E.
- B. The grievant must provide a statement of the grievance, the facts upon which it is based and the remedy sought.
- C. The Committee will provide a copy of the grievance to the respondent.
- D. The respondent will provide a written response to the Committee, which will forward the reply to the faculty member.
- E. The Chair of the Committee or his/her designee will meet with the parties, clarify the issues and attempt to resolve the grievance by mediation.
- F. If this mediation fails, the mediator will provide a written summary of the attempt to the Committee.
- G. If this mediation is successful, the mediator will issue a report to the Committee and to the parties. No further action will be taken.
- H. This step must be completed within 10 working days.

Step Three.

- A. In the event that mediation is not successful, the faculty member may request a determination of the grievance by the Grievance Committee. The request must be submitted in writing to the grievance committee within 10 working days of being notified of the filing of the report by the mediator (See Step 2b.) When hearing grievances, the Committee has the option to meet as a committee of the whole, or in panels of at least three members. If it chooses to hear grievances by panels, decisions of the panels shall be considered the decisions of the committee.
- B. The Grievance Committee will meet separately with the faculty member and the respondent. It may then try to resolve the grievance by informal means.
- C. If the parties do not agree to an informal settlement, the Grievance Committee or panel may convene a hearing on the grievance.
 - 1. It may request cooperation from any persons who it believes can help to resolve the matter. Those persons have an obligation to respond to information or appearance requests by the Committee unless a recognized legal privilege is claimed and is determined to be valid by the Committee.
 - 2. All meetings of the Committee shall be private. The Committee will keep a record of its proceedings. The record and all papers and deliberations pertaining to the grievance will be kept confidential unless a court of competent jurisdiction orders their release. The custodian of the records is the EEOC officer of the University.
- D. The Committee may dismiss the grievance after hearing the matter if it determines that no further action is appropriate, or it may decide that the grievance has merit. In either event, it will issue a report explaining its findings and conclusions and a recommendation. This report must be filed within fifteen working days of the start of step three. The report will be filed with the area vice president who has jurisdiction over the matter. In the case of grievances filed against the Committee on Rank and Tenure, the Academic Freedom and Tenure Committee or a vice president, the report will be filed with the President.
- E. The person receiving the report must respond to the Grievance Committee within ten working days. Normally, the decision recommended by the Committee will be followed. If the person with whom the report is filed refuses to follow the recommended decision, or alters the remedy in any significant way, the Grievance Committee may certify the dispute for arbitration.

Step Four. (Arbitration)

- A. The Grievance Committee and the University Administration shall each appoint one person who they consider to be fair and impartial to serve on the arbitration panel. The two appointees will then appoint a third person. The University Administration shall pay any expenses related to the arbitration.
- B. The Committee will send the complete record of the matter to the panel.
- C. The panel will review only the previous record of the matter in making its decision, unless it determines that further oral proceedings are required.

D. All proceedings of the panel will be conducted pursuant to the current rules and procedures of the American Arbitration Association unless the panel determines that the interest of justice will be better served by modification of those rules.

E. The panel shall issue an order resolving the matter within ten working days of the start of step four. This order shall be sent to the faculty member making the complaint, the respondent, the President or appropriate Vice President, and the Grievance Committee. The decision of the arbitrators completes the internal grievance procedure and is final and binding on the parties.

Year-End Report

The Grievance committee will issue a report to the Executive Committee of the Faculty Assembly and to the President of the University regarding the prior year's work each Fall. The report will contain the following information: a. the number of grievances filed, b. the disposition of each grievance, and c. the general subject of each grievance. The report will be published by September 15 each year.

APPENDIX 300E: PROCEDURES FOR DISMISSAL FOR CAUSE

Informal Adjustment: Proceedings to dismiss a faculty member are initiated by the appropriate department chairperson or Dean after sufficient investigation to determine that reasonable grounds exist for the belief that the faculty member has committed acts justifying dismissal. Upon being notified of such a determination by the department chairperson or Dean, the President, or someone designated by him, will notify the faculty member of the charges being prepared and the probable consequences of those charges. The faculty member may wish to resign at this point rather than respond to the charges. If the faculty member wishes to respond to the charges, the President or his designate, with the advice of the Academic Vice President, will appoint one faculty member and the chairperson of the Committee on Academic Freedom and Tenure to review the case with the department chairperson or Dean in the hope that an informal settlement can be reached. If no informal settlement is reached within one week (or within an additional thirty days, if the chairperson of the committee believes such an extension advisable), a formal committee proceeding may be commenced.

Formal Board Proceeding: The formal board shall be a permanent committee of the University known as the Academic Freedom and Tenure Committee. The members of this committee shall be limited to full-time tenured members of the faculty with rank of Associate Professor or Professor. The full-time members of the University faculty shall biennially elect from among their numbers seven persons who shall constitute the regular members of the committee. At the same time seven alternates shall be chosen. These alternates shall serve on the committee in the event that any of the permanent members is challenged for cause, or for other reasons are unable to participate in the proceedings of the board. The seven permanent members of the committee shall elect one of their number as chairperson of the committee.

The steps to be followed are:

1. A formal dismissal proceeding shall be initiated by a communication from the Academic Vice President to the faculty member and to the chairperson of the Committee on Academic Freedom and Tenure containing:
 - a. a statement giving with reasonable particularity the grounds for dismissal;
 - b. a statement that the Committee on Academic Freedom and Tenure will conduct a hearing on the charge or charges;
 - c. a statement of the time and place for the hearing, such time being set by the committee to permit the faculty member sufficient opportunity to prepare a defense;
 - d. a copy of pertinent University and Committee regulations governing procedural and substantive rights for the faculty member.
2. Not less than two weeks before the date set for the hearing the faculty member shall submit to the Academic Vice President and the chairperson of the Committee on Academic Freedom and Tenure a written answer to the grounds for dismissal.
3. If the faculty member does not answer the Academic Vice President's statement of grounds, the committee shall consider whether the stated grounds do constitute adequate cause, and if on the basis of obtainable information the failure to answer the charges is unjustified, it may be concluded without further inquiry that the dismissal would be proper.

4. At a formal hearing before the Committee on Academic Freedom and tenure the faculty member shall be entitled to appear and to be represented by counsel at the faculty member's own expense. The faculty member shall be permitted to challenge any member of the committee for personal prejudice. In that case, the committee will consider the matter and determine whether an alternate(s) will be used. The faculty member may also confront and cross-examine witnesses. The faculty member will have the aide of the committee when needed in securing the attendance of witnesses on his or her own behalf, and may take the opportunity to submit written and oral argument. In the hearing of charges of incompetence the testimony shall include that of teachers and other scholars whether from the University or from other accredited institutions.

5. Hearing

a. The hearing shall be held in private unless the faculty member requests otherwise. However, the University reserves the right to ban news media from an open hearing.

b. A record of the formal hearing shall be kept by stenographer furnished by the University. The faculty member shall be entitled to a copy of the transcript furnished at University expense.

6. Report

a. Within ten working days of the conclusion of the hearing, the committee shall make its recommendations in writing to the Academic Vice President. If a majority of the committee agree that additional time is needed, the presentation of recommendations may be delayed for an additional period not to exceed 25 calendar days. The committee shall make specific findings of fact supporting its conclusion on each of the grounds for dismissal presented. Each member of the committee may file a written opinion setting forth reasons for dissent from the majority vote. The committee shall recommend dismissal only if:

1) it finds that the grounds stated constitute adequate cause for dismissal; and

2) it finds, by a preponderance of the evidence, that the faculty member is guilty as charged.

b. If the committee judges that some disciplinary action short of dismissal is appropriate, it may so recommend.

7. The President shall review the findings of the committee and make the final decision. The President's review shall be based on the record of the hearing before the Committee on Academic Freedom and Tenure, accompanied by opportunity for oral and written argument by the principals or their representatives. The President will normally abide by the committee's decision. If the President disagrees with the committee, the proceedings shall be returned to the committee with his objections. The committee shall reconsider the case, following the procedures specified above, taking account of the stated objections and receiving new evidence if necessary. After reconsideration, accompanied by opportunity for oral and written argument by the principals or their representatives, the President shall make the final decision.

8. Conclusion

(a) Suspension of a faculty member during such proceedings will occur only if immediate harm to self or others is threatened by the continued performance of duties. The power to so

suspend is reserved to the President. In the event of suspension, the faculty member's contractual arrangement with the University continues in force until formal notification of dismissal.

(b) The University is not obligated to compensate faculty members dismissed for cause beyond the date of the formal notification of dismissal unless so required by law.

(c) Ordinarily the University will treat the transcript of the proceedings as confidential matter. If, however, the dismissed faculty member discloses any aspect of the dismissal or the proceedings in any public or private forum or public news medium the University may, at its discretion and to the extent appropriate, release pertinent portions or the entire transcript of the proceedings-- including those proceedings held in private--in the same public or private forum or news media used by the dismissed faculty member.