

8-2018

## Faculty Policy and Governance Handbook, 2018

University of Dayton

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# **FACULTY**

## **POLICY & GOVERNANCE HANDBOOK**

**August 2018**

**Faculty Policy and Governance Handbook Website:**

**<http://udayton.edu/provost>**



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## FOREWORD

This electronic edition of the *Faculty Handbook* supersedes the print copy published by the Office of the Provost in March, 1994, and all subsequent online versions. Having access to an online *Faculty Handbook* ensures University Faculty are kept current with the Basic Governing Documents of the University. It contains general and faculty-specific policies and procedures related to conditions of employment, contractual obligations, tenure review, appeal processes, and compensation and benefits; and ancillary information on University support areas, University committees, councils, and boards, and organizations and associations.

The *Faculty Handbook* provides faculty with both text and direct links to websites and data. The table of contents identifies section headings that will assist you in your search. A Frequently Asked Questions (FAQ) page in the Introduction section is designed to link you quickly to the information you are seeking. The main sections of the *Faculty Handbook* will be updated frequently, and links will be checked periodically so faculty will have immediate access to revised websites and/or documents.

The Associate Provost for Faculty and Administrative Affairs welcomes recommendations from faculty on improving the *Faculty Handbook* and making it even more user-friendly.

Please send all suggestions by e-mail to [provostoffice@udayton.edu](mailto:provostoffice@udayton.edu) or by campus mail to the address below.

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August, 2018

## FREQUENTLY ASKED QUESTIONS

Members of the faculty usually approach the *Faculty Policy and Governance Handbook* (FH) with specific questions in mind. They may be looking for a particular policy or procedure or trying to see if there is a written policy or explanation that pertains to an issue they have encountered. The FH therefore serves as an important reference tool for faculty.

To facilitate faculty searches, FH now has a “Search” feature (control F) that will take users to places in the text that match keywords they are looking for. Users will also find a Table of Contents page with links to take them directly to a particular section of the FH. Direct links to other online University resources (the *University Academic Catalog*, the *Student Handbook*, *Policies and Procedure Manuals* in Administrative areas, and others) are provided when appropriate to enable users to access the most complete and up-to-date information available on the subject of their search. When referring a user to a relatively large document where it is not possible to take them directly to an excerpt/section of interest, instructions are included in the FH to help locate the item of interest. The FAQ’s in the scenarios listed below are designed to help the faculty locate the information they are seeking.

- ***Where can I learn about the history of the University, its mission, and its Catholic, Marianist identity?***

The most up-to-date information on UD’s history, mission, and Catholic, Marianist character can be found on the [University of Dayton’s](#) homepage.

- ***Where can I find a current Organizational Chart of the University?***

The organizational chart for the University can be found on the [Human Resources](#) website.

- ***Where can I find the governing documents of the University?***

The governing documents of the University include the Amended and Restated Articles of Incorporation; the Code of Regulations of the University of Dayton; and the Bylaws of the Board of Trustees. These documents can be found on the [Legal Affairs](#) website.

- ***Does the faculty have a representative group that oversees educational and academic policies? If so, what powers does it have?***

In approving the *Constitution of the Academic Senate*, the University Faculty delegates its authority and responsibility over educational and academic policies to the Academic Senate (AS) in all matters except policies pertaining to academic freedom and tenure. The AS exercises its authority in three distinct ways: legislative authority, legislative concurrence, and consultation, and its legislative actions are subject to approval by the President and the Board of Trustees. For detailed information on the powers of the AS, visit the [AS](#) website.

- ***Where can I find the University's policies and guidelines for promoting and granting tenure to faculty?***

The University's core documents on tenure are contained in the 1996 "[Regulations on Academic Freedom and Tenure](#)," which appear in Section IV: General Faculty Policies in the FH. You should also consult regulations passed in 2007 in the Academic Senate document [2006-10, University Tenure and Promotion Policy](#), that linked the granting of tenure to promotion to the rank of associate professor and set up a University-wide Committee on Promotion & Tenure to oversee consistency of practice within the College and the Schools in both the tenure review and promotion processes.

Faculty should contact their chairperson and dean for copies of their department and unit promotion and tenure policies.

- ***What appeal processes for dismissals, denial of tenure, violations of academic freedom and other grievances does the University have in place?***

The University has two standing committees that handle faculty appeals: The Faculty Hearing Committee on Academic Freedom and Tenure (FHC-AFT) and the Faculty Hearing Committee on Grievances (FHC-G). Both are described in [Section IV: General Faculty Policies and Procedures](#) in the FH. You will also find a link to the by-laws of the committees from Section IV.

- ***Does the University have a policy on faculty evaluation?***

The policies related to faculty evaluation are available in [Section IV: General Faculty Policies and Procedures](#) in the FH. The primary purpose of faculty evaluation is the continuing professional development of the members of the faculty in their teaching, research, and service to the University.

- ***Where can I find faculty policies related to compensation and benefits?***

The Office of Human Resources provides an on-line overview of benefits and leaves of absence policies for faculty. To access this information, please visit the [Human Resources](#) website.

Be sure to read the Messages from the University President and the Vice President for Human Resources that introduce these policies. Other employee policies can be found on the [Human Resources](#) website as part of the Policies and Procedures Handbook applicable to all University employees. These include the following policies:

- a. Affirmative Action and Equal Opportunity
- b. Americans with Disabilities Act (ADA)
- c. AIDS Position Statement and Guidelines
- d. Alcohol and Drug policies
- e. Ethical, Legal, and Secure Use of Electronic Resources
- f. Confidentiality and Security of University Property

- g. Conflict of Interest policies
- h. Distribution or Sale of Materials and Solicitation of or by Employees
- i. Emergencies
- j. Employee Grievance Procedure
- k. Nepotism
- l. [Nondiscrimination and Anti-harassment Policy](#)
- m. Tobacco Policy

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## SECTION I: INTRODUCTION TO THE UNIVERSITY OF DAYTON

### 1. History of the University, our Catholic, Marianist Identity, and our Mission Statement

For information on the University's history, Catholic, Marianist identity, and mission statement, see the [University of Dayton's](#) homepage.

### 2. Description of the University's Patroness, Coat of Arms, Motto, Colors, and Anthem

The **Patroness** of the University of Dayton is the Blessed Virgin Mary under the title of Mary Immaculate. The main campus chapel is dedicated to her as is the Chapel of the Immaculate Conception in Alumni Hall.

The flaming torch on the University **Coat of Arms** is alive with the quickness of fire. As the focus of the coat of arms, it symbolizes the light and guidance of faith on the work of the University. An open book represents the arts and sciences. Much is recorded in the book, and it is the light of the Catholic faith which rightly interprets the beauty and awesomeness of the arts and sciences as manifestation of God's beauty and creativeness. The wheel fitly conveys the idea of the engineering and technology and the other professional studies which are avenues through which service in God's name can be rendered. Strongly lighted over the flame of the torch, the letter "M" proclaims the Marian spirit of the Society of Mary (Marianists), the religious order of men which conducts the University. Like the torch itself, it has the brilliance of Mary and is the Seat of Wisdom and the Mother of Good Counsel. The "M" also recalls the original name of the University, St. Mary's Institute. The foundation date of the University, 1850, is inscribed in the outer rim of the coat of arms. The idea of completeness of education, "C" religious, spiritual, moral, intellectual, aesthetic, social, and physical, is revealed in the circular shape of the coat of arms. Likewise, the circle symbolizes the continuity of purpose and the perpetual service of the Society of Mary.



*Pro Deo et Patria* ("For God and Country") is the **Motto** of the University--a motto which indicates the twofold duty all have to serve both God and humanity. *Patria*, translated, means "nativeland," but it should be interpreted as embracing the whole world.

The combination of columbia blue and red, the University **Colors**, represents the theme of devotion to Mary and loyalty toward humanity. The columbia blue also stands for truth and the red for love.

The University **Anthem** below celebrates the fidelity and loyalty that is engendered in the relationship of our students and their Alma Mater.

On mountain high and hillside,  
O'er meadow and through dell  
In busy mart and hamlet,  
Where hearts their story tell,  
A clarion voice is ringing,  
It rises, now it falls.  
Arouse, all ye of Dayton,  
Your Alma Mater calls.

UD, we hear you calling,  
Fidelity's the test,  
Your sons and daughters answer from

North, South, East and West.  
With measured tread advancing,  
Our emblem full in view,  
We sound your praise and pledge  
Our loyalty to the Red and Blue.

### **3. Accreditation and Institutional Membership**

#### ***Accreditation***

The University of Dayton is accredited by the Higher Learning Commission <http://www.hlcommission.org/>  
HLC phone: (800) 621-7440.

For a complete list of all program accreditations, approvals and institutional memberships please see the University of Dayton [\*Academic Catalog\*](#).

## SECTION II: GOVERNANCE AND ADMINISTRATION

### 1. Legal and Organizational Chart – see [Human Resources](#) website

To find a list of the other reporting lines to the Provost, see the Directories section of the [Academic Catalog](#).

### 2. Major University Councils, Committees, and Boards

(See also the [Human Resources](#) website)

#### THE UNIVERSITY OF DAYTON - 2012 MAJOR UNIVERSITY COUNCILS, COMMITTEES & BOARDS

##### BOARD OF TRUSTEES

Academic Affairs Committee  
Athletics Committee  
Audit Committee  
Committee on Research & Scholarship  
Committee on Trustees  
Executive Committee  
Facilities Committee  
Finance Committee  
Investment Committee  
Mission & Identity Committee  
Student Life Committee  
University Advancement Committee

##### PRESIDENT

President's Council  
Honorary Degree Committee

##### VICE PRESIDENT FOR RESEARCH

Research Council

##### DEAN OF THE GRADUATE SCHOOL

Graduate Leadership Council

##### PROVOST

Provost's Council  
Academic Senate (Elected)  
Animal Care and Utilization Committee  
Assessment Committee  
Calendar Committee  
Center for International Programs Executive Advisory Board  
Committee on Mini-Courses  
Elections Committee  
Ethical Decisions Committee  
Faculty Awards Committee  
Faculty Board (Elected)  
Faculty Development Committee  
Faculty Hearing Committee on Academic Freedom and Tenure (Elected)  
Faculty Hearing Committee on Grievances (Elected)  
Graduation Committee  
Honors and Scholars Advisory Committee  
Honors and Scholars Task Force  
Institutional Review Board for the Protection of Human Subjects in Research  
IT Support Board  
Library Committee  
LTC Innovation Grants Committee  
Scholarship Committee  
Special Admits Committee  
University Committee on Common Academic Program  
University Promotion & Tenure Committee (Elected)  
University of Dayton Speaker Series Committee

##### VICE PRESIDENT FOR STUDENT DEVELOPMENT AND DEAN OF STUDENTS

Student Life Council  
Judicial Review Committee  
Campus Awareness Response & Evaluation Team  
University Hearing Board

##### VICE PRESIDENT FOR FACILITIES MANAGEMENT

Campus Facilities Committee

##### VICE PRESIDENT AND DIRECTOR OF ATHLETICS

Athletics Advisory Committee  
Student-Athletes Advisory Board (SAAB)

##### VICE PRESIDENT FOR FINANCE AND ADMINISTRATIVE SERVICES

University Policy Coordinating Committee

##### VICE PRESIDENT FOR HUMAN RESOURCES

Grievance Board  
Human Resources Advisory Council

### 3. [Governing Documents of the University of Dayton](#) include:

**Amended and Restated Articles of Incorporation**

**Code of Regulations of the University of Dayton**

**Bylaws of the Board of Trustees**

### 4. [Constitution of the Academic Senate](#)

### 5. Nature of the Position of the Department Chairperson

*Approved by the Academic Senate, February 13, 1970*

*Approved by the President of the University, March 13, 1970*

The position of a Chairperson will be better understood by a consideration of its place within the hierarchy of authority and responsibility as it exists within the University.

The [Academic Senate Constitution](#) states that “All discretionary powers in academic matters shall remain with the Provost, Faculty of the University, Deans, School and College Faculties, Departmental and Program Chairpersons and Departmental and Program Faculties.”

It is therefore necessary to explain the roles (authority — responsibility) of Chairpersons as they interact with faculty in relation to academic policy on the departmental level. Authority, simply defined, is the right and responsibility to make decisions and initiate action. It is important to recognize different types of authority, however. For example, the Board of Trustees has ultimate authority for the entire institution. From this, the Board delegates authority to certain individuals (Treasurer, Business Manager, etc.) to enter into contract and legally commit the University, i.e., *legal* authority. The Board also delegates operational authority to the administration (President, Deans, etc.). In addition, the Board delegates authority in academic matters to the faculty because of the specialized knowledge and competencies of the faculty. This is *technical* authority which is limited to the area of special competence. This authority, because it is based on expertise, is centered in persons rather than position.

The faculty in academic matters retains the right to participate in academic policy making, that is, to make judgments upon general means necessary to accomplish academic departmental objectives. But the faculty delegates authority for implementation and execution to administrators. Thus the operational authority possessed by the Chairperson comes from two sources and, in a sense, two directions (the Board and the Faculty).

Authority flows from responsibility. When the Chairperson accepts the responsibility for a department, he/she acquires the *operational* authority necessary to fulfill the objectives of that department. This authority, centered in the position rather than the person, is the authority to act within established University, School or College and Departmental policies and in accordance with approved University, School or College and Department procedures. Thus, the objectives of the department provide direction and the policies and procedures provide limits in the use of authority by the Chairperson. This operational authority of the Chairperson is dependent upon consultation with those having technical authority (department faculty) in those matters in which they have special competence. The Chairperson is accountable, also, to the next higher level of operational authority (the Dean). Decisions in the establishment of the departmental objectives and curriculum development or any judgment pertaining to the general means necessary to accomplish academic objectives are clearly within the special competence of the faculty. Departmental faculty share the responsibility and authority with the Chairperson.

On the other hand, scheduling classes, assigning work loads and office assignments, etc. are not within the special competence of departmental faculty and such decisions would not require their concurrence. In the areas of recruitment, selection, evaluation for purpose of salary recommendations and promotions, and termination and appointments of faculty members, it is clear that consultation with appropriate departmental faculty is necessary. Conference discussion, and interchange of opinion (individually or in a group) which can be labeled *consultative* management, should be used to make certain that the Chairperson has secured faculty opinion in addition to his/her own. This opinion should be carefully weighed and in the event the Chairperson departs from such opinion, he/she should so inform the faculty if it is deemed appropriate. Reasons should be given and comments invited. This analysis of the Chairperson's authority is the basis for the following description of the position of Chairpersons at the University of Dayton.

### **PATTERN OF DEPARTMENTAL ADMINISTRATION**

The Department Chairperson shall present to staff members of his/her Department *a pattern of administration* congruent with the following:

- (1) Consultation by the Chairperson shall occur on all matters concerning Departmental academic policy.
- (2) Consultation in this connection may involve staff meeting, conference, discussion, and interchange of opinion.

(3) For purpose of consultation, the following may be generally considered academic policy matters and therefore within the special competence of all of the faculty members of the Department: Departmental objectives, curriculum development, the pro and con of adoption of research projects and special programs, instructional methods, methods of cooperation with other units of the University or consortiums and any judgments upon general means necessary to accomplish Departmental objectives.

(4) In the event that the Chairperson feels it necessary to depart from the majority opinion, he/she should so inform his/her staff when they are present together in a meeting. Reasons should be given and comments invited.

(5) Consultation by the Chairperson on items that are policy matters but may not be within the special competence of all of the faculty, including such items as recruitment, evaluation of any individual for purposes of salary recommendation, promotions and termination of appointment, should be had with those members of the Department who have a special competence in the particular problem or to whom the item is of special interest.

(6) Consultation in areas that are essentially administrative, such as class schedules, work loads, office assignments, etc. and which are not necessarily within the special competence of the faculty is optional.

(7) Consultation on general Departmental matters should include a certain number of students. Information on all matters of general Departmental interests should be communicated to all members of the Department faculty and made available to the students, both majors and minors.

## **POSITION DESCRIPTION OF THE DEPARTMENT CHAIRPERSON**

### **(a) *General Statement***

Under the administrative direction of the Dean, and in accordance with the general policies, principles and purposes of the University, the Department Chairperson shall be responsible for the continued development of the academic discipline through the offering of courses in accordance with prescribed guidelines, the conduct of appropriate research, the staffing and assignment of the faculty in accordance with their professional competence as well as support staff, the general administrative processes including budget preparation, appropriate records and reports, and to provide academic expertise in his/her competence to the development of interdisciplinary programs as may be directed.

### **(b) *Specific Functions***

In carrying out the responsibilities outlined, the Department Chairperson shall consult with the department faculty and students in accordance with the pattern of departmental administration and with the Dean on matters relating to the academic program, the staffing requirements and other matters in their competence, and will perform the following specific functions:

(1) General administrative responsibility for the Department's programs, subject to the approval of the Dean of the College or School.

(2) Responsibility for the orientation of new faculty into the Department and to cooperate with other units of the University in the orientation of new faculty into the University.

(3) Plan with members of the staff and the Dean of the School or College a progressive program and be accountable for its implementation in conjunction with the faculty of the Department. This should involve a comprehensive, five-year plan brought up-to-date each year.

(4) Continual evaluation of course offerings in accordance with Departmental and University objectives.

(5) Recommend to the Dean of the School or College or proper committee appointments, promotions, salaries, dismissals, and matters affecting the tenure of members of the Departments.

(6) Recruitment of faculty to carry out the academic goals of the Department.

(7) Continual evaluation of the instructional staff utilizing methods not in conflict with principles of academic freedom.

- (8) Develop and administer a budget capable of providing an instructional program which stimulates growth of the faculty through research opportunities and self-renewal program. Such budget should be in keeping with the efficient use of available resources and should be presented to the Dean prior to the Dean's receiving of fixed budgetary figures or guidelines for planning.
- (9) Encourage research and educational programs. The administrative aspects of sponsored research are normally conducted by the Research Institute.
- (10) Develop and maintain a program of student advising; student records; and appropriate academic, professional and research reports as necessary to properly reflect the goals and objectives of the Department.
- (11) Consult with the Dean of the appropriate School or College and the Dean of the Graduate School on those matters pertaining to graduate programs in general and to cooperate and confer with them in the formulation and review of such policies.
- (12) Provide professional service to the community in keeping with the role of the University.
- (13) Serve on such councils and committees as appointed and provide other services as may be in his or her competence.
- (14) In consultation with the faculty members, assign the work load for each departmental member. Criteria include class size, class preparations, research, and service to the department, College or School, the University, and the profession.
- (15) Distribute the *Faculty Handbook* to the faculty.
- (16) Supervise the allocation of the time of the departmental secretary and auxiliary personnel.
- (17) Work to ensure the necessary materials and machines are available for the department.

## **APPOINTMENTS, NON-REAPPOINTMENTS, AND QUALIFICATIONS**

### **(a) Appointment**

Each Chairperson is appointed for a term of four years by the President and is eligible for reappointment for additional four-year terms. The Dean nominates the Chairperson subject to the approval by the Provost. In selecting a Chairperson for nomination the Dean of the School or College involved must consult with all faculty members of the Department as well as with students and other appropriate University officials.

### **(b) Non-Reappointment**

If the Chairperson is not reappointed after completing two four-year terms or more, the Dean will advise the Chairperson to apply for leave of absence in accordance with the policy of sabbaticals then in force.

### **(c) Qualifications**

The Chairperson shall have:

- (1) In-depth education and/or experience in the area of expertise of the Department.
- (2) Extensive demonstrated competence in the discipline by virtue of teaching, experience, research and demonstration of innovative concepts.
- (3) Administrative awareness of policies, procedures, concepts of academic freedom and management principles.
- (4) Ability to develop and maintain rapport with peers, administrators and academic associates in positions of responsibility.
- (5) Creativity, innovativeness and a perspective for leadership in the development of the faculty and students.

**Faculty Committee on Chairmen — December 5, 1969**

**Academic Senate — February 13, 1970**

**Administrative Council — March 5, 1970**

**President of the University — March 13, 1970**



## **6. Policy on the Evaluation of Academic Administrators**

### **I. Rationale for a policy for the evaluation of academic administrators**

A policy for the evaluation of academic administrators at the University of Dayton should establish and communicate clear, consistent, and meaningful expectations for the review of academic administrators' performance and for their professional development. These expectations should support widespread institutional understanding of the primary aims and scope of such evaluations, the main components and frequency of such evaluations, the nature of others' participation in the evaluations, and communication about their outcomes. Through such understanding, the quality and significance of these evaluations, both for the administrators being evaluated and for the broader university community, should be enhanced and sustained.

### **II. Purposes of the evaluation of academic administrators**

Evaluations of academic administrators should serve the following purposes, consonant with the purposes for the evaluation of faculty as stated in the *University of Dayton Faculty Governance Handbook* (Sect. IV.9.A.).

1. To promote administrative excellence in the University
2. To aid individual academic administrators in continual improvement of their professional performance
3. To assess academic administrators' contributions to the advancement of their units' strategic goals and mission
4. To assess academic administrators' contributions to the advancement of the University's strategic goals and mission
5. To provide input for annual merit reviews and for decisions about the renewal of administrative appointments

### **III. Administrative positions covered by this policy**

For the purposes of this policy, the academic administrative positions to be evaluated are:

1. Those that have direct, supervisory responsibility for faculty; or
2. Those that have direct responsibility for the administration of academic units, departments, or university-wide academic programs or centers

In order that evaluations of academic administrators serve effectively and efficiently the purposes stated above (section III.), this policy focuses at the outset on the evaluation of those who hold the following positions: provost, associate provost, academic unit dean, or department chairperson.

Other administrative positions also may meet the criteria presented above and thus should fall within the policy's scope. That determination cannot be made in virtue of position titles alone, however. The provost's office and academic deans' offices are expected to determine, within one year of the approval of this policy, which other positions reporting through their offices are appropriately covered by this policy. This determination should be made only after consultation with unit faculty and staff. This determination also should reflect, in part, the practical value of keeping evaluation processes effective and streamlined.

### **IV. Types of evaluations of academic administrators**



This policy concerns three types of evaluations of academic administrators: annual performance evaluations, developmental evaluations, and evaluations conducted for the purpose of renewing administrative appointments. Each of these types of evaluation contributes to the aforementioned purposes of evaluating academic administrators. The particular role of each type of evaluation normally warrants differences in their timing, in their components, in their participants, and in the communication of their results, as described below.

Supervisors of academic administrators may have good reason to conduct additional evaluations at other times and in other manners, consistent with the general policies and purposes of the University.

#### V.A. Annual performance evaluations

The performance of all University academic administrators is evaluated annually. Annual evaluations of academic administrators are conducted by the immediate supervisor.

Annual evaluations of academic administrators are structured in relation to the responsibilities described in their position descriptions. These evaluations normally are focused by annual goals that have been agreed upon by the administrator and the supervisor. These goals should be aligned with the strategic goals of the unit and the University.

Due to differences in the mission, structure, and scale of individual academic units or offices, annual evaluations properly may take different forms, so that the evaluations are well suited to the particular responsibilities of the administrator and the goals of the unit.

Normally, only the supervisor and the academic administrator participate in the annual performance review, unless the supervisor decides to seek additional sources of input for the evaluation.

The substance of the outcome of the annual performance evaluation is a confidential personnel matter. In addition, due to the frequency of this type of review, its initiation and conclusion normally are not reported to others.

#### V.B. Developmental evaluations

For purposes of academic administrators' on-going professional development, broader evaluations of their administrative and leadership styles are conducted in the latter half of their term of appointment (e.g., normally in the third year of a four- or five-year term). Due to contractual variations in administrators' terms of appointment, the timing of the developmental evaluation should be determined at the time of appointment and should be communicated to the newly appointed administrator. In turn, the administrator should communicate the timeline for the developmental evaluation to faculty and staff in the unit.

It is important that a suitably broad range of perspectives be included in these developmental evaluations, as they are intended to assess wide-ranging features of the ways in which administrators carry out their work, as opposed to the accomplishment of narrower annual goals.

The work of the provost, the associate provosts, and the academic unit deans has institution-wide impact. Consequently, their developmental evaluations typically are conducted with the assistance of an independent leadership consultant. Participants in the evaluation include the president or

provost, peers on President's Council or Provost's Council, and selected direct reports, as well as other faculty and staff in the unit.

Developmental evaluations of department chairpersons (or others who report to deans or associate provosts) normally are more streamlined than full-scale evaluations conducted for senior academic administrators. These evaluations are designed by the supervisor, with input from the unit. It is important that these developmental evaluations invite confidential input from all faculty and staff in the unit that the administrator oversees.

As with annual performance evaluations, the specific substance of developmental evaluations cannot be shared. However, the nature of the evaluation instrument(s) should be shared with the unit's faculty and staff. In addition, after a developmental review is performed, the administrator is encouraged to share with direct reports some of the primary steps that the administrator plans to take in response to the evaluation's results.

#### V.C. Evaluations for administrative reappointment

Evaluations for reappointment of academic administrators normally are conducted during the Fall Term of the final year of the administrator's appointment (where there is a multi-year contract) and are designed to provide input to the supervisor in reaching a decision about the reappointment. Hence, these evaluations primarily serve a summative purpose.

Due to the significance of a decision about reappointment, all of the administrator's direct reports should be invited to contribute to the evaluation in an appropriate manner. In addition, all faculty and staff who work in the administrator's unit should have an opportunity to contribute to the evaluation.

As with developmental evaluations, the timing of the evaluation for reappointment should be determined by the supervisor when the appointment begins and should be communicated to the administrator and then to the faculty and staff in the unit. Some administrators serve an initial multi-year term and then are reappointed annually. In these cases, the supervisor of these administrators should conduct an evaluation with input from all direct reports and unit faculty and staff at least every four years.

Like annual performance evaluations and developmental evaluations, the specific substance of evaluations for reappointment are personnel matters and cannot be shared. The supervisor's decision to reappoint the administrator or not should be communicated at an appropriate time to the person's unit, after the administrator has had the opportunity to review the decision with the supervisor.

## SECTION III: GENERAL UNIVERSITY POLICIES

The Vice President for Human Resources and the Human Resources staff have prepared an on-line overview of benefits and leaves of absence policies for faculty. To access this information, please visit the [Human Resources](#) website.

Be sure to read the Messages from the University President and the Vice President for Human Resources that welcome you to the website.

Other general University policies can also be found on the [Human Resources](#) website as part of the Policy Manual for Staff and on the [University Policies](#) website.

These include the following policies:

- a. Affirmative Action and Equal Opportunity
- b. Americans with Disabilities Act (ADA)
- c. AIDS position statement and guidelines
- d. Alcohol and Drug policies
- e. Ethical, Legal, and Secure Use of Electronic Resources
- f. Confidentiality and Security of University property
- g. Conflict of interest policies
- h. Distribution or Sale of Materials and Solicitation of or by Employees
- i. Emergencies
- j. Employee Grievance Procedure
- k. Nepotism
- l. Sexual Harassment Policy
- m. Tobacco Policy

For the policies listed below, faculty seeking information should go directly to the [Human Resources](#) website or to designated websites in areas that oversee specific policies:

- a. Gifts to the University (Advancement)
- b. Maintenance and repair of office equipment (Purchasing)
- c. Parking (Public Safety)
- d. Posting public notices (Facilities Management)
- e. Purchasing procedures (Purchasing)
- f. Software audit policy (Information Technology)
- g. Travel and entertainment/guest care (Bursar)
- h. Vehicle use and driver training (Purchasing)

## SECTION IV: GENERAL FACULTY POLICIES AND PROCEDURES

### The Dignity of Persons Within the University Community and Standards of Behavior

“The dignity of the human person is rooted in [the person’s] creation in the image and likeness of God; it is fulfilled in [the person’s] vocation to divine beatitude...The divine image is present in every person. It shines forth in the communion of persons, in the likeness of the unity of the divine persons among themselves.” Catholic Catechism, 1700, 1701.

A primary assertion of both our religious and civil traditions is the inviolable dignity of each person. Recognition of and respect for the person are central to our life as a Christian and education community and are what allow us to pursue our common mission while being many diverse persons. Thus discrimination, harassment, and any other conduct that diminishes the worth of a person are incompatible with our fundamental commitment as a Catholic university conducted in the Marianist tradition.

Every person regardless of race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, gender identity, age, genetic information, military status, veteran status, familial status or disability shall be treated with respect and dignity. No person shall be subject to any sexual, racial, psychological, physical, verbal or other similar harassment or abuse, or be denied equitable consideration for access to employment and the programs, services and activities of the University.

The quality of our campus life and community is dependent on the conduct of each of its members. The university expects that the behavior of employees will reflect civility, decency and respect for oneself and others. While certain expectations are more fully elaborated in specific policies, overall guidance should be respect for the dignity of each person. Failure to observe these standards of behavior will result in disciplinary action. Such failure is not limited to the regulations specifically listed in this handbook. (University of Dayton Policies and Procedures Handbook for Professional and Support Staff Employees, 2017; University Statement of Dignity, [https://udayton.edu/studev/about/commitment\\_to\\_community/statement\\_dignity.php](https://udayton.edu/studev/about/commitment_to_community/statement_dignity.php) )

**1. Faculty Recruiting and Hiring** – see the [Associate Provost for Faculty and Administrative Affairs’](#) website.

### **2. Faculty Qualifications**

The University is committed to offering a transformative education by faculty who are highly qualified to provide such an education. The University is also responsible for documenting the credentials of its faculty. Below are guidelines for determining minimum faculty qualifications for teaching at the undergraduate and graduate levels. The University recognizes that tested experience may substitute for an academic credential. Guidelines for using tested experience as a basis for determining minimum faculty qualifications are also provided. Regarding credentials of faculty in accredited programs, accreditation standards should be followed if they are more strict than the guidelines below.

For undergraduate courses:

- If the instructor of record has a terminal degree in a discipline that matches the content of the courses taught as specified in Course Inventory Management System (CIM) no further justification is required.

- If the instructor of record has a master's degree in a discipline that matches the content of the courses taught as specified in CIM no further justification is required.
- If the instructor of record has a master's degree in any area and evidence of completion of 18 graduate credit hours in the discipline that matches the content of the courses taught as specified in CIM, the specific graduate courses that qualify the instructor of record to teach his/her course(s) must be noted on the Determination of Teaching Qualifications form. In addition, official transcripts must be on file in the provost's Office documenting any academic course work considered in the credentialing decision.
- If the instructor of record is a Teaching Assistant (TA), he or she must be directly supervised by a faculty member holding appropriate qualifications in the discipline that matches the content of the courses taught and receive regular in-service training and planned and periodic evaluations.

For graduate courses:

- If the instructor of record has a terminal degree in a discipline that matches the content of the courses taught or in a related field as specified in CIM no further justification is required.

**If the instructor of record does not appear to possess primary academic credentials** (as described above), alternative qualifications or tested experience must be evaluated according to the relevant unit policy on alternative qualifications. Procedures for documenting qualifications can be found on the [Faculty Hiring](#) website under the Associate Provost for Faculty and Administrative Affairs.

### 3. New Faculty Orientation

In addition to programs offered by units and departments, the Office of the Provost conducts an orientation for new faculty. The University's New Faculty Orientation is designed to provide support to new faculty as they enter the University and Dayton communities. Prior to the start of classes, a half-day program provides information about the Catholic and Marianist traditions of the University, and basic employee information. During the first year, there are monthly sessions devoted to the types of support the University provides for teaching and learning, research scholarship and creativity, and engagement across the campus. New faculty are expected to attend.

Department Chairpersons play a special role in orienting and mentoring new faculty. In cooperation with the department faculty and the new faculty member, the Department Chairperson should identify a mentor for the new faculty member. The Chairperson should familiarize the new faculty member with any departmental bylaws, policies, and traditions. The Chairperson should clarify the new faculty member's questions regarding expectations and evaluation. The Chairperson should use the letter sent to the faculty member upon hire as one element of the basis for the faculty member's first evaluation.

## **4. University Regulations on Academic Freedom and Tenure**

### **Regulations on Academic Freedom and Tenure**

#### **Final Form Approved by Faculty**

#### **Approved by Board of Trustees**

**Effective August 15, 1996**

#### ***Foreword***

These regulations are designed to enable the University of Dayton to protect academic freedom and tenure and the requirements of academic due process (*Adapted from the “1968 Statement of the American Association of University Professors,” AAUP Bulletin, Vol. 54, #4, 1968 and from AAUP Policy Documents and Report, 1990*). The principles implicit in these regulations are for the benefit of all who are involved with or are affected by the policies and programs of the University.

#### ***A. Statement of Terms of Appointment to the Faculty, University of Dayton***

1. Faculty status, as the term is used at the University of Dayton, includes all persons whose activities affect the educational function of the institution, who are employed with full-time status and are affiliated with an academic department or the Library, and who have been granted faculty rank.
2. The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.
3. With the exception of special appointments clearly limited to a brief association with the University, and reappointments of retired faculty members on special conditions, all full-time appointments to the rank of instructor or higher are of two kinds: (1) probationary appointments and (2) appointments with tenure. (*An administrator to receive tenure must be assigned to an academic department and be on leave of absence therefrom*).
4. Except for faculty members who have tenure status, faculty members with teaching or departmental research appointments of any kind will be informed each year in writing of their appointments and of all matters relative to their eligibility for the acquisition of tenure.

#### ***B. Probationary Appointments***

Probationary appointments may be for one year or, for other stated periods, subject to renewal. The total period of full-time service prior to the acquisition of tenure will not exceed six (6) years, including all previous full-time service with the rank of instructor or higher in other institutions of higher learning, *except* that the probationary period may extend to as much as four (4) consecutive years at the University of Dayton, even if the total full-time service in the profession thereby exceeds six (6) years; the terms of such extension will be stated in writing at the time of initial appointment. Time spent on a leave of absence will count as probationary period service except in the following cases:

1. When a faculty member takes a leave of absence pursuant to Regulation 12 of this document (“Political Activities of Faculty Members”), the time spent on such a leave will not count as probationary service unless otherwise agreed to by the institution and the employee at the time the leave is granted.

2. A faculty member who takes a leave for at least one semester due to the birth of a child, the adoption or placement with the faculty member for foster care of a child, to care for a spouse, parent, son, or daughter who has a serious medical condition, or due to the faculty member's own serious medical condition, may decide not to count as probationary service the academic year in which the leave occurs. Unless the faculty member indicates a contrary choice in writing at the time the leave is taken, the academic year in which the leave occurs does not count as probationary service. The terms in this subsection shall be defined in accordance with the definitions contained in the Family and Medical Leave Act of 1993 and the regulations promulgated thereunder.
3. When the individual and the institution so agree in writing at the time the leave is granted, the academic year in which the leave is taken will not count as probationary service.
4. If a faculty member is eligible for a leave of absence under subsection B.2 of this section, but chooses not to take such a leave of absence, the faculty member may choose to have the period for which they would have been eligible for a leave of absence not counted as probationary service. To have such time not counted as probationary service, the faculty member must notify in writing, their department chair, or if not assigned to an academic department, the dean or other principal academic officer of their unit, that they wish to have the time eligible for leave not counted as probationary service. Such notice must be provided to the appropriate person no later than the time specified for any notice which must be furnished to establish eligibility for the leave described in subsection B.2 of this section. (*Amendment approved by the Academic Senate on October 11, 2002, Academic Senate document number [2002-03, Suspending the "Tenure Clock" for Tenure Track Faculty Members Eligible for Family or Medical Leave.](#)*)

When the probationary period has been interrupted by a leave of absence that does not count as probationary service, or pursuant to subsection B.4 of this section, subsequent steps in the review process will be delayed by the amount of time excluded from probationary service. Further, in all subsequent reviews, the year in which the leave was taken will be excluded from the faculty member's total years of service in determining the standards governing review of the faculty member. That is, for example, in tenure reviews of faculty members whose tenure "clock" was "stopped" during a leave of absence, the faculty member will not be judged at tenure review as though the "clock" had not been "stopped."

5. Regardless of the stated term or other provisions of any appointments, written notice that a probationary appointment is not to be renewed will be given to faculty members in advance of the expiration of their appointments as follows:
  - (1) not later than three months prior to the termination of the contract of the first academic year of service, if the contract expires at the end of that year; or, if a one-year contract terminates during the academic year, at least three months in advance of its termination.
  - (2) not later than six months prior to the termination of the contract of the second academic year of service, if the contract expires at the end of that year; or, if an initial two-year contract terminates during an academic year, at least six months in advance of its termination.
  - (3) at least twelve months before the expiration of a contract after two or more years of service at the institution. The institution will normally notify faculty members of the terms and conditions of their renewals by March 15, but in no case will such information be given later than April 15.

### ***C. Termination of Appointment by the Faculty Member***



Faculty members may terminate their appointments effective at the end of an academic year, provided they give notice in writing at the earliest possible opportunity, but not later than April 15, or thirty days after receiving notification of the terms of their appointment for the coming year, whichever date occurs later. Faculty members may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

#### ***D. Termination of Appointments by the Institution***

- a. Termination of an appointment with tenure or of a special or probationary appointment before the end of the specified term may be effected by the University only for adequate cause, such as failure to fulfill a contractual obligation, moral turpitude, etc.
- b. If termination takes the form of a dismissal, it will be pursuant to the procedure specified in the Regulations included in the section, ***Dismissal Procedures***, below.
- c. In every case of financial exigency or discontinuance of a program or department of instruction, the faculty member concerned will be given notice as soon as possible and never less than twelve months' notice, or in lieu thereof the faculty member will be given severance salary for an academic year. Before terminating an appointment because of the abandonment of a program or department of instruction, the University will make every effort to place affected faculty members in other suitable positions. If appointment is terminated before the end of the period of appointment because of financial exigency or because of the discontinuance of a program of instruction, the released faculty member's place will not be filled by a replacement within a period of two years unless the released faculty member has been offered reappointment and a specified time within which to accept or decline it. In any event, the affected faculty member shall be able to have the issues reviewed by the Faculty Mediator and by the Faculty Hearing Committee on Academic Freedom and Tenure, with ultimate review of all controverted issues by the Board of Trustees.
- d. Termination of a tenured appointment, or of a non-tenured or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence which shall, if the faculty member so requests, be reviewed by the Faculty Mediator and the Faculty Hearing Committee on Academic Freedom and Tenure before a final decision is made by the Board of Trustees on the recommendation of the President of the University of Dayton.

#### ***E. Dismissal Procedures***

1. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers or researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.
2. Dismissal of a faculty member with tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by:
  - (a) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement;
  - (b) informal inquiry by the duly elected Faculty Mediator, who may, failing to effect an adjustment, determine whether in his or her opinion dismissal proceedings should be undertaken, without that opinion being binding upon the President;
  - (c) a statement of charges, framed with reasonable particularity by the President or his/her delegate.



3. A dismissal, as defined in Section a above, will be preceded by a statement of reasons, and the individual concerned will have the right to be heard initially by the elected Faculty Hearing Committee. Members of the Committee will remove themselves from the case, either at the request of a party or on their own initiative, if they deem themselves disqualified for bias or interest. Each party will have a maximum of two challenges without stated cause.
  - (a) Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may present a response, in writing, to the charges at any time before the hearing. If the faculty member does not waive a hearing, but instead denies the charges, asserts that the charges do not support a finding of adequate cause, or asserts that there was an absence of due process, the Faculty Hearing Committee will hear all available evidence and rest its recommendation upon the evidence in the record.
  - (b) The Faculty Hearing Committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.
  - (c) During the proceedings faculty members will be permitted to have an academic advisor and counsel of their own choice.
  - (d) At the request of either party or the Faculty Hearing Committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.
  - (e) A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the faculty member without cost upon request.
  - (f) The burden of proof that adequate cause exists rests with the institution, and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
  - (g) The Faculty Hearing Committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
  - (h) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the University, insofar as it is possible, will secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.
  - (i) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the Committee determines that the interest of justice requires admission of the witness' statement, the Committee will identify the witness, disclose the statement, and if possible provide for interrogatories.
  - (j) In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher education.
  - (k) The Faculty Hearing Committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
  - (l) The findings of fact and the decision will be based solely on the hearing record. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Trustees of the University. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.
  - (m) If the Faculty Hearing Committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the report is rejected by the President, reasons for doing so will be stated, in writing, to the

- Hearing Committee and to the faculty member, and an opportunity for response will be provided before transmitting the case to the Board of Trustees.
- (n) If the Faculty Hearing Committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

#### ***F. Action by the Board of Trustees***

If dismissal or other penalty is recommended, the President will, on request of the faculty member, transmit to the Board of Trustees the record of the case. The Board of Trustees' review will be based on the record of the Committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. The decision of the Hearing Committee will either be sustained or the proceeding returned to the Committee with specific objections. The Committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Trustees will make a final decision only after study of the Committee's reconsideration. At the conclusion of the case the Faculty Hearing Committee shall report to the full faculty.

#### ***G. Suspensions***

Until the final decision upon termination of an appointment has been reached, the faculty member will be suspended or assigned to other duties in lieu of suspension only if immediate harm to the faculty member or others is threatened by the member's continuance. Before suspending a faculty member, pending an ultimate determination of the member's status through the University's hearing machinery, the administration will consult with the Faculty Hearing Committee. Suspension is appropriate only pending a hearing; a suspension which is intended to be final is a dismissal and will be dealt with as such. Salary will continue during the period of suspension.

#### ***H. Terminal Salary or Notice***

If the appointment is terminated, the faculty member will receive his/her salary or notice in accordance with the schedule of notice to which the member is entitled under Regulation B.5 or, if tenured, for at least one year. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the Faculty Hearing Committee or the President, the Board of Trustees, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

### **5. Faculty Hearing Committees and Faculty Mediator**

#### ***A. Faculty Hearing Committee on Grievances (FHC-G)***

The Faculty Hearing Committee on Grievances handles all grievances initiated by a University faculty member or member of the instructional staff, except those involving tenure, dismissal, or academic freedom ([Faculty Hearing Committee on Academic Freedom and Tenure](#)), or sexual harassment (See the [Human Resources](#) website.)

The FHC-G shall consist of seven faculty members elected for three staggered years from a list of full-time faculty. No more than two members shall be serving as departmental chairpersons and none of the members shall hold an administrative position higher than chairperson.

The FHC-G will meet during the first month of every academic year to elect a Chairperson and Secretary and to review procedures. The names of the Chairperson and Secretary will be sent to the Office of the Provost and be publicized through campus electronic media. At this meeting, the Committee also should appoint a Procedural Advisor from outside the Committee. The Procedural Advisor is a full-time faculty member who will provide advice on matters of procedure to the Committee prior to and during any grievance hearing. For more information on the operation of the FHC-G, consult the bylaws of the Committee at

<http://www.udayton.edu/provost/facadminaffairs/index.php>.

### ***B. Faculty Hearing Committee on Academic Freedom and Tenure (FHC-AFT)***

The Faculty Hearing Committee on Academic Freedom and Tenure handles all faculty appeals involving the granting of tenure, dismissal, or academic freedom. Appeals concerning claims of sexual harassment are addressed by the University policy document on sexual harassment. Faculty can appeal the sanctions imposed by the University Grievance Committee in sexual harassment cases, but the findings of fact in sexual harassment cases are not within the area of competence of the FHC-AFT.

The FHC-AFT shall consist of nine faculty members elected for staggered 3-year terms and chosen from a list of full-time tenured faculty, none of whom may be a department chair, an administrative official, or on the staff of a dean. No member of the FHC-AFT may be a Faculty Mediator or a member of the Faculty Hearing Committee on Grievances. The FHC-AFT will meet during September of every academic year to elect a Chair and a Secretary. For more information on the operation of FHC-AFT, consult the bylaws of the Committee at

<http://www.udayton.edu/provost/facadminaffairs/index.php>.

### ***C. Faculty Mediator for Academic Freedom, Tenure, and Grievances***

Three Faculty Mediators for Academic Freedom, Tenure, and Grievances are appointed for staggered three-year terms by the University Provost from a list of nominees put forth from a combined meeting of the Faculty Hearing Committee on Academic Freedom and Tenure and the Faculty Hearing Committee on Grievances. At least two nominees shall be made for each vacant position from a list of the tenured faculty who are not holding administrative positions. If a member of either of the two committees is appointed and accepts the appointment, she or he will resign as a committee member. The Office of the Provost will make appropriate arrangements to provide time and training for Faculty Mediators.

The role of the Faculty Mediator is to attempt to resolve complaints through mediation. If no agreement is reached in 20 working days, or if in the judgment of the Faculty Mediator no agreement is likely to be reached within 20 working days, then the complainant may either ask for an extension or may take the case to the appropriate committee. If the complainant does not wish to pursue the case, but the Faculty Mediator determines that the policy issue raised by the complainant should be addressed, the Faculty Mediator may bring the policy issue to an appropriate person or campus group, e.g., the Academic Senate. In such cases the Faculty Mediator should maintain the confidentiality of the complainant.

## 6. Academic Freedom

All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the *1940 Statement of Principles on Academic Freedom and Tenure*, formulated by the Association of American Colleges and the American Association of University Professors and endorsed by over one hundred other academic organizations.

### *Academic Freedom of Non-tenured Faculty*

If a faculty member on probationary or other non-tenured appointment (including part-time faculty) alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint, the allegation will be given preliminary consideration by the Faculty Mediator, who will seek to settle the matter by informal methods. The allegation shall be accompanied by a statement that the faculty member agrees to the presentation, or the consideration of the faculty committee, of such reasons and evidence as the University may allege in support of its decision. If the difficulty is unresolved at this stage, and if the Committee so recommends, the matter will be heard in the manner set forth in Regulations 5 and 6, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations were based, and the burden of proof shall rest upon the faculty member. If the faculty member succeeds in establishing a *prima facie* case, it is incumbent upon those who made the decision not to reappoint the member to come forward with evidence in support of their decision.

### *Administrative Personnel*

The foregoing regulations apply to administrative personnel who are members of the faculty. If an administrator who is not a member of the faculty alleges that a consideration violative of academic freedom significantly contributed to a decision to terminate appointment to an administrative post, or not to reappoint, the administrator is entitled to the procedures set forth in Regulation 10.

### *Political Activities of Faculty Members*

(See *Statement on Professors and Political Activity*, "AAUP Policy Documents and Reports, 1990, pp. 33-34).

Faculty members, as citizens, are free to engage in political activities. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such a leave of absence shall be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member. (See also *Involvement in Political Activity*, Section IV.19)

### *Graduate Student Academic Staff*

- a. In no case will a graduate teaching assistant be dismissed without having been provided with a statement of reasons and an opportunity to be heard by the Graduate Council. (A dismissal is a termination before the end of the period of appointment.)
- b. A graduate teaching assistant who contends that his or her dismissal or non-reappointment involves a significant violation of academic freedom is entitled to consult with the Faculty Mediator. If the issue remains unresolved, the graduate teaching assistant will be given a statement of reasons by those responsible for the dismissal or non-reappointment and an opportunity to be heard by the Faculty Hearing Committee.

### ***A. Addendum to Regulations***

The University supports the following AAUP recommendations:

Since 1971 it has been the Association's position, reached after careful examination of advantages and disadvantages, that non-tenured faculty members notified of non-reappointment should, *upon request*, receive a statement of the reasons for the decision. In reaching this position, the Association considered the needs both of the institution and of the individual faculty member. (*Reprinted from the AAUP Policy Documents and Reports, 1990, pp. 17-18.*)

A major responsibility of the institution is to recruit and retain the best qualified faculty within its goals and means. In a matter of such fundamental importance, the institution, through the appropriate faculty agencies, must be accorded the widest latitude consistent with academic freedom, equal opportunity, and the standards of fairness. The Association recognized that the requirement of giving reasons could lead, however erroneously, to an expectation that the decision-making body must justify its decision. A notice of non-reappointment could thus become confused with dismissal for cause, and under these circumstances the decision-making body could become reluctant to reach adverse decisions which could culminate in grievance procedures. As a result there was some risk that the important distinction between tenure and probation would be eroded.

Weighed against these important institutional concerns, however, were the interests of the individual faculty members. They could be honestly unaware of the reasons for a negative decision, and the decision could be based on a judgment of shortcomings which they could easily remedy if informed of them. A decision not to renew an appointment could be based on erroneous information which the faculty member could readily correct if informed of the basis for the decision. Again, the decision could be based on considerations of institutional policy or program development which have nothing to do with the faculty member's professional competence, and inadequate performance has been made. In the face of a persistent refusal to supply the reasons, a faculty member may be more inclined to attribute improper motivations to the decision-making body or to conclude that its evaluation has been based upon inadequate consideration. If the faculty member wished to request a reconsideration of the decision, or a review by another body, ignorance of the reasons for the decision would create difficulties both in reaching a decision whether to initiate such a request and in presenting a case for reconsideration or review.

The Association's extensive experience with specific cases since 1971 has confirmed its conclusion that the reasons in support of the faculty member's right to be informed outweigh the countervailing risks. Every notice of non-reappointment, however, need *not* be accompanied by a written statement of the reasons for non-reappointment. It may not always be to the advantage of the faculty member to be informed of the reasons for non-reappointment, particularly in writing. The faculty member may be placed under obligation to divulge them to the appointing body of another institution if it inquired. Similarly, a written record is likely to become the basis for continuing responses by the faculty member's former institution to prospective appointing bodies.

At many institutions, moreover, the procedures of evaluation and decision may make it difficult, if not impossible, to compile a statement of reasons which precisely reflects the basis of the decision. When a number of faculty members participate in the decision, they may oppose a reappointment for a variety of reasons, few or none of which may represent a majority view. To include every reason, no matter how few have held it, in a written statement to the faculty member may misrepresent the general view and damage unnecessarily both the morale and the professional future of the faculty member. In many situations, of course, a decision not to reappoint will not



reflect adversely upon the faculty member. An institution may, for example, find it necessary for financial or other reasons to restrict its offerings in a given department. The acquisition of tenure may depend not only upon satisfactory performance but also upon a long-term opening. Nonrenewal in these cases does not suggest a serious adverse judgment. In these situations, providing a statement of reasons, either written or oral, should pose no difficulty, and such a statement may in fact assist the faculty member in searching for a new position.

***B. Statement of the Special Committee on Academic Personnel Ineligible for Tenure***  
(Reprinted from the AAUP Policy Documents and Reports, 1990, pp. 50-51.)

A clear definition of acceptable academic practice in American colleges and universities requires some amplification and interpretation of the *1940 Statement of Principles of Academic Freedom and Tenure*. Most of the *1940 Statement* applies without change to the operation of universities today. The academic freedom statement, however, leaves some question about the freedom of research for the secondary staff of large research projects restricted by government or industrial support and security. The academic tenure provisions leave some doubt about the tenure rights of part-time teachers and of persons appointed with titles other than those of the four ranks of instructor to professor.

To make quite clear that the policy of the Association provides protection in matters of academic freedom to all teachers at all ranks and on any fractional appointment and to all investigators with university appointments, the following amplifying statement is proposed:

1. The academic freedom of all teachers and investigators with full-time or part-time appointments in a university should have the full protection of the Association.

The committee recognizes that it is appropriate to have, within the university, faculty members with instructor or professional status who are exclusively investigators. These professors should be selected by the faculty and should have the full privileges of other professors. The following statement is within the *1940 Statement* but more directly describes the status of the research faculty member with an academic appointment.

2. Full-time teachers and investigators who are appointed to the rank of Instructor, Assistant Professor, Associate Professor and Professor should have the rights and privileges appropriate to their rank including tenure or the eligibility for tenure after the appropriate probationary period.

Acceptable academic practice for tenure is described in the *1940 Statement of Principles* only for full-time appointments beginning with the rank of instructor. The Special Committee recommends that these provisions be extended to include all full-time teaching appointments in the university. Part-time appointments are often given to scholars who are still working on their advanced degree programs. If, however, a full-time appointment can be made as a lecturer or acting instructor, without obligating the institution to a limited probationary period, it will diminish the protection of the Association's statement of policy on tenure. To provide for protection of the young teachers' tenure rights, the committee proposes the statement that follows in section c below.

3. All full-time teachers, but not investigators, in the universities, regardless of their titles, should acquire tenure after a probationary period as provided for appointments to the rank of full-time instructor or higher rank in the *1940 Statement*.

The Association extends the full protection of academic freedom to all teachers and investigators on full-time university appointments. The policy for the tenure of investigators with full-time university appointments without one of the usual academic ranks has not been adequately determined. Most of these investigator appointments are made from research contracts of short duration that are subject to frequent and uncertain renewal. The selection and termination of appointees is made by the project director without the usual procedures of review involved in departmental academic appointments. Until the funds for the support of investigators are assured for substantial periods and until the university determines policies for the distribution and use of these funds it will be difficult for the university to assume the obligation for continuous tenure appointments. The committee makes no recommendations for a tenure policy for investigators who do not have regular academic appointments.

### ***C. Academic Freedom in Church-Related Colleges and Universities***

*(Reprinted from the AAUP Bulletin, December 1967. The AAUP Policy Documents and Reports, 1990, p. 6, states, “Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 Statement, and we do not now endorse such a departure.”)*

Freedom of conscience in teaching and research is essential to maintain academic integrity and fulfill the basic purposes of higher education; consequently, any restriction on academic freedom raises grave issues of professional concern. The *1940 Statement of Principles on Academic Freedom and Tenure* states that, “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.” While this general position accommodates the church-related institutions, its application can constitute a threat to free inquiry and expression. For example, the *Statement on Government of Colleges and Universities* — jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges asserts about restrictive charters or by-laws that, “When such external requirements influence course content and manner of instruction or research, they impair the educational effectiveness of the institution.” Moreover, varying interpretations of the *1940 Statement* have led to uncertainty and confusion concerning the academic freedom of faculty members in church-related institutions which impose such limitations. These difficulties indicate the need for such institutions to specify and justify their restrictions, and to adopt clear and appropriate procedures. The *1958 Statement on Procedural Standards in Faculty Dismissal Proceedings* and the *1964 Statement on Extramural Utterances*, of course, apply fully to faculty members in church-related colleges and universities to assure them of academic due process and to protect them from institutional infringement upon their rights as citizens. The following recommendations are supplementary to these Statements. Although they are addressed to the policies and practices of some church-related institutions, they are applicable to any limitations applied under the *1940 Statement*.

### ***RECOMMENDATIONS***

- (1) Any limitation on academic freedom should be essential to the religious aims of the institution, and should be imposed only after consultation among faculty, administration, and governing body. Student opinion on such limitation also would be helpful.
- (2) Such limitations with its supporting rationale and relevance to the institution's educational objectives should be clearly stated in writing with reasonable particularity and made a matter of public knowledge. A copy of this statement should be provided to prospective teachers at the beginning of negotiations for appointment.

- (3) The faculty member should respect the stated aims of an institution to which he/she accepts an appointment, but academic freedom protects his/her right to express, clarify, and interpret positions — including those identified as his/her own — which are divergent from those of the institution and of the church which supports it.
- (4) The faculty member, lay or clerical, should not be subject to discriminatory or preferential treatment based on religious grounds with respect to professional privileges, opportunities, and advancements.
- (5) The faculty member should have the right to a fair written warning of an alleged violation of institutional limitation on academic freedom prior to the initiation of any formal charge. If the faculty member questions the interpretation or applicability of the limitation cited in the warning, he/she should have the right of appeal to a committee elected by and from the faculty to resolve the question.
- (6) The faculty member formally charged with violating an institutional limitation of academic freedom should be entitled to a hearing before a faculty-elected committee not previously concerned with the case. The procedures should be in accordance with the *1958 Statement on Procedural Standards in Faculty Dismissal Proceedings*, prepared jointly and approved by the Association of American Colleges and the American Association of University Professors. The committee should have the responsibility (a) to decide if the relevant conditions set forth above have been met, (b) to judge whether the faculty member violated the stated limitation, and (c) to determine the institutional sanction, if any, warranted by the violation. In cases where it is deemed appropriate, administration and faculty may jointly invite faculty members from other institutions to advise or serve on such committees.

#### ***D. Faculty and Professional Ethics***

*(Reprinted from AAUP Policy Documents and Reports, 1990, p. 75.)*

- (1) Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
- (2) As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals, and adhere to their proper role as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
- (3) As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas, professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.



- (4) As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
- (5) As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of their obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

### ***E. Faculty and Political Activities***

*(Reprinted from AAUP Policy Documents and Reports, 1990, pp. 33-34.)*

The University accepts this statement on “Professors and Political Activity” formulated by the American Association of University Professors:

- (1) College or university faculty members are citizens and, like other citizens, should be free to engage in political activities so far as they are able to do so consistently with their obligations as teachers and scholars.
- (2) Many kinds of political activity (e.g., holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a part-time political office) are consistent with effective service as members of a faculty. Other kinds of political activity (e.g., intensive campaigning for elective office, serving in a state legislature, or serving a limited term in a full-time position) will often require that professors seek a leave of absence from their college or university.
- (3) In recognition of the legitimacy and social importance of political activity by professors, universities and colleges should provide institutional arrangements to permit it, similar to those applicable to other public or private extramural service. Such arrangements may include the reduction of the faculty member's workload or a leave of absence for the duration of an election campaign or a term of office, accompanied by equitable adjustment of compensation when necessary.
- (4) Faculty members seeking leave should recognize that they have a primary obligation to their institution and to their growth as educators and scholars; they should be mindful of the problem which a leave of absence can create for their administration, their colleagues, and their students and they should not abuse the privilege by too frequent or too late application or too extended a leave. If adjustments in their favor are made, such as a reduction of workload, they should expect the adjustments to be limited to a reasonable period.
- (5) A leave of absence incident to political activity should come under the institution's normal rules and regulations for leaves of absence. Such a leave should not affect unfavorably the tenure status of a faculty member, except that time spent on such leave from academic duties need not count as probationary service. The terms of a leave and its effect on the professor's status should be set forth in writing.

### ***F. Faculty Participation in Strikes***

*(Reprinted from the AAUP Bulletin, Autumn, 1966.)*

The American Association of University Professors is deeply committed to the proposition that faculty members in higher education are officers of their colleges and universities. They are not merely employees. They have direct professional obligations to their students, their colleagues, and their disciplines. Because of their professional competence, they have primary responsibility for central educational decisions, they share in the selection of presidents and deans, and their judgment should come first in the determination of membership in the faculty. Where these principles (which are more fully stated in the *1966 Statement on Government of Colleges and University*) are not accepted in their entirety, the Association will continue to press for their realization. We believe that these principles of shared authority and responsibility render the strike inappropriate as a mechanism for the resolution of most conflicts within higher education. But it does not follow from these considerations of self-restraint that professors should be under any legal disability to withhold their services, except when such restrictions are imposed equally on other citizens. Furthermore, situations may arise affecting a college or university which so flagrantly violate academic freedom (of students as well as of faculty) or the principles of academic government, and which are so resistant to rational methods of discussion, persuasion, and conciliation, that faculty members may feel impelled to express their condemnation by withholding their services, either individually or in concern with others. It should be assumed that faculty members will exercise their right to strike only if they believe that another component of the institution (or a controlling agency of government, such as a legislature or governor) is inflexibly bent on a course which undermines an essential element of the educational process.

Participation in a strike does not by itself constitute grounds for dismissal or for other sanctions against faculty members. Moreover, if dismissal of a faculty member is proposed on this, as on any other ground encompassed by the *1940 Statement of Principles on Academic Freedom and Tenure*, the proceedings must satisfy the requirements of the *1958 Statement of Procedural Standards in Faculty Dismissal Proceedings*. The Association will continue to protect the interests of members of the profession who are singled out for punishment on grounds which are inadequate or unacceptable, or who are not offered all the protection demanded by the requisites of due process.

### ***G. Faculty Extramural Utterances***

*(Reprinted from AAUP Policy Documents and Reports, 1990, p. 32.)*

The University accepts the *AAUP Committee A's Statement on Extramural Utterances*. The *1940 Statement of Principles* asserts the right of faculty members to speak or write as citizens, free from institutional censorship or discipline. At the same time it calls attention to the special obligations of faculty members arising from their position in the community: to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to make every effort to indicate that they are not speaking for the institution. An interpretation of the *1940 Statement*, agreed to at a conference of the Association of American Colleges and the AAUP held on November 8, 1940, states that an administration may file charges in accordance with procedures outlined in the *Statement* if it feels that a faculty member has failed to observe the above admonitions and believes that the professor's extramural utterances raise grave doubts concerning the professor's fitness for continuing service.

In cases involving such charges, it is essential that the hearing should be conducted by an appropriate — preferably elected — faculty committee, as provided in Section 4 of the *1958 Statement on Procedural Standards in Faculty Dismissal Proceedings*. *(Section 4 provides that the committee of faculty members to conduct the hearing and reach a decision should either be an*

*elected standing committee not previously concerned with the case or a committee established as soon as possible after the president's letter to the faculty member has been sent. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. The committee should elect its own chair.)* 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 to serve. Extramural utterances rarely bear upon the faculty member's fitness for continuing service. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar. In the absence of weighty evidence of unfitness, the administration should not prefer charges; and if it is not clearly proved in the hearing that the faculty member is unfit to continue, the faculty committee should make a finding in favor of the faculty member concerned. Committee A asserts that it will view with particular gravity an administrative or board reversal of a favorable faculty committee hearing judgment in a case involving extramural utterances. In the words of the *1940 Statement of Principles*, "the administration should remember that teachers are citizens and should be accorded the freedom of citizens." In a democratic society freedom of speech is an indispensable right of the citizen. Committee A will vigorously uphold that right.

## **7. Faculty Contract Issuance and Period**

Contracts for non-tenured faculty are issued annually by the Provost, by April 15, upon the recommendation of the Department Chairperson and with the concurrence of the academic Dean.

The contractual period normally follows the academic year, August 16 through May 15, a 9-month period. There are occasions when a contract may be granted for a 12-month period. In the event a faculty member moves from a 9-month contract, the base salary shall be increased on a 12/9 basis (i.e., the faculty member shall receive 6 additional pays). In the event a faculty member moves from a 12-month contract to a 9-month contract, the base salary shall be reduced by a 9/12 factor.

## **8. Faculty Titles and Ranks**

### **(A) Adjunct Faculty**

This title is used for all members of the instructional staff who are classified as part-time faculty employees by Human Resources.

### **(B) Administrative Faculty Rank**

The assignment of Administrative Faculty Rank to members of the administrative staff is not a regular faculty appointment. No full-time faculty contract is completed, the rank is *ex officio* (terminating at completion of the administrative term) and service does not earn credit toward faculty tenure, sabbatical leave, or voluntary early severance.

### **(C) Clinical Faculty/Faculty of Practice**

Individuals with full-time appointments to the University faculty whose professional experience and competence as a practitioner is deemed beneficial and necessary to the educational mission of the unit (particularly professional schools but not limited to them) and departments. The status is reserved for a person who is engaged in campus – based instruction as well as the clinical/professional component of instruction.

(D) Distinguished Professor at Large

This title is granted to a distinguished former University of Dayton professor currently making significant contributions to the academic community and who is not associated with any other academic institution. This rank does not confer faculty privileges such as tenure or fringe benefits and normally no financial remuneration from the University is involved. The rank allows the recipient to carry his/her last University of Dayton title and the recipient's name appears in the official University *Academic Catalog*. Any member of the University academic community may nominate a candidate for the title Distinguished Professor at Large. Normally, the nomination should originate through department channels, but in rare cases the nomination may be made to the appropriate Dean or the Provost. The title is conferred by the President upon the recommendation of the Provost.

(E) Distinguished Service Professor

The title Distinguished Service Professor may be awarded to an individual currently a member of the faculty who has contributed long years of service to the University and who has demonstrated truly exceptional service to the University community as a teacher, researcher, or academic administrator. Any member of the University academic community may nominate a candidate for the title Distinguished Service Professor. Normally the nomination should originate through department channels, but in rare cases the nomination may be made to the appropriate Dean or the Provost. The title is conferred by the President upon the recommendation of the Provost. Distinguished Service Professors are listed in the [\*Academic Catalog\*](#).

(F) Professor Emeritus/Emerita

The title Professor Emeritus/Emerita may be conferred on a person who has retired from full-time teaching or academic administration. The title may be granted to tenured faculty and academic administrators in recognition of meritorious contributions to the University shown through the person's teaching, research, service and/or administration. The faculty member will have served a minimum of 10 years at the University of Dayton. The recommendation is submitted by department or unit colleagues through the Department Chair, to the Dean, to the Provost, and to the President. The President confers the title. Professors Emerita/Emerita are listed in the *Academic Catalog*, may attend faculty and department meetings as non-voting members, and, in general, are afforded the academic privileges of faculty status.

(G) Joint Faculty Appointment

There are three different types of joint faculty appointments. In general, joint faculty appointments are made for ongoing relationships.

- 1) Joint faculty appointments across academic units. Full-time effort will be devoted to a combination of research, teaching and other collaborative activities as outlined by the participating units in a Memorandum of Understanding signed by the faculty member, and chairs and deans of participating units. The appointment may involve tenure-track, tenured appointment, or lecturer positions. One unit will be identified as the primary unit for purposes of tenure, promotion and evaluation with appropriate consultation with the secondary unit.
- 2) Joint faculty appointments between the University of Dayton Research Institute (UDRI) and an academic unit.
  - a) Joint faculty appointments where the primary unit is an academic unit and the secondary unit is UDRI. Full-time effort will be devoted to a combination of teaching, research and other collaborative activities as outlined in a Memorandum of Understanding signed by the faculty member, chair, dean and director of the

participating units. The appointment may be, but is not necessarily, a tenure-track or tenured appointment. The academic unit is responsible for tenure, promotion and evaluation. This may be done in consultation with appropriate parties in UDRI.

b) Joint faculty appointments where the primary unit is in UDRI and the secondary unit is an academic unit. Full-time effort will be devoted to a combination of research, teaching and other collaborative activities as outlined in a Memorandum of Understanding signed by the staff member, director, chair, and dean of the participating units. UDRI, as the primary unit, is responsible for evaluation of the staff member, in consultation with the academic unit. Service in this type of joint faculty appointment does not count toward tenure or sabbatical leave and the individual is not entitled to faculty rank.

(H) Artist-in-Residence

Artist-in-Residence is a faculty appointment in the College of Arts and Sciences that recognizes outstanding accomplishment in the creative and performing arts. Artists-in-Residence are expected to contribute specified services to the department, the College, and the University. Artist-in-Residence appointments are made and subject to renewal upon the recommendation of the appropriate Department Chair and Dean to the Provost. Appointments will be limited to the Departments of Music, Visual Arts, English and Communication.

Artists-in-Residence will receive the fringe benefits of a full-time tenure-track employee. Service as an Artist-in-Residence is not credited toward tenure, sabbatical leave, or voluntary early severance.

(I) Lecturer

This title is used for a full-time appointment to the University instructional staff. Lecturer status is reserved for a person, primarily engaged as a teacher, who presents a genuine benefit to the University in a full-time capacity. The Provost makes such an appointment, after consultation with the Dean, Chairperson and Departmental Faculty. Appointments as Lecturer terminate annually but are renewable under appropriate circumstances. Service as a Lecturer is not credited toward tenure or sabbatical leave.

(J) Research Professor

The title of Research Professor may be awarded to new and existing full-time employees of the University who engage in research and mentoring of students. Research faculty will obtain grants/contracts sufficient to cover a significant portion of their salaries and to support students. The Research Professor must have the appropriate terminal degree for the relevant academic unit and demonstrate an ability to secure outside funding in support of research, to mentor students in the research enterprise, and to collaborate with academic colleagues in the research enterprise. These appointments may be one or two year, non-tenured, non-tenure-track appointments which may be renewed.

(K). Courtesy Appointment to the Faculty

An appropriate courtesy title (e.g., field service coordinator, preceptor) may be used for individuals playing a direct role in the training of students in professional practice. These appointments are usually unpaid.

(L) Endowed Positions

**College of Arts and Sciences**

Alumni Chair in the Humanities

Fr. William J. Ferree Professor of Social Justice

Gudorf Chair in Catholic Theology and Culture

Dr. Thomas C. and Janet M. Gaul Chair of Arts and Languages

Leonard A. Mann, S.M. Chair in the Sciences

Raymond A. Roesch, S.M. Chair in the Social Sciences

Mary Ann Spearin Chair in Catholic Theology

University Professor of Faith & Culture

**School of Business Administration**

Al and Marcie Mahrt Chair in Accounting

NCR Professor of Global Leadership Management

Niehaus Chair in Operations Management

Sherman-Standard Register Professor of MIS

William J. Hoben Professor of Finance

E.B. O'Leary Endowed Chair in Economics

**School of Education and Health Sciences**

Kuntz Family Chair of Education Administration

James Leary Professor of Education

Bro. Joseph Panzer Professor of Education

**School of Engineering**

Schmidt Chair in Engineering Leadership

Torley Chair in Composite Materials Engineering

Hans Von Ohain Professor in Mechanical and Aerospace Engineering

Dr. and Mrs. Charles Wilke Distinguished Professor

**School of Law**

NCR Distinguished Professor in Law and Technology

Samuel A. McCray Chair in Law

**9. Recommendations for Revision to the University of Dayton Faculty Workload Guidelines**

**(Approved by the Academic Senate, December, 2012)**

University of Dayton faculty are expected to be active and effective in all aspects of their professional academic life: teaching or librarianship, scholarship and research, and service. These *University Guidelines* are intended to enable the University to steward its resources to meet its strategic goals while also providing for meaningful professional development for individual faculty members over the course of their careers. These *Guidelines* articulate expectations that can be applied to all units and provide department chairpersons and deans the flexibility and autonomy necessary to support the equitable distribution of faculty responsibilities for teaching or librarianship, scholarship and research, service, and other important projects and initiatives.



**The following principles underlie these *Guidelines*:**

1. Expectations for the allocation of professional responsibilities of tenured or tenure-track faculty members at the University of Dayton enable significant scholarship and research; excellence in teaching; effective librarianship; and meaningful service to the University, greater community, and the profession.
2. Practices related to the distribution of faculty time and effort across academic responsibilities and the assignment of specific academic responsibilities rest with department chairs and/or deans, and these reflect unit policy.
3. Expectations for the allocation of the faculty's professional responsibilities align with policies and criteria for the award of tenure, promotion in academic rank, post-tenure career progression, and the award of annual merit.
4. University expectations align with the practices of a discipline or interdisciplinary field, accreditation standards, and/or competitive forces.
5. Faculty members search for ways to connect all aspects of their responsibilities.
6. Each full-time faculty member regularly reviews the composition of his/her responsibilities with the department chairperson or unit dean to ensure mutual understanding of all individual, departmental, and organizational goals and the factors that impact specific decisions.

These *University Guidelines* include an articulation of the composition of faculty professional responsibilities and a discussion of considerations that may influence the distribution of a faculty member's effort among those responsibilities at any given point in time. A discussion of the importance of decentralized flexibility in the assignment of faculty responsibilities and a general description of the procedures to follow in establishing unit policies are also included.

These *Guidelines* are subject to review by the Faculty Affairs Committee of the Academic Senate no more than five years after approval by the Senate. The Senate will act on the results of that evaluation as necessary.

**1. Composition of Faculty Professional Responsibilities and Considerations Relevant to the Allocation of Responsibilities**

The components of faculty responsibility and the kinds of considerations that may affect the distribution of faculty effort to these responsibilities are articulated below in order to guide both administrators and faculty in the equitable allocation of faculty responsibilities over time.

Teaching

Faculty bear the primary responsibility for carrying out the University's educational mission. This is a complex task that is done in many different ways. Although most easily described by hours per week of formal, credit-bearing, class meetings, the methods and channels through which faculty disseminate knowledge extend far beyond the classroom. The reality is that faculty members spend less time in the classroom than in preparing materials, conferencing with students, grading assignments and examinations, administering experience-based projects, and a wide range of other teaching-related activities.

**Guidelines**

The University takes seriously the activities, initiatives, and varied roles associated with teaching, and it therefore expects units to implement policies that recognize the value of all

aspects of this responsibility. Tenured and tenure-track faculty who are fully engaged in the totality of their responsibilities may be assigned up to eighteen credit hours per academic year. Otherwise, tenured and tenure track faculty members may be assigned up to the maximum of twenty-four credit hours per academic year. Non-tenure-track full-time faculty are not normally expected to be fully engaged in research and service and therefore should be assigned the maximum of twenty-four credit hours per academic year. Academic deans may develop policies that deviate from these guidelines, where the need for such difference is clearly justified and articulated. The number of course credit hours articulated in unit policies should be consistent with policies of promotion and tenure, accreditation standards, competitive market forces, and other factors relevant to the disciplines or interdisciplinary fields represented. In addition, they should meet the University's requirements for the delivery of the curriculum and be in keeping with available resources. Exceptions to unit policies for individual faculty should be agreed upon by the faculty member, department chair, and unit dean.

### **Considerations**

Given the above guidelines, and the principles underlying these *Guidelines*, the following considerations are relevant to the determination of unit policies and individual teaching assignments. This list is not exhaustive.

- Student credit hours
- Actual student contact hours
- Nature and complexity of different courses
- Number of different preparations
- Involvement in new course preparations and/or curriculum design
- University initiatives emphasizing specific priorities (e.g. linking residential life with the classroom)
- Supervision of students on an individual basis
- Off-campus educational experiences
- Service-learning projects
- Interdisciplinary approaches to integrating learning
- Team teaching
- On-line delivery of courses
- Supervision of undergraduate and graduate research
- Mentoring of students participating in faculty research

### **Librarianship**

The responsibilities of library faculty may include a wide range of activities such as acquisitions, administration, information technology, cataloging, library instruction, collection development, reference, serials, special collections, and in some cases, credit-bearing teaching.

### **Guidelines**

Unit policy for librarianship should articulate expectations consistent with the objectives of the University and the needs of the academic community. These expectations should be consistent with policies for promotion and tenure, standards of accreditation, and other factors characteristic of librarianship.



## **Considerations**

Considerations may include the complexity of the specific activities, the level of supervisory responsibility, and other relevant circumstances as determined by the unit.

### Research and Scholarship

The University recognizes that faculty time should be allocated towards research and scholarship for meaningful outcomes. Responsibilities in this area include activities associated with research and scholarship. Research and scholarship associated with the teaching of a discipline or interdisciplinary field and with the application of a discipline or field in practice are also valuable endeavors contributing to the formation of knowledge. Therefore, the scope of a faculty member's scholarship and research includes all activities necessary to further the thought and theory of a discipline or field through publication, artistic creation, presentation and performance, as well as the scholarship of teaching a discipline or field and the practice associated with the application of a discipline or field. The University recognizes the value of scholarship and research related to all of these matters.

## **Guidelines**

Unit workload guidelines for scholarship should enable faculty to meet the expectations for scholarship and research described in the unit promotion and tenure policies.

## **Considerations**

When considering the full scope of scholarship and research and the entirety of the process leading to an academic or artistic work, the following considerations are important in determining unit policies and expectations for a faculty member's activities in this area of responsibility. This list is not exhaustive.

- Complexity of the activity and the time necessary for research, analysis, creation and writing
- Complexity of the activity and the time necessary for creation, practice, performance, and/or exhibition
- Involvement with grant writing, securing contracts, and other means of obtaining funding
- Student participation in research and associated faculty supervision and mentoring responsibilities
- Development of ideas and dissemination of knowledge through professional presentations
- Impact of faculty research and scholarship as reflected by
  - Quality of the formal outlet in which the work appears
  - Number of peer reviewed publications, presentations or performances

### Service

All members of the faculty are responsible for advancing the University, their discipline or interdisciplinary field and the community through service activities. Faculty and the administration share governance of the University, and active participation on committees, councils and boards at all levels of the University organization by members of the faculty fulfills this responsibility. Service to a discipline or field includes activities in support of academic journals and discipline-based professional organizations. Service to local, regional, national and international communities involves the application of the faculty member's discipline or field to projects that advance these communities and, in so doing, advance the stature of the University.

Service activity related to the discipline or field, the University, and/or the community strengthens the University and affords faculty opportunities to advance their careers.

### **Guidelines**

Units should develop policies that make explicit the value and importance of faculty service and establish expectations for service to the department, University, community and profession. These expectations may include standards for varied forms of participation, membership, and/or leadership positions per year for each member of the faculty. These standards should be consistent with policies for promotion and tenure, standards of accreditation, and other factors characteristic of the discipline or interdisciplinary field.

### **Considerations**

The following considerations are relevant to the development of unit policies and the determination of a faculty member's service responsibility. This list is not exhaustive.

- Extent of integration of service activities with an individual's teaching or librarianship, scholarship, and/or research
- Extent to which the activity enriches the academic life of students, advances the mission of the University, and/or advances the discipline or interdisciplinary field
- Administrative positions held and other on-going administrative activities
- The complexity and time requirements of a service activity
- Mentoring of faculty colleagues

## **2. Importance of Flexibility in the Assignment of Faculty Responsibilities and Procedures for Developing Unit Policies**

Flexibility in the assignment of faculty responsibilities is essential to the accomplishment of department, unit, University, and faculty goals. In establishing their policies, units should recognize that variations across individuals and across time may be appropriate. Individual faculty members often have quite different responsibilities, some of which may be highly specialized, and the relative weight of these responsibilities may vary over time. Individual responsibilities are best determined by the department chairperson and/or unit dean, in consultation with the faculty member.

Units should develop policies for the distribution of faculty effort and time across all areas of responsibility, ensuring full participation of its faculty in the process. The policy should be congruent with these *University Guidelines*, both initially and in all subsequent reviews.

The determination of a faculty member's academic responsibilities should result from a regular, periodic consultation process between the faculty member and the appropriate administrator as specified in unit policies. The unit policies should allow a measure of latitude in making individual assignments and ensure that all of the individual's professional activities are considered. Unit policies should integrate with promotion and tenure policies, policies for the review of tenured faculty, and policies associated with annual reviews and the award of merit. Any review of faculty performance should reflect the mutually determined allocation of responsibilities.

As appropriate, departments may develop their own policies as well. Reappraisal at regular intervals is essential, so that faculty responsibilities adjust to changes in the unit's strategic direction, size, structure, academic programs, and/or facilities. All faculty members, including

those new to the unit, should be aware of the current policy and practices. Each policy is subject to review and approval by the next higher unit. In other words, deans must review and approve all departmental policies and the Provost must review and approve all unit-wide policies.

## **10. University Policy on Faculty Evaluation**

**(Approved by the Faculty, April 1976  
Approved by the President of the University, July, 1977)**

### **A. Purposes of Faculty Evaluation**

This policy pertains to a system of faculty evaluation which has as its primary purpose the continuing professional development of the members of the faculty of the University of Dayton. It is recognized that any assessment of a faculty member's performance is a sensitive issue. However, for meaningful development to occur an assessment must be made of the quality of the performance of each faculty member relative to his or her own personal goals and to the goals of the department, the program, and the University.

In the assessment of performance for either personal growth or for evaluation relative to departmental and University goals, much of the same information is desirable. However, it is also recognized that not all personal growth needs can be met by a University sponsored evaluation system. For this reason, all faculty members are encouraged to develop a personal growth plan.

In line with the foregoing statements, the following are the purposes of faculty evaluation at the University of Dayton:

- (1) To promote teaching excellence.
- (2) To help the faculty member to improve his or her professional performance.
- (3) To provide feedback for self-assessment.
- (4) To assess the extent of a faculty member's contribution to the fulfillment of the purposes of the University of Dayton.
- (5) To provide additional input to decisions regarding faculty reward.
- (6) To assist in making intelligent decisions on retention and tenure.

### **B. General Statement of Policy**

These statements provide the basis for a University-wide faculty evaluation system. Later sections discuss additional details with regard to performing the evaluation and the use of the results for the purposes listed in Section A above.

- (1) In keeping with the development emphasis of this document, the evaluation tools chosen for this University-wide evaluation would be those best suited for purposes of growth and development. These qualities would take precedence over tools best suited for generating input into considerations of retention and reward.
- (2) Provision shall be made so that all participants (faculty, students, administrators, etc.) shall have input into the development of various University-wide evaluation processes (i.e., student, peer, administrative, and self-evaluations) and which processes shall be available for departmental and individual use.
- (3) Evaluation of faculty members shall include elements of input from students, peers, the departmental chairperson or program director, and the faculty member as outlined in Section C below.

## C. Conduct of Faculty Evaluations

- (1) Evaluation for non-tenured faculty members:
  - a. The departmental chairperson or program director has the responsibility to see that the results of the faculty evaluation are submitted to the Dean each year, prior to contract decisions for the next year. These results should include the following points:
    - i. Evaluation of teaching ability.
    - ii. Scholarly and professional activities. If the faculty member is working toward a degree, progress should be indicated.
    - iii. Service to the University.
    - iv. Public service.
    - v. A summary of consultation with faculty on items (i) through (iv). This consultation will be conducted either individually or in a group, as determined by departmental policy.
  - b. During the probationary period the faculty member must have at least one evaluation by peers using a method acceptable to the department. [Divisions routinely have two evaluations by peers during probationary period.]
- (2) Evaluation for tenured faculty members (See also Academic Senate document [2006-11, Review of Tenured Faculty](#))
  - a. The departmental chairperson or program director has the responsibility to see that the results of the faculty evaluations for tenured faculty members are submitted to the Dean at least biennially. Included in these results will be the same points listed in Section C. (1)a. above.
  - b. Each tenured faculty member must be evaluated by peers, using a method acceptable to the department, at least once during each six-year interval. Departmental post tenure review plans generally need not involve evaluation processes in addition to those by which faculty members are commonly evaluated, as long as a peer evaluation component is included. (See also Academic Senate document I-06-11, approved April 23, 2010.)
- (3) Provision shall be made to ensure that the full results of all evaluations are made available to the individual faculty member and to his or her departmental chairperson. The evaluation submitted by the Chairperson to the Dean should be made known to the faculty member prior to being submitted to the Dean. The results of evaluations may not be made available to any other individuals without permission of the faculty member.
- (4) The faculty member has the option of submitting additional evaluation materials to the Dean.
- (5) Each faculty member should submit a summary of his or her professional activities each year to the Chairperson.
- (6) Each non-tenured faculty member, in consultation with his or her Chairperson, shall undertake an annual personal goal projection and subsequent self-evaluation. For tenured faculty members, such consultation will occur at least biennially.
- (7) Student evaluations of classes shall be conducted at least annually in accordance with procedures approved by the department. The department has the option to select its own student evaluation instrument. However, use of the University-wide uniform student evaluation instrument is encouraged.
- (8) Grievance procedures, germane to the evaluation processes, shall be established at the College/School and University levels.

## D. Evaluations of Administrators

- (1) All administrators, academic and nonacademic, shall be evaluated at least biennially in a multifaceted manner.

- (2) A committee, composed of administrators, faculty, and students, shall be established to develop guidelines and procedures for the evaluation of administrators in their role as administrators.
- (3) The evaluation of the teaching performance of administrators who teach shall be done in the manner outlined in the section on “Conduct of Faculty Evaluations” using the procedures approved in the department in which the courses are taught.
- (4) One objective of evaluation of administrators should be a continuing clarification of the goals and directions of the department, School or College, and the University.

#### E. Use of Faculty Evaluation for Faculty Development

Development is an individual concern that cannot be imposed upon a faculty member but must derive from his or her own felt need for growth and the access to the resources to accomplish that growth. The results of the faculty evaluation may assist the faculty member to identify areas in which growth is desirable.

#### F. Use of Faculty Evaluation for Reward

- (1) Data generated from an evaluation system will reward the individual faculty member by giving some concrete measure of student acceptance, colleague recognition, and personal achievement.
- (2) It is encouraged that the results of faculty evaluations be used as an aid in determining the amount of merit raises given to faculty members.
- (3) Evaluation will furnish input for assessment and reward of improvement as well as performance.
- (4) An equitable evaluation system will point out the relative priority and respect assigned to various faculty roles, as defined in Sections C(6), G(1), G(2), G(4), and J.
- (5) In making compensation and reward decisions, consideration should be given to teaching loads, mini-courses, and experimental or interdisciplinary programs in addition to the items mentioned in Section C.(1)a.
- (6) An equitable evaluation system will provide a sound basis for judgment in awarding promotion in academic rank.
- (7) Reward based on objective data will provide motivation for further pursuit of excellence thus assuring the maintenance of a high level of professional competency.

#### G. Use of Faculty Evaluation for Retention and Tenure Decisions

- (1) All procedures with regard to retention and tenure decisions must follow the University of Dayton Regulations on Academic Freedom and Tenure.
- (2) Each department should determine its own goals and objectives, to be approved by the Dean, and disseminated to all faculty members in the department.
- (3) Retention and tenure decisions should be made on the basis of multifaceted evaluations done over several years. This would prevent “pressure” evaluations and would allow for greater validity.
- (4) Conditions for the awarding of tenure should be stated in writing from the department upon hiring. These stated factors should be considered in any tenure decision.
- (5) Evidence of teaching ability must be produced for departmental, College, and School review committees for tenure.
- (6) Improvement in teaching or evidence of good teaching should be one of the essential factors in granting tenure.
- (7) All professional activities which contribute to the accomplishment of departmental and

University goals should be considered in any retention or tenure decision.

- (8) In tenure and retention discussions, student evaluation, peer evaluation, administrative and self-evaluations should all be considered.
- (9) The evaluation system results should be made known to the Department Chairperson.
- (10) The Chairperson must discuss the results of the evaluation with the individual involved.

#### H. Student Evaluation System

- (1) Student evaluation of faculty should be an integral part of an overall evaluation system which is used for faculty development purposes. The content, form, and detail of the student evaluation system may vary, but in general, it should measure and/or identify those general factors of teaching competence applicable to all faculty members.
- (2) A large body of research has demonstrated that student evaluation of faculty can provide a valuable input for those who want to improve their teaching effectiveness. Students are the only individuals except the instructor who, based on repeated observations, can report accurately and express opinions on what takes place in the conduct of a course, both within and outside the classroom.
- (3) Student evaluation of faculty is mandatory for all academic departments and programs of the University. At least annually, a student evaluation will be conducted for each course taught by each faculty member. More frequent evaluations may, of course, be made.
- (4) A faculty member shall not remain in his or her classroom during the time that students are completing the evaluation instrument. Each department will ensure that someone other than the course professor or instructor administers the evaluation instrument.
- (5) Department Chairpersons shall establish procedures and other safeguards to assure that faculty members do not obtain access to the evaluation results until after the due date of final course grades. Access to the scan sheet completed by students, the computer-generated results of the evaluation, and all written comments by students shall be so restricted.
- (6) Students shall be given adequate time to complete the evaluation instrument. Adequate time means at least ten minutes.
- (7) Each academic department or program should use the uniform student evaluation instrument. The widespread use of this uniform instrument will make possible helpful statistical comparisons among the various academic segments of the University.
- (8) The uniform evaluation instrument is, however, flexible and adaptable for the more specific needs of each department or program. For example, a department may want to add questions about textbooks used in certain courses, or questions about how well an instructor is implementing goals he or she has set.

#### I. Peer Evaluation System

- (1) Peer evaluation recognizes the legitimate primacy of faculty colleague judgments in providing information not available to students in order to implement and support decisions based on assessment of performance. Multilevel evaluation discourages casual procedures, a paucity of material, and unilateral administrative judgments. Therefore, peer evaluation should be implemented as a necessary evaluation component in each University department and program, specifically addressing the following categories:
  - a. Teaching effectiveness, which should include:
    - i. In-class performance.
    - ii. Course preparation, development, and materials.
  - b. Professional competency and development, which should include:
    - i. Curriculum development.



- ii. Instructional innovation.
  - iii. Supervision of advanced study (thesis, independent study, honor studies).
  - iv. Professional recognition.
  - v. Research and publications.
  - vi. Continuing Education.
- c. Professional services both within the University and the community.
- (2) The University policy of peer evaluation recognizes that no one method is suitable to every department; therefore, each retains the freedom to establish and maintain written policies and procedures which insure a sound basis for individual judgments fairly applied to all and which are consistent with the faculty's agreed-upon values. *Each department will be responsible for developing a procedure which is agreeable to its members and will file a copy of this policy with the designated University official.*

#### J. Evaluation by Chairperson and Dean

- (1) The input of the individual faculty member in establishing his or her projected goals in conjunction with the department and the Dean of the College or School is essential.
- (2) Each faculty member's input into the development of the overall goals of the department should be noted. Such a process will increase the likelihood that the desirable compatibility between department goals and personal goals will be realized.
- (3) This mutual projection of the faculty member's goals should be done in a manner that facilitates an equitable and measurable yearly evaluation.

### 11. University Promotion and Tenure Policy

[Senate document 2006-10](#)

#### Introduction

The quality of faculty accomplishments in scholarship, teaching, and service largely determines the quality of the institution as a whole. Promotion and tenure decisions are extremely important to the life of the institution. They are the means by which the University retains its most valuable scholars, sustains excellence in its instructional program, and promotes its mission for service.

Promotion and tenure decisions are also among the most important events in a faculty member's professional life. Accordingly, it is essential that all faculty members be treated fairly and granted due process in the deliberations that determine promotion and tenure.

This policy establishes general guidelines that govern University-wide procedures for promotion and tenure review. These guidelines and procedures are designed to ensure communication, fairness, and due process throughout the review process. This policy includes opportunities to respond in the event of disagreements over promotion and tenure recommendations and provides an appeals procedure.

In addition, this policy provides a process for initial and periodic review of promotion and tenure documents for procedural consistency and clarity of substantive criteria both at the unit and department levels.

#### I. Establishment, Review, and Approval of Promotion and Tenure Criteria and Procedures

##### A. General University-wide Criteria and Eligibility for Promotion and Tenure Evaluations



1. Criteria for promotion and tenure focus on the academic credentials and the academic performance of the applicant. The faculty member's performance will be evaluated as appropriate to the profession in the areas of:
  - a. Teaching effectiveness and/or librarianship,
  - b. Scholarship and/or artistic accomplishment, and
  - c. Service, including professional, departmental, University, and community.
2. Tenure will not be granted to a faculty member whose rank is below the level of associate professor. Normally, tenure will be considered at the same time as promotion in rank. However, faculty may be promoted to associate professor prior to being granted tenure. Faculty members who have already been granted tenure at the assistant professor level prior to implementation of this policy will retain their tenure and rank.
3. Tenure-track faculty with no prior service credit will be considered for tenure no later than their sixth year of active, full-time service. Time devoted to leaves of absence, sabbaticals, or other interruptions in the annual performance of teaching, research, and service may affect the total period of evaluation and the timing of departmental reviews. The effects of such interruptions on the period of evaluation and timing of reviews must be agreed to in writing by the faculty member, chairperson, dean, and Provost at the time that the interruption takes place or within six months of the initiation of the interruption.
4. A candidate who successfully completes the promotion and/or tenure process will be granted promotion and/or tenure with his or her next contract.

#### B. Unit and Departmental Authority and Responsibilities

1. Each academic department will adopt clear criteria and procedures for promotion and tenure.
2. The College of Arts and Sciences, School of Business Administration, School of Education and Health Services, and School of Engineering will have an elected, representative unit promotion and tenure committee comprised of tenured faculty members from the unit. Each unit's procedures may allow for the Dean to appoint up to two additional representatives in any given year. The School of Law<sup>1</sup> and University Libraries, because they have fewer than 30 tenure and tenure-track members, will not be required to conduct elections. They will set appropriate processes in place to establish unit promotion and tenure committees, and those processes will be reviewed by the University Promotion and Tenure Committee (hereafter, the University Committee).
3. The unit's Promotion and Tenure Committee will
  - a. make a recommendation for promotion and tenure on each individual candidate to the Dean, and
  - b. review and approve its department-level criteria and procedures for promotion and tenure.
4. Any disagreements between a department and a unit promotion and tenure committee related to approval of departmental promotion and tenure criteria and procedures will be resolved by the appropriate Dean.

#### C. University Academic Senate Authority and Responsibilities

1. The Academic Senate will establish the University Committee and provide oversight of the elections of faculty members to the University Committee.
2. The Academic Senate will determine all University-wide procedural policies on promotion and tenure and explicate such policies in the *Faculty Handbook*. If the University Committee notes inconsistencies between documents not covered by University-wide procedural policies on promotion and tenure, those procedural inconsistencies will be submitted to the Academic Senate for resolution.

#### D. The University Committee

1. The University Committee will
  - a. review and approve the promotion and tenure policies of all units for consistency with University policies and procedures.
  - b. annually review the promotion and tenure process for adherence to appropriate procedures and present a report to the Chairperson of the Academic Affairs Committee of the Board of Trustees and the President of the Academic Senate. The President of the Academic Senate will annually present this report to the Executive Committee of the Academic Senate.
2. The University Committee will consist of fifteen tenured faculty members: seven from the College of Arts and Sciences (two from the Humanities, one from the Visual and Performing Arts, two from the Natural Sciences, two from the Social Sciences); two respectively from the School of Business Administration, the School of Education and Health Sciences, and the School of Engineering; and one each from the School of Law and the University Libraries.
  - a. The University Committee members will be elected by tenure and tenure-track members of their respective constituencies.
  - b. Members of the University Committee will serve three-year terms (maximum of two consecutive terms, with staggered terms within and across units); all members will be tenured with rank of associate professor or professor and cannot hold an administrative appointment (including departmental chairpersons, assistant and associate deans, deans, and other full or part-time administrators with line authority). The University Committee will elect a chairperson from those duly elected. The chairperson shall serve for one year, and may serve consecutive terms. Terms will begin effective June 1 of the year elected.
  - c. Any individual who cannot complete his or her term of office will be replaced from the list of candidates in the year in which the member was elected. Candidates not elected to the University Committee will be listed by area in the order of votes received, beginning with the highest, and will, in that order, be asked to fill vacated positions.
3. The University Committee will approve those unit documents that define clear substantive criteria and procedures consistent with University policies, including mechanisms for communicating throughout the entire promotion and tenure process.
4. After the initial approval has been received by a unit, the University Committee will review that unit's policies every three years. Whenever substantive changes are proposed, the unit promotion and tenure documents must be approved by the University Committee for consistency with University policies and procedures.
5. In the event the University Committee does not approve unit documents or proposed changes to them, and if the Dean of that unit disagrees with the decision of the University Committee, the matter will be resolved by the President in consultation with the Provost.

5. The Office of the Provost will be responsible for providing administrative support for the work of this committee and assuring that all documents are distributed in a timely and appropriate manner.

## **II. Common Processes for Promotion and Tenure Evaluations**

### **A. Common process for pre-tenure review**

1. The approved University, unit, and departmental criteria and procedures will be shared with the candidate at the time of hire by the Office of the Provost. These will be the basis of the pre-tenure, final tenure, and promotion reviews.
2. Each unit dean will establish a timetable regarding the submission and review of pre-tenure materials.
3. During the pre-tenure period, every candidate will receive a minimum of two reviews of his or her teaching and/or librarianship, scholarship and/or artistic accomplishment, and service by his or her department and the appropriate dean, with the final review conducted the year prior to the final departmental tenure recommendation. The School of Law and University Libraries will have only a unit review.
4. Credit toward tenure granted for prior service
  - a. A candidate who is given two or fewer years credit toward tenure will receive two comprehensive reviews (as described in II.A.5. below).
  - b. A candidate receiving three or more years credit toward tenure will receive a minimum of one review of his or her teaching and/or librarianship, scholarship and/or artistic accomplishment, and service by his or her department and the appropriate dean, with the final review conducted the year prior to the final departmental tenure recommendation. The number of and timing of the review(s) will be explicated in the candidate's first letter of hire. The School of Law and University Libraries will have only a unit review.
  - c. Any changes in the tenure clock after this first letter of hire may require a change in the review cycle. Such changes must be agreed to in writing by the faculty member, chairperson, dean, and Provost.
5. Pre-tenure review process
  - a. A candidate will submit his or her review materials and supporting documentation for review to the responsible persons (i.e., departmental chairperson, departmental promotion and tenure committee) at the departmental level. (The School of Law and University Libraries will have only a unit review. Materials will be submitted directly to the unit dean.)
  - b. After giving adequate consideration to the materials, each department/unit will provide written feedback to the candidate in a timely fashion as designated by the departmental (unit in the case of the School of Law or University Libraries) promotion and tenure document. In addition to a statement regarding progress toward tenure, feedback will include comments of a developmental nature, in line with the criteria for tenure, indicating areas of concern and suggestions for improvement.
  - c. The candidate's review materials, supporting documentation, and the written feedback will be forwarded to the appropriate unit dean. The dean will then review the materials and provide written feedback to the candidate in a timely fashion.

## B. Common application and final review process for tenure and/or promotion

1. Each unit dean will establish a timetable regarding the submission and review of promotion and tenure materials.
2. The review materials for promotion and tenure will be cumulative. Materials generated as a result of review at the departmental level (unit in the case of the School of Law or Libraries), including letters from chairperson, departmental promotion and tenure committee, and response, will become part of the application package and will be forwarded to the unit for review. Likewise, materials generated in the unit review, including letters from dean, unit promotion and tenure committee, and responses, will be forwarded to the Provost for review.
3. Materials of a substantive nature which update the submitted application (e.g., acceptance or publication of a manuscript) can be added to the application by the candidate at any point in the tenure review process until the Provost's recommendation is made. It is expected that appropriate consultation will take place if materials are added that will affect the recommendation.
4. Each academic department (unit in the case of the School of Law or University Libraries) will develop a "Procedural Form" that itemizes the promotion and tenure steps that are to be followed in the department and unit. As steps are completed, each of the responsible persons (e.g., departmental chairperson, departmental promotion and tenure committee, chairperson of the unit promotion and tenure committee, and dean) in the unit will provide his or her signature, acknowledging that steps were completed in accordance with the departmental and unit procedural policies and indicating the date in which steps were completed. Each candidate will be provided an opportunity to sign, acknowledging receipt of written documentation and the date it was received. A candidate's signature will not indicate agreement with the feedback or recommendations at any given point.
5. Departmental Application and Review Process (does not apply to School of Law or University Libraries)
  - a. A candidate will submit his or her application and supporting documentation for promotion and/or tenure to the departmental chairperson by the date specified by the departmental promotion and tenure documents.
  - b. After giving adequate consideration to each application, each department, in accordance with its unit promotion and tenure procedures, will make a promotion and tenure recommendation in writing to the appropriate unit promotion and tenure committee regarding each candidate. A letter from both the departmental chairperson and departmental promotion and tenure committee will go forward to the unit promotion and tenure committee. These letters will specify the reasons for the departmental recommendations and will be copied to the respective candidate.
  - c. If the candidate chooses, he or she can respond in writing. This response will be forwarded with all related materials to the unit promotion and tenure committee.
6. Unit Application and Final Review Process (applies to all units)
  - a. The specific administrative process for submitting material, including to whom, must be specified in each unit's promotion and tenure policies.
  - b. After giving adequate consideration to each application, each unit promotion and tenure committee will make promotion and tenure recommendations regarding each candidate in writing to the appropriate dean by the date specified in the unit promotion and tenure documents.

- c. After giving adequate consideration to the application, the unit dean will inform each candidate, in writing, of the recommendation and the reasons for it no later than the first business day following December 14. In units that conduct departmental reviews, this letter will be copied to the departmental chairperson. After ensuring the candidate has received notification, the departmental chairperson will share the recommendation with the departmental promotion and tenure committee. The dean will also inform the unit promotion and tenure committee of the recommendation.
- d. Candidates or concerned individuals (e.g. departmental chairpersons or Promotion and Tenure Committee members) who wish to submit a written response to the dean have until the first business day following December 21 to do so.
- e. The dean will then consider any additional evidence and responses and send a recommendation in writing to the Provost, along with the completed “Procedural Form,” cumulative file, and the response(s) of any candidate or concerned individuals no later than the first business day after January 1. In units that conduct departmental reviews, this letter will be copied to the departmental chairperson, no later than the first business day following January 1. After ensuring the candidate has received notification, the departmental chairperson will share the recommendation with the departmental promotion and tenure committee. The dean will also inform the unit promotion and tenure committee of the recommendation.

#### 7. Provost Recommendation Process

- a. Candidates or any other concerned individuals (e.g. departmental chairpersons or Promotion and Tenure Committee members) have until the first business day following January 15 to file a written response to the dean’s recommendation with the Provost.
- b. The Provost will review all materials and make recommendations to the President no later than the first business day following January 30. Each candidate will be informed in writing of the Provost’s recommendation. Candidates or any other concerned individuals (e.g. departmental chairpersons or Promotion and Tenure Committee members) who wish to submit a written response to the Provost will have until the first business day following February 15 to do so.

#### 8. Final Administrative Authority

Final administrative authority rests with the President. Each candidate will be informed in writing of the President’s decision. This decision will also be copied to the Provost, the appropriate dean, and the appropriate departmental chairperson.

#### 9. Mediation and Appeals

If the candidate chooses to appeal the President’s decision, he or she may begin the mediation process in accord with the *Faculty Handbook*, Section IV.4.B. If mediation does not resolve the complaint, the candidate may make use of the appeal processes set out in the *Faculty Handbook*. The Board of Trustees will serve as the court of last resort in the appeals process.

#### 10. Report to the Board of Trustees

- a. The President will provide the Board of Trustees with a report of promotion and tenure actions at the spring meeting. The summary report will minimally include statistics regarding the gender and minority status of candidates.
- b. The University Committee will receive a copy of the President’s summary report on promotion and tenure no later than two weeks prior to the spring Board meeting.
- c. The University Committee will review the promotion and tenure process for adherence to appropriate procedures and will examine the President’s summary

report before compiling a report of its own to present to the Academic Affairs Committee of the Board of Trustees at the Board's spring meeting. This report will also be provided to the President of the Academic Senate who will present it to the Executive Committee of the Academic Senate.

### **III. Implementation of the University application and review process for promotion and tenure.**

- A. Following passage of this policy by the faculty members, the Provost will send a letter to each tenure track faculty member who has received three or more probationary contracts prior to May 15, 2008. The letter will inform these tenure-track faculty members that they have the choice to be evaluated relative to the procedure and criteria for promotion and tenure which were in place at the time of their most recently affected probationary contract or relative to the resolutions presented here. Each affected tenure-track faculty member will submit his or her choice to the Office of the Provost within six months of the passage of these resolutions. Tenure-track faculty members who have received two or fewer probationary contracts prior to May 15, 2008 will be evaluated relative to the resolutions presented here.
- B. Faculty members who have been granted the rank of associate professor as of May 15, 2008 will follow procedures for promotion to full professor as explicated above.<sup>2</sup>
- C. The elimination of the provisional tenure year will be implemented with the first set of contracts distributed following the approval of these resolutions.
- D. Work of the University Committee
  - 1. Elections for University Committee members will be conducted in Fall 2007.<sup>2</sup>
  - 2. Each unit will submit its procedural policies for promotion and tenure to the Office of the Provost. Those materials should be submitted as early as January 1 and no later than April 1, 2008.<sup>2</sup>
  - 3. The University Committee will review all promotion and tenure procedural by May 15, 2008.<sup>2</sup>
- E. Initial rotation of members<sup>3</sup>
  - 1. Members to initially serve a three year term: Law, Libraries, Arts, Humanities (1), Natural Sciences (1)
  - 2. Members to initially serve a two year term: Social Sciences (1), Business (1), Education (1), Engineering (1), Humanities (2)
  - 3. Members to initially serve a 1 year term: Natural Sciences (2), Social Sciences (2), Business (2), Education (2), Engineering (2)

<sup>1</sup> School of Law includes the School of Law faculty and Law Library faculty.

<sup>2</sup> Dates assume passage of the above resolutions by Fall 2007.

<sup>3</sup> Candidates with the highest number of votes in areas where two representatives are elected are designated by the number 1 in the rotations listed above. Candidates with the next highest number of votes in those areas are designated by the number 2.



## **12. University Promotion Policy for Clinical Faculty/Faculty of Practice**

[Senate document 2017-01](#)

Many units within the university, particularly the professional schools, are engaged in training students in professional skills and values that will enable them to become licensed members of a profession. This requires engaging them in a form of experiential learning taught by faculty who have both the professional skills and licensure to do so and are experienced in clinical pedagogy. Universities increasingly recognize this expertise in the form of clinical faculty. In 2016, the Academic Senate approved the titles of “Clinical Faculty/Faculty of Practice.” Such faculty were defined as: “Individuals with full-time appointments to the University faculty whose professional experience and competence as a practitioner is deemed beneficial and necessary to the educational mission of the unit (particularly professional schools but not limited to them) and departments. The status is reserved for a person who is engaged in campus – based instruction as well as the clinical/professional component of instruction.”

The quality of faculty accomplishments in teaching, service, and professional development and/or scholarship, largely determines the quality of the institution as a whole. The University has recognized the importance of these aspects of faculty development in its Promotion, Retention and Tenure Policy for Tenure-track faculty. Like tenure, promotion decisions also are extremely important to the life of the institution. They are a means by which the University retains excellence in instructional programs, trains and contributes to the development of professionals, and promotes its mission for service. Accreditation standards for different professional schools and disciplines also require the opportunity for promotion and attendant benefits of promotion.

As with tenure-track faculty, it is essential that clinical faculty members be treated fairly and granted due process in the deliberations that determine promotion. This policy establishes general guidelines that govern University-wide procedures for promotion of clinical faculty. These guidelines and procedures are designed to ensure communication, fairness, and due process throughout the review process. This policy includes opportunities to respond in the event of disagreements over promotion recommendations and provides an appeals procedure.

In addition, this policy provides a process for initial and periodic review of promotion documents for procedural consistency and clarity of substantive criteria both at the unit and department level.

### **I. Establishment, Review, and Approval of Promotion Criteria and Procedures**

#### **A. General University-wide Criteria and Eligibility for Promotion Evaluations**

1. Criteria for promotion of clinical faculty focus on the academic credentials and the academic and professional performance of the applicant. The faculty DOC 2017-01 member's performance will be evaluated within the parameters of her or his appointment and as appropriate to the profession in the areas of:
  - a. Teaching effectiveness, including classroom, didactic, individualized, and field-based or experiential forms of instruction.
  - b. Clinical or professional practice and development, and/or scholarship
  - c. Service, including professional, departmental, university, and community.
2. Consistent with this policy as well, as each unit's accreditation standards and other professional objectives, unit promotion policies will set forth detailed criteria and procedures for the granting of promotion.



3. Units will establish the criteria for appointment or promotion to the assistant, associate and professor levels; whether other rights or privileges such as security of position or voting rights may be available and the criteria for attaining them; and all the necessary procedures in the review and decision-making about rank.
4. Promotions will generally take place on 6 year intervals. Promotion or appointment to the assistant level will be determined by the unit. Application for promotion to the associate level shall take place in the 6th year of active full-time service or in accordance with professional standards of a particular discipline. The unit and department criteria for promotion shall reflect teaching, practice and service expectations which would be consistent with six years of active full-time service. Similarly, criteria for promotion to the professor level should reflect teaching, practice and service expectations consistent with six years of active full-time service beyond the prior promotion. Credit for prior service may be granted. Time devoted to leaves of absence or other interruptions may affect the total period of evaluation and the timing of departmental reviews. The effects of such interruptions on the period of evaluation and timing of reviews must be agreed to in writing by the faculty member, chairperson, dean, and Provost at the time that the interruption takes place or within six months of the initiation of the interruption.
5. Prior to submitting an application for promotion to the level of associate professor or professor, clinical faculty should receive, in addition to annual reviews, at least two departmental evaluations over a six year period. The School of Law and University Libraries will have only unit reviews.
6. A candidate who successfully completes the promotion process will be granted promotion with his or her next contract.

#### B. Unit and Departmental Authority and Responsibilities

1. Each academic department will adopt clear criteria and procedures for promotion of clinical faculty.
2. The College of Arts and Sciences, School of Business Administration, School of Education and Health Sciences, and School of Engineering will each have an elected, representative unit clinical promotion committee comprised of both tenured and clinical faculty from the unit. Each unit's procedures may determine the size, composition between tenured and non-tenure track faculty, and allow for the dean to appoint up to two additional representatives in any given year. The School of Law and University Libraries, because they have fewer than 30 tenure and tenure-track members, will not be required to conduct elections. They will set appropriate processes in place to establish unit promotion committees, and those processes will be reviewed by the University Clinical Promotion Committee (hereafter, the University Clinical Committee).
3. The Unit's Clinical Promotion Committee will
  - a. make a recommendation for promotion on each individual candidate to the dean, and
  - b. review and approve its department-level criteria and procedures for promotion.
4. Any disagreements between a department and a unit promotion committee related to approval of departmental promotion criteria and procedures will be resolved by the appropriate dean.

#### C. University Academic Senate Authority and Responsibilities

1. The Academic Senate will establish the University Clinical Committee and provide oversight of the elections of faculty members to the University Clinical Committee.
2. The Academic Senate will determine all University-wide procedural policies on Promotion of Clinical Faculty and explicate such policies in the Faculty Handbook. If the University Clinical Committee notes inconsistencies between documents not

covered by University-wide procedural policies on promotion and tenure, those procedural inconsistencies will be submitted to the Academic Senate for resolution.

**D. The University Clinical Committee**

1. The University Clinical Committee will
  - a. review and approve the promotion policies of all units for consistency with University policies and procedures
  - b. annually review the promotion process for adherence to appropriate procedures and present a report to the Chairperson of the Academic Affairs Committee of the Board of Trustees and the President of the Academic Senate. DOC 2017-01 The President of the Academic Senate will annually present this report to the Executive Committee of the Academic Senate.
2. The University Clinical Committee will consist of five members: three will be tenured faculty members and two will be clinical faculty members.
  - a. The three tenured University Clinical Committee members will be elected by tenured members of the University Faculty.
  - b. The clinical faculty members will be elected from all clinical faculty of the university. The clinical faculty representative must have been promoted to the associate level or higher.
  - c. Departmental chairpersons, assistant and associate deans, and deans are ineligible to serve on this committee.
  - d. The University Clinical Committee will elect a chairperson from those duly elected.
  - e. Members of the University Clinical Committee will serve three-year terms (maximum of two consecutive terms). The chairperson will be selected from among the five committee members and shall serve for one year, and may serve consecutive terms. Terms will begin effective June 1 of the year elected.
  - f. Individuals who cannot complete their term of office will be replaced from the list of candidates in the year in which the member was elected. Candidates not elected to the University Clinical Committee will be listed by area in the order of votes received, beginning with the highest, and will, in that order, be asked to fill vacated positions.
  - g. The size and composition of the University Clinical Committee shall be reviewed after three (3) years from adoption of this policy to determine whether the balance between tenured and clinical faculty is appropriate as well as the balance of representation between different units and departments.
3. The University Clinical Committee will approve those unit documents that define clear substantive criteria and procedures consistent with University policies, including mechanisms for communicating throughout the entire promotion and tenure process.
4. After the initial approval has been received by a unit, the University Clinical Committee will review that unit's policies every three years. Whenever substantive changes are proposed, the unit promotion documents must be approved by the Clinical Committee for consistency with University policies and procedures.
5. In the event the University Clinical Committee does not approve unit documents or proposed changes to them, and if the dean of that unit disagrees with the decision of the University Clinical Committee, the matter will be resolved by the President in consultation with the Provost.
6. The Provost's office will be responsible for providing administrative support for the work of this committee and assuring that all documents are distributed in a timely and appropriate manner.

## **II. Common Processes for Promotion Evaluations**

A. Common process for pre-promotion review

1. The approved University Clinical Promotion policy will be shared with the candidate by the Office of the Provost within the first month of the start of the candidate's initial contract. Similarly, the unit and department criteria and procedures will be shared with the candidate by his or her respective unit and department within the first month of the start of the candidate's initial full-time contract. These policies will be the basis of the promotion reviews.
2. Each unit dean will establish a timetable regarding the submission and review of materials.
3. During the pre-promotion period to the level of associate and professor, every candidate will receive a minimum of two reviews of teaching; clinical or professional practice and development, and/or scholarship and/or artistic accomplishment; and service by the department and the appropriate dean, with the final review conducted the year prior to the final departmental promotion recommendation. The School of Law and University Libraries will have only a unit review.
4. Credit toward promotion granted for prior service
  - a. A candidate who is given two or fewer years credit toward promotion will receive two comprehensive reviews (as described in II.A.5 below).
  - b. A candidate receiving three or more years credit toward promotion will receive a minimum of one review of teaching; clinical or professional practice and development, and/or scholarship; and service by the department and the appropriate dean, with the final review conducted the year prior to the final departmental promotion recommendation. The number of and timing of the review(s) will be explicated in the candidate's first letter of hire or appointment to a clinical track under this policy. The School of Law and University Libraries will have only a unit review.
  - c. Any changes in the promotion clock after this first letter of hire or appointment to the clinical track may require a change in the review cycle. Such changes must be agreed to in writing by the faculty member, chairperson, dean, and Provost.
5. Pre-promotion review process DOC 2017-01
  - a. A candidate will submit review materials and supporting documentation for review to the responsible persons (i.e., departmental chairperson, departmental clinical promotion committee) at the departmental level. (The School of Law and University Libraries will have only a unit review. Materials will be submitted directly to the unit dean.)
  - b. After giving adequate consideration to the materials, each department/unit will provide written feedback to the candidate in a timely fashion as designated by the departmental (unit in the case of the School of Law and University Libraries) clinical promotion document. In addition to a statement regarding progress toward promotion, feedback will include comments of a developmental nature, in line with the criteria for promotion, indicating areas of concern and suggestions for improvement.
  - c. The candidate's review materials, supporting documentation, and the written feedback will be forwarded to the appropriate unit dean. The dean will then review the materials and provide written feedback to the candidate in a timely fashion.

B. Common application and final review process for promotion

1. Each unit dean will establish a timetable regarding the submission and review of promotion materials.

2. The review materials for promotion will be cumulative. Materials generated as a result of review at the departmental level (unit in the case of the School of Law and University Libraries), including letters from chairperson, clinical promotion committee, departmental promotion and tenure committee, and response, will become part of the application package and will be forwarded to the unit for review. Likewise, materials generated in the unit review, including letters from dean, unit clinical promotion committee, and responses, will be forwarded to the Provost for review.
3. Materials of a substantive nature which update the submitted application (e.g., acceptance or publication of a manuscript) can be added to the application by the candidate at any point in the promotion review process until the Provost's recommendation is made. It is expected that appropriate consultation will take place if materials are added that will affect the recommendation.
4. Each academic department (unit in the case of the School of Law and University Libraries) will develop a "Procedural Form" that itemizes the promotion steps that are to be followed in the department and unit. As steps are completed, each of the responsible persons (e.g., departmental chairperson, departmental promotion and tenure committee, clinical promotion committee, chairperson of the unit promotion and tenure committee, and dean) in the unit will provide his or her signature, acknowledging that steps were completed in accordance with the departmental and unit procedural policies and indicating the date in which steps were completed. Each candidate will be provided an opportunity to sign, acknowledging receipt of written documentation and the date it DOC 2017-01 was received. A candidate's signature will not indicate agreement with the feedback or recommendations at any given point.
5. Departmental Application and Review Process (does not apply to School of Law and University Libraries)
  - a. A candidate will submit his or her application and supporting documentation for promotion to the departmental chairperson by the date specified by the departmental clinical promotion documents.
  - b. After giving adequate consideration to each application, each department, in accordance with its unit promotion procedures, will make a promotion recommendation in writing to the appropriate unit clinical promotion committee regarding each candidate. A letter from both the departmental chairperson and the clinical promotion committee will go forward to the unit clinical promotion committee. These letters will specify the reasons for the departmental recommendations and will be copied to the respective candidate.
  - c. If the candidate chooses, he or she can respond in writing. This response will be forwarded with all related materials to the unit clinical promotion committee.
6. Unit Application and Final Review Process (applies to all units)
  - a. The specific administrative process for submitting material, including to whom, must be specified in each unit's clinical promotion policies.
  - b. After giving adequate consideration to each application, each unit promotion committee will make promotion recommendations regarding each candidate in writing to the appropriate dean by the date specified in the unit clinical promotion documents.
  - c. After giving adequate consideration to the application, the unit dean will inform each candidate, in writing, of the recommendation and the reasons for it no later than the first business day following December 14. In units that conduct departmental reviews, this letter will be copied to the departmental chairperson. After ensuring the candidate has received notification, the departmental chairperson will share the recommendation with the departmental clinical promotion committee.

- The dean will also inform the unit clinical promotion committee of the recommendation.
- d. Candidates or concerned individuals (e.g. departmental chairpersons, clinical promotion committee) who wish to submit a written response to the dean have until the first business day following December 21 to do so.
  - e. The dean will then consider any additional evidence and responses and send a recommendation in writing to the Provost, along with the completed “Procedural Form,” cumulative file, and the response(s) of any candidate or DOC 2017-01 concerned individuals no later than the first business day after January 1. In units that conduct departmental reviews, this letter will be copied to the departmental chairperson, no later than the first business day following January 1. After ensuring the candidate has received notification, the departmental chairperson will share the recommendation with the departmental clinical promotion committee. The dean will also inform the unit clinical promotion committee of the recommendation.
7. Provost Recommendation Process
    - a. Candidates or any other concerned individuals (e.g. departmental chairpersons, clinical promotion committee or promotion and tenure committee members) have until the first business day following January 15 to file a written response to the dean’s recommendation with the Provost.
    - b. The Provost will review all materials and make recommendations to the President no later than the first business day following January 30. Each candidate will be informed in writing of the Provost’s recommendation. Candidates or any other concerned individuals (e.g. departmental chairpersons, clinical promotion committee or promotion and tenure committee members) who wish to submit a written response to the Provost will have until the first business day following February 15 to do so.
  8. Final Administrative Authority Final administrative authority rests with the President. Each candidate will be informed in writing of the President’s decision. This decision will also be copied to the Provost, the appropriate dean, and the appropriate departmental chairperson.
  9. Mediation and Appeals If the candidate chooses to appeal the President’s decision, he or she may begin the mediation process in accord with the Faculty Handbook, Section IV.E. If mediation does not resolve the complaint, the candidate may make use of the grievance processes set out in the Faculty Hearing Committee on Grievances Bylaws and Operating Procedures. The Board of Trustees will serve as the court of last resort in the appeals process.
  10. Report to the Board of Trustees
    - a. The President will provide the Board of Trustees with a report of promotion actions at the spring meeting. The summary report will minimally include statistics regarding the gender and minority status of candidates.
    - b. The University Clinical Committee will receive a copy of the President’s summary report on promotion and tenure no later than two weeks prior to the spring Board meeting. DOC 2017-01
    - c. The Clinical Committee will review the clinical promotion process for adherence to appropriate procedures and will examine the President’s summary report before compiling a report of its own to present to the Academic Affairs Committee of the Board of Trustees at the Board’s spring meeting. This report will also be provided to the President of the Academic Senate who will present it to the Executive Committee of the Academic Senate.



### **III. Implementation of the University clinical promotion policy**

- A. Clinical positions prior to the adoption of this policy. Each unit will identify faculty positions which meet the requirements for reclassification as clinical faculty or faculty of practice as defined by the Clinical and Courtesy Appointments Policy. These reclassifications will be approved by the Office of the Provost. Faculty members who are currently serving in these positions will be reclassified as the position is reclassified. Consistent with Section I(A)(4), the faculty members who are reclassified will be eligible for consideration for assignment to a level following the approval of this policy and the adoption of unit and departmental policies and procedures for promotion of clinical faculty or faculty of practice.
- B. Work of the Clinical Committee
  - 1. Elections for Clinical Committee members will be conducted in Fall 2017.
  - 2. Each unit will submit its procedural policies for clinical promotion to the Provost's office. Those materials should be submitted as early as January 1 and no later than April 1, 2018.
  - 3. The Clinical Committee will review all clinical promotion procedures by May 15, 2018.
- C. Composition and Rotation of members
  - 1. Starting with the first election, one member of the Clinical Committee will be elected to serve a one-year term, two will be elected to serve two-year term, and two more will be elected to serve three-year terms.
  - 2. The Clinical Committee is to be comprised of tenured faculty until such time as sufficient numbers of clinical faculty are promoted to serve on the committee.
  - 3. The majority of the tenured members will come from units with clinical faculty.

### **13. University Promotion Policy for Lecturers**

#### **Senate Doc 2018-03**

Most units within the university rely upon lecturers to fulfill critical teaching obligations. As defined in the faculty handbook: "Lecturer status is reserved for a person, primarily engaged as a teacher, who presents a genuine benefit to the University in a full-time capacity." Lecturers' contributions in teaching or librarianship are critical to the quality of the institution as a whole and the ability of the university to meet its teaching mission.

The quality of faculty accomplishments in teaching or librarianship as well as attendant contributions of service, professional development and/or scholarship, when that is required by departments or units, largely determines the quality of the institution as a whole. The University has recognized the importance of faculty development in its Promotion, Retention and Tenure Policy for Tenure-track faculty as well as its Promotion Policy for Clinical Faculty and Faculty of Practice. Promotion decisions also are extremely important to the life of the institution. They are a means by which the University retains excellence in instructional programs, trains and contributes to the development of professionals, and promotes its mission for service.

As with tenure-track faculty, clinical faculty and faculty of practice, it is essential that lecturers be treated fairly and granted due process in the deliberations that determine promotion. This policy establishes general guidelines that govern University-wide procedures for promotion of lecturers. These guidelines and procedures are designed to ensure communication, fairness, and due process throughout the review process. This policy includes opportunities to respond in the event of disagreements over promotion recommendations and provides an appeals procedure.

In addition, this policy provides a process for initial and periodic review of promotion documents for procedural consistency and clarity of substantive criteria both at the unit and department level. It should be noted that this policy applies to all academic units with the exception of the School of Law, which does not have lecturer positions and whose full-time non-tenure track positions are unique to the law school and are covered by a separate law school promotion policy.

## I. Establishment, Review, and Approval of Promotion Criteria and Procedures

### A. General University-wide Criteria and Eligibility for Promotion Evaluations

1. Criteria for promotion of lecturers focus on the academic credentials and the academic and professional performance of the applicant. The lecturer's performance will be evaluated on the basis of teaching effectiveness or librarianship and within the parameters of her or his appointment. It is recognized that the parameters of a lecturers' appointments may vary from unit to unit as appropriate to the discipline. Although the primary responsibility of lecturers is on teaching or librarianship, where expectations beyond teaching may exist within a particular unit, appointment letters should also appropriately articulate scholarly or service expectations, if any. These responsibilities should be evaluated accordingly.
2. The evaluation of faculty teaching or librarianship for the purposes of promotion must be based on multiple measures drawn from multiple sources in accordance with department, program, or academic unit guidelines or bylaws.
3. Consistent with this policy as well, as each unit's accreditation standards and other professional objectives, unit promotion policies will set forth additional criteria and procedures for the granting of promotion.
4. Units will establish the criteria for appointment or promotion to lecturer, senior lecturer, principal lecturer. Units will also establish rights or privileges such as length of appointment, security of position, voting or participatory rights, professional development opportunities or other provisions that may be available and the criteria for attaining them as well as all the necessary procedures in the review and decision-making about level.
5. Promotions will generally take place on six-year intervals. The unit and department criteria for promotion to senior lecturer shall reflect teaching or librarianship and other expectations that would be consistent with six years of active full-time service. Similarly, criteria for promotion to principal lecturer should reflect sustained, differentiated expectations beyond the prior promotion. The decision to seek promotion is a voluntary one. In the event application for promotion is sought and denied, the applicant shall remain at the last approved level and may seek promotion at a future time. Credit for prior service may be granted. Time devoted to leaves of absence or other interruptions may affect the total period of evaluation and the timing of departmental reviews. The effects of such interruptions on the period of evaluation and timing of reviews must be agreed to in writing by the faculty member, chairperson, dean, and provost at the time that the interruption takes place or within six months of the initiation of the interruption.



6. Prior to submitting an application for promotion to the level of senior lecturer or principal lecturer, applicants should receive, in addition to annual reviews, at least one comprehensive review. The University Libraries will have only unit reviews.
7. A candidate who successfully completes the promotion process will be granted promotion with his or her next contract.

#### B. Unit and Departmental Authority and Responsibilities

1. Each academic department will adopt clear criteria and procedures for promotion of lecturer faculty.
2. The College of Arts and Sciences, School of Business Administration, School of Education and Health Sciences, and School of Engineering will each have an elected, representative unit lecturer promotion committee comprised of both tenured faculty and lecturers from the unit. Each unit's procedures may determine the size, composition between tenured and non-tenure track faculty, and allow for the dean to appoint up to two additional representatives in any given year. The University Libraries, because they have fewer than thirty (30) tenure and tenure-track members, will not be required to conduct elections. They will set appropriate processes in place to establish unit promotion committees, and those processes will be reviewed by the University Lecturer Promotion Committee (hereinafter, the University Lecturer Committee).
3. The Unit's Lecturer Promotion Committee will
  - a. make a recommendation for promotion on each individual candidate to the dean, and
  - b. review and approve its department-level criteria and procedures for promotion.
4. Any disagreements between a department and a unit promotion committee related to approval of departmental promotion criteria and procedures will be resolved by the appropriate dean.

#### C. University Academic Senate Authority and Responsibilities

1. The Academic Senate will establish the University Lecturer Committee and provide oversight of the elections of faculty members to the University Lecturer Committee.
2. The Academic Senate will determine all University-wide procedural policies on Promotion of Lecturers and explicate such policies in the Faculty Handbook. If the University Lecturer Committee notes inconsistencies between documents not covered by University-wide procedural policies on promotion of lecturers, those procedural inconsistencies will be submitted to the Academic Senate for resolution.

## D. The University Lecturer Committee

### 1. The University Lecturer Committee will

- a. review and approve the promotion policies of all units for consistency with University policies and procedures.
- b. annually review the promotion process for adherence to appropriate procedures and present a report to the Chairperson of the Academic Affairs Committee of the Board of Trustees and the President of the Academic Senate. The President of the Academic Senate will annually present this report to the Executive Committee of the Academic Senate.

### 2. The University Lecturer Committee will consist of thirteen (13) members: seven (7) will be tenured faculty members and six (6) will be lecturers.

- a. The seven (7) tenured members will be elected by tenured members of the University Faculty from all units except the School of Law. Three will be elected from the College of Arts & Science; one will be elected from each of the professional schools, except the School of Law, and the libraries.
- b. The six (6) lecturer members will be elected from each of the academic units except the School of Law by the lecturers from their respective unit. The lecturer representative must have been promoted to a level higher than lecturer.
- c. Departmental chairpersons, assistant and associate deans, and deans are ineligible to serve on this committee.
- d. The University Lecturer Committee will elect a chairperson from those duly elected. The chairperson shall serve for one year and may serve consecutive terms.
- e. All members of the University Lecturer Committee will serve three-year terms (maximum of two consecutive terms). Terms will begin effective June 1 of the year elected.
- f. Individuals who cannot complete their term of office will be replaced from the list of candidates in the year in which the member was elected. Candidates not elected to the University Lecturer Committee will be listed by area in the order of votes received, beginning with the highest, and will, in that order, be asked to fill vacated positions.
- g. The size and composition of the University Lecturer Committee shall be reviewed by the Academic Senate after three (3) years from adoption of this policy to determine whether the balance between tenured and lecturer faculty is appropriate as well as the balance of representation between different units and departments.

### 3. The University Lecturer Committee will approve those unit documents that define clear substantive criteria and procedures consistent with University policies, including mechanisms for communicating throughout the entire promotion process.

4. After the initial approval has been received by a unit, the University Lecturer Committee will review that unit's policies every three years. Whenever substantive changes are proposed, the unit promotion documents must be approved by the Lecturer Committee for consistency with University policies and procedures.
5. In the event the University Lecturer Committee does not approve unit documents or proposed changes to them, and if the dean of that unit disagrees with the decision of the University Lecturer Committee, the matter will be resolved by the President in consultation with the Provost.
6. The Provost's office will be responsible for providing administrative support for the work of this committee and assuring that all documents are distributed in a timely and appropriate manner.

## II. Common Processes for Promotion Evaluations

### A. Common process for pre-promotion review

1. The approved University Lecturer Promotion policy will be shared with the candidate by the Office of the Provost within the first month of the start of the candidate's initial contract. Similarly, the unit and department criteria and procedures will be shared with the candidate by his or her respective unit and department within the first month of the start of the candidate's initial full-time contract. These policies will be the basis of the promotion reviews.
2. Each unit dean will establish a timetable regarding the submission and review of materials.
3. During the pre-promotion period to the level of senior or principal lecturer, every candidate will receive a minimum of one review prior to the final departmental promotion recommendation. The University Libraries will have only a unit review.
4. Credit toward promotion granted for prior service
  - a. The number of years credited toward promotion will be stated in a candidate's first letter of hire or appointment to a lecturer rank under this policy. The University Libraries will have only a unit review.
  - b. Any changes in the promotion clock after this first letter of hire or appointment to the lecturer track may require a change in the review cycle. Such changes must be agreed to in writing by the faculty member, chairperson, dean, and Provost.
5. Pre-promotion review process
  - a. A candidate will submit review materials and supporting documentation for review to the responsible persons (i.e., departmental chairperson, departmental lecturer promotion committee) at the departmental level. (The University Libraries will have only a unit review. Materials will be submitted directly to the unit dean.)
  - b. After giving adequate consideration to the materials, each department/unit will provide written feedback to the candidate in a timely fashion as designated by the departmental (unit in the case of the University Libraries) lecturer promotion document. In addition to a statement regarding progress toward promotion, feedback will include comments of a developmental nature, in line with the criteria for *promotion*, indicating areas of concern and suggestions for improvement.

c. The candidate's review materials, supporting documentation, and the written feedback will be forwarded to the appropriate unit dean. The dean will then review the materials and provide written feedback to the candidate in a timely fashion.

#### B. Common application and final review process for promotion

1. Each unit dean will establish a timetable regarding the submission and review of promotion materials.
2. The review materials for promotion will be cumulative. Materials generated as a result of review at the departmental level (unit in the case of the University Libraries), including letters from chairperson, lecturer promotion committee, departmental promotion committee, and response, will become part of the application package and will be forwarded to the unit for review. Likewise, materials generated in the unit review, including letters from dean, unit lecturer promotion committee, and responses, will be forwarded to the Provost for review.
3. Materials of a substantive nature which update the submitted application (e.g., acceptance or publication of a manuscript) can be added to the application by the candidate at any point in the promotion review process until the Provost's recommendation is made. It is expected that appropriate consultation will take place if materials are added that will affect the recommendation.
4. Each academic department (unit in the case of the University Libraries) will develop a "Procedural Form" that itemizes the promotion steps that are to be followed in the department and unit. As steps are completed, each of the responsible persons (e.g., departmental chairperson, lecturer promotion committee, chairperson of the unit promotion committee, and dean) in the unit will provide his or her signature, acknowledging that steps were completed in accordance with the departmental and unit procedural policies and indicating the date in which steps were completed. Each candidate will be provided an opportunity to sign, acknowledging receipt of written documentation and the date it was received. A candidate's signature will not indicate agreement with the feedback or recommendations at any given point.
5. Departmental Application and Review Process (does not apply to University Libraries)
  - a. A candidate will submit his or her application and supporting documentation for promotion to the departmental chairperson by the date specified by the departmental lecturer promotion documents.
  - b. After giving adequate consideration to each application, each department, in accordance with its unit promotion procedures, will make a promotion recommendation in writing to the appropriate unit lecturer promotion committee regarding each candidate. A letter from both the departmental chairperson and the lecturer promotion committee will go forward to the unit lecturer promotion committee. These letters will specify the reasons for the departmental recommendations and will be copied to the respective candidate.
  - c. If the candidate chooses, he or she can respond in writing. This response will be forwarded with all related materials to the unit lecturer promotion committee.
6. Unit Application and Final Review Process (applies to all units)
  - a. The specific administrative process for submitting material, including to whom, must be specified in each unit's lecturer promotion policies.
  - b. After giving adequate consideration to each application, each unit promotion committee will

make promotion recommendations regarding each candidate in writing to the appropriate dean by the date specified in the unit lecturer promotion documents.

c. After giving adequate consideration to the application, the unit dean will inform each candidate, in writing, of the recommendation and the reasons for it no later than the first business day following December 14. In units that conduct departmental reviews, this letter will be copied to the departmental chairperson. After ensuring the candidate has received notification, the departmental chairperson will share the recommendation with the departmental lecturer promotion committee. The dean will also inform the unit lecturer promotion committee of the recommendation.

d. Candidates or concerned individuals (e.g. departmental chairpersons, lecturer promotion committee) who wish to submit a written response to the dean have until the first business day following December 21 to do so.

e. The dean will then consider any additional evidence and responses and send a recommendation in writing to the Provost, along with the completed "Procedural Form," cumulative file, and the response(s) of any candidate or concerned individuals no later than the first business day after January 1. In units that conduct departmental reviews, this letter will be copied to the departmental chairperson, no later than the first business day following January 1. After ensuring the candidate has received notification, the departmental chairperson will share the recommendation with the departmental lecturer promotion committee. The dean will also inform the unit lecturer promotion committee of the recommendation.

#### 7. Provost Recommendation Process

a. Candidates or any other concerned individuals (e.g. departmental chairpersons, lecturer promotion committee members) have until the first business day following January 15 to file a written response to the dean's recommendation with the Provost.

b. The Provost will review all materials and make recommendations to the President no later than the first business day following January 30. Each candidate will be informed in writing of the Provost's recommendation. Candidates or any other concerned individuals (e.g. departmental chairpersons, lecturer promotion committee members) who wish to submit a written response to the Provost will have until the first business day following February 15 to do so.

#### 8. Final Administrative Authority

Final administrative authority rests with the President. Each candidate will be informed in writing of the President's decision. This decision will also be copied to the Provost, the appropriate dean, and the appropriate departmental chairperson.

#### 9. Mediation and Appeals

If the candidate chooses to appeal the President's decision, he or she may begin the mediation process in accord with the Faculty Handbook, Section IV.E. If mediation does not resolve the complaint, the candidate may make use of the grievance processes set out in the Faculty Hearing Committee on Grievances Bylaws and Operating Procedures. The Board of Trustees will serve as the court of last resort in the appeals process.

#### 10. Report to the Board of Trustees

- a. The President will provide the Board of Trustees with a report of promotion actions at the spring meeting. The summary report will minimally include statistics regarding the gender and minority status of candidates.
- b. The University Lecturer Committee will receive a copy of the President's summary report on promotion no later than two weeks prior to the spring Board meeting.
- c. The Lecturer Committee will review the lecturer promotion process for adherence to appropriate procedures and will examine the President's summary report before compiling a report of its own to present to the Academic Affairs Committee of the Board of Trustees at the Board's spring meeting. This report will also be provided to the President of the Academic Senate who will present it to the Executive Committee of the Academic Senate.

### III. Implementation of the University lecturer promotion policy

#### A. Lecturer positions prior to the adoption of this policy.

Deans of each unit are charged to identify faculty members who may be eligible for appointment as lecturers and eligible for promotion under this policy. These designations should be approved by the Office of the Provost. Consistent with Section I(A)(4), these faculty members will be eligible for consideration for assignment to a level following the approval of this policy and the adoption of unit and departmental policies and procedures for promotion of lecturer faculty or faculty of practice.

#### B. Work of the Lecturer Committee

- 1. Elections for Lecturer Committee members will be conducted in Fall 2018.
- 2. Each unit will submit its procedural policies for lecturer promotion to the Provost's office. Those materials should be submitted as early as January 1 and no later than April 1, 2019.
- 3. The Lecturer Committee will review all lecturer promotion procedures by May 15, 2019.

#### C. Composition and Rotation of members

- 1. Starting with the first election, one member of the Lecturer Committee will be elected to serve a one-year term, two will be elected to serve two-year term, and two more will be elected to serve three-year terms.
- 2. For initial implementation lecturers with at least three (3) years of continuous service will be eligible.

## 14. Evaluating Teaching for the Purpose of Tenure

[Senate document 2006-08](#)

### I. Purposes of Evaluating Faculty Teaching

The evaluation of faculty teaching serves two distinct but related purposes, one administrative and the other developmental. Administratively, information gathered through the evaluation of faculty teaching helps faculty and administrators make important personnel decisions primarily concerning retention, tenure, promotion, and merit. The evaluation of faculty teaching also serves important developmental purposes: the results help guide faculty toward appropriate support services and resources. Developmentally, the evaluation of faculty teaching helps faculty and administrators promote excellent teaching; administratively, it helps faculty and administrators recognize and reward such teaching.

### II. Evaluating Faculty Teaching through Multiple Sources of Information and Multiple Measures

Senate document 2006-08

Those evaluating faculty teaching for administrative purposes must gather information from multiple sources and employ multiple measures in accordance with department, program, or academic unit guidelines or bylaws.

### III. Use of Faculty Teaching Evaluation Results for the Purpose of Tenure and Promotion

- A. The evaluation of faculty teaching for the purposes of tenure and promotion must be based on multiple measures drawn from multiple sources.
- B. All tenure track faculty must have their teaching evaluated periodically according to a schedule determined by department or unit guidelines or bylaws.
- C. The results of all evaluations must be shared with the faculty member and the faculty member must be accorded the opportunity to respond to any evaluation of his or her teaching.
- D. When making final recommendations regarding tenure or promotion, the evaluation of faculty teaching must be based on at a minimum:
  - 1. **Student course evaluations** for every class the faculty member has taught at the University of Dayton since the last change in rank
  - 2. At least two **peer reviews of the faculty member's classroom teaching** conducted during at least two different semesters
  - 3. At least two **peer reviews of the faculty member's course material** conducted during at least two different semesters
  - 4. At least one (1) **chair or administrator evaluation of the faculty member's teaching**<sup>1</sup>
  - 5. At least one (1) **self-evaluation** produced by the faculty member
  - 6. Faculty-provided **evidence of the quality of student learning** in his or her courses<sup>2</sup>

**NOTE:** Any exceptions to these minimum expectations must be approved by the appropriate dean.

When and how this information is gathered during the faculty member's probationary period will be determined by department or unit guidelines or bylaws.

If the faculty member is teaching an online course, each department or program will take steps to ensure that peers observe the faculty member's interactions with students online at least twice prior to



any final recommendations concerning tenure or promotion and that the chair includes in his or her evaluation an assessment of the faculty member's teaching in that course.

- E. All procedures regarding the evaluation of faculty teaching for the purpose of tenure and promotion must adhere to the University of Dayton Regulations on Academic Freedom and Tenure.

#### IV. Evaluating Guidelines

##### A. Guidelines for Student Evaluation of Faculty Teaching

1. Student course evaluations will be conducted in every course a faculty member teaches at the University of Dayton.
2. Students should complete course evaluations at the beginning of class on the appointed day and should be allowed sufficient time to complete them.
3. A faculty member must not remain in his or her classroom during the time that students are evaluating the course. Each department or unit will ensure that someone other than the course professor or instructor administers the evaluation instrument. In the case of online courses, each department will ensure that students can evaluate the course anonymously.
4. Departments or units will establish procedures to ensure that faculty do not obtain access to the evaluation results until after the due date of final course grades.

##### B. Guidelines for Peer Review of Faculty Classroom Teaching and Course Material

1. When possible, peer reviewers should have experience teaching in the same or related area(s) of study as the faculty member being reviewed.
2. Peer review of a faculty member's classroom teaching should include an evaluation of the faculty member's instruction and interaction with students.
3. Peer reviewers should evaluate at least two different classes taught during at least two different semesters.
4. Peer reviewers should meet with the faculty member prior to observing his or her class to discuss the course goals and the faculty member's plans for the days he or she will be observed. Peer reviewers should also meet with the faculty member after observing the class to discuss his or her evaluation of the teaching.
5. Departments or units should develop a standard evaluation instrument peer reviewers will employ when evaluating a faculty member's classroom teaching.
6. Each department or unit must develop its own set of procedures governing the peer review of classroom teaching. These procedures should stipulate how peer reviewers are to be selected, which courses they are to evaluate, and what type of report they are to submit to whom.
7. Peer review of a faculty member's course material should include, at a minimum, an evaluation of his or her course syllabi, assignments, and examinations.
8. Peer reviewers should meet with the faculty member prior to reviewing his or her course material to discuss the faculty member's course goals, students, and teaching philosophy. Peer reviewers should meet with the faculty member after reviewing his or her course material to discuss his or her evaluation.
9. Departments or units should develop a standard evaluation instrument peer reviewers will employ when evaluating a faculty member's course material.
10. Each department or unit must develop its own set of procedures governing the peer review of course material. These procedures should stipulate how peer reviewers are to be selected, what material they will evaluate, and what type of report they are to submit to whom.

11. The faculty member must have an opportunity to respond to any report submitted by a peer who observed his or her classroom teaching or evaluates his or her course material.

**C. Guidelines for Self-evaluations of Faculty Teaching**

1. In their self-evaluations, faculty should assess the strengths and weaknesses of their teaching and indicate steps they have taken to improve the quality of the instruction they offer students.
2. Each department or unit must develop its own set of guidelines for the self-evaluation of faculty teaching including the specific content of the evaluation, its length, and its format.

**D. Guidelines for Submitting Evidence of Student Learning**

1. Evidence of student learning can include, but need not be limited to:
  - samples of student work
  - test or quiz results
  - comprehensive examinations
  - pre and post test scores
  - standardized test scores
  - third party testing (e.g., licensure)
  - performance in capstone courses
  - performances
  - exhibits
  - video- or audiotape evaluations
  - student surveys or interviews
  - reflective student essays
  - employer evaluations
  - internship evaluations
2. Each department or unit must develop its own set of guidelines concerning the submission of evidence of student learning. These guidelines should indicate what types of evidence faculty should submit and how it will be evaluated.

<sup>1</sup>The chair or administrator review of a faculty member's teaching can include, but need not be limited to a summary of the written comments on the faculty member's student course evaluations; commentary on how well the faculty member has lived up to contractual obligations; classroom observations of faculty teaching; observations on the faculty member's contributions to the teaching mission of the department, unit, or university; and an assessment of the faculty member's teaching in the context of overall teaching performance in the department, unit, or university.

<sup>2</sup>When and how evidence of student achievement of learning objectives will be determined should be in line with department bylaws and guidelines.

## **14. Use of Faculty Teaching Evaluation Results for Making Merit Decisions**

1. The evaluation of faculty teaching for the purpose of determining merit must be based on multiple measures drawn from multiple sources.
2. The results of all evaluations must be shared with the faculty member and the faculty member must be accorded the opportunity to respond to any evaluation of his or her teaching.
3. When making final recommendations regarding merit, the evaluation of faculty teaching must be based on at a minimum:

- A. **Student course evaluations** for every class the faculty member has taught at the University of Dayton since the last merit evaluation.
- B. An **Annual Teaching Report** produced by the faculty member not to exceed four single-spaced typed pages plus an appendix. The Report should include:
  - (1) a summary of the faculty member's teaching responsibilities since the last merit review
  - (2) a summary of courses taught for the first time or of new courses the faculty member has developed since the last merit review
  - (3) a summary and evaluation of new pedagogies employed by the faculty member since the last merit review intended to enhance student learning
  - (4) a summary of work completed by the faculty member involving the supervision of independent study projects, research projects, field work, or theses/dissertations since the last merit review
  - (5) a summary of teaching-related professional activities completed since the last merit review including publications, conference presentations, and workshop participation
  - (6) a summary of the faculty member's participation in any service learning activities since the last merit review
  - (7) a summary of any teaching-related rewards or recognitions earned by the faculty member since the last merit review
  - (8) a summary of any peer review of the faculty member's teaching completed since the last merit review
  - (9) a summary of any other information the faculty member believes is relevant to an evaluation of his or her teaching since the last merit review
  - (10) an appendix that includes relevant and appropriate evidence of student learning in the courses taught by the faculty member since the last merit review

**NOTE:** Any exceptions to these minimum expectations must be approved by the appropriate dean.

- C. An **Annual Chair Review of Faculty Teaching** produced by the faculty member's chair or immediate supervisor that includes:
  - (1) a summary of the faculty member's Annual Teaching Report
  - (2) a summary of the students' written comments on the faculty member's course evaluations
  - (3) an assessment of the faculty member's teaching in the context of overall teaching performance in the department, unit, or university

**NOTE:** Any exceptions to these minimum expectations must be approved by the appropriate dean.

This Review must be shared with the faculty member and the faculty member must be accorded the opportunity to respond to the document.

## 15. Review of Tenured Faculty

[Senate document 2006-11](#)

### **A. Introduction**

The faculty of the University of Dayton acknowledges that they must be accountable for the quality of both the undergraduate and graduate academic experience of its students. The members of the faculty also acknowledge that they must be accountable for the quality of their work as scholars, as members of a profession, and as members of both the academic community and of society.

As articulated in the *University of Dayton Faculty Policy and Governance Handbook*, IV.8.C.2. The current policy on the review of tenured faculty is:

- a. The Departmental Chairperson or program director has the responsibility to see that results of the faculty evaluations for tenured faculty members are submitted to the Dean at least biennially. Included in these results will be the following:**
  - Evaluation of teaching ability
  - Scholarly and professional activities
  - Service to the University
  - Public service
  - A summary of consultation with the faculty member on the above items.
- b. Each tenured faculty member must be evaluated by peers, using a method acceptable to the department, at least once during each six-year interval.<sup>1</sup>**

Departmental post tenure review plans generally need not involve evaluation processes in addition to those by which faculty members are commonly evaluated in each six year period, as long as a peer evaluation component is included. Specifically, the six-year peer review requirement can in most cases be achieved at the University of Dayton through the use of processes by which faculty are currently reviewed. These processes also ensure that members of the faculty who participate are provided written performance feedback in a fair and equitable manner.

Current evaluation processes include annual/biennial administrative reviews of all faculty members, promotion policies that require both administrative and peer reviews, sabbatical procedures that involve administrative and peer review of sabbatical plans and subsequent accomplishments, editorial peer review processes associated with scholarly work intended for publication, presentation, and/or performance, and peer and/or professional review of research and grant proposals intended to secure research funding. The specific policies and procedures are discussed in Section B.

### **B. Processes for Review of Tenured Faculty**

The University of Dayton has established policies and processes for evaluating faculty performance both pre- and post-tenure. Prior to the awarding of tenure, members of the faculty are evaluated annually by administrators and regularly by peers in accord with the University, unit, and department promotion and tenure policies. Once tenure is granted, administrators and peers evaluate faculty members by means of one or more of the following processes:

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<sup>1</sup> *University of Dayton Faculty Policy and Governance Handbook*, August 2009, Section IV.4.C.2, <http://provost.udayton.edu/facresources/FacHandbook/FacultyHandbook.html>

1. Annual/biennial reviews - conducted by administrators as specified by the unit. At least biennially, every tenured faculty member is expected to submit a summary of his or her professional activities to his or her Chairperson and, in consultation with the Chairperson, set individual professional goals and review work toward previously set goals<sup>2</sup>.

Consistent with University policy, the review includes the following;

- a. Evaluation of teaching ability based upon multiple measures, including peer review<sup>3</sup>
  - b. Scholarly and professional activities
  - c. Service to the University
  - d. Public service
2. Promotion reviews – conducted by peers and administrators in accord with University and department/unit promotion policies and processes at the time the faculty member chooses, for example, to pursue promotion in academic rank, to seek an endowed chair, to apply for an administrative position, or to pursue any other academic position.<sup>4</sup>
  3. Sabbatical plan and post-sabbatical report reviews – conducted by peers and administrators on an approximate seven year cycle in accord with University policy as initiated by the eligible faculty member.<sup>5</sup>
  4. Critical reviews of: performances, public presentations, and/or, scholarly works submitted for publication in academic or professional society journals or conference proceedings – conducted by academic and professional peers based upon the specific policies and requirements of each discipline’s scholarship outlets.
  5. Research and grant proposal reviews – conducted by academic and/or professional peers on behalf of funding institutions based upon the specifications required to secure funding for research or other forms of scholarly pursuit.

Through all of these processes, even though the specific content, format, or procedures may vary by department/unit, faculty and administrators fulfill their responsibility to formally review every faculty member’s professional performance. This set of post-tenure evaluations, when consistently and fairly conducted by academic units, affords tenured members of the faculty the opportunity for reflection as well as for peer and administrative review.

If in any six year period a faculty member does not meaningfully participate in the review processes identified in items 1 through 5, above, then he or she must be reviewed by a separate peer review process developed and approved by the department. This process must be conducted by peers (who need not be limited to other departmental colleagues) and should include, at a minimum, all components of the current annual/biennial review.

## **C. Rationale and Philosophy<sup>6</sup>**

### **1. Rationale**

In recent years, the issue of accountability has garnered significant attention in higher education. Although reservations have been raised regarding this trend, a significant number of educational and political leaders now recognize the importance of enhanced accountability.<sup>7</sup>

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<sup>2</sup> *University of Dayton Faculty Policies and Governance Handbook*, August 2009, Section IV.4.C.4 and 5.

<sup>3</sup> Senate Document I-04-08, *Use of Student Evaluations in Judging Teaching Effectiveness*, and *University of Dayton Faculty Policy and Governance Handbook*, August 2009, Section IV.4.I.

<sup>4</sup> Senate Document I-06-10, *University Promotion and Tenure Policy*, and the *University of Dayton Faculty Policy and Governance Handbook*, August 2009, Section IV.3, 4, and 5.

<sup>5</sup> *University of Dayton Faculty Policy and Governance Handbook*, August 2009, Section XI.4.

<sup>6</sup> Based on Post-Tenure Review Report and Recommendations, submitted by Provost Council Foundation Issues Committee, October 16, 2006

The types of questions being asked by policymakers at the state and federal level are not unlike concerns expressed by the Board of Trustees and members of the faculty at the University of Dayton. In particular, there is a clear awareness that the University must have procedures that enable faculty members to document their individual and collective excellence and to do so within a professional context that allows for appropriate and timely peer assessments and reviews.

The faculty of the University of Dayton is a community of academic professionals who recognize and accept their responsibility for self-reflection as well as for peer and administrative evaluation and feedback on their scholarship, teaching, and service. Both formative and summative evaluations of their work, conducted in the spirit of the University of Dayton's Catholic Marianist traditions, contribute to the success of every faculty member's academic career.<sup>7</sup>

This statement on the review of tenured faculty by peers and administrators is consistent with the values of the University and its faculty. The subsequent sections of this statement describe the philosophy that guides the use of these processes, AAUP evaluation guidelines, the benefits of a post-tenure review to the faculty, to academic departments and units, and to the University, and finally, the University Administration's responsibility to identify faculty performance that falls below professional expectations and to take appropriate action.

## **2. Philosophy**

The University of Dayton is dedicated to facilitating the highest level of performance for all members of the faculty. This level of performance requires a supportive, respectful work environment that offers opportunities for professional growth. Current policies and procedures for the review of tenured faculty, when viewed holistically and implemented appropriately, provide a collegial environment to support the career-long learning and professional growth of faculty and sustain, to the highest degree, the caliber of the University's intellectual and academic life.

The faculty is a largely self-regulating community of teachers, scholars, and leaders dedicated to the generation, transmission, and application of knowledge. Along with an administration committed to providing professional opportunities throughout a faculty member's career, the academic community holds at least three expectations of its members in order to carry out its mission:

- They are committed to generating, transmitting, and applying knowledge.
- They regularly assess and critically reflect on their effectiveness as teachers, scholars, and members of the university community, and on their effectiveness as members of their profession and society; indeed, reflection is a key component of professional growth.
- They are willing, as colleagues, to provide insights and ideas to each other through involvement in a regular process of discourse and consultation.

The purpose of peer and administrator review is to help enhance each faculty member's effectiveness as a teacher, scholar, and provider of service to the department, unit, university, profession and community. Fulfillment of these expectations is a necessity for the community to thrive and grow.

The review processes described in this statement provide an opportunity for faculty to reflect on their past

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<sup>7</sup> Formative evaluation is designed to improve performance by identifying areas for specific improvement or professional growth. The intention is not to judge success or failure but rather to identify areas where growth is both possible and appropriate and to identify how such growth might be undertaken. Summative evaluation is designed to assist in making an administrative decision about whether someone's employment should be continued.



academic career, assess their current status, and articulate their expectations for the future. The involvement of peers serves as a source of feedback on a faculty member's academic career and a guide for future professional growth. Based on this feedback, each faculty member assumes responsibility for the pursuit of his/her own professional development.<sup>8</sup>

Administrative and peer involvement in the review of tenured faculty promotes systematic formative appraisals for tenured faculty in the spirit of the Marianist traditions of community. It is the responsibility of the faculty in every academic unit to ensure that these processes, as appropriate, are in place. In their totality, these existing processes emphasize informed reflection, express the culture of the university, and support the University's commitment to excellence.

### **3. AAUP Guidelines<sup>9</sup>**

When viewed in total, the University of Dayton's processes for reviewing tenured faculty members are largely consistent with the guiding principles advanced by the American Association of University Professors (AAUP). The AAUP recognizes that since the mid-1990s, state legislative bodies, boards of trustees and university administrators have called for making post-tenure reviews mandatory. Therefore, the AAUP offers the following guiding principles.

1. Post-tenure review should be aimed at development.
2. Post-tenure review should be under the control of the faculty.
3. Post-tenure review must not be a re-evaluation of tenure.
4. Post-tenure review must not be used to show cause for dismissing a faculty member.
5. Post-tenure review must protect academic freedom.

### **4. Benefits of a Review of Tenured Faculty by Peers and Administrators**

The core value of the review of tenured faculty by peers and administrators is to advance the University in ways consistent with its Marianist traditions, mission, and vision of excellence. Collectively, the existing processes for review, as described in this document, assure peer involvement, appropriate implementation across all academic units, and fairness to all. Together, the current processes, accomplish the following:

- Provide the opportunity for faculty members to reflect critically on their academic career and their contribution to the university and the profession, intentionally articulate future ambitions, and receive formative feedback from academic colleagues.
- Inform colleagues of a faculty member's expertise and body of work and provide them the opportunity to contribute to shaping that work to enhance its contribution to the academic community.
- Inform strategic plans at all levels of the organization, including the allocation of faculty resources by the department and/or unit, the determination of future faculty needs, and the allocation of organizational resources for the professional growth and advancement of faculty.

### **5. Identification of Performance by a Tenured Faculty Member That Falls Below Expectations**

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<sup>8</sup> *University of Dayton Faculty Policy and Governance Handbook*, August 2009, Section IV.4.E.

<sup>9</sup> Based on Post-Tenure Review: An AAUP Response, approved by the Association's Committee on Academic Freedom and Tenure, June, 1999

Understanding that the principal purpose of post-tenure review is formative, members of the faculty of the University of Dayton also recognize that these same processes of review provide summative information by which to identify a faculty member whose professional performance falls below expectations. Faculty and administrators have the responsibility to identify in a timely manner those members of the faculty whose professional performance does not meet the University's expectations and administrators have the authority to take appropriate actions that may lead to the revocation of tenure and dismissal.<sup>10</sup> Conditions for the discontinuation of tenure and/or employment are clearly articulated in the *University of Dayton Faculty Policy and Governance Handbook*, Section IV.3, University Regulations on Academic Freedom and Tenure. These regulations, including a detailed procedure for the termination of an appointment with tenure, were approved by a vote of the faculty and by the Board of Trustees and were effective as of August 15, 1996.<sup>11</sup>

## 6. Requirements for Implementation

The following actions are necessary for the full and successful implementation of the University of Dayton's post tenure review policy.

- A. The Provost and Deans must ensure that the annual/biennial review procedures of each unit are consistent with the policy already contained in the *University of Dayton Faculty Policy and Governance Handbook* as outlined and footnoted in Section 2 above.
- B. The Provost and Deans must ensure that each department/unit develops an approved procedure for the peer evaluation of teaching effectiveness for tenured faculty members. Such evaluation must occur at least once in every six year period and be conducted only by peers who hold tenure at this or another university.<sup>12 13</sup>
- C. The Provost and Deans must ensure that each department/unit develops an approved peer review process for members of their faculty who fail to participate in existing processes in a manner sufficient to satisfy the six-year peer review requirement.
- D. The Provost and Deans must ensure that each department/unit develops an approved post tenure review plan which is agreeable to its members and places a copy on file with a University official designated by the Provost.<sup>14</sup>

## 16. Faculty Awards

### (A) Alumni Awards to Faculty

The annual Alumni Awards to Faculty are given in the name of the Alumni Association. Two awards are given to recognize the equal importance of teaching, scholarship, and research so prevalent among our faculty. The winners of the awards, The Alumni Award in Scholarship and The Alumni Award in Teaching, are decided by the University Awards Committee, appointed by the Provost.

#### 1. Alumni Award in Scholarship

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<sup>10</sup> See the *1958 Statement on Procedural Standards in Faculty Dismissal Proceedings*, prepared by a joint committee of the Association of American Colleges and Universities and the AAUP, for guidelines.

<sup>11</sup> *University of Dayton Faculty Policy and Governance Handbook*, August 2009, Section IV.3.

<sup>12</sup> Those identified as peers for this purpose need not be limited to colleagues in the same department or unit. For example, peers may be tenured members of the faculty in a related field, though in a different department or unit, or they may be faculty in the same discipline and employed at another academic institution.

<sup>13</sup> *University of Dayton Faculty Policy and Governance Handbook*, August 2009, Section IV.4.I.

The annual Faculty Award in Scholarship is supported by funds provided by the UD Alumni Association to honor excellence in scholarship. The Faculty Awards Committee selects the ranked faculty member who has distinguished himself or herself in scholarship. Two or more faculty members may be nominated as a team or may submit a joint application if they have produced collaborative work. In addition, the Committee may select co-recipients.

The recipient of the Award receives \$3,000, funded by the Alumni Association. If two or more faculty members win as a team, all will share equally in the Award and the \$3,000 will be divided between them. In addition, the individual or team selected receives University recognition and may be invited to make a public presentation at appropriate University ceremonies and forums, conduct a seminar, speak with alumni groups, and so forth.

Information about the application process, selection committee and deadlines can be found in Faculty and Leadership Development: Grants and Awards section on the [Learning Teaching Center](#) website.

## 2. Alumni Award in Teaching

The annual Faculty Award in Teaching is supported by funds provided by the UD Alumni Association to honor excellence in teaching. The Faculty Awards Committee selects the ranked faculty member who has distinguished himself or herself in at least three terms of classroom teaching. Two or more faculty or a faculty member plus additional members of the instructional staff may be nominated as a team or may submit a joint application if they engage in team teaching or other collaborative teaching activities. Persons eligible to apply for teaching awards are those under full-time contract with the University whose efforts are predominantly devoted to classroom instruction.

The recipient of the Award receives \$3,000, funded by the Alumni Association. If two or more faculty members win as a team, all will share equally in the Award and the \$3,000. In addition, the individual or team selected receives University recognition and may be invited to make a public presentation at appropriate University ceremonies and forums, conduct a seminar, speak with alumni groups, and so forth.

Information about the application process, selection committee and deadlines can be found in Faculty and Leadership Development: Grants and Awards section on the [Learning Teaching Center](#) website.

## (B) President's Recognition

During the year, the President honors in a special way faculty, administrative, and staff personnel by inviting them to a dinner or luncheon. Invitations to one of these occasions may be extended by the President of the University to:

- (1) Winners of the Alumni Awards to Faculty,
- (2) Personnel receiving important promotions,
- (3) Personnel observing significant anniversaries of service at the University,
- (4) Personnel who have received special honors, awards, or recognition during the year, and
- (5) Retirees from full-time service.

## 17. Internal-Degree Candidacy

A faculty member above the rank of Instructor is not permitted to take a doctoral degree program in her or his own College or School at the University of Dayton. Exceptions to this policy must be approved by the Associate Provost for Faculty and Administrative Affairs.

## 18. Policy on Faculty Employment Outside of the University

(Senate Doc 2018-07)

Full-time faculty, in addition to their full-time responsibilities to the University of Dayton, may have opportunities for employment outside of the University that would have a positive impact on the University's reputation, further the initiatives of the university and/or provide professional enrichment. These opportunities can provide significant professional and instructional enrichment flowing from the experience and contacts acquired through activities off campus. Such engagements, when consistent with faculty workload obligations, may benefit individuals (faculty and students), academic departments and units, the University, and the local, regional, national, and international organizations and communities served. Furthermore, these off-campus experiences and contacts may draw to the University very capable students, substantial gifts and endowments, grants and research contracts, and special facilities necessary for University programs.

### Employment Outside of the University

Outside employment refers to faculty activities that are in addition to the full extent of their responsibilities to the University and are compensated by organizations external to the University. The time given to outside employment is intended to be in addition to the time necessary for the effective performance of the individual faculty member's responsibilities to the University. Furthermore, outside employment and additional services may be necessary for some faculty to maintain contemporary expertise. All activities associated with outside employment must be consistent with the ethical standards of the academic profession, the faculty member's discipline, and the University of Dayton.

- AAUP, while noting the wide range of possible opportunities, identifies the following as examples of valuable outside activities.<sup>1</sup> Serving on boards of directors
- Starting outside companies through entrepreneurial pursuits
- Maintaining an outside part-time professional practice
- Holding public office
- Practicing as a professional consultant

### Conflict of Interest and Conflict of Commitment

Faculty members, when considering outside employment opportunities, are obligated to avoid all conflicts of interest and preempt any conflict of commitment. The University's statements on conflict of commitment and conflict of interest appear below.<sup>2</sup>

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<sup>1</sup> Faculty Employment Outside of the University: Conflicts of Commitment (2004) AAUP, [www.aaup.org/issues/resources-conflicts-interest/outside-university-conflicts](http://www.aaup.org/issues/resources-conflicts-interest/outside-university-conflicts).

<sup>2</sup> See the Outside Employment and Additional Services Policy found in the Faculty Policy and Governance Handbook for the Conflict of Commitment Policy, the University Human Resources Policies and Procedures Handbook for the Conflict of Interest Policy, and the Conflict of Interest Policy for Sponsored Research.

A conflict of commitment exists when the activities of a faculty member are so substantial or demanding of the faculty member's time and attention as to interfere with the individual's responsibilities to the unit to which the individual is assigned, to students, or to the University.

A conflict of interest exists when a faculty member's activities actually or merely appear to directly or indirectly affect his or her professional judgment in the execution of any University duty or responsibility.

Consideration of outside employment opportunities should also consider University, unit, and department policies and practices regarding promotion and tenure, merit review, and faculty research (including sponsored and contract research).<sup>3</sup>

#### Provisions and Limitations Concerning Employment Outside of the University

Full-time members of the faculty who pursue opportunities for employment outside of the University are expected to do so under the following provisions and limitations.

1. A full-time faculty member may engage in outside employment only if that employment does not create a conflict of interest or conflict of commitment on the part of that faculty member.
2. Time spent in outside employment must be in addition to, rather than a part of, the normal full-time effort of faculty for the University. It should be above the time necessary for the proper and efficient performance of the member's duties for the University. The faculty member's absence from the University should not cause the member's colleagues to carry some of the member's duties (e.g., teaching, research, committee work or student advising). In general, to avoid a conflict of commitment, the time spent on these outside commitments should not exceed an average of a day per week during the faculty member's contractual period. Depending on the facts and circumstances of each individual case, a greater commitment of time may raise no concerns of a conflict of commitment while a lesser commitment of time may raise significant concerns.
3. A full-time member of the faculty may perform teaching or research for other institutions of higher education or other entities that compete with the University with prior written approval by the Chair, the Dean and the Provost. Traditional academic responsibilities such as preparing papers, speeches, evaluations, articles, scripts, musical scores, books, and artistic works for exhibition or performance for which royalties, honoraria, or the like are received are not limited by this provision.
4. When outside employment is a private endeavor, the distinction from the University must be clear. For example, University electronic resources, letterhead or other University identification are not to be used by a faculty member in outside employment for personal reasons.
5. The name of the University is not to be used in publicity or promotion of a product or service without the expressed written authorization of the University.
6. A faculty member may indicate his or her affiliation with the University of Dayton when the indication is made for purposes of personal identification or furthers the purposes of the University. The indication may not necessarily imply any sponsorship or endorsement of the activity by the University.

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<sup>3</sup> See the Faculty Policy and Governance Handbook.

## Process for Reporting Faculty Employment Outside of the University and Securing Prior Approval as Needed

An annual request for approval of all anticipated outside employment during contractual and non-contractual periods should be submitted during the annual review process but not later than May 15 and describe activities for a period up to, but not exceeding, 12 months. Requests for activities not covered in the initial request must be submitted in advance of the outside employment. Under certain circumstances, i.e., funded grant projects, journal editorships, etc., faculty may request approval for time periods exceeding 12 months. Requests for approval of outside employment during non-contractual periods are reviewed for conflict of interest only.

Prior written approval by the Chair, the Dean and the Provost is required. Under these circumstances, prior to committing to outside employment, the faculty member must provide a written description of the work to his or her Department Chair or, if there is no Chair, to the unit Dean. The faculty member should use the form “Faculty Annual Request for Outside Employment” located on the Associate Provost for Faculty and Administrative Affairs website. The Chair, or, if there is no Chair, the unit Dean, will review the description, make a recommendation to the Dean, and share the recommendation with the faculty member. The Dean will review the request and, when applicable, the Chair’s recommendation, make a recommendation to the Provost, and share the recommendation with the faculty member. If the Provost determines that the proposed employment violates this policy, he or she may deny the request to pursue that employment. If the Provost denies the request, he or she will provide a written explanation for the denial to the faculty member. If the Provost does not approve or deny the request within ten business days from the time of receipt, the faculty member may pursue the employment.

Notwithstanding prior approval of a faculty member’s request for outside employment, the University reserves the right to deny or revoke approval of such employment at any time if it determines that the employment violates this policy.

## **19. Faculty Records**

Appointment correspondence, credentials, contract copies, and other pertinent records of each faculty member are maintained in the offices of the Dean and the Provost. Any changes in academic and personal status should be reported to the Department Chairperson, Dean, and the Provost with an information copy to the Office of Human Resources so that personal data maintained in the computer personnel master file can be updated.

Information maintained in faculty records and not otherwise a matter of public knowledge is considered confidential and is released only by and to proper authority. Requests from outside the University for information about a faculty member will be restricted to the fact of employment and information published in the *Academic Catalog* unless the faculty member authorizes release or a valid subpoena or legal order is received. A faculty member may request a review of the contents of his or her personal file at any time in order to be aware of its contents.

## **20. Involvement in Political Activity**

One of our responsibilities as a Catholic university is to engage people around difficult questions of faith and culture. As a university, we welcome dialogue and encourage students, faculty, and staff to become involved in the political process through holding educational events on campus such as voter registration drives, candidate debates, and other voter education activities. This involvement in political processes is to be part of a broader educational experience. Members of the University community are free to exercise their rights as citizens and to be politically active, either individually or through groups and organizations.

The University, as an institution, however, is the possessor of considerable material resources which have been acquired through its status as a tax-exempt institution of higher learning. This tax-exempt status is



based on the institution's fulfillment of the requirements set forth in part in Section 501(c)(3) of the Internal Revenue Code, which provides in effect that an educational institution qualifies for tax exemption as a recipient of deductible contributions provided that:

(1) "no substantial part of the activities (of the Institution) is carrying on propaganda, or otherwise attempting to influence legislation" and

(2) the institution "does not participate in, or intervene in (including publishing and distributing statements), any political campaign on behalf of any candidate for public office."

The University of Dayton must safeguard its tax-exempt status by establishing guidelines for those University community members wishing to exercise their right to participate in political activities on or off campus. All organizations exempt under Section 501(c)(3) of the Internal Revenue Code are prohibited from directly or indirectly participating in or intervening in any political campaign activities on behalf of (or in opposition to) any candidate for elective public office. The University derives its tax status from this section of the Code. Therefore, engaging in impermissible political campaign activities can result in the revocation of the University's tax-exempt status. Violations of the policies contained herein may result in disciplinary action.

For the purposes of this document, the phrase "political" is to be read in the sense of advocacy for or opposition to a candidate for public office.

Faculty should review the [Political Activities Policy](#) and contact the University Government and Regional Relations Office for further information concerning the University guidelines on participating in political campaigns.

## **SECTION V: FACULTY POLICIES AND PROCEDURES RELATED TO TEACHING**

### **1. Conduct of Classes**

It is personally and professionally unethical for a faculty member to be arbitrarily tardy or absent from class meetings specified in the University calendar, including the first day of a term and the day before a holiday. When there is a justifiable cause to be absent, the faculty member should notify the Chairperson and either the faculty member or the Chairperson should arrange for a substitute to meet the class. In case of emergency when this cannot be done, the faculty member is obligated to make provision for the time lost. Normally each class (including the first one) should meet for the full period. Abuse of this policy is dereliction of duty.

- It is a generally accepted rule that a class may disperse if the instructor is more than ten minutes late. If an instructor does not wish this rule to apply, he/she should clearly indicate this to the class.
- Behavior in harmony with that of a Christian university is expected of faculty and students.
- Academic problems are referred to the Department Chairperson or academic Dean; non-academic problems are the jurisdiction of the Vice President for Student Development and Dean of Students.
- The handling of student tardiness is left to the discretion of the instructor.
- University policy prohibits any transfer of funds from student to faculty member in the classroom. Materials should be free or should be sold through the Bookstore.
- Each faculty member should observe the usual rules of courtesy before leaving the classroom. Faculty members should erase boards and arrange chairs and other furniture in the usual order. Unless another class immediately follows, the faculty member should close windows and extinguish lights.
- Any needed classroom repairs should be reported in writing to the Facilities Management Office through the Department Chairperson using the on-line reporting link of the [Facilities Management](#) website.

### **2. Office Hours**

Faculty members are expected to be available on campus to meet with students and academic and administrative colleagues in order to fulfill their contractual obligations. The hours of availability should be reasonably consistent with the needs of the students and administrative members of the staff. Office hours should be posted. Administrative assistants should be informed when faculty members are unable to meet their regular office hours. Administrative offices, under normal conditions, are open from 8:30 a.m. to 4:30 p.m., Monday through Friday.

### **3. Midterm Progress Reports**

Faculty members teaching students who are in their first year at the University, either first year students or transfer students, are required to provide midterm progress reports (i.e., midterm grades) for those students. Reminders will be sent to all faculty regarding submission instructions and the due date for submission of midterm program reports. Each faculty member is responsible to review his or her roster and determine for which students midterm program reports are required.

### **4. Term Offerings**

To facilitate student and faculty planning, the faculty and administration should present the complete Class Schedule and list of courses for subsequent terms according to the following schedule: March of the Spring term for classes in the Summer and Fall terms and November of the Fall term for classes in the Spring term.

## 5. Student's Academic Rights and Responsibilities

### A. Student's Academic Rights and Responsibilities

#### (1) **RIGHT TO KNOWLEDGE ABOUT COURSES**

The student has the right to knowledge of course objectives, content, and requirements prior to registration.

The student has the right to detailed knowledge of objectives and procedures within the first week of the course. This information should be included in the course syllabus, which should be distributed at the first class or at least during the first week.

The student has the responsibility for learning the content for any curriculum for which he or she is enrolled and for meeting the requirements of any given course.

#### (2) **FREEDOM OF EXPRESSION**

The student has the right to be afforded the opportunity to engage in discussion and inquiry about topics related to course content and course objectives in the classroom or in conference with the professor.

Students should be free to question data and views presented in the course of study. Exception taken shall be academically defensible. Students have the right to meet with the professor to discuss matters related to the course.

The student has the responsibility to contribute to the class learning process and to conduct himself or herself in accordance with established class objectives and procedures.

#### (3) **ACADEMIC EVALUATION**

At the beginning of each course, students shall be informed of its general content, the instructional procedures, and the academic standards of achievements.

A student has the right to be evaluated solely on academic performance. The student has the right to clarification of any professional evaluation. The student shall have the protection through established procedures against prejudiced or capricious academic evaluation.

Each School and College within the University of Dayton shall publish guidelines for academic achievement which will indicate to the student its basic minimum requirements for academic good standing. The cumulative point average is intended to reflect the level of achievement in the student's own program.

#### (4) **DISCLOSURE OF INFORMATION**

*(The Family Educational Rights and Privacy Act of 1974 promulgated various rights of students to educational records as well as certain limitations on releasing educational and directory information to others. Faculty members should become familiar with the University of Dayton regulations on this subject, which are available in each academic department and are reproduced in the University of Dayton [Student Handbook](#).)*

The student has a right to protection against improper disclosure of information acquired in a professional relationship by faculty, administrators, and staff concerning his/her grades, views, political associations, health, or character. The student also has the responsibility to protect the faculty,

administration, staff, and other students' rights against improper disclosure of information. Only with the consent of the student may the judgments of ability and character be provided to non-university agencies.

#### **(5) PROCEDURAL DUE PROCESS**

Pending action or charges, a student's status or his/her right to remain on campus and attend classes cannot be altered except for reasons relating to the health and safety of either the individual or the other segments of the University community.

#### ***B. Policies on Academic Dishonesty***

The passage of AS document 2005-01 on the Honor Code/Pledge in 2008 means that separate documents now apply to undergraduate and graduate students. Only undergraduates are subject to the Honor Code/Pledge. This policy appears in the current undergraduate [\*Academic Catalog\*](#). Graduate students follow the Policy on Academic Dishonesty that appears in the graduate [\*Academic Catalog\*](#). (See also Senate document [2005-01, Revision of Undergraduate Standards of Conduct and Establishment of Undergraduate Honor Pledge](#).)

### **6. Class Attendance Policy**

It is desirable for students to attend all classes. Listening to the lectures of instructors and being involved in classroom discussions should (1) provide guidelines and goals in the course of study, thus lending direction to the study activities of the student; (2) provide instances of the way of thinking and methodology employed by an academic discipline in formulating and solving problems; and (3) stimulate an awareness of/and interest in the course topics beyond the levels acquired by textbook reading.

Because textbook material is generally beneath the level of the current state of knowledge, instructors acquaint the student with new ideas and integrate this material into the course topics. Students are responsible for being aware of the proceedings and material covered in each class period.

Students must attend all announced tests and submit assigned written work on the date set by the instructor; it is recommended that the instructor announce such tests and assignments at least a week in advance. The action taken as a consequence of missing a test or an assignment will be determined by the instructor and will be based on a consideration of the individual circumstances involved.

To assist first-year students in their transition to college responsibilities, it is felt that a policy of compulsory attendance is necessary. Therefore, first-year students will be permitted only a limited number of absences. For first-year students, the allowable number of absences in the first term or in the second term will be equal to twice the meeting times a week (or four class days in any third-term session).

A student exceeding this number will be referred to the student's dean for possible counseling and appropriate action. Any undergraduate student who has not yet accrued 30 semester hours of credit is considered a first-year student.

In addition to the first-year student policy, faculty may institute an attendance requirement. This may be done for any course (including seminars, laboratories, performance courses, clinical field-based courses, and the like) provided that the policy is approved by a faculty committee of the department and/or the department chair. If attendance is used as a grading component, the instructor is obligated to clarify his or her classroom policy regarding absences in writing in the syllabus provided during the first full week of the semester.

In cases where unusual circumstances combine to cause a student to miss any class time for reasons beyond the student's control (eg., personal illness, death in the immediate family, religious holidays, University-sanctioned activity, emergency limitations on commuter travel in severe weather-related conditions), faculty members should give due diligence to reviewing the student's particular case, and the student should confer with the faculty member and advisor and/or dean about make-up work and/or ascertain if it is actually feasible after an extended absence to complete the work of the course.

Let it be noted that to ensure accuracy of records, every student must be present at class during the first week of each term.

## **7. Ordering Course Material**

The Bookstore will distribute textbook adoption forms to the Textbook Coordinator in each department prior to the order due date for each term. Book Order due dates do not change from year to year; they are October 15 for Spring semester, and March 15 for both Summer and Fall semesters. HEOA guidelines dictate that book information must be readily available for students at the time of registration for each semester, hence the early due dates. Each faculty member is expected to submit their book order to their Textbook Coordinator by the due date in order to maintain HEOA compliance. Faculty should plan ahead to avoid problems and delays that could result in financial loss to students and the University.

If you are interested in producing custom course materials for your course, please contact the Textbook Department at the Bookstore for more information at 9-2220. The Bookstore works with numerous vendors and can help put you in contact with them. They will obtain all of the necessary copyright clearances for you and put together the package you want.

For more information about the Bookstore's steps to improve textbook affordability, please go to the affordability page on the [Bookstore's](#) website. Also be sure to visit the link to the Faculty Guide to Textbook Affordability.

## **8. Class Rosters**

Class Rosters are available in real time on Porches under the Faculty tab, Faculty Registration Tools, Class List. The Office of the Registrar will request notification for students who have NEVER ATTENDED.

## **9. Grade Reporting Procedures**

### **a. Submitting grades**

Instructions for submitting grades are sent to all faculty from the Office of the Provost via email approximately one week prior to the opening of the grading period. The grading period is generally open from the first day of finals week until the Tuesday following the conclusion of the term when grades are due in the Office of the Registrar. Grades are submitted for all first-year students at mid-term and for all students at the close of the term or summer session.

Grades are entered directly into the student information system by instructors. (Please note that course management systems such as Isidore are not integrated with the student information system. You must access the student information system in order to submit your grades.) Online grade reports are available from this data within two days of the grades due date. All late, missing, and invalid grades are printed on grade reports as "NR" — no grade reported by the instructor. An example of an invalid grade is an "S" — satisfactory — given for a course taken under option 1. For additional

grading policy information, faculty can refer to the University undergraduate or graduate *Academic Catalog* (from the *Academic Catalog* main page, select 'Explore a Different Issue' > 'Graduate Issue' to access the *Graduate Catalog*).

b. Grade Changes

Instructors have 30 days to submit grade corrections and changes. Instructors send corrections to the Office of the Registrar using the Change of Grade Form. (See instructions on the form.) The closing date for change of grades will be posted in the Class Schedule, the *Academic Catalog*, and other official University calendars.

At the time Revised Grades are produced, all "I's" and "N's" for undergraduates which have not been changed are changed to "F's." "I's" and "N's" given to graduate students remain "I's" and "N's" for one year. If a Change of Grade must be made after the date printed in the Class Schedule or Academic Calendar applicable to that particular term, the Change of Grade Form must be completed and signed by the instructor, the Chairperson and the Dean. The Change of Grade Form goes from the Department to the Dean. If the Dean approves and signs the change, the Change of Grade Form is forwarded to the Office of the Registrar.

Should a faculty member's superior (Department Chairperson, Dean, Provost or President) decide that circumstances necessitate a grade change, the particular administrator and faculty member shall discuss the matter. Thereupon, if the administrator believes that a change of grade is justified, the administrator shall write to the faculty member and to the Office of the Registrar.

c. Incomplete Grade - "I" (Undergraduate Only)

See the [Academic Catalog](#) for the meaning of "I." An instructor must have the Chairperson's approval before assigning an "I" as a grade. If the time needed by a student to complete required work extends beyond the date printed in the Class Schedule or Academic Calendar applicable to that particular term, a memo to this effect is sent to the Office of the Registrar. The memo must be approved by both the Chairperson and Dean. These memos, properly approved, will not prevent the computer program from changing "I's" to "F's" after the date printed in the Class Schedule. "I's" and "N's" do not affect grade point averages.

d. Withdrawal - "W"

Undergraduate

There are three steps in which faculty are involved in the granting of a "W." During the first three weeks of a full term (or the first eight class days of a split term), a student may withdraw from a class without record by obtaining a DROP (withdrawal) form from the Office of Registration, having it signed by the academic advisor, and processing it.

Beginning with the fourth week of the term and continuing through the fourth week after midterm (or ninth class day and continuing through the fourth week of a split term), a student may withdraw with a "W" by the same process, except that the DROP form must have the approval signature of the instructor as well as that of the advisor.

For the remainder of the term until the last day of classes, a student may withdraw with a "W" only by making a formal request to the Dean, who consults with the student's instructor before granting such a request. During this period a "W" will be permitted only for special nonacademic reasons, which include,



but are not limited to, poor personal health, financial difficulties, family matters of health, and change in career objectives.

When a student finds it necessary to withdraw from the University, for any reason whatsoever, it is important that the Dean be notified immediately. Financial adjustments, if allowed, will be made only from the date on the withdrawal form. Total withdrawal from all classes requires the processing of the DROP form. This requires one signature from the student's Academic Dean. It is the student's responsibility to initiate and process all withdrawals; the faculty do not initiate withdrawals for students except for auditors. In addition, the student is urged to process the withdrawal as soon as possible after deciding to drop a course. Students cannot assume that withdrawals are granted automatically if they stop attending class. Any failure to process the DROP (withdrawal) form will incur a grade of "F" for the course or courses involved. These "F's" are included in the cumulative point average.

### Graduate

A graduate student may withdraw without record during the first three weeks of a full term after a course begins (or ten calendar days of a split term). A withdrawal is processed by a DROP form through the Office of Registration. The academic advisor's signature is required.

#### e. Deficiency Reports

A deficiency report is submitted at mid-term for each first-year student who has earned a mark of "D" or "F." At the close of the term a similar report is submitted for each student receiving a mark of "F." The report is mailed to the Office of the Dean of the College or the School in which the student is enrolled.

Copies of the deficiency report are sent to the student, to the student's academic advisor, and to the person designated by the student on his or her registration form. The reports are used by the Dean and the student's academic advisor for guidance purposes. Deficiency report forms may be secured from the office of the Department Chairperson.

A graduate student may withdraw without record during the first three weeks of a full term after a course begins (or ten calendar days of a split term). A withdrawal is processed by a DROP form through the Office of Registration. The academic advisor's signature is required.

## **10. Scheduling Tests and Examinations**

To protect and strengthen the academic integrity of the final examination week at the University of Dayton, the following policy on final examination week has been adopted. (See also Senate document [2003-10, Final Examination Week](#))

- (1) Final examination week is defined as the sum of one full week of scheduled examinations, the weekend immediately preceding, and a minimum of one study day. Multiple study days are preferred.
- (2) Every course of study, undergraduate and graduate, must conclude with an academically rigorous culminating learning experience, normally a final examination. A culminating learning experience may involve traditional in-class examinations, presentations, performances, critiques, portfolios or other similar experiences. Laboratory, studio, or similar courses may be regularly exempt from this requirement with the approval of the department chair and a designated administrator in the office of the dean.
- (3) No new material may be introduced in a course after the last scheduled class meeting. No final examination may be scheduled at a time other than the time prescribed by the Office of the Registrar during final

- examination week, with the sole exception of block examinations. No final examination of any kind may be given prior to final examination week. Any exceptions must receive the approval of the department chair.
- (4) A block examination is a common examination that covers several sections of the same class, taught by different instructors, for the purpose of establishing a uniform scale of achievement. Such examinations are scheduled through the Office of Registration. Multiple sections of a class, taught by the same instructor, are not eligible to give block examinations unless they are part of a class taught by more than one instructor.
  - (5) Grades for all students, including graduating students, will be reported by a single deadline, as determined by the Office of the Registrar.
  - (6) When a student has three or more final examinations scheduled for the same day, faculty are encouraged to accommodate the individual student on an alternative day agreeable to both the student and the instructor. The student must make the request by the last scheduled class meeting. When a student with a disability has two or more final exams scheduled for the same day, faculty are encouraged to accommodate the individual student on an alternative day agreeable to both the student and the instructor which may include use of an alternative testing site. The student must make the request by the last scheduled class meeting. (See also Senate document [2003-10, Final Examination Week](#))
  - (7) Students must have access to graded examinations for a period of six months after the examination has been given.
  - (8) Any on-going or regular exception to the final examination policy requires the approval of the department chair and a designated administrator in the office of the dean.
  - (9) The School of Law is exempt from this policy, due to its independent Academic Calendar.

## **SECTION VI: FACULTY POLICIES AND PROCEDURES RELATED TO ADVISING**

### **1. Advising Majors**

Faculty members of the academic discipline that is the student's major are the primary source from which the student receives advice on departmental academic matters and related personal matters not requiring psychological counseling. Contact between declared majors and departmental faculty should begin early in the first year through a department-conducted orientation and advisory program. By the end of the first year every student with a declared major should have a faculty advisor; graduate students should also have selected or been assigned advisors early in their programs.

Faculty members may enlist the aid of interested advanced students in their advisory function, particularly in first-year orientation, as long as such contact does not substitute for student-faculty contact. Cultural and social activities should be organized for the purpose of acquainting first-year students with both faculty members and upper-class students. Each School and the College is responsible for establishing and disseminating written policies for its faculty advisory system. Departments and Programs are responsible for specifying, in writing to students and faculty, procedures to implement the policy and systems.

### **2. Criteria for Serving on and Chairing of Masters Thesis and Doctoral Advisory Committees**

#### ***Composition of Masters Thesis Committee***

Graduate faculty status is a prerequisite to chairing a masters thesis committee. A masters thesis committee must consist of a minimum of three members, at least two of whom must be members of the graduate faculty.

#### ***Composition of Doctoral Advisory Committee***

Graduate faculty status is a prerequisite to chairing a doctoral advisory committee. Additional criteria for chairing dissertation committees may be prescribed by the School or College. A doctoral advisory committee must consist of a minimum of four members, at least three of whom must be members of the graduate faculty. One of the members must be an external member whose primary appointment is outside the candidate's program or department or outside the University. The external member must be familiar with the standards of doctoral research and should be in a collateral field supportive of the student's dissertation topic. It is strongly recommended that this member have graduate faculty status if from another graduate program.

The composition of the doctoral advisory committee is recommended by the chair of the relevant department/program, and requires the approval of the Dean (or designate) of the School or College and the Dean (or designate) of the Graduate School.

### **3. Academic Standing of Students**

The student's academic standing is determined by the cumulative grade point average at the end of each term.

- a. To be in good standing, a student must have a cumulative grade-point average of (a) at least 1.7 at the end of the first and second terms, (b) at least 1.8 at the end of the third term, (c) at least 1.9 at the end of the fourth term, and (d) at least 2.0 at the end of the fifth and succeeding terms. For part-time and transfer students, a block of 12 semester hours of credit is considered one term. A cumulative grade-point average of at least 2.0 is required for graduation.
- b. A cumulative grade-point average below the one required will place the student on academic probation. The student's academic Dean will notify the student of any probationary status. A student on probation must follow a restricted academic program not to exceed 15 semester hours.

- c. It is the responsibility of any student on probation to complete an academic contract with the academic Dean for the purpose of determining the nature and limitations of the student's future academic and extra-curricular activities.
- d. Students whose academic performance has seriously impaired their ability to succeed academically at the University of Dayton are subject to dismissal. A student who is subject to academic dismissal can be dismissed only by the academic Dean, who authorizes the dismissal and notifies the student of this status. Students who are subject to dismissal include:
  - those who fail to achieve good standing at the end of the term on probation, and
  - those who have a term point average of less than 1.0, regardless of cumulative grade-point average.
- e. The Office of the Registrar will post “Academic Dismissal” on the permanent record of any student who is dismissed. See also the [Academic Catalog](#).

#### **4. Handling Students’ Academic Records**

##### **A. Student Records**

The *Family Educational Rights and Privacy Act of 1974 (FERPA)* is a federal law which states that an educational institution must establish a written institutional policy concerning the confidentiality of student education records and that students must be notified of this statement of policy and their rights under the legislation. In accordance with the Act, students and parents of dependent students at the University of Dayton have the following rights:

1. The right to inspect and review educational records covered by the Act or personally identifiable information contained therein.
2. The right to challenge the contents of these records.
3. The right to a formal hearing, if necessary, for a fair consideration of such a challenge.
4. The right to place an explanatory note in the record in the event that a challenge of contents is unsuccessful.
5. The right to control, with certain exceptions, the disclosure of the contents of the records.
6. The right to be informed of the existence and availability of the institutional policy covering *FERPA* rights.
7. The right to report violations of *FERPA* legislation to the U.S. Department of Education.

A complete policy statement on student records in accordance with the requirements in FERPA can be found in the [Student Handbook](#) published by the Office of Student Development. Copies of the policy also are available at the following University offices: Vice President for Student Development and Dean of Students, Provost, and the Office of the Registrar.

##### **B. Procedures for Inspection and Review**

Students who wish to inspect and review their education records may do so by submitting a written request to the official responsible for the specific record desired. The responsible official must respond within 45 calendar days of the request by sending the student a copy of the requested record or arranging an appointment for the student to review the requested record. Copies of the education records or record entries, with certain exceptions, may be obtained by the student. Fees for various records are shown on the website of the appropriate University office. The University reserves the right to deny copies of education records to students with unpaid financial obligations, unresolved disciplinary action, and unresolved litigation. The University also reserves the right to deny a copy of a transcript of an original source document which exists elsewhere.

The University of Dayton is not required to permit access to the following types of information:

1. Financial information submitted by parents.

2. Confidential letters of recommendation submitted prior to January 1, 1975.
3. Confidential letters and recommendations to which students have waived their rights of inspection.
4. Any part of a record pertaining to another student.
5. Information specifically excluded under the Act's definition of “**educational records.**”
  - a) Records of an instructional, supervisory, administrative, and educational nature, maintained by and in the sole possession of the college official who made them for their personal use only.
  - b) Student employee records not related to student status.
  - c) Alumni records.
  - d) Student health, psychiatric, and counseling records maintained in connection with the treatment of the student.
  - e) General health data, information which is used by the University in making a decision regarding the student's status, is subject to review by the student under this policy. Written medical, psychiatric and psychological case notes which form the basis for diagnosis or for recommendation of treatment plans remain privileged information not accessible to the student. Such case notes are not considered to be part of the University's official educational records. These records may be personally reviewed by a physician or other appropriate professional of the student's choosing.
  - f) Records separately maintained by the University's Department of Public Safety solely for law enforcement purposes.

The University of Dayton will not permit access to or release of any educational records or personally identifiable information without the written consent of the student except in the following circumstances:

1. A student's education records ordinarily will be released without consent to school officials within the University with “**legitimate education interest**” in such information.

“**School officials**” are those University employees with general or specific responsibility for promoting the educational objectives of the University. Employees whose responsibilities place them within this category include: teachers, faculty advisors, admission counselors, academic advisors, counselors, employment placement personnel, Deans, Department Chairpersons, Directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities; administration and faculty sponsors of officially recognized clubs and committees; members, including students and alumni, of official University boards and committees; and clerical personnel, including students employed to assist University officials in discharging professional responsibilities. Access by these officials is restricted where practical only to students for whom they have professional responsibility and only to that portion of the student record necessary for the discharge of assigned duties.

“**Legitimate educational interests**” are defined as those interests which are essential to the general process of higher education prescribed by the body of policy adopted by the governing board. Legitimate educational interests would include teaching, research, public service, and such directly supportive activities as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, and academic assistance activities. The University officially recognizes the legitimate educational interest of those involved in appropriate co-curricular activities which are generally supportive of overall goals of the institution and contribute

generally to the well-being of the entire student body and specifically to many individuals who participate in these activities. These activities include varsity and intramural sports, social fraternities and sororities, recognized student groups and organizations, and student government.

2. At its discretion, the University will provide “directory information” concerning an individual student in accordance with the provisions of the Act. This information includes: name, address, telephone number, date and place of birth, height and weight of members of athletic teams, major, participation in officially recognized athletics and student activities, dates of attendance, degrees, awards and honors, and the most recent institution attended. Directory information may be released unless a student specifically requests in writing that this information not be released. This request must be submitted in writing to the Office of Registration within five (5) days of the first day of classes of fall and spring terms and within two (2) days of the first day of class of each summer term.
3. The University ordinarily will release (a) the final results of a University disciplinary proceeding against a student who is an alleged perpetrator of an act of violence (as defined in Section 16 of Title 18, United States Code), and (b) the final results of a University disciplinary proceeding against a student who is an alleged perpetrator of a non-forcible sex offense, when it is the determination of a disciplinary hearing that the student committed a violation of the institution’s rules or policies with respect to such crimes or offenses.
4. The University ordinarily will release to parents or legal guardians of a student under the age of 21 years of age information regarding the violation of any federal, state, or local law and institutional disciplinary rule or policies related to the use or possession of alcohol or a controlled substance when such a violation results in a sanction of disciplinary probation or suspension.
5. The University also may release certain relevant personally identifiable information contained in a student's record to:
  - a) Officials of other institutions in which a student seeks to enroll with notice to the student of such release.
  - b) Government officials seeking information in connection with the audit and evaluation of federal and state supported education programs.
  - c) Persons and organizations from which student financial aid is sought by the student.
  - d) Persons or organizations acting as agents of the University in the collection of past due accounts.
  - e) Persons or organizations conducting research for the development of tests, administration of financial aid, or the improvement of the instruction.
  - f) Accrediting agencies.
  - g) Parents of dependent students as defined by the Internal Revenue Code of 1954.
  - h) Persons in an emergency in order to protect the health and safety of the student or of others.
  - i) Persons in compliance with a judicial order or subpoena.

The University offices maintaining education records shall keep a record of all parties requesting or obtaining access to the contents of a student's record except in cases of requests by a student or parent of a dependent student for access to his/her own record, by school officials, by parties with specific written consent of the student, or by parties requesting directory information. This record of requests shall identify the legitimate interests the person(s) had in seeking or obtaining information contained in a record and may be available for inspection by the student identified by the record.



## **5. Maintenance of Student Conduct Records**

Student conduct records are maintained for a period of seven (7) years from the date of a student's last documented incident unless the case results in a suspension, expulsion or withdrawal from the university pending a finding. In these cases the record is maintained permanently. Students are permitted to review their disciplinary record by appointment in the Office of Community Standards and Civility.

## **6. Policy on Challenging the Contents of Educational Records**

Students may challenge the contents of an educational record which they consider to be inaccurate, misleading, or otherwise in violation of their privacy rights. A student shall initiate a challenge by submitting a written request to the custodian of the particular record in question who shall attempt to resolve the problem through informal discussions. If a challenge to a record is not satisfactorily resolved by this procedure, the student will be informed of the right to a formal hearing, the procedures to be followed concerning such a hearing, and its composition. A student requesting a hearing will be notified in writing of the date, place and time of the hearing. At the hearing, the student may present evidence in support of the request and may be assisted by an advisor or attorney. Decisions of the hearing panel are final. If the decision of the hearing board is unsatisfactory to the student, the student may place in the educational records a personal statement commenting on the information contained in the record and setting forth any reason for disagreeing with the decision of the hearing panel.

Students may waive any of their FERPA rights including the release of their educational records by providing written consent. Such consent must be signed and dated by the student and specify the record to be released and the exact purpose of the waiver or release. Copies of this policy are available in the Office of the Registrar, the Dean of Students, Deans of the College and Schools, and the Office of the Provost. Students have the right to file a complaint with the United States Department of Education concerning alleged failures of the University to comply with the requirements of the Act.

## **7. The Office of Academic Services for Student-Athletes**

The Office of Academic Services for Student-Athletes (OASSA) exists to provide student-athletes with the best possible services to ensure academic development success and graduation.

OASSA, a division of the Office of the Provost, promotes a philosophy of individual responsibility to encourage student-athletes to take ownership in their academic and personal pursuits. OASSA provides and coordinates services to enhance student-athletes' education in areas such as tutorials, study skills/strategies, career development and transition into college life.

The OASSA staff monitors the academic progress of student-athletes through individual meetings and communicating with faculty, coaches and athletics administrators.

## **8. Role of the University Counseling Center**

The main purpose of the Counseling Center is to assist students in self-development, including personal adjustment, career planning, and social skills building. All students in need of objective insights or merely "a listening ear" are encouraged to make use of the Center's services. No student's concern is too minor to explore. This is usually accomplished through one-to-one and group counseling, although there are opportunities for workshops on certain topics, consultation, and outreach programming for student, faculty, and staff groups. The Center also provides career and personality testing services.

For more information about the range of services and policies of the Counseling Center, go to the [Center's](#) website.

## **9. Role of Faculty Athletics Representative**

The primary responsibilities of the Faculty Athletics Representative (FAR) include: ensuring effective mechanisms to maintaining academic eligibility requirements, ensuring compliance with UD, conference and NCAA rules and regulations, monitoring the student-athlete experience at UD, communicating with faculty and administrators, and serving as institutional representative at NCAA and conference meetings.

## **10. Student Learning Services and Services provided by the Office for Multicultural Affairs**

See the [Academic Catalog](#) for additional information and description of these services.

## **11. Role of Student Health Center**

The University Health Center is available to students. The Center does not issue medical excuses for missed classes but faculty may submit a request on the Student Health Center website to obtain verification that the student was seen on a particular date.

## **SECTION VII: FACULTY POLICIES AND PROCEDURES RELATED TO RESEARCH**

### **1. University Commitment to Research**

“The University of Dayton holds that there is harmony and unity between rationally discovered and divinely revealed truths. Accordingly, it commits its entire academic community to the pursuit of such truths. It provides a milieu favorable to scholarly research in all academic disciplines, while giving priority to studies which deal with problems of a fundamentally human and Christian concern. It upholds the principle of responsible freedom of inquiry, offers appropriate assistance to its scholars, and endeavors to provide the proper media for the dissemination of their discoveries.”

Through these words from its official *Statement of Purposes*, the University proclaims its commitment to research, to the essentiality of scholarly activity in the educational process, and to public service. Research is one of the means through which the University seeks to enlarge human beings' understanding of themselves and others, the universe, and its Creator.

While emphasizing the importance of fundamental inquiry, the University recognizes that it is clearly a part of the function of higher education to develop new applications of science and philosophy, new arts and technologies, and to incorporate new discoveries into the present body of knowledge in an orderly fashion so as to preserve the values of both the old and the new.

Research and scholarship are regarded as essential to the success of instruction. Teachers who are familiar with and conduct research are better able to inspire their students by imparting a freshness and vitality to their instruction. Furthermore, a significant research program is the main assurance that the courses being taught remain relevant and abreast of current thought.

Research programs are important for graduate students who are working toward advanced degrees. But the University also makes a concerted effort to provide opportunities for undergraduates to acquire training in the methods of research. It is through the combination of instruction and research that students acquire the true spirit of inquiry.

In fulfillment of its mission to render public service, the University offers its physical and human resources to support the research needs of the public and private sectors of our society. It encourages the establishment of team-oriented, multidisciplinary research programs which are responsive to the complex problems facing contemporary society.

### **2. Jurisdiction over Research Activities**

Research at the University of Dayton is under the jurisdiction of the Provost of the University. The major responsibility for promoting research has been delegated to the Vice President for Research who is responsible for coordinating all of the University's research activities of the University, both in the academic departments and the Research Institute, and for the integration of sponsored research with graduate education.

The Dean of the College of Arts and Sciences and the Deans of the Schools of Business Administration, Education and Health Sciences, Engineering, Law, and the Libraries are responsible for research in their respective academic areas. The Director of the Research Institute is responsible for the overall supervision of the administrative and research functions of the Institute. An administrative staff assists the Director in fulfilling its administrative function and the Associate Director is charged with the supervision of the sponsored research projects conducted by the Institute.

### 3. Role of the University of Dayton Research Institute (UDRI) and Faculty Sponsored Research

The fundamental mission of the Research Institute is to assist the University in the development of sponsored research and other sponsored programs essential to the attainment of its teaching, research, and public service objectives. Toward the fulfillment of this mission, the Research Institute provides a variety of related services. Looking inwardly, it strives to serve the needs of the academic departments and individual faculty members whenever these needs relate to research or other sponsored programs. Looking outwardly, it seeks the means for fulfilling the University's commitment to teaching, research, and public service by establishing relations with sponsoring agencies and by responding to the specific needs of these agencies.

In carrying out its mission, the Research Institute performs essentially three functions:

- a. It encourages and assists faculty members in their efforts to obtain extramural support for their research projects and training programs.
- b. It initiates and conducts research programs within the Institute which are primarily responsive to the needs of the sponsoring agencies but which also aid in the establishment of new and more relevant educational programs.
- c. It provides administrative services on contracts and grants for the support of research and other sponsored programs.

In view of the multiple functions it performs, the Research Institute provides the University with a unique organization for the fulfillment of its commitment to education and public service. As one part of its mission, the Institute serves the needs of the University for an administrative office to assist the College and Schools in the development and administration of sponsored research projects and other sponsored programs which are fundamental to their obligations to advance knowledge and to educate students. However, in addition to fulfilling this traditional role, the Research Institute at the University of Dayton also undertakes research programs which are primarily responsive to problems facing the public and private sectors of our society. The Institute provides an organizational medium through which the talents of researchers from several departments and academic backgrounds can be organized into teams for the conduct of interdisciplinary and multidisciplinary research. This enables the University of Dayton to undertake important problem-oriented research programs which could not be accommodated readily within the traditional academic structure of a university. The University of Dayton thus possesses in the Research Institute a unit within its own academic structure with the management capability and operational flexibility of an independent research organization.

#### A) *Relationship to Academic Departments*

The primary function of the Research Institute, as it relates to the faculty at large, is to offer its services and assistance to those faculty members and departments desiring to obtain extramural sponsorship for their research and training activities. The administrative staff of the Institute is available to aid the faculty and students in the preparation of proposals and in selecting and contacting potential sponsoring agencies. This experienced staff is organized to handle efficiently the contract negotiations and other administrative aspects of sponsored programs, thus relieving the faculty and departments of many of the burdensome administrative details. Also, the extensive human and physical resources of the research laboratories and service groups under the jurisdiction of the Institute are available to the academic departments in the conduct of their research.

Where sponsored research is accomplished within a department, the line of authority and responsibility is through the Department Chairperson and the Dean of the School or College. Although some of the administrative aspects

of most sponsored activities at the University are handled by the Institute, the Institute exercises no direct control over the research in the department other than to assure adherence to the administrative policies and procedures of the University and of the sponsoring agencies.

### ***B) Research Activities of the Institute***

In addition to research projects conducted within the existing academic departments, the University of Dayton has a comprehensive research program conducted by various research groups within the Research Institute. While the projects performed within the academic departments are normally concerned with the advancement of knowledge within a single discipline, the projects conducted by the Institute are usually in response to a specific need of the sponsoring agency and are, therefore, problem-oriented and require the establishment of interdisciplinary or multidisciplinary groups. In performing its internal research function, the Research Institute:

- i. attracts and maintains a full-time research staff who are qualified to conduct basic and applied research in a broad range of problem areas;
- ii. develops and staffs professional research laboratories and offers the use of these facilities to qualified personnel in academic departments;
- iii. emphasizes the integration of sponsored research programs of the Institute with the educational programs of the University;
- iv. encourages its full-time research staff to participate in other academic pursuits such as teaching, supervising student research, and participating on committees to the extent these services are requested by academic departments;
- v. provides part-time research opportunities for faculty members on Research Institute programs as a means of assisting them in the development of their research capability and in obtaining sponsorship for their research;
- vi. provides part-time research opportunities and financial support for as many undergraduate and graduate students as is reasonably possible;
- vii. provides the capability to organize and manage interdisciplinary and multidisciplinary research teams comprised of fulltime research personnel, members of the faculty, and students to attack specific problem areas of our community and country; and
- viii. assists the University in keeping its educational programs relevant by developing research capability in areas for which future educational programs may be required.

In carrying out the above activities, the Research Institute provides vital input to the University's future development by its continuous involvement with present and future problems facing our society. Although the Institute undertakes some research programs which are primarily responsive to the immediate needs of the sponsors and which are not directly related to existing academic programs, the University's past experience has shown that such programs have had a beneficial impact on the curriculum and have helped keep the educational programs of the University relevant and abreast of current conditions. Almost invariably, the first area of a university that responds to new concerns and problems of society is the area of research. It is from many of these problem-oriented research programs that new courses and degree programs naturally spring.

### ***C) Administrative and Other Supporting Services***

The University has delegated to the Research Institute responsibility for the administration of the contracts and grants for the support of research and other sponsored programs. Administrative functions performed by the staff of the Institute include assistance in the preparation of proposals, the negotiation of contracts and grants, contract administration and liaison with the sponsoring agencies, the purchase of materials and services authorized by the contracts and grants, control of project property, editing of technical proposals and reports, the maintenance and

dissemination of financial and budgetary information on the sponsored programs, research personnel administration, and the handling of patent matters. In the performance of these administrative duties, the Institute implements the established procedures of the University's central business offices so as to meet the special administrative needs of the sponsored programs and to comply with the legal provisions of the contracts and grants with the University. The Research Institute also has under its jurisdiction several organizations that provide primarily support services in such areas as data processing, glassblowing, instrumentation, and fabrication.

#### ***D) Sponsored Projects***

Faculty members are encouraged to seek outside support for research and other related activities that will advance knowledge and further the educational program of the University. The initiative for undertaking research and establishing sponsored programs should originate with the faculty and research staff. Members of the faculty or staff with ideas for research, training, or service programs are encouraged to contact the administrative staff of the Research Institute for assistance. The administrative staff of the Institute can suggest potential sponsoring agencies and provide assistance in the preparation of proposals to obtain extramural funding of the activity.

#### ***E) Procedures for Establishing Contracts and Grants and Time Devoted to Sponsored Projects***

The faculty member who intends to submit a proposal for outside support is expected to discuss his/her plans with the Departmental Chairperson and Dean, who are responsible for endorsing the proposal. The Chairperson and Dean should satisfy themselves that:

- i. the project is appropriate for the Department and School to undertake as a part of its educational program,
- ii. the necessary personnel are available to supervise and conduct the program, and
- iii. adequate space and facilities are available.

All proposals for the outside support of research and other sponsored programs must be processed through the administrative offices of the Research Institute. The administrative staff of the Institute is responsible for ascertaining that the legal and financial aspects of the proposal are in order and for obtaining the necessary approvals and signatures of University officials.

Faculty members wishing to submit proposals should contact the administrative staff of the Institute at their earliest convenience and well ahead of deadlines established by sponsoring agencies. As the probability of support is directly related to the quality of the proposal, sufficient time must be allowed for the many steps required to prepare and process a successful proposal.

Contracts and grants are negotiated by the administrative staff of the Institute and signed by an authorized official of the University, normally the Director of the Research Institute. When negotiations have been completed and a contract or grant has been received, the administrative staff of the Institute will issue an account number, notify the project supervisor and appropriate administrative offices, and take whatever other steps are necessary for the project supervisor to begin the project and make charges to the appropriate account.

#### ***F) Research Funds***

To supplement funds available from departmental budgets for the support of research and other scholarly activities of the faculty, the University has established several special research funds. The primary purpose of these special funds is to assist and encourage the academic departments to become actively involved in research and to seek external support for their research.



## ***G) School and Departmental Funds***

Funds are transferred each year to the special restricted accounts of those Schools and Departments with faculty members actively engaged in sponsored research. These funds are transferred under a formula which is related to the amount of sponsored research conducted by the faculty and staff of each Department. Also, certain savings in departmental budgets resulting from the outside sponsorship of research or training activities are transferred to these restricted accounts.

In addition to providing contingency funds to meet departmental commitments on sponsored research projects, these funds are to be used to develop sponsored research programs and other scholarly activities within the departments. Members of the faculty are encouraged to contact their respective Chairperson and Dean as to the availability of such funds in their Department, School, or College.

### ***H) Research Council Seed Grant Awards***

The University of Dayton Research Council Seed Grants (RCSG) are competitive and merit-based awards. These are designated to support only research and scholarship projects which show clear potential for increasing the investigator's research productivity which should result in refereed publications, juried creative work, and external research funding. An RCSG research proposal, in addition to describing a well thought-out research project, must show evidence that the investigator has a definite and ongoing plan to increase research productivity.

## **Summer Research Fellowships**

The Research Council Seed Grants are intended to give support to a faculty member during the period of May 16 through August 15. Potentially, the stipend can range from \$3,000 to \$5,000 depending upon the quality and merit of the proposal. The quality and merit of the proposal will be determined by the factors defined in the "EVALUATION" section of this guideline outlined below and on the requirements set forth in the instructions for the proposal narrative.

Faculty who have been awarded previous RCSGs must have submitted a final report on those grants in order to be considered for new awards. There is no guarantee that all proposals will win awards.

Faculty having a 12-month appointment are ineligible for the Seed Grants.

The grants are designated as **Senior Faculty** grants and **New Faculty** grants. Faculty are eligible for only one category of grant.

## **Senior Faculty Grants**

After completing five years of tenured service faculty are considered to be in the senior category. The purpose of the seed grants for senior investigators is to provide funding which supports initiatives in research and other scholarly activities by faculty members who are embarking upon distinctly new avenues of research. Application for this funding will also apply to faculty returning to research from an administrative assignment.

A co-signed letter from the Department Chair and the Dean will be required to verify that the proposal represents a new and distinctly different avenue of research/scholarship for the faculty member, and is a definite departure from past research endeavors. Similarly, faculty returning from administrative assignments will also need this co-signed letter.

Senior faculty members who are funded must submit a report describing the activities that were performed with the funding. This report will be the requisite for additional funding for the faculty member in the future. Senior

faculty members are eligible to apply only twice for this funding and the second funding request must be separated from the first by a minimum of seven years.

## **New Faculty Grants**

The purpose of the seed grants for new tenure-track faculty, in their first four years, is to assist them in the initiation of research. The new faculty grants are available to tenure-track faculty only in each of the first four years at the University of Dayton. A new faculty member can receive grants from any category in any given year. In order to win an RCSG grant for two, three or four consecutive years, however, the proposer must demonstrate that: (a) the efforts of the previous year had indeed resulted in significant scholarly research and the proposed research was completed successfully, (b) there exists a continuing track record of publishing and seeking external sponsorship, and (c) the final report for previous year's RCSG was submitted by the required date outlining the accomplishments of the research.

## **Research Grants-In-Aid**

The Research Grants-in-Aid support the acquisition of resources necessary for research projects. This may include travel, payments to human subjects, purchase and care of animal subjects, research subjects, research software, minor equipment, materials and supplies, student or non-student research assistants, books and other printed source material, and data which must be purchased from external sources.

Travel must be directly related to the specific project and funds **may not be used to attend conferences**. In addition, funds may not be used to purchase computer related equipment (i.e., iPads, electronic tablets, or similar portable electronic devices).

Requests for this grant must be specifically itemized and explained. Examples of eligible items are book titles, quotes for software, quotes for equipment, rationale for travel, travel timeframe, cost of other materials and supplies, cost of data to be purchased, rationale for payment to student or non-student research assistants, and the like. Detailed dollar estimate of each item is required.

Amounts up to \$1,500 may be requested. Granted funds must be spent to facilitate the proposed research, and must be totally expended by September 30. Faculty who have won previous RCSGs must have submitted a final report on those grants in order to be considered for new awards. There is no guarantee that all proposals will win awards.

Announcements concerning the grants are generally sent to all faculty early in the fall. Detailed information about the Research Council Seed Grants, proposal requirements, required forms, and deadlines are available on the [Office for Research](#) website.

## **Forum Committee on the Catholic Intellectual Tradition Today**

Two additional research grants are available through the budget of the Forum for the Catholic Intellectual Tradition Today. Proposals for these grants should deal explicitly with some aspect of Catholicism, e.g., the Catholic church or its members; Catholic thought, art or culture; etc. Proposals are welcome from scholars in all disciplines; interdisciplinary proposals are encouraged. Proposals to the Forum will be submitted to the Research Council. The Council will forward these proposals to the Forum Committee for their review and input. Proposals will then be returned to the Research Council for its review and evaluation under its RCSG Awards Guidelines. Members of the Forum are not eligible to apply for awards.

#### **4. Policy for Extra Compensation of Employees Supported by Sponsored Research Programs**

This policy was approved by the President's Council on July 22, 2008.

Under certain circumstances, faculty and research professional and administrative staff supported by sponsored research programs may be requested to perform additional assignments for which extra compensation may be warranted. Extra compensation as defined by this policy (see definitions section) may be provided for additional assignments only when the intended tasks are clearly outside the normal workload of the individual and are in response to a special or urgent need that can best be satisfied by a specific individual as determined by the appropriate University Dean or Research Institute Director.

As part of the approval process, the appropriate University Dean or Research Institute Director must carefully evaluate all the circumstances when considering extra compensation. Their recommendation for approval of extra compensation indicates that the best interests of the University are being served, (for example, if there is an unusual or urgent need that cannot be accommodated by faculty release time or within the normal workload), if the appointment represents the most economical approach to meet the need, or if alternative arrangements are not feasible.

In addition to this policy, additional criteria must be applied when a portion of the employee's salary is to be paid from a sponsored project. Federal rules and regulations, including OMB Circular A-21, Cost Principles for Educational Institutions, and the NIH Grants Policy Statement, do not allow an individual's institutional base salary to be increased as a result of obtaining sponsored research funding. These federal rules and regulations also restrict the payment of extra, bonus, or other payments outside the individual's institutional base salary.

##### **Reason for Policy**

This policy establishes general provisions to cover the circumstances and limitations under which extra compensation may be appropriate for employees who are supported in any way by sponsored research funds. These guidelines must be followed whether extra compensation is paid from University sources, non-federally or federally sponsored projects, and to ensure compliance with state and federal regulations, with particular consideration given to OMB Circular A21.

##### **History**

This document is the first to formalize a policy for extra compensation to faculty and professional research employees who are supported fully or partially by sponsored research activities.

##### **Definitions**

###### *Faculty*

Faculty refers to full-time persons hired by UD to fulfill teaching and scholarly activities. These may include tenured, tenure-track, and non-tenure-track faculty members.

###### *Faculty Appointment – contract period*

The faculty appointment is the period for which faculty is compensated for duties related to a regular departmental teaching load (three 3-credit hour courses per semester). Employment contracts for non-tenured faculty are issued annually by the Provost, by April 15, upon the recommendation of the Department Chairperson and with the concurrence of the academic Dean. The contractual period normally follows the academic year, August 16 through May 15, a 9-month period. There are occasions when a contract may be granted for a 12-month period.

### *Faculty – outside the contract period*

For 9-month faculty, outside the contract period is generally the period from May 16 through August 15. The specific dates of the time outside the contract period are based on the faculty member's employment contract.

### *Professional Research Employees-Academic Departments*

This category pertains to full-time research professors.

### *Professional Research and Administrative Research Employees-Research Institute*

#### Professional Research Employees

This category is used to describe various full-time professional research positions such as those classified as P1, P2, P3 and P4 (RI Policy Memo 12). These positions are characterized by the following conditions:

- The position is generally supported by an external research contract/grant and continuing employment is dependent on availability of funds,
- These positions are exempt from the Fair Labor Standards Act,
- The employee is considered research staff for purposes of determining eligibility for benefits, and
- The hiring of the employee is processed through the Office of Human Resources and the employee is assigned to the Research Institute.

#### Administrative Research Employees

This category is used to describe various full-time professional administrative positions such as those classified as A1, A2, A3, A4, and A5 (RI Policy Memo 12). These positions are characterized by the following conditions:

- The position is generally supported by an internal account and may be supported by an external research contract/grant and continuing employment is dependent on availability of funds,
- These positions are exempt from the Fair Labor Standards Act,
- The employee is considered administrative staff for purposes of determining eligibility for benefits, and
- The hiring of the employee is processed through the Office of Human Resources and the employee is assigned to the Research Institute.

### *Institutional Base Salary*

#### Faculty Member

For a member of the faculty, the institutional base salary is the annual permanent salary of the employee as it appears in his/her employment contract or subsequent letters of notice of salary increase/decrease for time spent on teaching, research, or other normal workload activities as defined in the "Normal Workload" section below. For example, a faculty member has a 100% appointment for 9 months at \$45,000. The institutional base salary rate is \$45,000 for 9 months, or \$5,000 per month.

The institutional base salary excludes any income an individual is permitted to earn outside of his/her duties for the University of Dayton.

#### Professional Research and Administrative Research Employee

For a member of the professional research and administrative research staff, the institutional base salary is the annual salary of the employee to conduct research activities such as sponsored research, internal proposal writing, research marketing and development, and other activities in support of sponsored research activities.

### *Normal Workload*

#### Faculty Member

The normal workload of faculty members on 9-month or 12-month contracts is defined, minimally, as teaching, including instruction in regular academic-year courses with assigned credit hours and mutually agreed upon instructional assignments, such as thesis, dissertation, seminar and special problems supervision.

The workload may also include: summer session courses; scholarly activities and research, including sponsored research; student advising; academic committee work; departmental sponsored scholarship; administrative duties; and service to the University and scholarly community. Workload does not include outside paid consulting or professional services.

A typical “normal” workload for a faculty member consists of teaching three 3-credit hour courses per semester.

See Recommendations for Revision to the University of Dayton Faculty Workload Guidelines. [Senate document 2012-09.](#)

#### Professional Research and Administrative Research Employees

The normal workload of full-time professional research and administrative research employees is defined as conducting or supporting research or other externally-funded activities. The workload may also include internal research, development, marketing, proposal preparation, or any combination of the aforementioned activities.

A normal workload for professional research and administrative research employees consists of working 40 hours per week on an annual basis (8 hours/day, 5 days/week, 52 weeks). The 40-hour workweek includes vacation, sick leave, and holiday hours.

### *Sponsored Research Programs*

Sponsored research programs are defined as externally funded activities that are governed by specific terms and conditions. Sponsored research projects must be separately budgeted and accounted for subject to terms of the sponsoring organizations. Vehicles for sponsored projects may include grants, contracts, cooperative agreements or other instruments for conducting research, training, and other public service activities.

### *Principal Investigator*

A principal investigator is the faculty member or professional research employee who is the lead researcher/program director on a sponsored program.

### **Types of Extra Compensation for Employees Supported by Sponsored Research**

Extra compensation over the institutional base salary paid to faculty and professional research employees through the University and UDRI payroll offices includes supplemental, overload, and incidental compensation.

#### **Supplemental Compensation**

Faculty members with appointments of less than 12 months (e.g., 9 months or .75 FTE) during an academic year can increase their commitment up to 12 months (i.e., 1.0 FTE) with supplemental compensation beyond their institutional base salary.

The summer sessions are often a convenient period for 9-month faculty to pursue sponsored projects on a full-time basis or to split effort between teaching and sponsored projects.

### **Overload Compensation**

Overload compensation is payment to a faculty member for added work beyond the normal workload that is in addition to his/her institutional base salary. This policy covers overload compensation for faculty members supported by sponsored research contracts or grants only.

### **Incidental Compensation**

Incidental compensation is a payment beyond the institutional base salary paid to full-time professional research or administrative research employees for temporary activities outside their “normal” workload. These activities are of short duration including, but not limited to, teaching undergraduate or graduate classes for an academic department.

### **Release Time for Conducting Sponsored Research**

Release time for conducting sponsored research is defined as dedicated time away from teaching responsibilities to conduct sponsored research granted to faculty after consultation with the Academic Department Chair and Academic Dean.

### **Special Conditions for Extra Compensation on Sponsored Research Programs**

Extra compensation on sponsored research programs is governed by the Office of Management and Budget (OMB) Circular A-21, “Cost Principles for Educational Institutions,” which allows for payment of extra compensation on sponsored programs when all of the following conditions are met.

### **Supplemental Compensation**

#### Faculty

Supplemental compensation includes sponsored research payments to faculty members with less than a 12-month academic appointment outside the appointment contract period (i.e., summary salary for a 9-month faculty member). Research compensation during the summer months or other periods not included in the base salary period is to be calculated for each faculty member at a rate not in excess of the institutional base salary divided by the period to which the base salary relates. Supplemental compensation is processed by submitting a PAF through the Office of Human Resources and a timecard through the UDRI payroll office.

Upon appropriate approvals, individuals with appointments of less than 12 months (e.g., .75 FTE) during an academic or fiscal year can increase their commitment up to 12 months (e.g., 1.0 FTE) with supplemental compensation beyond their institutional base salary.

The summer sessions are often a convenient period for 9-month faculty to pursue sponsored projects on a full-time basis or to split effort between teaching and sponsored projects.

#### Professional Research Employees

Supplemental compensation for full-time professional research employees is not available since a full-time researcher’s normal workload is defined as working at least 8 hours per day per 5-day workweek for 52 weeks, and the institutional base salary covers the entire 12-month period.



## Overload Compensation

### Faculty

It is recognized that active participation in research projects and other sponsored programs may require additional efforts beyond those dedicated to the normal faculty workload of teaching, scholarship, and research activities. It is presumed that a regular full-time faculty appointment will require five days per week on average, and for such the faculty member is compensated according to the University-approved salary level.

It is a general policy of the University that sponsored research is undertaken on a released-time basis. When an employee undertakes a sponsored research project on a released-time basis, the grant shall be charged for that portion of his/her time devoted to the project per the terms of the grant/contract. The rate of compensation will be the same as that paid by the University.

In those instances where it is not possible for a faculty member to be released from his/her regular University duties to undertake sponsored research projects, payments of overload compensation may be permitted for up to an additional eight hours work per week (20%) during period of academic appointment, unless the Academic Department's policy is more restrictive, under all of the following circumstances:

1. The faculty member contributes to a sponsored program that is in addition to his/her normal workload. In addition, the sponsored program should be across departmental lines from the faculty member's home department, or involve a separate remote operation. From OMB Circular A-21:

*...Since intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary, the principle also applies to faculty members who function as consultants or otherwise contribute to a sponsored agreement conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote location, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided that such consulting arrangements are specifically provided for in the agreement or approved in writing by the sponsoring agency.*

Exception to these circumstances requires the additional approval of the Vice President for Research.

2. Funds are available on a contract, grant, etc., that have been awarded to the University through the Contracts and Grants Office (CGO).
3. It is understood that overload employment will be undertaken only when the additional duties will not interfere with regular University duties and are clearly allowed by the sponsoring agency with their prior approval in writing.
4. The principal investigator requests and receives approval for overload compensation from the Academic Department Chair and Dean by submission of the Overload Compensation Request Form (OCRF) for faculty members charging sponsored programs. *No work is permitted on the project until all approvals from University administrators and the sponsoring agency are given in writing.*
5. The CGO specifically requests approval from the sponsor that overload compensation be paid, and the CGO receives written approval from the sponsor authorizing payment of overload.

6. Overload compensation may not exceed 20% of the faculty member's institutional base salary during the period of the faculty member's academic appointment. The 20% limitation applies to the total and not to each request separately.
7. Overload compensation is not permitted during any period in which the faculty member already devotes more than 75% effort to sponsored research programs.
8. All faculty member effort (departmental and sponsored research), including overload, is documented and approved using the sponsored research time card system.
9. The policies of a sponsoring agency shall govern overload compensation when they are more restrictive than the above policy.
10. The University will not make contributions to TIAA-CREF based on the overload compensation.
11. Payment of overload compensation is processed by submitting a PAF through the Office of Human Resources and a timecard through the UDRI payroll office.

### **Incidental Compensation**

#### Professional Research and Administrative Research Employees

Per OMB Circular A-21, extra compensation can be paid for incidental work (temporary activities) beyond the institutional base salary from a temporary source of funds provided the activities are outside the "normal" workload for the individual. Payment need **not** be included in the payroll distribution system (timecard) that reflects the activities for which the employee is compensated by the institution. Incidental compensation is not intended for employees who teach or perform specific duties on a regular basis as this would be considered part of their "normal" workload.

Incidental compensation may be permitted for up to an additional eight hours of work per week (20%) under the following circumstances:

1. The professional research or administrative research employee has specifically requested and received approval from the Research Institute Division Head/Research Institute Director or Academic Dean/Academic Department Chair (if applicable).
2. The incidental compensation is available from and must be paid by University funds.
3. Incidental compensation is for work in addition to the 40-hours charged each week on the employee's timesheet. As such, payment for incidental work is processed separately (outside the normal workload).
4. Incidental compensation may not exceed 20% of the employee's institutional base salary. The 20% limitation applies to the total and not to each request separately.
5. The incidental compensation pay rate may not exceed the institutional base salary rate during the period of incidental work.
6. All incidental work and compensation must be separately identified and documented in the financial management system.

7. Incidental compensation is not permitted using sponsored research funds.
8. The University will not make contributions to TIAA-CREF based on the incidental compensation and the employee will not accrue sick leave or vacation credits for the additional time worked.
9. Payment of incidental compensation is processed by submitting a PAF through the Offices of Human Resources and Payroll.

## **Responsibilities**

### **Faculty Member**

The faculty member is responsible for preparing the proposal, completing the Proposal Processing Form (PPF), the Overload Compensation Request Form (OCRF) and forwarding to the Academic Department Chair/Academic Dean for approval. To receive payment for sponsor-approved overload compensation, the faculty member will submit the required timecard(s) to the Academic Department Chair.

### **Academic Dean/ Academic Department Chair**

Proposals and OCRF requests for overload compensation shall be submitted to the Academic Department Chair and Academic Dean. The Chair and the Dean shall assure that primary responsibilities of the faculty member are covered. In assessing overload requests, every reasonable effort must be made to incorporate such activities into the regular program (i.e., release time) before recommending an overload approach. Even after overload compensation is approved, actions should be explored to bring anticipated future needs into the regular pattern of assigned duties. The Dean will forward the proposal and certified OCRF form to the Contracts and Grants Office who will ensure the OMB Circular A-21 requirements are fulfilled. The Contracts and Grants Administrator will then obtain the approval of the Vice President for Research before submitting a written request for overload compensation to the sponsor for authorization. In most cases the request for sponsor's approval will be incorporated in the original proposal submitted for research sponsorship.

If authorized by the sponsor, CGO will contact the Academic Department Chair who is responsible for completing the Personnel Action Form (PAF) which describes and approves the payment. The PAF is forwarded to the Office of Human Resources.

The Academic Department Chair is responsible for approving the timecard(s) submitted by the faculty member. The timecard(s) are forwarded to the UDRI Office of the Controller/Payroll Office for processing payment.

### **Professional Research and Administrative Research Employees**

The professional research and administrative research employee's request for incidental compensation is made by submission of the Incidental Compensation Request Form (ICRF) to either the UDRI Division Head and RI Director, or the Department Chair and Dean (as appropriate).

### **RI Division Head / RI Director or Department Chair/Dean (as appropriate)**

Upon receipt of the ICRF form, the RI Division Head and RI Director (or Department Chair and Dean) are responsible for identifying when work is incidental and outside the employee's normal workload. If authorized, the form is forwarded to the Contracts and Grants Office to ensure OMB Circular A-21 requirements are fulfilled. Upon concurrence of the Contracts and Grants Administrator, a Personnel Action Form (PAF) must be initiated and authorized and forwarded to the Office of Human Resources for processing.

### **Office of Contracts and Grants**

Upon receipt of the OCRF or ICRF forms, the Contracts and Grants Office will assure that the request for extra compensation meets OMB Circular A-21 requirements. For overload compensation requests, a request will be submitted to the sponsoring agency for approval. Sponsor-approved overload compensation requests will be returned to the Academic Chair for processing of the PAF and forwarding to the Office of Human Resources. The original OCRF and ICRF forms will be maintained in the Contracts and Grants Office, and copies will be forwarded to the requestor, the requestor's division or department, and Office of Human Resources.

### **Office of Human Resources**

The Office of Human Resources is responsible for processing the approved PAF form for payment, maintaining a record of extra compensation payments, and ensuring that the payment rate does not exceed the institutional base salary rate.

### **UDRI Office of the Controller/UDRI Payroll Office**

The UDRI Office of the Controller/UDRI Payroll Office is responsible for verifying that the incidental compensation for professional research and administrative research employees is not charged to a sponsored research program.

For overload compensation for the faculty member, the UDRI Controller's Office/UDRI Payroll Office is responsible for processing the timecard(s) needed to generate the overload compensation payment to the faculty member as instructed on the PAF.

## **5. Guidelines for Acceptance of Contracts and Grants with Extramural Agencies**

Approved by the President of the University, April 30, 1974

Many universities limit their research and public service activities to those projects which are outgrowths of the personal interests of the faculty. These projects are normally performed within the academic departments and are generally related to the advancement of knowledge or training within a single discipline.

In addition to research programs which are of especial interest to its faculty, the University of Dayton undertakes many research projects which are primarily responsive to problems facing the public and private sectors of our country, particularly in its Research Institute. Some of these problem areas involve information which is sensitive or proprietary in nature. Sufficient flexibility has been included in the following guidelines for the University to enter into contracts and grants under which the sponsoring agency may retain some control over the disclosure of this information.

### **GUIDELINES**

- i. In providing contractual services to governmental and industrial agencies, the University of Dayton proposes to make its resources and expertise available equally to all agencies whose purposes do not conflict with the University's aims and purposes.
- ii. Consistent with its public service function, the University of Dayton does enter into agreements, under which the sponsoring agencies may retain some control over the disclosure of data or the publication of research results. In these agreements the University seeks to minimize the restrictions on the publication of results and to maximize the contribution of each sponsored project to the educational mission of the University.
- iii. The University will not enter into any contract which involves the performance of activities patently contrary to the stated purposes of the University of Dayton.

- iv. The University will not enter into any contract which would restrain its freedom to disclose the existence of the contract or the identity of the sponsor.
- v. The University will not enter into research contracts involving the use of human subjects until adequate procedures have been established to protect the rights, health, and welfare of the subjects.
- vi. In providing the local community access to its physical and human resources, the University will not enter into competitive bidding with commercial testing laboratories to conduct routine industrial testing.
- vii. Authority to approve the submission of proposals to extramural organizations for the University of Dayton rests with the President. The Provost and the Vice President for Research and Director, Research Institute are also authorized to approve proposals on behalf of the President.
- viii. Proposals emanating from the academic departments will require the endorsement of the Chairperson and Dean. The Departmental Chairperson and Dean should satisfy themselves that the proposed project is appropriate for the Department and School to undertake as a part of its educational program.

## **6. Intellectual Property Policy and Procedures**

See also Senate document [1994-08, Intellectual Property Policy](#) or contact the [Office for Research](#).

### *Executive Summary*

The University of Dayton Intellectual Property Policy and Procedure is a comprehensive document which encompasses all aspects of intellectual property management, from development and ownership through protection and commercialization, including distribution of royalties. This policy provides an incentive to University authors and inventors while recognizing the University's fundamental rights in intellectual property resulting from the creative efforts of those utilizing University resources. The document comprises seven sections: Introduction; Definitions and Background; Policy Statements; Technology Management and Commercialization; Income Distribution; Faculty, Student, Staff, and Visitor Obligations; and Administration. Forms and Agreements referred to throughout this document are included in the Appendix.

In the Introduction, research is acknowledged as an essential activity to develop new knowledge, encourage the spirit of inquiry, and promote scholarship. This activity may result in the development of technology which could contribute significantly to economic, social, and cultural progress. "Technology" encompasses technical innovations, inventions and discoveries, and writings, including computer software; "intellectual property" rights are the principal rights governing the ownership and disposition of technology.

In Definitions and Background, "intellectual property" is defined as the tangible or intangible result of research, development, teaching, or other intellectual activity. The intangible categories, for which definitions and background information are provided, include, among others, patents, copyrights, trademarks or service marks, mask works, and trade secrets. Tangible research property includes but is not limited to biological materials; computer software, databases, integrated circuit chips, prototypes and circuit diagrams; analytical procedures, laboratory methods; and so forth.

The section entitled Policy Statements includes subsections that address scope, policy objectives, and rights in intellectual property. The scope of the policy extends to the college, schools, departments, and the Research Institute of the University of Dayton, as well as all faculty, staff, students, visitors, and others participating in University programs. The policy objectives emphasize technology transfer as a means to benefit society; encourage research; provide an administrative system to enable the commercialization of intellectual property; provide an equitable disposition of the interests in intellectual property among the developer, the University and, where applicable, the sponsor; provide incentives to developers; safeguard intellectual property; and, finally,

fulfill the terms of research grants and contracts. Rights to intellectual property are determined on the following principles. The University's ownership is based on significant use of University-administered resources by the developers of intellectual property; the creation of a "work for hire," as defined by copyright law; and the case of contracted services. Ownership subject to sponsored research agreements is determined in accordance with the terms of such agreements.

Inventor/author/originator ownership occurs when there are independent works; traditional works (such as journal articles, textbooks, reviews, works of art, and musical compositions); and works resulting from consulting or other outside activity. Students will generally own copyrights in theses; the University will own trademarks and service marks.

Technology Management and Commercialization outlines the major activities of the Technology Commercialization Office (TCO). These activities include encouraging the submittal of invention disclosures and other forms of intellectual property, evaluating intellectual property for commercial value, obtaining proprietary protection for technology with commercial potential, marketing technology to potential licensees, and developing license agreements and other types of transfer agreements with industry. Procedures for disclosure of intellectual property and review of disclosures by the Technology Disclosure Review Committee are also detailed in this section. Guidance is provided in areas such as protection of rights, waiver of rights by the University, licensing of University rights to inventors/authors, and conflict of interest or commitment. Specific information is provided on asserting and registering copyrights, trademarks and service marks, and mask works. Lastly, tangible research property management, distribution, control, and commercialization procedures are outlined.

Income distribution states that income will be distributed to the inventor/author, as well as the University, to recognize the creative ability of the inventor/author and encourage the prompt disclosure of all technology. Distribution is based on "net income," which is defined as the gross income, less (1) an allowance of 20 percent (maximum) to cover the operating expenses of the TCO, and (2) patenting and other legal costs and University development costs.

The section entitled Faculty, Student, Staff, and Visitor Obligations states that individuals, through their employment by the University, their participation in sponsored research projects, or their use of University-administered funds or facilities, thereby accept the principles of ownership of technology as stated in this policy, and establishes the requirement that these individuals sign the Intellectual Property Rights Agreement.

Finally, Administration defines the roles of the Intellectual Property Administrator, the TCO, the Office of Contracts and Grants Administration, and the Intellectual Property Committee, with regard to University of Dayton intellectual property. The Intellectual Property Administrator, appointed by the President and responsible to the Vice President for Research, is responsible for administering the Intellectual Property Policy. The TCO's goals are to (a) facilitate the transfer of the technology developed at the University to public use and benefit, and (b) where consistent with (a), provide an additional source of unrestricted income to support research and education at the University through the commercialization of technology. The Office of Contracts and Grants Administration is responsible for the negotiation, execution, and administration of all University agreements with external sponsors, and for ensuring that the sponsor's rights to technology are protected. The Intellectual Property Committee, appointed by the President, advises the Vice President for Research, and assists the University Intellectual Property Administrator.

### *1) Introduction*

Research is recognized by the University of Dayton (UD) as an essential activity to develop new knowledge, encourage the spirit of inquiry, and promote scholarship in all areas of learning. As a result of such research,



technology may be developed by faculty members, professional and technical staff members, students, and visitors to the University. This technology could contribute significantly to economic, social, and cultural progress.

The material set forth in this document covers the ownership, management, and commercial development of technology developed by UD faculty, staff, and students as well as others participating in UD programs. The term “technology” is broadly defined in this document to include technical innovations, inventions and discoveries, and writings and other information in various forms including computer software.

The principal rights governing the ownership and disposition of technology, known as “intellectual property” rights, are derived primarily from legislation granting patent, copyright, trademark, and integrated circuit mask work protection.

## *2) Definitions and Background*

### **2.1 INTELLECTUAL PROPERTY**

Intellectual property, for the purpose of this policy, is defined as the tangible or intangible result of research, development, teaching, or other intellectual activity. Intellectual property may include the following categories:

- Inventions, discoveries, or other new developments that are appropriate subjects of patent applications, or that may be treated as trade secrets.
- Written materials, sound recordings, videotapes, films, computer programs, computer-assisted instruction materials, works of art (including paintings, sculptures, and musical compositions), and all other material which may be copyrightable.
- Trademarks and service marks.
- Mask works.
- Tangible research property such as biological materials including cell lines, plasmids, hybridomas, monoclonal antibodies, and plant varieties; computer software, data bases, integrated circuit chips, prototype devices and equipment, circuit diagrams, etc.; and analytical procedures, laboratory methods, etc. All such tangible research property may or may not be patentable or copyrightable.

The five categories above are not mutually exclusive; a given article of intellectual property may include aspects of all five.

### **2.2 PATENTS AND PATENT RIGHTS**

A patent is a grant issued by the United States Patent and Trademark Office giving an inventor the right to exclude all others from making, using, or selling an invention within the United States, its territories, and its possessions for a period of 20 years from the filing of the patent application. The period of 20 years is exclusive of certain regulatory delays such as those sometimes imposed by the Food and Drug Administration or those involved in Patent and Trademark Office Appeals.

Patents may also be granted in foreign countries. Procedures for filing, regulations for patentability, and term of patent vary considerably from country to country. To be patentable in most countries, an invention must be new, useful, and non-obvious. In the United States, a grace period of 12 months from the first written public disclosure, public use, or sale of an invention is allowed to file a patent application. In most foreign countries, an invention is unpatentable unless the application is filed **before** public disclosure (written or oral). However, **if** one has filed in the United States prior to public disclosure, the applicant has 12 months to file in most non-U.S. countries without losing filing rights. It is now possible to file provisional patent applications in the U.S. to guard against loss of right by early publication, but a regular U.S. patent application must be filed within 12 months of the provisional filing if patent protection is obtained.

## 2.3 COPYRIGHTS

Under federal copyright law, copyright subsists in “original works of authorship” which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. In contrast to a patent which protects the “idea,” copyright covers the “artistic expression” in the particular literary work, musical work, computer programs, motion pictures, video or audio recordings, photographs, sculptures, and so forth, in which the “expression” is embodied, illustrated, or explained, but does not protect the underlying “idea.” As provided in copyright law, a copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute by sale or otherwise, and display or perform the work publicly. For an individual author, copyright protection of a work extends for the author’s life plus 50 years. For employers, copyright protection of a work extends for 75 years from the date of publication.

## 2.4 TRADEMARKS AND SERVICE MARKS

A trademark or service mark is a word, name, symbol, or device (or any combination) adopted by an organization to identify its goods or services and distinguish them from the goods and services of others. In the United States, trademark ownership is generally acquired through use of a term to identify the origin of goods or services. Trademark or service mark ownership is not dependent upon federal or state registration, but upon use of the mark. Registration of trademarks and service marks may be obtained on both the state and federal levels. To apply for a federal registration of a trademark or service mark, an organization must use it in interstate commerce. However, effective November 1989, legislation enables organizations to file for interim trademark protection based on intent to use a particular term.

## 2.5 MASK WORKS

A mask work is a series of related images representing a predetermined, three-dimensional pattern of metallic, insulating, or semiconducting layers of a semiconductor chip product. Under the Semiconductor Chip Act of 1984, mask work protection extends for ten years and gives the owner of the qualifying mask work exclusive rights to its exploitation. Mask works are registered with the United States Copyright Office. Failure to apply within two years of the initial commercial exploitation results in the termination of the exclusive rights.

## 2.6 TRADE SECRET

The law of trade secret may be applied to almost any secret which is used in business and gives the owner of the trade secret a competitive edge over others. It is used to protect valuable proprietary information and is a commonly used form of protection for software. Unlike patents, copyrights, and trademarks, there is no federal trade secret statute. Trade secret laws are determined by the individual states but generally adhere to similar principles. The most important aspect of this type of protection is that of secrecy. The protection will remain legally valid only as long as a trade secret is maintained. To maintain protection while a trade secret is being used, it is desirable to bind those individuals having access to the secret by a contractual agreement not to disclose it. Such agreements are called nondisclosure or confidentiality agreements.

### 3) *Policy Statements*

#### 3.1 SCOPE

The University of Dayton Intellectual Property Policy and Procedure is applicable to its college, schools, departments, and Research Institute as well as all faculty, staff, students, visitors, and others participating in University programs. This policy covers all intellectual property conceived, first reduced to practice, written, or otherwise produced by faculty, staff, students, or visitors to the University using University funds, facilities, or other resources.

#### 3.2 POLICY OBJECTIVES

The fundamental objectives of the University’s policy on intellectual property include the following:

- to facilitate the transfer of knowledge and technology and to use such knowledge and technology to the general benefit of society;
- to encourage research, scholarships, and a spirit of inquiry thereby generating new knowledge;
- to provide an administrative system to determine the commercial significance of discoveries and new developments, and to assist in bringing these into public use;
- to provide for the equitable disposition of interest in new intellectual property among the developer, the University, and where applicable, the sponsor;
- to provide incentives to developers in the form of personal development, professional recognition, and financial compensation;
- to safeguard intellectual property so that it may receive adequate and appropriate legal protection against unauthorized use; and
- to fulfill the terms of a research grant or contract.

### 3.3 RIGHTS IN INTELLECTUAL PROPERTY

Rights in intellectual property, made or created by UD faculty, students, staff, and others participating in UD programs, including visitors, are as stated in the following subsections.

#### 3.3.1 University Ownership

##### 3.3.1.1 Significant Use of University-Administered Resources

When intellectual property is conceived or developed by faculty, students, staff, visitors, or others participating in UD programs (“UD associates”) through the significant use of UD funds or facilities, UD will own the intellectual property and any associated copyrights, patent applications, and patents. If the intellectual property is not subject to a sponsored research or other agreement giving a third party rights, the issue of whether significant use was made of UD funds or facilities will be determined by the Intellectual Property Administrator based on recommendations by the appropriate dean/department chair or Research Institute division head. UD presumes that significant use of UD funds or facilities is made whenever an invention, discovery, improvement, or other form of intellectual property is conceived or developed by a UD associate which pertains to or results from employment with UD or association therewith. Therefore, the significant use criterion may apply even when UD funds or facilities are not directly employed in the creation of the intellectual property. It is presumed in such instances that creation of the intellectual property relies on the knowledge and expertise acquired through the UD associate’s relationship with UD, and in such cases, title to the intellectual property is appropriately vested in UD.

Textbooks, manuals, or training materials developed in conjunction with class teaching are excluded from the “significant use” category, unless such materials were developed using UD-administered funds paid specifically to support the development of such materials.

The use of commonly provided resources, including libraries, offices, classrooms, and clerical support, does not constitute significant use of UD funds and facilities.

##### 3.3.1.2 Works for Hire

Ownership of Intellectual Property created as a “work-for-hire” by operation of the copyright law or created pursuant to a written agreement with UD providing for transfer of copyright or ownership to UD will vest with UD. A “work-for-hire,” as defined by law, is a work product created in the course of the author’s employment. Copyright of the work product in these situations belongs to the employer. For example, results of work assigned to staff programmers or writers of University publications are considered to have been created in the course of the author’s employment and are the property of UD. UD shall own all works for hire. Under the Copyright Act, copyright of commissioned works of non-employees is owned by the author and not by the commissioning party unless there is a written agreement to the contrary. All UD personnel are cautioned to ensure that independent

contractors agree in writing that ownership of the commissioned work is assigned to UD, except where special circumstances apply and it is mutually agreed in writing that the author will retain ownership.

#### 3.3.1.3 Contracted Services

All UD personnel responsible for obtaining contracted services which may result in the creation of intellectual property, other than copyrightable works, are cautioned to ensure that independent contractors agree in writing that ownership of such intellectual property shall be retained by UD, except where special circumstances apply and it is mutually agreed in writing that the independent contractor will retain ownership.

#### 3.3.2 Ownership Subject to Sponsored Research Agreements

Ownership of Intellectual Property developed in the course of or pursuant to a sponsored-research or other agreement will be determined according to the terms of such agreement. With regards to patents, research contracts sponsored by the Federal Government are subject to statutes and regulations under which UD acquires title in inventions conceived or first reduced to practice in the performance of the research. UD's ownership is subject to a nonexclusive license to the government and the requirement that UD retain title and take effective steps to develop the practical applications of the invention by licensing and other means.

With regard to copyrights, normally, research contracts sponsored by the Federal Government provide the government with specified rights in copyrightable material developed in the performance of the research. These rights may consist of title to such material vesting solely in the government, but more often consist of a royalty-free license to the government with title vesting in UD. When a work is created under the terms of a sponsored-research agreement, authors of copyrightable works should be aware that there may be contractual terms relating to the form of the report, advance notice to the sponsor before publication, and the like. UD personnel and visitors should contact the Office of Contracts and Grants Administration in the Research Institute for information or assistance regarding interpretation of research contract terms. The terms of such sponsored-research agreements apply not only to intellectual property created by faculty and staff, but also to that created by students and visitors, whether or not they are paid by UD, who participate in performing research supported by such agreements. It is essential, therefore, that all individuals participating in the research be made aware of their obligation to assign rights to UD by signing the Intellectual Property Rights Agreement as described in Section 6.

#### 3.3.3 Inventor/Author/Originator Ownership

##### 3.3.3.1 Independent Works

Inventors/authors will own inventions/materials that are:

- not developed with the significant use of funds or facilities administered by UD,
- not created as a "work-for-hire" by operation of copyright law and not created pursuant to a written agreement with UD providing for a transfer of copyright or ownership to UD, and
- not developed in the course of or pursuant to a sponsored-research or other agreement.

The University makes no claims to inventions/materials discovered or developed by faculty, staff members, or students entirely on their own and without the use of University funds or facilities.

To clarify the inventor's/author's rights to such inventions/materials and comply fully with the requirements of sponsoring agencies, all inventions/materials conceived and reduced to practice or developed by faculty, staff members, or students during their employment with the University shall be reported to the Technology Commercialization Office (TCO) in the Research Institute for determination of the degree of University interest.

##### 3.3.3.2 Traditional Works

Traditional products of scholarly activity which have customarily been considered to be the unrestricted property of the author/originator will be owned by the author/originator. Such traditional products include but are not

limited to journal articles, books, reviews, works of art including paintings and sculptures, and musical compositions. The University does not claim any ownership rights to such traditional works and specifically disclaims any potential right to do so under the “work for hire” provisions of the U.S. Copyright Act. In addition, the author/originator of such traditional works is responsible for compliance with applicable copyright laws.

The application of patent and copyright laws to computer software is evolving. Currently, there is not an adequate body of law to guide the determination of the appropriate status of computer software. Therefore, computer software is expressly excluded from the definition of traditional works.

#### 3.3.3.3 Consulting

Faculty and staff members engaged in consulting work or other outside activity should ascertain that intellectual property provisions in their agreements are not in conflict with their obligations to the University or the policy statements contained in this document. In cases of conflict of interest on patentable matters, the University reserves the ultimate right to determine the final disposition of the patent rights involved. Faculty and staff members should make their obligations to the University clear to those with whom they make such agreements, and should ensure they are provided with a current statement of the University of Dayton Intellectual Property Policy and Procedures.

#### 3.3.4 Theses

Students will own copyright in theses which do not:

- involve research for which the student received financial support in the form of wages, salary, stipend, or grant from funds provided under a sponsored-research agreement which imposes copyright restrictions; and/or
- involve research performed in whole or in part utilizing equipment or facilities provided to UD under conditions which impose copyright restrictions.

Where copyright ownership is retained by the student, however, the student must grant to UD royalty-free permission to reproduce and publicly distribute copies of the thesis. As noted in Section 2.3 herein, a thesis copyright covers the expression of the ideas (or intellectual property) and not the ideas themselves. Normally, ownership of the intellectual property described in theses will vest in the University through the significant use provision of Section 3.3.1.1 herein; therefore, where students own copyrights in theses, the intellectual property contained in the theses, such as software code and patentable subject matter, is subject to Section 3.3.1 above.

#### 3.3.5 Trade and Service Marks

Trade and service marks relating to goods and services developed at UD will be owned by UD.

### 4) *Technology Management and Commercialization*

#### 4.1 INTRODUCTION

The University encourages bringing forward to public use and benefit technology developed in the course of University research. Various options are available to the University for transitioning its technology to the public sector. In many cases, it is necessary for UD to grant license rights to industry to encourage industry to invest its resources to develop products and processes for use by the public. This section sets forth the policies and procedures for identifying commercially valuable technology developed by the University and for developing the various relationships and agreements necessary to transfer this technology to the public.



## 4.2 RESPONSIBILITY

The TCO of the Research Institute is responsible for facilitating the transfer of UD technology to the public use and benefit. The TCO encourages the submittal of invention disclosures and other forms of intellectual property, evaluates intellectual property for commercial value, obtains proprietary protection for technology with commercial potential, markets the technology to potential licensees, and develops license agreements and other types of transfer agreements with industry.

## 4.3 DISCLOSURE AND REVIEW

University employees, students, and visitors, as well as others participating in University programs, who believe they may have created an invention or other item of intellectual property are obligated to disclose its nature and background to the TCO. This obligation of disclosure does not apply to traditional works, as defined in Section 3.3.3.2. In cases for which ownership of the intellectual property appears outside the equitable interests of the University, the University will formally disclaim any right of ownership to the intellectual property involved.

Intellectual property should be disclosed to the TCO by the submittal of a Technology Disclosure Form. When submitted, the Technology Disclosure Form will initiate action by the TCO to investigate the patenting (or other methods of protection) and marketing of the technology. Upon submittal, the Technology Disclosure Form is logged in by the TCO and copies of the form are distributed to the Technology Disclosure Review Committee. This committee then meets with the inventor/author to discuss the items submitted and evaluate their commercial potential. Following the submittal of the Technology Disclosure Form, notice of the initial disposition of the invention or other form of intellectual property should be sent to the inventor/author, normally within 60 days. The University has an obligation to decide whether commercialization appears appropriate for each item submitted and to communicate this decision to the inventor/author. This obligation should normally be satisfied within six months. The terms of sponsored-research and other agreements normally create obligations with respect to the reporting of inventions, technical data, and copyrightable works such as software. In particular, inventions and copyrightable works developed under sponsored research should be promptly reported to the TCO by submitting the Technology Disclosure Form. The TCO will forward a copy of the Technology Disclosure Form to the Office of Contracts and Grants Administration which is responsible for discharging UD's obligations to research sponsors.

## 4.4 COMMERCIALIZATION

The TCO will pursue the licensing of technology by researching the market for the technology, identifying third parties to commercialize it, entering into discussions with potential licensees, developing a business plan, negotiating appropriate licenses or other agreements, monitoring progress, and distributing royalties and other income to the inventors/authors in accordance with this policy.

### 4.4.1 Approaches

The University will commercialize a technology on its own when it appears that such commercialization will be of economic benefit to the University or if the University is required to do so under the terms of a research agreement with a sponsoring agency. When it is determined that technology in which the University has an interest should be developed by an outside agency, the University will obtain such services through appropriate agreements with such agencies. If the University determines it has no interest in a technology, it shall formally waive its rights to the technology. If the technology was developed under a research agreement, this waiver shall not be granted until it has been cleared with the sponsoring agency. Upon receipt of such a waiver, inventors/authors shall be free to develop the technology at their own expense.

### 4.4.2 Inventor/Author Assistance

With few exceptions, the support and cooperation of the inventor/author is critical to licensing success.



#### 4.4.3 Inventor/Author-Owned Technology

UD faculty, staff, or students as well as third parties not affiliated with UD who wish to pursue the development of their independently-owned technology through the TCO may offer such technology for evaluation by submitting a Technology Disclosure Form. The TCO will evaluate the commercial potential and determine whether or not the technology will be accepted for licensing by the TCO. Any such technology accepted for licensing by the TCO will be processed in accordance with this policy and any income shared with the inventor/author whether faculty, staff, student, or third party not associated with the University will be in accordance with this policy.

Faculty, staff, and students are equally free to choose some other mechanism for commercializing their independently owned technology. However, prior to such commercialization they should ensure that the technology is not subject to a sponsored-research or other agreement, does not constitute a work-for-hire, or does not result from significant use of funds or facilities administered by UD. If any of these conditions might apply, the inventor/author should request from the TCO an appropriate license to exercise such rights or a waiver of UD's rights as set forth in this Section 4.

#### 4.4.4 Commitment of Future Inventions

In general, it is the policy of UD not to commit future inventions to licensees even when improvements to technology are anticipated. Some narrowly drawn exceptions may occasionally be appropriate to handle subordinate patents and well-defined derivative works for licensed software.

#### 4.4.5 General Statement of Conflict of Interest or Commitment

The University reserves the right to require any employee to take a leave of absence in the event of an unavoidable conflict of interest or commitment related to the commercialization of intellectual property. Such leave of absence shall be without pay and shall be in conformity with University policy for personal leave.

### 4.5 PATENTS

#### 4.5.1 Protection

Although patent protection is sometimes sought for various noncommercial reasons, such as professional status, UD will not seek protection for inventions which are not commercially attractive, even if the invention is intellectually meritorious, unless otherwise requested by the sponsor. UD will normally seek patent protection on inventions in order to pursue commercial licensing and to comply with the terms of sponsored-research agreements. *Any publication which describes an invention even in minimal detail prior to filing for a patent may preclude patenting in foreign countries and may also preclude protection in the United States unless a patent is filed within one year of publication.*

The implications of publication upon patent rights should be discussed with the TCO and a decision on patent filing must be reached promptly so that publication will not be delayed. The University reserves the right to delay publication of any University-owned intellectual property for up to six months to allow for patent filing or other forms of protection.

#### 4.5.2 Evaluation

Once a Technology Disclosure Form is submitted to the TCO, the Technology Disclosure Review Committee will meet with the inventor(s) as a first step in the evaluation process. In many cases, contact with industry will also be made as a part of the process.

#### 4.5.3 Sponsored Programs

If the invention was developed under a sponsored-research project, the TCO will inform the Office of Contracts and Grants Administration of the submittal of the Technology Disclosure Form and will ask this Office to notify the sponsor of the invention. The sponsor will be further advised that the University is evaluating the commercial potential of the invention and will advise, in due course, of the University's election-to-file decision. After the Technology Disclosure Review Committee has met with the inventor and has decided on disposition of the invention, the TCO will inform the Office of Contracts and Grant Administration of the election-to-file decision and will ask this Office to so inform the sponsor. Under the Code of Federal Regulations (37CFR, Part 401), the University has two years following submittal of the invention to make its election-to-file decision. After a decision to retain title is made, the University has one year to file a patent application. The Office of Contracts and Grants Administration may be contacted for information about the specific patent terms of individual research agreements. The intellectual property clauses in industrially sponsored projects vary, but normally the University will seek to retain title to inventions made on such contracts and to provide for the negotiation of license rights with the sponsor.

#### 4.5.4 Waiver of UD Rights

When it has the right to do so, UD may, if requested by the inventor and at its discretion, waive its rights to the invention in those situations where UD believes that a waiver would enhance the transfer of technology to the public, is consistent with UD's obligation to third parties, and does not involve a conflict of interest as set forth below. By waiving its rights to the invention, UD agrees not to exercise its contractual rights to the technology, thereby clearing the way for the UD inventor to seek ownership. Inventors may request that UD waive its rights to the invention by submitting the letter that is Form 5 in the Appendix.

In the case of Federal agency sponsorship, inventors may directly petition the agency for a release of rights to themselves. However, Federal research agreements are generally subject to a uniform patent law which provides that universities take title to resulting inventions subject to certain obligations concerning exploitation in the public interest, Federal approval of any assignment of ownership, preferences for licensing, retention by the Federal government of certain license rights, and march-in rights. Decisions by Federal sponsors to permit individual inventors to acquire ownership are generally made on a case-by-case basis with the Federal Government retaining for itself those rights previously discussed.

In the case of industrial sponsorship, UD will seek approval of the sponsor prior to releasing its ownership rights in favor of the inventor.

#### 4.5.5 Licensing of UD Rights to Inventors

UD faculty, staff, or student inventors may request a license to commercially develop their UD-owned inventions where such licensing would enhance the transfer of the technology, is consistent with UD obligations to third parties, and does not involve a conflict of interest.

#### 4.5.6 Conflict of Interest or Commitment

Any of the following factors may signify a conflict of interest which will be taken into account prior to waiving or licensing UD's rights to inventors under this subsection (Subsection 4.5) or to authors under Subsection 4.6:

- an adverse impact on UD's educational responsibility to students,
- an undue influence on the employment commitment of the inventor/author to UD in terms of time or direction of effort,
- a detrimental effect on UD's obligation to serve the needs of the general public, and/or
- potential conflict of interest as defined in UD's policies and procedures.

If the inventor/author holds or will shortly acquire an equity or founder's stock position in a small, tightly controlled company independent of the inventor's/author's association with UD and a license is granted to the company by UD, the inventor/author will be required to sign a Conflict Avoidance Statement.

## 4.6 COPYRIGHTS

### 4.6.1 Asserting and Registering

Copyright protection of books, articles, and publications is sought in order to recognize authorship and protect the integrity of the work. It is also essential in order for UD to license copyrightable materials to commercial book publishers and others, and to comply with the terms of sponsored-research agreements. A copyright is established at the time expression is fixed in a tangible medium. To maintain the copyright for the period prescribed under the copyright statute, notice of copyright must be affixed to the copyrightable material. Failure to affix the proper notice will cause the copyright to be lost after a certain period of time has elapsed following the first publication of the work.

The following notice is to be applied on UD-owned works to protect the copyright:

Copyright © 20XX The University of Dayton

All rights reserved.

The date in the notice should be the year in which the work is first published. No notice other than the foregoing is to be used for UD-owned works. Further, for added copyright protection, certain works should be registered with the United States Copyright Office using its official forms. Questions concerning copyright notices and registration should be brought to the TCO.

### 4.6.2 Commercialization by the TCO

Copyrightable works owned by UD are normally licensed through the TCO except where other arrangements are made in accordance with this policy. Copyrightable material not owned by UD also may be licensed through the TCO when submitted under a Technology Disclosure Form to the TCO by its author and accepted for licensing by the TCO. Computer software in which UD acquires rights may be either patented or copyrighted and made available by UD for commercial purposes through the TCO under various forms of patent or copyright licenses. Authors and their departments/divisions will share in royalties earned from licensing as further set forth in this policy. In those instances where the authors desire to distribute commercially licensed software for research purposes, such licensing must be coordinated with the TCO (see Subsection 4.9.1).

### 4.6.3 Waiver of Rights to UD Authors

When it has the right to do so, UD may, if requested by the author and at UD's discretion, waive its rights in those situations where UD believes that a waiver would enhance the transfer of technology to the public, is consistent with UD's obligations to third parties, and does not involve a conflict of interest as set forth above. By waiving its rights, UD agrees not to exercise its contractual rights to the technology, thereby clearing the way for the UD author to seek ownership. Authors may request that UD waive its rights by submitting the letter that is Form 5 in the Appendix.

Federal research agreements vary widely with respect to rights in copyrightable technical data and computer software but, in general, universities have the right to copyright and control distribution of most materials. Several major agencies retain a large degree of control over computer software and will relinquish control only under limited circumstances. In the case of industrial sponsorship where the sponsor acquires license rights, UD will seek approval of the sponsor prior to releasing its ownership rights in favor of the author.

#### 4.6.4 Other Forms of Author Control

Where consistent with UD's obligations to third parties, UD faculty, staff, or student authors, with the agreement of their Research Institute division head or academic department chair and all their co-authors, may request a license from the TCO to commercially develop their UD-owned works, may request to have the works openly distributed through royalty-free licenses, or may request that the works be placed in the public domain.

##### 4.6.4.1 Licensing to Authors

Authors may request control of the copyrighted material through a grant of commercial license rights. Consistent with the public interest, UD may grant the request for author control but retain title to the work with the right to use it for internal purposes, the right to the payment of appropriate royalties, and the right to withdraw such licensing rights in three years if the authors have not achieved effective dissemination as agreed. In addition, such arrangements will be subject to UD's Conflict of Interest and Commitment policies as stated in Subsection 4.5.6 and in UD's policies and procedures.

Where such requests relate to major projects that typically involve multiple authors and long development periods, determining the most effective course for the dissemination will require discussion and special negotiation with the TCO. UD will respond to author requests made under this policy within 90 days. However, in those cases where the work, generally software, is not sufficiently developed to allow proper assessment, UD may require an additional development period to respond to author requests.

##### 4.6.4.2 Public Domain

Authors may request that otherwise copyrightable material, including computer software, be placed in the public domain if such action will promote widespread use, for example, by providing a means to establish a new standard such as a computer operating system. In responding to a request for public domaining, UD will weigh the advantages of improved access, the complexity of the work, whether it is ready for effective public use, whether its quality can be maintained, and the author's reasons for seeking this mode of dissemination.

#### 4.7 TRADEMARKS AND SERVICE MARKS

##### 4.7.1 Asserting and Registering

A trademark or service mark may be used to protect those names and symbols associated with certain UD activities and events, and with certain technology developments such as computer programs. Prior to registration for trademark protection, the designation "TM" after a trademark or "SM" after a service mark will give adequate notice of a claim of ownership. The designation "®" for a trademark may only be used after Federal registration.

The use of trademarks and service marks to protect UD-owned technology will be administered by the TCO. The use of trademarks and service marks to designate UD as the origin of a product, event, activity, service or the like may be instituted only at the direction of the Office of the Sr. Vice President for Administration. *Trademark protection carries with it certain obligations on the part of the holder of the trademark or service mark.* Therefore, requests for use and registration of trademarks or service marks on behalf of UD must be referred to the TCO or the Office of the Vice President for Finance and Administrative Services as appropriate.

##### 4.7.2 Use of Trademarks and Service Marks

Trademarks and service marks owned by UD are to be licensed through the TCO or the Office of the Vice President for Finance and Administrative Services. Any exceptions to this procedure must be approved in advance by the Provost.

## 4.8 MASK WORKS

### 4.8.1 Asserting and Registering

Protection of a mask work commences with the registration of its initial commercial exploitation. If registration for protection has not been made within two years of the initial commercial exploitation, mask work protection may be lost and the work entered into the public domain. To protect mask work rights, the following notice is to be applied on all UD-owned semiconductor chip products which incorporate mask works:

Mask work “M” or (M) The University of Dayton

Questions concerning mask work notices and registration should be brought to the TCO.

### 4.8.2 Commercialization

Mask works owned by UD are to be licensed through the TCO. Any exceptions to this procedure must be approved in advance by the Intellectual Property Administrator. Mask works not owned by UD also may be licensed through the TCO when offered for licensing by the developer of such mask work and accepted by the TCO.

## 4.9 TANGIBLE RESEARCH PROPERTY

### 4.9.1 Management

Tangible research property (TRP) such as biological materials and computer software are frequently patented or copyrighted as appropriate and then licensed for commercial purposes. However, these and other forms of TRP, including those under commercial license, generally are simultaneously distributed solely for research purposes either under simple letters of understanding or more formal licenses. The following subsections deal only with dissemination of TRP for research and other noncommercial purposes. Commercial licensing of TRP is covered in Subsection 4.9.2.

#### 4.9.1.1 Distribution for Scientific Research

In keeping with the traditions of academic science and its basic objectives, it is the policy of UD that results of scientific research be promptly and openly made available to others. Since the traditional modes of dissemination through scholarly exchange and publication are not fully effective for most TRP, it is UD policy that those research results which have tangible form also be promptly and openly made available to other scientists for their scientific research, unless such distribution is inappropriate due to factors such as safety or the need to more fully characterize or develop the TRP prior to distribution, or unless such distribution is incompatible with other obligations.

#### 4.9.1.2 Control of TRP

Where TRP is developed in the course of research which is subject to the terms of a sponsored-research or other agreement, control over its development, storage, distribution, and use is the responsibility of the principal investigator, who will consult with the Office of Contracts and Grants Administration. In other cases, significant use of University resources will be presumed; thus control over TRP rests jointly with the laboratory director or department head and the TCO. The responsibility for control includes determining if and when distribution of the TRP is to be made beyond the laboratory for scientific use by others in accordance with the terms of this policy.

#### 4.9.1.3 TRP with Potential Commercial Value

Scientific exchanges should not be inhibited due to potential commercial considerations. However, TRP may have potential commercial value as well as scientific value; therefore, the principal investigator who wishes to make TRP available for scientific use in a manner which does not diminish its value or inhibit its commercial development should seek guidance from the TCO. The normal mechanism for TRP commercialization is through licensing agreements as set forth in Subsection 4.9.2.

#### 4.9.1.4 TRP Identification

Each TRP item should have an unambiguous identification code and name sufficient to distinguish it from other similar items developed at UD or elsewhere. The TCO should be consulted for assistance in developing appropriate identification systems.

#### 4.9.1.5 Distribution of Biological TRP to Research Colleagues

Biological materials are, in many cases, patentable and licensed for commercial purposes under various types of patent licenses. They are also a form of tangible research property which can be distributed for commercial and/or research purposes with or without patent protection. Biological TRP owned by UD may usually be distributed for research purposes only, with minimal conditions attached. Any such distribution is subject to an agreement by the recipient that commercial development, commercial use, or further transfer of the biological materials is not to be undertaken. In addition, the principal investigator may wish to control subsequent use, for example, by requiring recipients to follow a specific research protocol in the use of the biological materials.

When distributing biological TRP to research colleagues outside the laboratory, costs of the materials and handling may be recovered from the recipient and returned to the account which funded those costs. When costs are charged for TRP distribution, adequate documentation must be maintained for audit purposes. If there is a possibility of biohazard or other risk associated with the transport, storage, or use of a particular biological TRP, or if the recipient is likely to use the TRP for clinical research, the TCO should be contacted for advice on the appropriate form of the disclaimers of liability and indemnities. If the biological TRP was developed under a sponsored-research agreement, the Office of Contracts and Grants Administration should be contacted to advise on possible contractual obligations with respect to the TRP prior to its distribution for noncommercial purposes. Distribution of biological TRP which is part of a patent or patent application should be coordinated through the TCO.

#### 4.9.1.6 Distribution of Computer Software for Research Purposes

Distribution of UD-owned computer software to colleagues for research purposes must be coordinated with the TCO if the software has potential commercial value, if the principal investigator wishes to control subsequent use, or it is subject to the terms of a sponsored-research agreement. The TCO will provide wording for the distribution agreement necessary to preserve commercial value, and will arrange for trademark and copyright registration as appropriate.

#### 4.9.1.7 Other TRP

Distribution of TRP, other than biological TRP, should follow the procedures outlined in this policy for computer software.

#### 4.9.2 Commercialization

It is UD's policy that any commercial distribution of UD-owned TRP be handled only through the TCO, unless arrangements are made for independent development by the inventors/authors. Software should be submitted to the TCO in the same fashion as a patentable invention, for with the first step is preparation and submission of a Technology Disclosure Form. If TRP developed by UD as a result of research activities is to be distributed to outside users for commercial purposes, the distribution agreement must contain provisions (negotiated by the TCO) covering the terms under which the property may be used, limits on UD's liability for the TRP or products derived therefrom, and other conventional license agreement terms including those relating to any intangible property rights (such as patents) which also may be associated with the use of the tangible property.

### 5) *Income Distribution*

#### 5.1 GENERAL



To recognize the creative ability of the inventor/author and encourage the prompt disclosure of all technology, the University shares a portion of the net income received from the commercialization of technology with the inventor/author.

Net income is derived by subtracting from the gross income, first, 20 percent of the gross income to cover the operating expenses of the TCO, including those patents which never produce net income and end in a deficit position and other non-recoverable TCO costs, and, second, the following costs:

- a. patenting costs, including preparation and filing of patent applications, patent prosecution, and patent maintenance;
- b. legal costs associated with patent interferences and infringement;
- c. legal costs associated with copyright registration and other forms of intellectual property protection;
- d. legal costs associated with the development of licenses and other agreements; and
- e. University costs associated with the development of the technology.

A reserve account will receive the deduction from gross income for operating expenses of the TCO. This reserve account will be reviewed every five years and the deduction will be adjusted as appropriate. The Intellectual Property Administrator will determine and approve how these reserve funds are expended.

Fiscal year net income for each licensing or technology transfer case is defined as the difference between the cumulative net income as the end of that fiscal year and the cumulative net income as of the end of the previous fiscal year. If this difference is greater than zero, the fiscal year net income received from technology commercialization for each case shall be distributed once annually on an individual case by case basis according to the schedule shown in Table 1.

**Table 1**

	<b>Net Income Distribution Schedule</b>	
Distribution I		Return to Inventors/Authors 50% of Net Income
Distribution II		Return to President 25% of Net Income
Distribution III	<u>Step 1</u> Return to Investors'/Author's Research Institute Division or Academic Department	25% of Net Income up to a maximum of \$100,000 per fiscal year and a cumulative maximum of \$250,000
	<u>Step 2</u> Return to Research Institute or College or School	The portion of the 25% of Net Income which is in excess of the limits set in Step 1, Provided this amount doesn't exceed:
		(a) For the College or School \$200,000 per year or \$400,000 cumulative.
		(b) For the Research Institute \$400,000 per year or \$800,000 cumulative.
	<u>Step 3</u> Return to President	The portion of the 25% of Net Income which is in excess of the limits set in Step 2

An illustration of the accounting of the income and expenses and the allocation of the inventor's/author's share of net income (Distribution I) for a hypothetical licensing case is presented in Table 2. The same mathematical procedure is used to determine the return for Distributions II and III. Regarding Distribution III, expenditures of net income distributed to a Research Institute Division or Academic Department under this policy shall be made in accordance with University policies and procedures governing the expenditure of University funds. Net Income allocated to Distribution II and III will be used for research and education purposes in accordance with 37CFR, part 401. Net royalties or other income received under agreements with technology development agencies (e.g., Research Corporation) will also be allocated in accordance with the above schedule. In some cases, UD may accept equity shares in a license in addition to or in lieu of royalties or other cash payments. In such cases, UD may elect to (1) request the licensee to distribute shares of stock directly to the inventors/authors or (2) have all shares of stock issued to UD by the licensee and distribute to the inventors/authors their cash share upon liquidation of the stock by UD. Whether shares of stock are issued directly to the inventors/authors or the cash value of the stock is shared with the inventors/authors shall be at the sole discretion of UD. This determination will be made by the Intellectual Property Administrator.

In those cases where the technology is developed under a research agreement with a government or private agency that includes conditions on the distribution of royalties or other income, the inventors'/authors' share will be subject to the terms of these agreements. Where co-inventors/coauthors are involved, the inventors'/authors' portion of the revenues shall be shared equally unless an agreement between the inventors/authors establishes a different distribution. In cases where the inventors/authors cannot agree on the distribution, and the amount to be distributed is less than \$200,000, the allocation will be determined by the Intellectual Property Administrator whose decision will be final. In cases where such distribution exceeds \$200,000, the Intellectual Property Administrator will make a recommendation to the Provost for final review and decision.

Distribution of the net income share to inventors/authors continues after termination of the inventors'/authors' employment with UD. Upon the death of the inventor/author, distribution of the net income share will be made to the inventors'/authors' estate or heirs.

## 5.2 REVENUE DISTRIBUTION - SPECIAL CASES

In some cases, allocation of Distribution I funds to individuals may be impractical or inappropriate, for example, where the intellectual property was developed as a laboratory project or where the authors/inventors are not easily identifiable. The Intellectual Property Administrator, in consultation with the principal investigator (or Research Institute division head/academic department chair if not under a sponsored-research agreement) will review the circumstances of development when such situations have been identified. In any situation when revenue distribution to individuals is not recommended, distribution of the inventors'/authors' share of the net income (Distribution I) will be directed to Distributions II and III on a pro-rata basis, that is, the allocation percentage for Distribution I will be zero, and the allocation percentages for Distributions II and III will each be twice that shown in the distribution schedule of Section 5.1.

**Table 2**

1	2	3	4	5	6	7	8	9	10	11
UD FY	Gross Income	TCO* Reserve	Adjusted Gross Income (2) - (3)	Cumulative Adjusted Gross Income	Expenses**	Cumulative Expenses	Cumulative Net Income (5) - (7)	Inventor's Share 0.5 x (8)	Inventor's Share Previously Paid	Amount Currently Due Inventor (9) - (10)
1	5,000	1,000	4,000	4,000	40,000	40,000	(36,000)	0	0	0
2	20,000	4,000	16,000	20,000	10,000	50,000	(30,000)	0	0	0
3	200,000	40,000	160,000	180,000	5,000	55,000	125,000	62,500	0	62,500
4	75,000	15,000	60,000	240,000	3,000	58,000	182,000	91,000	62,500	28,500
5	100,000	20,000	80,000	320,000	2,000	60,000	260,000	130,000	91,000	39,000
								Total Paid to Inventor	130,000	

## 6) Faculty, Student, Staff, and Visitor Obligations

### 6.1 GENERAL POLICY

It is the policy of UD that individuals, through their employment by UD, their participation in a sponsored-research project, or their use of UD-administered funds or facilities, thereby accept the principles of ownership of technology as stated under this policy. In furthering such undertakings, all participants must sign the Intellectual Property Rights Agreement in accordance with the policy stated in Subsection 6.2.

### 6.2 INTELLECTUAL PROPERTY RIGHTS AGREEMENT

#### 6.2.1 Who Must Sign

The Intellectual Property Rights Agreement must be signed by individuals at UD who: receive support from sponsored-research or UD-funded projects; or otherwise may be in a position to make, conceive, or reduce to practice inventions or otherwise develop technology (1) under sponsored-research or UD-funded projects, whether or not salary or other support is received from such projects, or (2) through the use of significant UD-administered funds or facilities, or (3) within the scope of their employment; or otherwise are required to sign by the appropriate supervisor.

The UD Intellectual Property Rights Agreement is Form 2 in the Appendix. Note that this requirement specifically extends not only to UD personnel but also to visiting scientists and fellows or others.

#### 6.2.2 Administration

The Director of the Research Institute, the Deans of each School or the College, and the appropriate Vice President or Director of each non-academic area are responsible for ensuring that the Intellectual Property Rights Agreement is signed by all faculty, students, staff, and visitors who are required to sign as specific in Paragraph 6.2.1 above. The TCO will monitor compliance with this requirement. The Intellectual Property Rights Agreement should be signed in triplicate with one copy retained by the signatory, one copy retained in the administrative unit files, and one copy sent to the TCO. Intellectual Property Rights Agreement forms may be obtained from the TCO which will assist with any questions which arise in connection with such agreements.

## 7) *Administration*

### 7.1 INTELLECTUAL PROPERTY ADMINISTRATOR

The administration of the Intellectual Property Policy shall be the responsibility of the Intellectual Property Administrator, appointed by the President and responsible to the Vice President for Research. The Administrator's duties include the following:

- recommend and implement the intellectual property policy of the University,
- chair the Intellectual Property Committee,
- recommend appropriate legal action to enforce the University's intellectual property rights, and
- arbitrate any disputed issues related to intellectual property or the interpretation of this policy and recommend resolutions.

### 7.2 TECHNOLOGY COMMERCIALIZATION OFFICE

The UD TCO has two principal goals. The first is to facilitate the transfer of technology developed at UD to public use and benefit. The second, where consistent with the first, is to provide an additional source of unrestricted income to support research and education at UD. The TCO will work with the UD developers of technology and with industry. However, it will do so in a manner which does not interfere with the normal flow of technical and academic information through publications, conferences, and consulting.

### 7.3 OFFICE OF CONTRACTS AND GRANTS ADMINISTRATION

The Office of Contracts and Grants Administration is responsible for the negotiation, execution, and administration of all UD agreements with external sponsors of research grants and contracts, and for ensuring that the sponsor's rights to technology developed under external grants and contracts are protected. The Office of Contracts and Grants Administration and the TCO are available to assist all principal investigators and sponsored-research program administrators in the negotiation and interpretation of intellectual property terms of grants and contracts.

### 7.4 INTELLECTUAL PROPERTY COMMITTEE

A University Intellectual Property Committee shall be appointed by the President. This Committee will advise the Vice President for Research, and assist the University Intellectual Property Administrator. The Committee will include representatives from those fields of technology generally served by the TCO. This Committee may from time to time elect to create a subcommittee of experts in a specific technology whose function will be to recommend policy that relates to the exploitation of that technology.

## **K) *Policy on Misconduct in Research and Scholarship***

See Senate document [1993-01, Policy on Misconduct in Research and Scholarship](#).

## **L) *Guidelines for the Proper Use of Recombinant (rDNA)***

See Senate document [1997-05, Guidelines for the Proper Use of Recombinant \(rDNA\) DNA](#).

## **SECTION VIII: FACULTY POLICIES AND PROCEDURES RELATED TO SERVICE AND CURRICULUM**

### **1. Academic Costume, Convocation, and Commencement and Diploma Exercises**

Each faculty member must have ready for use the academic costume proper to his or her most advanced degree and the institution that conferred it. The costume must be worn at Commencement and Diploma Exercises, and also at all ceremonies designated by the Provost.

When the University formally welcomes all first-year students and new faculty into its community of learners and scholars at the Convocation during New Student Orientation, faculty members are expected to attend in academic costume. When the University conducts formal Commencement exercises at the end of the Fall and Spring semesters, faculty members are also expected to attend in academic costume.

### **2. Committee Service**

The University has the right to call upon faculty members to serve on committees. These may be on the Department, College, School or University level.

### **3. Faculty Meetings**

For University faculty meetings see the *Constitution of the University of Dayton*, Article VII, Section 4. Attendance at University faculty meetings is required unless the faculty member is excused by the Provost. Attendance at department meetings is required unless the Department Chairperson excuses the faculty member.

### **4. Professional Meetings**

The University encourages members of the faculty to attend and particularly to participate in meetings, conferences, and conventions sponsored by educational and professional societies pertinent to their responsibilities at the University of Dayton. Reimbursement for approved travel is made (within budgetary limits) according to the University's policy for traveling. Refer to the "University Travel and Travel Expenses Policy" on the [Purchasing](#) website. Units and departments may have their own internal procedures that are consistent with the University Travel Policy.

### **5. Registration**

Dates for registration for each academic session are published in the on line Class Schedule of courses for each term and on the University's Academic Calendar. During the appropriate times, faculty should take special efforts to be available (e.g., expanded office hours, etc.) to advise their students about registration.

#### **WEB REGISTRATION**

See instructions at [Porches.udayton.edu](http://Porches.udayton.edu).

#### **UNDERGRADUATE COURSE DESCRIPTIONS**

See the [Academic Catalog](#).

## 6. University Assessment

The [University's Assessment Plan](#), overseen by the [University Assessment Committee](#), is based on best practices as described in the assessment guidelines provided by the Higher Learning Commission of the North Central Association and on the University's educational traditions as explicated in its mission statement. As a result, the assessment plan links all learning outcomes directly to the University's mission. Because of the University's Catholic and Marianist character, the Assessment Plan defines and measures outcomes for both its academic as well as its educational and learning support programs. The University Assessment Plan has been developed, approved, and implemented by the faculty and, where appropriate, staff. University assessment focuses on continuous improvement through careful definition of outcomes, systematic measurement of student attainment, and integration into the University's strategic planning and budget allocation. At every level, University assessment is informed by a communication process to keep faculty, administration, and students informed concerning outcomes, levels of student attainment, and efforts to remedy deficiencies and enhance learning.

## 7. Curricular Planning

Faculty are expected to participate in a continuing review and evaluation of all curricula at the department level. Expression of faculty opinion is encouraged. Introduction of new courses, or changes in existing curricula, require the approval of the proper Department and of the proper academic committee of the College or School. Both on the Department and College or School levels there shall be consideration of student opinion. Where the change has effect beyond the College or School, the matter is referred to the Provost and the University's Academic Senate.

### Consultation Procedures for Curriculum Change

The consultation procedures for curriculum change serve four purposes: (1) to assure appropriate consultation among academic units and divisions concerning significant curriculum changes that affect more than one division, (2) to define curriculum changes that have "significant University-wide impact," (3) to provide a procedure for notification of curriculum changes that assure the timely sharing of information among academic divisions, and (4) to develop procedures that are efficient and effective and will not interfere with the ability of departments and programs to make timely and appropriate changes in their curriculum.

To achieve these goals, the following procedures for consultation and notification should be followed:

- a. Before any significant curriculum change could be considered by the duly constituted body (Academic Affairs Committee, Congress, etc.) in the academic division, the unit initiating the change should consult with all units that would be clearly affected by the proposed change.
- b. Curriculum change having "significant University-wide impact" is defined as any curriculum change (i.e., *Academic Catalog*) that affects the availability of course(s) to students in at least one other division as part of a recommended course of study, that would affect the offering of course(s) by at least one other division, or that eliminates courses taken by large numbers of students outside the discipline so that the quality of student life would be affected (e.g., marching band, recreational physical education courses).
- c. Consultation includes providing the affected unit(s) with the exact nature of the proposed curriculum change, a timetable for implementation, and any information about the impact on the affected unit. Without compromising the integrity and independence of the academic unit proposing the curriculum change, every effort must be made to reach an understanding or accommodation with affected units from another division. When the affected unit accepts or supports the proposed change, this should be submitted in writing to the duly constituted body of the academic division considering the change. The curricular change will not be considered or approved without this written documentation.



- d. If objections to the proposed changes cannot be resolved by the units involved, then the Deans of the affected units would negotiate a resolution to the unresolved issues involved in the proposed change. The proposed curriculum change could only be considered with the submission of the written understanding acceptable to the Deans.
- e. Only if the Deans could not resolve the dispute would the Academic Policies Committee recommend to the Senate a resolution to the dispute.
- f. In addition, the text of any proposed curriculum change (excluding General Education or Common Academic Program courses) that had possible implications for academic units outside the division considering change would be distributed (the method of distribution to be determined by efficiency and effectiveness) to all Deans' offices, chairpersons, and directors of academic programs. Any response to the proposed change should be made to the unit proposing the change within one week of the distribution of the text. If responses noted that the proposed change would have "significant University-wide impact," then the process of consultation would begin.
- g. Designated Associate Deans in each academic division would be responsible for coordinating the process.
- h. The Associate Provost for Faculty and Administrative Affairs working with the Associate Deans would keep the Academic Policies Committee well informed of the consultation and notification process, especially concerning any proposed changes that might have "significant University-wide impact."
- i. The Academic Policies Committee will report annually to the Executive Committee of the Academic Senate as to the effectiveness of the policy.

## **8. The First-Year Experience Program**

The University First-Year Experience Program will consist of a minimum one-credit course to be offered to all first-year students by the College of Arts and Sciences, the School of Business Administration, the School of Education and Health Sciences and the School of Engineering and combined with selected programs and services to be offered by Student Development, Campus Ministry and academic support programs. First-year students entering in January and transfer students will be offered an alternative program to meet their needs.

The goals of the First-Year Experience Program are based on the theme of the program — "Understanding Your Education, Taking Control of Your Future." The goals are: each student will be introduced to the Mission of the University, understanding the philosophy and goals of education here; each student will understand the nature and requirements of his or her course of study or will be prepared to begin the process of selecting a course of study; each student will have the skills, access to resources, and perspective to be responsible for his or her success as an undergraduate; each student will have the opportunity to integrate his or her academic program with life on campus to learn, lead, and serve.

### **First-Year Experience Course**

Based on the experience of the College and Schools, the First-Year Experience Committee proposes the following University program:

Every first-year student entering in the fall term must complete the First-Year Experience course offered by his or her academic division. This course will be offered for a minimum of one credit. The First-Year Experience course will not count against the seventeen credits per term limit covered by full-time tuition.

For first-year students entering the University in the winter term and for transfer students, each division will develop a plan to meet the goals of the First-Year Experience while serving the specific needs of these students. The divisions must submit their plans to the University First-Year Experience Committee for review and approval.

The First-Year Experience courses offered by each division and units within divisions must include the common elements described below. Beyond these common elements the divisions and academic units offering the course will have a great deal of flexibility in how the course is offered and what will be included in the syllabus.

## **9. General Education Policy/Common Academic Program**

See the General Education Policy and the Common Academic Program in the [Academic Catalog](#).

See also Senate document [2003-08, Revised General Education Policy](#).

The General Education Policy applies to students who entered the University prior to August, 2013. The Academic Senate approved the [Common Academic Program](#) (DOC 2010-04) to be effective with the class entering the University in August 2013.

## **10. University Honors Program**

See the [University Honors Program](#) website.

## **11. Mini-Courses**

Mini-courses are special, short-term, interdisciplinary credit courses developed by University faculty (or sometimes by students with the advice and consent of a faculty member) to meet specific, highly current needs or interests not covered in the regular curricula. They are free of charge to all full-time students, even if the course puts them over the full-time limit, and are open to part-time and non-UD students for credit or audit. Mini-courses are overseen by the Director of Continuing Education and Special Programs. Click [here](#) for information on mini-courses.

## **SECTION IX: FACULTY POLICIES AND PROCEDURES RELATED TO COMPENSATION**

### **1. Pay Periods and Procedures**

Checks are payable on a semi-monthly basis, the 10 and 25 of each month. The first check for the academic contract year which commences August 16 will be payable on September 10. Faculty members holding 9-month contracts may choose to receive 18 checks during the academic year, the last check payable on May 25, or they may select to receive 24 checks, the last check payable on August 25. In the event a pay date falls on a weekend or holiday, checks will be available on the preceding work day. Paychecks are not available before payday. Questions or problems regarding paychecks should be referred to the Payroll Office, St. Mary's Hall, Room 303, x92949.

### **2. Holidays**

The University observes 15 holidays each year. The Office of Human Resources, after reviewing the Academic Calendar, publishes the approved holidays prior to the beginning of each fiscal year. Listed below are holidays that may be selected to be observed:

- New Year's Day
- Day after New Year's
- Martin Luther King Day
- President's Day
- Good Friday
- Day after Easter
- Memorial Day
- Independence Day
- Feast of the Assumption
- Labor Day
- Columbus Day
- All Saints Day
- Thanksgiving Day
- Day after Thanksgiving
- Feast of the Immaculate Conception
- Christmas Eve
- Christmas Day
- Day after Christmas
- New Year's Eve

### 3. Payroll Deductions

The following is a list of deductions that may be taken through the payroll process.

#### **Taxes:**

- a. F.I.C.A. (Social Security/Medicare): The University makes payroll deductions as required by law. The University, as an employer, is required to match employee contributions and to forward the combined amount to the appropriate governmental agency in the employee's name.
- b. Federal Income Tax is deducted on a regular basis. The amount withheld and forwarded to the Internal Revenue Service is based on the number of exemptions an employee claimed on the withholding exemption certificate filed at the time of employment or as changed by the employee member subsequent to employment. The rate of withholding is determined from tables published by the Internal Revenue Service and is based on the gross amount of payment due to an employee on a specific pay date.
- c. State Withholding Tax is deducted in accordance with the taxing rate established by the state in which the employee works. A separate withholding exemption certificate must be placed on file through the Office of Human Resources.
- d. City of Dayton Payroll Tax is automatically deducted from salary checks received by employees who regularly perform services for the University within the Dayton city limits. No deductions are taken from employees who reside outside of the Dayton city limits and whose services are performed at WPAFB or other facilities outside the Dayton city limits.
- e. School District Tax is deducted from employees who reside in school districts that have passed School District Income Tax (SDIT).
- f. Tax on Life Insurance - Employer-paid life insurance over \$50,000 is considered by the IRS as a taxable benefit. The IRS provides a table based on age, to dictate the cost per \$1,000 of coverage per month, regardless of the actual premium amount the University pays for the insurance benefit. The University is required to report this income and withhold the appropriate taxes.
- g. Tax on Graduate Tuition Remission - Tuition Remission for graduate classes for children or spouse is a taxable benefit and the appropriate social security, federal, state and city taxes will be withheld on the benefit.
- h. Tax on Basketball Tickets - The value of the discount in excess of 20% is a taxable benefit and the appropriate federal and state tax will be withheld.

#### **Other Deductions:**

- i. Loan repayment (University loans only)
- j. Health Care Insurance
- k. Retirement - TIAA/CREF Group Retirement Annuity (pre-tax or after tax)
- l. Tax Deferred Annuity Savings Programs
  - TIAA/CREF (SRA)
  - Fidelity
- m. United Way - As a member of the Dayton community the University provides employees with the opportunity of contributing to the annual United Way campaign through payroll deduction.
- n. University Annual Support - Faculty members have an opportunity through payroll deduction to contribute to the various fund-raising drives sponsored by the University for its continued development.
- o. Day Air Federal Credit Union, Inc.
- p. Long Term Disability Insurance - UNUM at 60% level
- q. Flexible Spending Accounts - Dependent care and medical
- r. Parking
- s. Athletic Tickets

- t. Culture Works - As a member of the Dayton community, the University provides staff members with the opportunity of contributing to the annual campaign of Culture Works.
- u. Supplemental, Dependent, and Accidental Death and Dismemberment Life Insurance (MetLife)
- v. Long-term Care Insurance (CAN)

#### **4. Direct Banking**

The University offers direct deposit with any bank or credit union anywhere in the United States. Please visit the Payroll Office in St. Mary's Hall, Room 303 or call ext. 92949.

#### **5. Salary and Salary Adjustments**

The University endeavors to provide faculty salaries of a competitive nature based on its stature, goals, and other considerations. Increases are based on recommendations of the Department Chairperson and academic Dean, and the University's fiscal position. Salary adjustments are considered on an annual basis.

#### **6. Compensation for Off-Campus Courses**

##### **Dayton Area**

Teaching of courses off-campus in the Dayton area may be required as part of a faculty member's regular assignments. Such courses are a part of the regular University academic program. When circumstances warrant it, the Department Chairperson may give special consideration to the course loads of those teaching away from the main campus and also recommend that they be given a mileage allowance.

##### **Outside Dayton Area**

Faculty members who teach courses outside the Dayton area will be reimbursed for travel expenses in accordance with established policies. Refer to the "University Travel and Travel Expenses policy" on the [Purchasing](#) website.

#### **7. Compensation of Faculty for Teaching During Third Term**

Compensation for regular faculty who teach during the first part or the second part of the third term will be according to the following conditions and schedules:

*Relations between Terms and Pay Periods:* The third term is considered for pay-period purposes to be the period between May 16 and August 15, divided into two equal six-week periods — May 16 through June 30, and July 1 through August 15.

The actual dates for the beginning and end of classes for the first and second halves of the third term will be variable from year to year.

Usually the first or second half of the third term will overlap the pay periods associated with the preceding term or split term.

It is desirable to space the salary payments so that the complications on income tax and other payroll deductions are minimized.

##### *Principles for Compensation:*

The compensation for full-time effort during the third term should be at the same monthly rate as the base period of the preceding fall and spring terms.

The compensation for less than full-time effort will be proportionate to the percent of effort.

*Method for Determination of Compensation:*

- a) Remuneration for full-time effort in either first or second half of the third term will consist of three payments, each the same amount as the semi-monthly payment for the preceding standard contractual period, August 16 through May 15 regardless of the individual's contract start date. The payments will be made on June 10, June 25, and July 10 for those in the first half and on July 25, August 10, and August 25 for those in the second half .
- b) For part-time effort during the either the first half or second half of the third term, the remuneration will be a fraction of the amount determined in (a) above, proportionate to the percent of effort agreed upon by the Department Chairperson and the Dean of the College or School. The payments will be made on June 10, June 25, and July 10 for those in the first half and on July 25, August 10, and August 25 for those in the second half

## **8. Determination of "Full-Time Effort" and "Part-Time Effort" in the Third Term**

In Compensation of Regular Faculty for Teaching During the Third Term above the first two paragraphs refer to full-time (100%) effort during the first and/or second half of the third term; the following two paragraphs refer to part-time (less than 100%) effort during the same periods.

The determination of the percent of effort of a third term faculty assignment is the responsibility of the Department Chairperson in agreement with the Dean of the College or School.

The factors by which the Department Chairperson determines what constitutes a full-time (100%) effort during the third term periods are based on four courses for the full third term. That is, maximum pay for each three credit hour course is to be calculated as 1/12 of the previous year's nine-month salary. This calculation is to be shown directly on the PAF, and any exceptions require approval from the offices of the Dean and the Provost. Summer compensation may be less than the 1/12 value in special circumstance such as small enrollment.

If the proposed services to be performed by the faculty member constitute less than full-time effort, the percent of effort to be determined must be fair to the faculty member and to the University.

As a matter of procedure, the Department Chairperson, when planning for the third term, will submit to the Dean for approval the proposed duties of the faculty member, together with an evaluation to determine the percent of effort required to perform the duties and the proposed compensation. After review and approval by the Dean, the faculty member is informed of the proposed arrangements for the third term assignment. A Personnel Action Form (PAF) is filled out and submitted at the appropriate time to the Dean, requesting to approve and forward to the Office of Human Resources.

The Department Chairperson and the Dean must follow the directive that the compensation rate for a particular percent of effort of a particular faculty member is to be the same whether the course is offered in the first or the second half of the third term, and be related to the rate of compensation for the preceding first and second terms.

The Department Chairperson and the Dean should keep in mind that the budget for the department is determined annually for the academic year of three terms; consequently, amounts to be expended in the third term leave less funds available for the first and second terms.



For academic salaries, the fiscal year for budgeting purposes begins with the beginning of the second half of the third term, and ends with the end of the first half of the next third term. Nine-month faculty contracts extend from August 16 through the following May 15.

It is understood that the Department Chairperson, in making a judgment as to whether a course should be offered in the third term, will consider the need for the course, availability of sufficient number of students, direct and indirect costs of offering the course, prior schedule commitments to other academic departments, and such other factors as having a bearing on the decision to offer the course.

## **9. Policy on Faculty Compensation in Excess of Annualized Base Salary**

(Senate Doc 2018-06)

Full-time faculty (tenured, tenure-track faculty and non-tenure-track) in support of the University's purpose, strategic direction, and initiatives, may themselves propose or may be called upon to provide contributions beyond those described in the workload policy of their department or unit. Consistent with the University's respect for an individual's worth and the value of her or his contributions, and in furtherance of the initiatives of the University for the Common Good, it is expected that fair and timely compensation will be associated with these additional contributions.

### Department or Unit Guidelines on Faculty Compensation in Excess of Annualized Base Salary

Units should establish fair and equitable guidelines for offering opportunities associated with additional compensation to members of the full-time faculty. Faculty expertise, qualifications, and seniority, or potential for career advancement are examples of factors that might influence the distribution of opportunities. Unit guidelines for compensation beyond base salary should also align with University, unit, and department policies and practices regarding promotion and tenure, merit review, faculty research (including sponsored and contract research), and outside employment.<sup>1</sup> Assignment of additional opportunities must also consider the overall workload of a faculty member and work to avoid a conflict of commitment. A conflict of commitment exists when the activities of a faculty member are so substantial or demanding of the faculty member's time and attention as to interfere with the individual's responsibilities to the unit to which the individual is assigned, to students, or to the University.

The procedure should also identify the position, committee, or other group with the authority to make these decisions. Authority could rest with the Unit Dean or unit committee. The authority might also shift among positions, committees, or other groups depending on the percentage of total annualized compensation involved.

### Base Salary, Total Annual Compensation, and Budget Management

A faculty member's annualized base salary is his or her compensation for full-time effort for the nine-month, two semester academic year (typically mid-August through mid-May). For faculty with extended contracts associated with administrative responsibilities, the base salary is compensation for full-time effort for the term of the contract, typically 10.5 or 12 months. [Compare: When a faculty member is hired into a full-time appointment, she or he is provided with a base salary amount. For most faculty members, that amount represents full, or "100%," effort for the nine months of the academic year. For faculty with extended contracts related to administration roles (i.e., department chairs, directors), the base salary amount could represent full effort for 12 or 10.5 months. That base salary is the foundation of an individual's total compensation.]

Compensation in excess of base salary may be monetary or in the form of modification to contractual workload expectations. The department or unit guidelines should define fair and equitable compensation for additional contributions and for monetary compensation relative to workload modifications. For example, guidelines may specify that the amount of additional monetary compensation will typically be a percentage of base salary or a fixed amount. Guidelines might also specify that any modifications to workload (i.e., course release) should be of equivalent value to any monetary

compensation that would accompany a particular contribution. Typically, a faculty member's annual compensation should not exceed 100% of that individual's annualized salary.

For budgetary purposes, total annualized compensation is the metric used to manage compensation in excess of base salary. Total annualized compensation is defined as base salary annualized to 12-months.<sup>2</sup>

Typically included in the 100%:

- Stipends for academic administrative responsibilities;
- Teaching or service activities in addition an individual's typical 9-month teaching or service load (e.g, summer or intersession teaching; interim director or chair);
- Funded research commonly funding summer salary

or a course buy-out Contributions Eligible for Compensation

in Excess of Annualized Base Salary

It is understood that special or urgent needs can arise that can best be satisfied by a specific individual or individuals (i.e., coverage for a colleague related to medical absence; special training related to a university initiative), and these incidental situations could result in total university compensation which exceeds 100% of the annualized base pay for a faculty member. Contributions by full-time faculty are in addition to, rather than a part of, the full extent of their responsibilities are eligible for compensation beyond an individual's base salary. The time required for these additional contributions and their associated activities is intended to be above the time necessary for the effective performance of responsibilities to the University, whether those responsibilities are definite or implied, regularly scheduled, or performed when convenient. If an individual's engagement in contributions eligible for additional compensation impact the ability of department or unit colleagues to fulfill their responsibilities, then the workload of those colleagues should be given appropriate, advance consideration.

Contributions eligible for compensation in excess of base salary include, though are not limited to, engagement in the following:

- Service in support of specific initiatives of the University or unit associated with research, scholarship, teaching (undergraduate and graduate), or service in pursuit of institutional objectives and above workload guidelines.
- Professional obligations of a colleague when that colleague is absent for medical necessity
- Incidental payments, e.g., honoraria, prizes, royalties, and certain benefits that must be reported as salary for income tax purposes, but do not represent payment for work.
- Course overload or provisional administrative duties in exigent circumstances

In such cases, a recommendation for approval of extra compensation must be obtained from the relevant Dean and forwarded to the Provost's office for approval. The Dean's recommendation for approval of extra compensation indicates that the best interests of the University are being served; for example, there is an unusual or urgent need that cannot be accommodated by faculty release time or with the normal workload. The Provost's approval must be obtained *prior to* the work beginning. In the case of funded research, if it is not possible for the faculty member to be released from his or her regular duties to undertake a sponsored research project, extra compensation can be approved as specified in the Policy for Extra Compensation of Employees Supported by Sponsored Research Programs.

Personnel Action Forms (PAF) for incidental payments or additional compensation should be submitted prior to the work beginning. If this is not possible due to the nature of the incidental work (i.e., stepping in to cover for a peer), the PAF should be completed as soon as possible. Payments *should not* be held until summer or to a time in which the faculty member is “off-contract.”

## **10. Overload Compensation Due to Illness or Death**

*Approved by the Academic Senate, December, 1983*

*Approved by the President, April, 1984*

### **I. Purpose of Document**

The purpose of this document is to set forth guidelines for determining overload compensation due to death or illness of a faculty member. Whenever possible, qualified part-time faculty should be hired to replace a deceased or ill faculty member. If full-time faculty members cover departmental classes for short periods of time during emergencies resulting from the death or illness of colleagues, they should not be expected to continue this coverage more than four weeks during the regular term or more than two weeks during a summer session without some clear understanding and equitable arrangement for additional compensation in accordance with the guidelines below.

### **II. Procedures**

**Death:** Upon the death of a faculty member the Department Chairperson in consultation with the available faculty is responsible for recommending to the Dean a reassignment of the deceased member's assignments.

**Illness:** It is the faculty member's responsibility to notify the Department Chairperson immediately of an illness and to provide an estimated date for return to service at the earliest opportunity. As soon as adequate information is available the Department Chairperson, in consultation with the available faculty and with serious consideration for the welfare of students, must recommend to the Dean a plan for reassigning the load of the ill faculty member.

### **III. Overload Compensation**

The case of overload compensation arises when a full-time faculty member carrying a “normal load” is asked to continue the duties of a deceased or ill colleague for more than four weeks during the regular academic year or more than two weeks during a summer term. Overload compensation can be either in the form of future adjustments in the faculty member's “load” or through remuneration. Remuneration or salary adjustment should be in line with that paid for teaching in the third term (i.e., one-twelfth of the faculty member's 9-month base salary per a 3-semester hour course taught in a 6-week semester session). Proportionate amounts should be paid for teaching less than a whole course (i.e., less than a 3-semester hour course or for only part of the term). In the case of a faculty member teaching more than four weeks in a regular term or more than two weeks in a summer term with an overload, he or she should be compensated for the entire time taught.

NOTE: “Normal load” is defined to be what is normally taught by a full-time faculty member in his or her department or division.

#### **IV. Source of Funds**

Limited funds are available in the Office of the Provost for the implementation of this policy.

#### **11. Pay Transparency Nondiscrimination Provision**

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

## **SECTION X: FACULTY POLICIES AND PROCEDURES RELATED TO BENEFITS**

Please visit the [Human Resources](#) website to see the explain Benefits and Leaves of Absence Handbook for Faculty.

## SECTION XI: FACULTY POLICIES AND PROCEDURES RELATED TO FACULTY DEVELOPMENT

### 1. Faculty Development and Awards

[Faculty Development at UD](#) is a constantly evolving program that combines several components to enhance the teaching experience of UD's faculty. Whether it be through participation in the Faculty Exchange Series or reading groups, involvement in the Teaching Fellows Program, utilizing the benefits of the Midterm Instructional Diagnosis or Writing Across the Curriculum, or by applying to the [LTC Grants](#), there is much to be gained from looking into any or all of these programs.

Faculty development activities are also designed to help faculty improve their effectiveness and performance as scholars, advisors, and colleagues. Owing to the wide diversity of professional School and College faculties, development activities are often best conducted by the academic units. Centralized programs should respond to needs for coordination or services beyond the capacity of individual academic units or address University needs.

A wide variety of programs and services are available to the faculty to assist them in their personal development as colleagues. Most of them are identified in the section on Benefits and Leaves of Absence on the [Human Resources](#) website. Of particular note are the extensive Wellness Program and the Employee Assistance Program. The University's continuing education offices also offer programs, seminars, and short courses on relationships at work and related topics.

### 2. Faculty Exchange Guidelines

- a. Appointments of faculty being exchanged must be approved by all Departments and Deans concerned, and by the chief academic officers of the institutions concerned.
- b. The home institution typically will maintain all salary and fringe benefits. The individual is paid as though teaching at the home campus. Faculty exchange, unless otherwise noted prior to approval, does not reduce credit toward promotion or other leaves.
- c. Normally, the University of Dayton, as home institution, will pay to its regular faculty a stipend to cover unusual expenses.
- d. The exchange professor is eligible for travel expenses to professional meetings through the home institution on the customary basis.
- e. Work assignments will be determined by the host institution and agreed to by all parties in advance of approval of the exchange.
- f. An exchange may be negotiated between the University of Dayton and any accredited four-year institution of higher education. Exchanges may also be negotiated between the University of Dayton and appropriate industrial corporations, recognized research institutions, or government agencies.
- g. Exchanges usually will be limited in duration to one academic year.
- h. The exchanged faculty member will retain academic rank and status at the home institution but will be designated as "visiting" by the host installation.
- i. Faculty members may participate in exchanges as often as approval can be obtained.



- j. Exchanges negotiated need not be for representatives of the same discipline, (e.g., an economist may arrange exchange with a physicist) but the approval of all departments or programs and Deans must be obtained. The responsibility for establishing unequivocal terms of exchange rests primarily with the faculty members involved. Neither the home nor host institution will be responsible for any additional expenses which may arise from oversight or misunderstanding.
- k. Faculty members who are interested in international exchanges should contact the Director of the Center for International Programs.

### 3. Faculty Sabbatical Policy

#### A. *Definition and Purpose of the Sabbatical*

The sabbatical is one of academia's most important vehicles for the professional renewal and development of regular tenured faculty, with benefits that extend beyond the faculty recipient to peers, students and the institution as a whole. The sabbatical has been defined as a "plan for providing teachers with an opportunity for self-improvement through a leave of absence with full or partial compensation following a designated number of years of consecutive service (originally after six years)." (See *Good, Carter V. (ed.) (1959) Dictionary of Education. 3rd ed. New York, NY: McGraw-Hill, p.424.*) The sabbatical process at the University of Dayton has several defining elements: (1) it has a clearly defined purpose of providing opportunities for self-improvement for regular tenured faculty, (2) it is a paid leave, (3) determinants of eligibility include length of service, (4) it stipulates a required return to service of one full year following the sabbatical, and (5) it requires a peer review process and the filing of a sabbatical report. (See *Zahorski, Kenneth (1994). The Sabbatical Mentor. Bolton MA: Anker Publishing, p. 5.*)

Benefits of the sabbatical accrue to both the faculty person and the institution. For the faculty person, it serves as an agent of rejuvenation and renewal, it provides time for reflection, it furnishes a fresh perspective for faculty, and it allows faculty the time to build new professional relationships, to stay current in their fields, and to enhance their teaching. For many it is invaluable, undistracted time for significant research progress. For the institution, it can increase faculty efficiency, versatility, and productivity, strengthen institutional programs, improve morale, and enhance learning environments, loyalty to the institution, faculty recruitment and retention, the intellectual climate of the university, and its academic reputation.

Not surprisingly, sabbatical leave policies and practices vary considerably from institution to institution. Many colleges and universities do not have a sabbatical leave policy or, even if they have a policy, do not offer any financial support for the sabbatical. The University of Dayton does offer sabbaticals, with some financial support from the Provost. Sabbatical leaves at UD are competitively awarded with priority given to proposals that promote faculty growth and offer benefits to the institution and its students.

#### B. *Sabbatical Eligibility*

1) **Regular Tenured Faculty:** To be eligible for sabbatical leave in a given academic year, a faculty member must be a regular tenured faculty of the University at the beginning of the

academic year and must be eligible to continue in that status at least until the close of the academic year following the year in which the sabbatical is taken. Also, a faculty member (including Chairpersons) must have been principally engaged as a full-time tenured or tenure-track faculty member for the seven academic years preceding the sabbatical year.

Junior faculty joining the faculty without credit toward the tenure clock typically come up for tenure review in Fall of their sixth year. If granted tenure approval by the President in January of their sixth academic year, they will receive a letter of sabbatical invitation in the Spring of their sixth academic year inviting them to apply for a sabbatical during their eighth, ninth, or tenth year at the University.

**2) Sabbatical Eligibility List:** Subject to section B.3) below, regular tenured faculty members are eligible to apply for a sabbatical every seven years. Given the faculty person's and department's need for some flexibility in applying for and being granted a sabbatical, a "window of eligibility" exists to allow faculty to apply within a three year period for the seventh, eighth, or ninth year of continuous service since their last sabbatical. Faculty windows of eligibility to apply for a sabbatical are listed on Departmental Sabbatical Eligibility Lists which are maintained and updated by the Associate Provost for Faculty and Administrative Affairs and distributed annually each spring.

If a faculty member passes through his or her eligibility window without application for sabbatical leave or a request for special modification, the window of eligibility will be reset to begin seven years after the first year of eligibility of the sabbatical window not applied for. Special sabbatical provisions apply to faculty members who are Chairpersons, Program Directors (with at least half of their time devoted to the program directorship), and faculty of Dean or Provost rank as found in Section F. below.

The sabbatical "clock" for faculty whose appointments begin on or after the opening of the second semester of an academic year will start counting in the fall semester of the subsequent academic year.

**3) Special Acceleration or Postponement of Sabbatical:** In some cases, it may be necessary for the good of a department or the personal needs of a tenured faculty member to advance or delay the faculty member's sabbatical leave. When a modification in the normal scheduling of a sabbatical leave is considered necessary, a request for this should be made to the Associate Provost for Faculty and Administrative Affairs by the appropriate Dean, upon the recommendation of the Chairperson and the faculty member, stating the reasons for the requested modification. A mutually agreeable schedule will be developed.

**4) Authorized Leaves of Absence:** An authorized leave of absence, including a disability leave, will not affect the determination of the sabbatical eligibility status of the faculty member concerned unless the total of such leaves is the equivalent of two academic semesters. If that is the case, the faculty member's eligibility will be deferred one academic year for each academic year on leave, or part thereof. Department chairs should consult with the Associate Provost for Faculty and Administrative Affairs on any changes in the status of faculty.

### *C. Sabbatical Periods, Plans, Appointments, Reports*

1) **Term:** Sabbatical leaves begin on either August 16 or January 1 of an academic year, and terminate on either the following December 31 or May 15 of the same academic year. Periods of summer recess preceding or following a period of sabbatical leave are not be deemed a formal part of the sabbatical period.

#### **2) Sabbatical Plans:**

- a. Eligible members listed on the departmental Sabbatical Eligibility List desiring sabbatical leave must prepare a sabbatical plan describing a significant program of scholarly self-development calculated to enhance the teaching or other scholarly capabilities of the faculty member and to which the faculty member proposes to devote himself or herself over substantially the entire sabbatical term. The plan should describe, as far as possible, the following: (1) a 25 - 50 word synopsis of the sabbatical project, (2) projected activities and expected outcomes, (3) timetable for accomplishing outcomes, (4) expected location of activities, (5) other persons or organizations involved, (6) any foreseeable contingencies, (7) grant proposals and awards that are helping to secure needed resources, and (8) additional sources and amount of financial support needed for the sabbatical project, if any. Submitting a plan should reflect the faculty member's express understanding that, except for physical or mental disability, he or she will resume and continue regular faculty appointments and service at the University for at least one academic year following that in which the sabbatical leave is granted.
- b. The plan must be submitted to a Departmental Sabbatical Review Committee. The Chairperson is responsible for creating a Departmental Sabbatical Review Committee, a group of colleagues who review and provide timely, substantive input to the sabbatical candidate, who then revises the plan incorporating input from the Departmental Sabbatical Review Committee and the Chairperson. If the revised plan receives approval by the Departmental Sabbatical Review Committee, the Chairperson and the Dean, the Dean will notify the Associate Provost for Faculty and Administrative Affairs of the approval. The deadline for this process is typically by mid-December. See Section G. for details of the sabbatical timeline.
- c. The purpose of the review process is to ensure that a faculty member has a sound plan, and that the candidate can benefit from insights of colleagues. The sabbatical candidate submits the plan to the Chairperson and to members of the Departmental Sabbatical Review Committee on a date determined by the department. The Review Committee provides feedback to the candidate in a timely fashion, and the candidate revises his or her plan accordingly. The Sabbatical Review Committee provides the Chairperson with a written copy of the input provided to the sabbatical candidate. This written document accompanies the sabbatical plan through the entire review process.
- d. Length of service since last sabbatical, year of eligibility, quality of sabbatical plan, and outcomes from last sabbatical (if there has been a previous sabbatical) must be weighed by the Departmental Sabbatical Review Committee, the Chairperson, and the Dean in assessing the merit of a particular sabbatical plan. In cases where financial support requests exceed available resources, preference may be given to applicants whose plans in the

judgment of the Departmental Sabbatical Review Committee, Chairperson, Dean and Provost promise most direct benefits to the University.

3) **Sabbatical Reports:** Within thirty days of the start of the subsequent semester (Fall or Spring semester), the sabbatical recipient submits to the Departmental Sabbatical Review Committee, a summary report of his or her sabbatical work. The report should include a summary of activities as they related to the sabbatical's stated goals, an evaluation of the benefits expected to accrue to the faculty sabbatical participant and others (colleagues, department, students, University, for example), and reflections on what was learned during the sabbatical. The Committee should offer feedback to the recipient and forward the report and its feedback to the Chair. The Chair should provide feedback and send the report and the Committee and Chair feedback to the Dean. The Dean will forward the report and the Committee and Chair feedback to the Associate Provost for Faculty and Administrative Affairs. Extensions on the report due date can be made for acceptable reasons by contacting the Associate Provost for Faculty and Administrative Affairs.

4) **Sabbatical Forums:** The Associate Provost for Faculty and Administrative Affairs will contact sabbatical recipients whose reports suggest wide campus appeal to explore the possibility of offering a seminar for university colleagues.

#### *D. Sabbatical Compensation*

1) **Salary:** A faculty member electing a single sabbatical semester will be compensated for that semester at the rate of 100% of his or her normal salary for the semester. For a full-year sabbatical leave, compensation will be at the rate of 50% of his or her normal yearly salary.

2) **Benefits, etc.:** A person on sabbatical leave will receive all fringe benefits to which he or she would have been entitled if not on leave. All benefits based on salary, except retirement, will be calculated on the regular base salary the person would receive if not on leave. Contributions for retirement will be based on the leave salary paid by the University. The person on sabbatical leave must authorize all withholdings and other individual contributions as if he or she were not on leave.

3) **Other Considerations:** A person on sabbatical leave will receive any salary increase or promotion, or any benefits based on length of service which he or she would have received had he or she remained in residence.

4) **Reimbursement:** In the event that a faculty member fails to attempt in good faith to perform the sabbatical work described in the approved sabbatical plan, or to resume and continue regular faculty appointment and service at the University for at least one academic year following the sabbatical leave, the faculty member is obligated to reimburse the University for all sabbatical compensation paid to or on account of the faculty member for the sabbatical period (for instance, the cost of his or her replacement). Exceptions may be made for reasons of physical or mental disability or other extenuating circumstances, but in all cases, the exceptions require the Provost's consent.

#### *E. Financial Considerations*

1) **University Eligibility List:** Each year the Office of the Provost will establish a University sabbatical leave eligibility list compiling the names of faculty persons who are in their eligibility window per the Departmental Sabbatical Eligibility Lists.

2) **Replacement Funding:** Every effort should be made for departments' or programs' faculties to fill in for persons on sabbatical leave. However, where this is not possible, upon recommendation of the appropriate Dean and approval of the Provost, Provost's Office support may be granted to the department to compensate other faculty for overloads, hire a full-time visiting replacement, or hire part-time instructors. Provost's Office support will be allocated to the Deans on the basis of number of eligible faculty rather than on the basis of the number of faculty awarded a sabbatical. The reasons for this disbursement approach are: (1) Provost's Office resources are insufficient to cover all sabbatical funding requests; (2) the need for replacement money is not even; and (3) there should not be an incentive to award sabbaticals regardless of the quality of the proposals. The Provost will disburse available funds to the appropriate Deans until such funds are exhausted. Office of the Dean and/or Departmental support may also be needed to supplement Provost sabbatical funding for sabbatical plans deemed of merit, based on the judgments of the Chair and Dean.

3) **Priority Claims:** Faculty members recommended for, but not granted, sabbatical leave in any year will have priority claim upon award of sabbatical leave in the next year if they resubmit their plan.

#### *F. Administrative Sabbaticals*

After completion of one four-year term with at least two earlier years of faculty service without sabbatical leave or at the completion of two four-year terms or at least two years of a second term, Chairpersons wishing to return to the faculty will be granted administrative sabbatical leave automatically, rather than applying for a sabbatical through the regular process. Leaves for such persons will be authorized at times other than the schedule established in Section B.2 above, without the same requirements for a sabbatical plan (although some proposal will be submitted to and approved by the Dean) and without competition for the same pool of Office of the Provost sabbatical funds as described in Section E.2) above. The exact semester(s) for taking the administrative sabbatical will be determined in consultation with the Dean. The faculty member taking an administrative sabbatical will contact the Associate Provost for Faculty and Administrative Affairs for the necessary paperwork materials, and will report a sabbatical period to be added to the Departmental Sabbatical Eligibility Lists for calculation of future sabbatical eligibility.

Owing to the resulting disruption of departmental planning and leadership, Chairpersons are not encouraged to apply for a sabbatical leave during their first or second four-year terms. If a Chairperson does request a sabbatical leave during his or her tenure as Chairperson, a decision about sabbatical leave will be made on the same basis as described in Sections B. and C. above and an administrative sabbatical at the end of the Chairperson's term will not be granted. Exceptions to these administrative sabbatical provisions can be made by the Provost upon recommendation of the Dean.

The administrative sabbatical provisions described in this section also apply to program directors with at least half of their time devoted to the program directorship, and to faculty of Dean or Provost rank.

#### *G. Sabbatical Timeline*

1) **Departmental Sabbatical Eligibility List:** In March, the Associate Provost for Faculty and Administrative Affairs provides department Chairs and Deans with a list of faculty who will be eligible to apply in the Fall for a sabbatical for the following academic year, and solicits needed adjustments. An updated list of all tenure track or tenured faculty and their three year window of sabbatical eligibility is also provided, taking into account leaves of absence and other changes of status that may require adjusting the window of eligibility.

2) **Letters of Invitation:** Letters of invitation are sent, normally by the end of April, to eligible faculty inviting them to submit a sabbatical proposal in the Fall for a sabbatical for the following academic year. Eligible faculty are given a window of three years in which to apply.

3) **Eligible Faculty Develop Sabbatical Plan:** Eligible, interested faculty develop a sabbatical plan and supporting documents, as described in section C.2) described above.

4) **Departmental Sabbatical Review Committee:** The sabbatical candidate submits the plan to the chairperson and to members of the Departmental Sabbatical Review Committee on a date determined by the department, normally by the end of September. The Review Committee provides feedback to the candidate in a timely fashion, and the candidate revises his or her plan accordingly, normally by the end of October. The Sabbatical Review Committee provides the chairperson with their written feedback on the plan, and the report is appended to the sabbatical application.

5) **Chairperson Review:** The Chairperson reviews the plan and the departmental committee's review and works with the faculty candidate to strengthen the proposal where needed. If the report is deemed of merit by the Departmental Review Committee and the Chair, the Chairperson writes a letter of endorsement which summarizes the candidate's most recent evaluation, describes how the proposed sabbatical will contribute to the development of the sabbatical candidate, and explains how the plan has been revised to address any substantive issues or concerns raised in the Departmental Sabbatical Review Committee's report. The Chair then forwards the sabbatical plan, the Departmental Sabbatical Review Committee review, the Chair's letter, and accompanying paperwork to the Dean for review, normally by mid-November.

6) **Criteria for Review Process:** Since the Office of the Provost cannot fully fund all of the faculty who are eligible and will not be able to fully fund all of the faculty who apply, several criteria must be weighed by the Departmental Sabbatical Review Committee, Chairperson, and Dean in assessing the merit of a particular sabbatical plan, including (1) quality of sabbatical plan; (2) length of service since last sabbatical; (3) position in three year window of eligibility; (4) outcomes from last sabbatical; (5) benefits to the faculty person and the institution.



7) **Plans Forwarded to the Office of the Provost:** Plans deemed of merit by the college or professional schools are forwarded by the Dean to the Associate Provost for Faculty and Administrative Affairs normally by early to mid-December.

8) **Notification Process:** The Associate Provost for Faculty and Administrative Affairs works with the Deans to establish funding levels for the sabbaticals, notifies candidates, Chairpersons, and Deans of the sabbatical awards, and processes the necessary paperwork, normally before the third week in January.

See also Senate document [1996-08, Sabbatical Policy](#).

## SECTION XII: SUPPORT AREAS

### 1. Academically-Related Centers

- [Student Success Network](#)
- See [Institutes & Centers](#) on UD's homepage

### 2. Other Support Areas

Visit the [UD homepage](#) and utilize the UD A-Z directory for more information on any of the following centers:

- Bookstore
- Bombeck Family Learning Center
- Campus Ministry
- Career Placement Center
- Chapel of the Immaculate Conception
- Children's Center
- Computer Store
- Conference Services
- Continuing Education
- Counseling Center
- Day Air Credit Union
- Guest Housing
- Health Center
- John F. Kennedy Memorial Union
- Libraries
- Post Office
- Public Relations
- Research Institute
- Residential Facilities and Programs
- RecPlex
- Technology Support Services
- University Printing and Design

## **SECTION XIII: BOARDS, COMMITTEES, COUNCILS AND OTHER ORGANIZATIONS**

### **1. Academic Senate**

The Academic Senate is the representative body which exercises the exercising the authority and responsibility of the University Faculty under the Constitution of the University. The Academic Senate Constitution, memberships, and documents can be accessed through the [Senate website](#).

### **2. Faculty Board**

The Faculty Board consists of thirteen elected faculty members who serve as the representative body of an association of all faculty with academic rank at the University of Dayton and full-time faculty members of the instructional staff on all matters of interest to that faculty.

#### **CONSTITUTION OF THE FACULTY BOARD**

##### **ARTICLE I: FUNCTIONS OF THE FACULTY BOARD (13 members)**

To serve as the representative body of an association of all faculty with academic rank at the University of Dayton and full-time faculty members of the instructional staff on all matters of interest to that faculty.

To serve as the voice of the faculty by:

- Receiving suggestions, ideas and complaints from members of the faculty.
- Generating positions on pertinent issues and making these positions known to appropriate bodies, officers and the University at large.

To keep the faculty informed through:

- Written and oral communications
- Public announcements
- Meetings

Regular and special board meetings — The Faculty Board shall hold at least three regular board meetings during each of the first two terms.

General association meetings — The Faculty Board shall convene at least one general association meeting during each school year.

##### **ARTICLE II: FACULTY AUTHORITY**

Each faculty member has the right to attend meetings of the Faculty Board and to place items on its agenda.

The Chairperson of the Faculty Board is required to call a general association meeting upon receipt of the written petitions of at least 10 percent of the members of the Faculty Association.

##### **ARTICLE III: MEMBERSHIP ON THE FACULTY BOARD**

The Faculty Board shall consist of thirteen members, elected as follows:

- One each from the School of Business Administration, the School of Education and Health Sciences, the School of Engineering, the School of Law, and the Library.
- Two from the Arts and Humanities. (Communication, English, History, Languages, Philosophy, Religious Studies, Performing and Visual Arts).
- One from the Sciences. (Biology, Chemistry, Computer Science, Geology, Mathematics, and Physics).
- One from the Social Sciences. (Criminal Justice, Military Science, Political Science, Psychology, and Sociology, Anthropology and Social Work).
- Three at-large members.
- One full-time, non-tenured faculty member of the instructional staff.

All faculty with academic rank are eligible to serve three-year terms on the Board except that no member of the Board shall be an administrative official nor one who serves on the staffs of Deans. The faculty member of the instructional staff is eligible to serve a one-year term on the Board.

Questions of eligibility will be decided by the Committee on the Faculty Board for the first election and by the Faculty Board, thereafter.

The term of office shall be three years for faculty with academic rank, and one-year for the faculty member of the instructional staff.

#### ARTICLE IV: ELECTIONS

- a. The membership on the Board shall be divided into four groups as defined below. Except in Year C, voting will be conducted only within the specific units of the faculty having open positions in a given year. The pattern for election shall be:

Year A Sciences Law Arts & Humanities Engineering Library	Year B Education & Health Sciences Social Sciences Arts & Humanities Business Administration	Year C At-large At-large At-large	Yearly Full-time Member of Instructional Staff
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- b. If no faculty member of a given unit is willing to fill a particular position, the position shall be filled on an at-large basis with the entire faculty voting.
- c. In the first election after adoption of these amendments, all twelve positions will be filled. The following year, those in Year A will be filled; then those in Year B; then those in Year C. Then the cycle continues.

All faculty with academic rank, except administrators, except Deans and members of their staffs, and except Department Chairpersons who do not teach class are eligible to vote for nomination

and election of Board members of ranked faculty for three year terms. Full-time faculty members of the instructional staff will vote for the representative from their numbers to serve a one-year term.

#### Nominations:

In Years A and B, all eligible faculty from the units for which positions are to be filled shall be considered nominees unless they indicate an unwillingness to serve prior to the election.

In any at-large election, a nomination vote shall be conducted to nominate twice the number of eligible faculty members as there are positions to be filled. Department Chairpersons and Library department heads cannot be nominated for at-large positions.

The names of any nominees not wishing to stand for election shall be deleted and replaced by the nominees with the next highest vote count.

#### Elections:

In Years A and B, each ranked faculty member from the units for which positions are to be filled shall vote for only one nominee from his or her area. The nominee receiving the highest number of votes shall be named to the position. In the event of a tie, a flip of a coin shall be used to determine the winner.

In year C and any other at-large election, all eligible ranked faculty members shall vote for the number of nominees for which there are positions to be filled. The nominees receiving the highest number of votes shall be named to the position. In the event of a tie, a flip of a coin shall be used to determine the winner. Yearly full-time faculty members of the instructional staff will vote for their representatives for a one-year term.

#### Vacancies:

Any vacancy from groups A or B occurring between elections shall be filled by the faculty member from the same unit who received the highest number of votes, of those not currently serving on the Board, in the most recent election.

Any vacancy in an at-large position occurring between elections shall be filled by the faculty member who received the highest number of votes, of those not currently serving on the Board, in the most recent election for at-large positions. Any vacancy in Yearly elections shall be filled from the appropriate list of candidates from the most recent election.

### ARTICLE V: OFFICERS

The officers of the Faculty Board shall be a Chairperson, a Vice Chairperson, and a Secretary elected from the ranked faculty members of the Faculty Board.

The officers shall be elected for a term of one year at a meeting of the Board held as soon as possible after the election of new members.

#### Duties:

The duties of the Chairperson shall include:

- Presiding at meetings of the Board.

- Selecting committee chairpersons and appointing members to committees.
- Preparing, in collaboration with the Vice Chairperson and Secretary, the agenda for each regularly scheduled meeting.
- The duties of the Vice Chairperson shall include presiding at meetings in the absence of the Chairperson.

The duties of the Secretary shall include the following:

- Notifying all members of forthcoming meetings.
- Keeping an accurate record of the transaction of business during the meetings.
- Assuming the responsibilities of correspondence and maintaining appropriate files.

## ARTICLE VI: AMENDMENTS

This constitution may be amended by a two-thirds vote of the total faculty voting on the question.

### **3. Educational Leadership Council**

The [Educational Leadership Council \(ELC\)](#) was established to achieve the high degree of cooperation and understanding between and among the University Faculty and University administrators as educational and academic policies are initiated and formulated. The ELC is comprised of the President of the University, Provost, Executive Committee and committee chairs of the Academic Senate, and guests to who may inform the work under discussion. The purpose of the ELC is to consult in a broader way on matters which have a substantial impact on the University. Matters which have a substantial impact on the academic program of the University should normally be brought before the ELC for consultation before the University makes any binding commitment or final decision with respect to those matters. The ELC may not promulgate any policy or make any decision on behalf of the University, nor may it reverse or modify any decision made by the University, or veto or modify any policy adopted by the University.

### **4. American Association of University Professors**

The University of Dayton Chapter of the AAUP meets and operates independently of the University organization. Founded in 1966, the Chapter reflects locally the Association's aims. It provides programs and information for UD faculty and provides advice to the administration on such matters as educational policy, allocation of resources within the University, improvements in the learning and working environment, and fair treatment of faculty.

### **5. Black Faculty Association**

The purpose of the Black Faculty Association at the University of Dayton is to promote and enhance inclusion, identity, sense of community, professional welfare and development among black faculty, staff and students thus enriching the Catholic, Marianist tradition of the institution. It seeks to ensure that issues of social justice impacting the local and broader communities are addressed through the mission and actions of the university.



## **6. Campus Societies and Organizations**

Many academic departments and organizations sponsor academic, professional, and honor societies for students. These may be found on the websites of the appropriate department and programs.

## **7. Southwestern Ohio Council for Higher Education (SOCHE)**

The Southwestern Ohio Council for Higher Education (SOCHE) was organized in 1967 to achieve educational advancement, research development, and administrative efficiency for its member colleges and universities and affiliated research-oriented industries. The Council is a nonprofit, federally tax exempt organization.

Among the aims of the institutional membership are cooperative efforts in improving educational programs, curricula and materials; lowering operating costs; and the sharing of resources. Regular meetings are held for such groups as librarians, registrars, academic vice presidents, etc. Some specific services include cross-registration and a van delivery service among the institutions. See also the [SOCHE](#) website for more information.

## **8. Student Government Association**

The Student Government Association (SGA) is composed of approximately 20 elected and appointed members. The SGA stresses to involve students in all aspects of University life and, in partnership with faculty, staff, and administration to promote the welfare, equality and community of undergraduate students.

## **9. Council of Graduate Students**

The Council of Graduate Students advocates for continual improvement of the graduate student experience at the University. It is comprised of all current graduate students; the chair is appointed by the Office of Graduate Affairs and also serves as a graduate assistant to that office.

## SECTION XIV: CONCLUSION

The *Faculty Policy and Governance Handbook* (FH) is incorporated by reference into the University of Dayton Policy and Procedures Manuals. As that document indicates, there are many policy documents that govern the overall operation, management, philosophy and direction of the University of Dayton. The list below indicates other fundamental policy documents referenced in the University of Dayton Policy and Procedures Manual and the individuals or groups who are primarily responsible for maintaining and revising them.

Basic Governing Documents	Board of Trustees
Purposes and Nature of the University of Dayton	Board of Trustees
<i>Faculty Handbook</i>	Provost
<i>Graduate Academic Catalog</i>	Provost
<i>Undergraduate Academic Catalog</i>	Provost
Student Handbook	Vice President for Student Development
Purchasing Policies and Procedures	Director of Purchases and Business Services
Policies and Procedures Handbook for Staff Employees	Vice President for Human Resources
Benefits and Leaves of Absences Handbook for Exempt Staff	Vice President for Human Resources
Benefits and Leaves of Absences Handbook for Non-Exempt Staff	Vice President for Human Resources
Supervisors' Handbook	Vice President for Human Resources

Faculty can locate these documents, operations manuals, and handbooks online.