

OFFICERS' HANDBOOK
THE UNIVERSITY OF VERMONT

OPERATING PRACTICES, PROCEDURES, AND POLICIES
CONCERNING OFFICERS OF THE UNIVERSITY OF
VERMONT

September 2002

Questions concerning the Handbook should be
addressed to the Office of the Provost.

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PART 000. THE UNIVERSITY OFFICERS' HANDBOOK

The University reserves the right to make changes to the provisions of the Officers' Handbook, subject to and consistent with established procedures and authorizations for making such changes. Questions regarding the currentness of a specific provision may be addressed to the Office of the Provost.

Section 010. Description.

010.1 The University Officers' Handbook is a collection of major established policies and procedures, provisions concerning welfare of personnel, and certain other information of University-wide effect and generally related to the academic programs of the University and is supplemented by information contained in other official publications of the University including, but not limited to, University catalogues, "The Cat's Tale" (student handbook), and "Academic Policies and Procedures" published annually by the Office of the Provost.

Section 020. Origins.

020.1 The various sections of this Handbook originated in actions of various bodies and agencies either within the University, such as the Faculty, the Faculty Senate, the administration, or the Board of Trustees, or external to the University, such as the Legislature or governmental regulatory agencies.

Section 030. Revision Process.

030.1 Establishment or amendment of policies, procedures, and other provisions included in the Handbook shall be the result of considered action taken after adequate consultation. It is the responsibility of the Provost in consultation with the Executive Council of the Faculty Senate to ensure that all additions, deletions, or changes represent actions attributable to persons or bodies having legitimate jurisdiction and that all appropriate consultative steps have been taken. The Handbook will be updated periodically, ordinarily annually, by the Provost.

Section 040. Policy Statements on Nondiscrimination.

040.1 Equal Opportunity in Educational Programs and Activities Policy.

The University of Vermont and State Agricultural College is committed to a policy of equal educational opportunity. The University therefore prohibits discrimination on the basis of race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, or disability, as those terms are defined under applicable law, in admitting students to its programs and facilities and in administering its admissions policies, educational policies, scholarships and loan programs, athletic, and other institutionally administered programs or activities made available to students at the University. The University also prohibits unlawful harassment

defined in 16 V.S.A. §11(a)(26) as verbal or physical conduct based on a student's race, creed, color, national origin, sex, sexual orientation, marital status, or disability and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive environment. Sexual harassment is more fully defined in the University's Policies and Procedures Governing Complaints of Discrimination and Sexual Harassment.

040.2 Equal Employment Opportunity and Affirmative Action Policy.

The University of Vermont and State Agricultural College is committed to a policy of equal employment opportunity and to a program of affirmative action in order to fulfill that policy. The University will accordingly recruit and hire into all positions qualified persons in light of job-related requirements, and will not unlawfully discriminate against applicants and employees in employment matters on the basis of unlawful criteria, such as race, color, religion, national origin, sex, sexual orientation, disability, age, or status as a disabled or Vietnam-Era Veteran, as these terms are defined under applicable law. In addition, The University of Vermont recognizes that sexual harassment is a form of unlawful sex discrimination, and it is therefore the policy of the University that sexual harassment not be tolerated.

PART 100. THE UNIVERSITY

Section 110. Symbols of the University of Vermont.

110.1 The legal title of the institution is The University of Vermont and State Agricultural College. The University of Vermont appears in the original charter; the State Agricultural College was added in 1865. The legal title was adopted by No. 66 of the Acts of 1955, Vermont General Assembly, which identifies the institution as a body corporate that shall be "recognized and utilized as an instrumentality of the State for providing public higher education" and specifies that the General Assembly of the State of Vermont "shall, from time to time, appropriate such sums as it deems necessary for the support and maintenance of said corporation." The Latin name, *Universitas Viridis Montis*, is the source of the popular abbreviation, UVM.

110.2 The motto of the University, "*Studiis et Rebus Honestis*," selected before the University's first graduation in 1804, comes from the *Epistles* (I.ii.36) of Horace and may be freely translated as "Integrity in Theoretical and Practical Pursuits."

110.3 The present official seal of the University was first adopted in 1807. It depicts the sun rising over the Green Mountains with the original "college edifice" (now the remodeled Old Mill), in the upper foreground; a diagram of the Pythagorean theorem, a quadrant and a globe in the lower foreground. The outer ring of the oval includes the motto and "Universitas V. Montis. A.D. 1791." "Collegiumque Agriculturae" in an inner ring notes the establishment of the College of Agriculture in 1865. This original seal was replaced from 1891 until 1975 with a round seal which had been developed to include the College of Agriculture. In 1975, Trustees approved a return to the original oval seal, modified to include the College of Agriculture representation within the inner ring of the oval.

110.4 The colors of The University of Vermont and State Agricultural College are green and gold.

110.5 The mascot of the University is the catamount.

110.6 The mace is the symbol of the authority of the Board of Trustees as vested in the President. It resides in the office of the President and is carried by the University Marshal at the head of official academic processions.

Section 120. The Organization of the University.

Contact the Provost Office with any questions about the University's [organizational structure](#).
The organizational structure document fits best on 11" x 17" paper.

131. The Board of Trustees.

The government of The University of Vermont and State Agricultural College is vested, by legislative enactment, in the Board of Trustees, being specifically charged with the "entire management and control" of the institution's "property and affairs, and in all things relating thereto," except in appointments or elections by the Governor and Legislature to fill vacancies on the Board (current Charter of The University of Vermont and State Agricultural College, No. 83 of the Acts of 1865, as amended and supplemented by No. 66 of the Acts of 1955). This Board consists of 25 members, including the Governor of the State *ex officio*, and the President of the University *ex officio*.

131.1 Nine members of the trustees are self-perpetuating, three elected each biennium, in the even years, to serve for a term of six years. These nine trustees also constitute the Board of Trustees for the original corporation, The University of Vermont.

131.2 Nine of the members are elected by the General Assembly of the State of Vermont, three each biennium, in the odd years, for a term of six years. These nine trustees also constitute the Board of Trustees of the Vermont Agricultural College.

131.3 Three trustees are appointed by the Governor with the consent of the Senate, one each biennium in the odd years, for a term of six years.

131.4 Two trustees are appointed by the Associated Directors for the Appointment of the University of Vermont and State Agricultural College Student Trustees, Inc.

131.5 The Board of Trustees is the governing body of the University and has complete authority over the administration and operation of the University. It delegates the control of educational affairs and other matters to the President, the Faculty Senate, and the several faculties, subject to the authority of the Board.

131.6 The Board of Trustees normally meets four times in the year in August, October, February, and May.

132. The President.

The President is selected by the Board of Trustees. He/she is directly accountable to them, and serves without term.

132.1 As stipulated by Section (a) of Article VII of the Bylaws of The University of Vermont and State Agricultural College, the President of the Corporation shall be President of the University. He/she shall prepare the agenda for meetings of the Board and of the Executive Committee, as defined by the Bylaws. The President shall be executive head of the University and *ex officio* member of all committees and other collective bodies of the Board of Trustees, the University and its colleges, except the Audit Committee of the Board of Trustees. His/her duties shall be those that commonly pertain to the Office of the President of a university. He/she shall be the administrative head of the University and its constituent parts and he/she

shall have the power to veto any act or resolution of any committee or other collective body within the University or its constituent parts, except the Board of Trustees and its committees.

"If the President vetoes any action of the Faculty Senate, said veto shall be presented in writing within 30 days to the Faculty Senate Executive Council for report to the Faculty Senate at its next scheduled meeting. The Faculty Senate may then appeal the President's veto to the Board of Trustees upon a two-thirds majority vote of the Faculty Senate to do so. Written notice of the Faculty Senate appeal shall be presented immediately to the President who shall in turn transmit said appeal to the Board of Trustees by providing each Board member with copies of the minutes of the Faculty Senate meeting in which the vetoed action was originally taken, the President's written veto, and the Faculty Senate's notice of appeal.

"If the President is unable to act for any reason, his/her administrative duties shall be performed by the Provost who shall continue to act as President only until other provisions are made by the Board of Trustees.

"In case of the death or resignation of the President, the Provost shall assume his/her administrative duties until such time as the Board shall, by resolution, determine who shall exercise the administrative authority of the President for such period as the Board may fix, or until the vacancy in the Office of the President shall have been filled, and shall confer on him/her such powers over the affairs of the University as the Board may deem desirable and as it by resolution shall provide."

In interpreting and implementing these provisions of the Bylaws, the term "Senate" shall be deemed to refer to the Faculty Senate, the term "Policy Committee" shall be deemed to refer to the officers and any existing executive council or steering committee of the Faculty Senate.

132.2 The duties of the President include, but are not limited to:

132.21 Establishing the basic academic, operating, and developmental objectives of the institution.

132.22 Formulating general University policies.

132.23 Approving and submitting annual budgets to the Board of Trustees, as well as long-range requirements for funds and facilities.

132.24 Submitting appropriation requests for operational and capital needs to the Governor and the Legislature of the State of Vermont, also reports on the institution's operations, policies, and plans that may be requested by the State.

132.25 Subject to approval of the Board of Trustees, providing appropriate leadership and direction for coordination of the University's operations, policies, and plans with those of other educational institutions and professional bodies within the State of Vermont, the New England region, and the Nation; also for the establishment of relationships with educational institutions and programs abroad.

132.26 Directing the institutional planning processes that are needed to help accomplish all of the above.

132.27 Officially representing the University in major ways, for example in the community and State, with federal and state governmental agencies, other educational institutions, professional organizations, foundations, alumni, parents, and friends.

132.28 Serving as the formal medium of communication between the Board of Trustees and components and individuals of the University.

132.29 Deciding questions of jurisdiction arising among several bodies or programs within the University.

132.30 Appointing deans and directors and assistants to the President, and delegating to an appropriate vice president authority to appoint all other University officers and employees except those appointed by the Board of Trustees.

133. *The Provost.*

The Provost is appointed annually by the Board of Trustees upon nomination by the President. He/she is responsible for academic and administrative duties assigned by the President. He/she works with the deans of the academic subdivisions in overseeing the curricular programs and the status of students in them. He/she aids in recruiting faculty members and encouraging their professional development and in promoting and supporting research. Through the Dean of Libraries, he/she oversees the policies and operations of the libraries. With the President, he/she plans for developing the academic programs in order to meet the variety of offerings and standards expected of a state university.

134. *The Senior Vice President.*

The Senior Vice President is responsible to the President and shall have those responsibilities, academic and administrative, assigned to him/her by the President.

135. *The Vice President for Administration.*

The Vice President for Administration is responsible to the President and shall have general charge of the books of accounts of the University and supervision of the receipt and payment of bills approved by the President, Board of Trustees, or its Executive or Investment Committees, or persons authorized by resolution of the Board to approve expenditures or bills. He/she shall invest the funds of the University, hold its securities, have charge of the collection of all funds due the University and of annuity contracts made by the University. He/she shall also have such other responsibilities as may be assigned to him/her by the President.

136. *Officers of the University.*

136.1 Officers of the University are appointed as such by the President, appropriate vice president, or Provost except for vice presidents who are appointed by the Board of Trustees on nomination by the President and for deans and directors who are appointed by the President. Officers include Officers of Instruction; Officers of Research; Officers of Administration; and those Officers of Extension and Libraries who hold faculty rank. An individual may hold an appointment in more than one category.

136.11 Appointments may be full-time or part-time, and for the academic year, the calendar year, or some other stated period.

136.12 Conditions of employment, including policies regarding salaries, vacations, and leaves, are as specified in this Handbook. Any exceptions or additional conditions may be made only by the appointing authority concerned, subject to the written agreement of the employee.

Section 140. Governing and Advisory Bodies.

141. Academic Council.

141.1 The Academic Council serves as an advisory body to the President in developing and administering the policies of the University and meets at the President's call.

141.2 The members of the Council are as follows: President, Provost, Vice President for Administration, Vice President for Development and External Affairs, vice provosts, Dean of the Division of Health Sciences, deans of the colleges and schools, Dean of Continuing Education, Vice President for Student Affairs, Director of Environmental Programs, Director of the Extension System, and others by invitation of the President.

142. University Faculty.

142.1 The University Faculty consists of those holding academic rank in the colleges, schools, and other academic units of the University, and includes the President of the University, the vice presidents, deans of academic colleges and schools, the Vice President for Student Affairs, and the Director of Libraries.

142.2 Under the authority of the Board of Trustees, The University of Vermont Faculty is empowered to establish policy with respect to academic freedom; curriculum; general admission standards and prerequisites; requirements for certificates and degrees; regulations regarding attendance, examinations, grading, scholastic standing, honors, and the academic calendar; teaching quality; criteria for positions accorded academic rank; and other matters referred to it by the Board of Trustees, the President, or the faculty of a college, school, or department. It is also charged with participating in the formulation of policy with regard to a broad range of other University activities. The areas and methods of faculty participation, and the composition and functions of faculty committees, are set forth in the Constitution and Bylaws of the Faculty, appearing later in this Handbook.

143. Search Committee for President.

After an incumbent resigns or two years before retirement, or when the office is vacated without prior notice, the Board of Trustees shall establish a search committee, advisory to the Board. The committee shall consist of trustees, students, staff members, faculty members, and such other persons as the Board chooses to appoint. There shall be two students on the committee, chosen from a list proposed by the Student Government Association. There shall be not fewer than four faculty members. The procedure for filling the faculty positions begins with the election of a panel, on a representative basis, the faculty of each college or school to elect at least one panel member. A college or school with a faculty numbering over 100 shall elect an additional panel member for each hundred faculty members in excess of 100. The panel shall elect those of its members who are to serve on the search committee, the other panel members to participate in on-campus interviews with candidates.

144. *Search Committee for Provost.*

After an incumbent resigns or two years before retirement, or when the office is vacated without prior notice, the President shall establish a search committee advisory to him/her. Six of its members, two students and four faculty members, shall be chosen in the manner described in Section 143; the President may appoint additional persons.

145. *Student Government Association.*

145.1 The Student Government Association serves the University as the official channel of communication with the student body in all matters involving statements of University policy regarding rules, regulations, and privileges of students.

145.2 The legislative authority of the Student Government Association is vested in the Student Government Association Senate.

145.3 The President of the Student Government Association represents the Association to other segments of the University.

146. *Staff Council.*

The Staff Council is a group comprised of nonfaculty employees who are elected annually on a University-wide basis. The Council acts as an advisory group on employee matters to the President of the University.

Section 150. The Academic Structure of the University.

Last revised: November 1998. Sub-sections 158.2 and 158.3 added and approved by the Faculty Senate, November 17, 1998.

150.1 *Approved Academic Units.* For carrying out the teaching, research, and service missions of The University of Vermont, the following are the only approved academic units: division, college, school, department, program, center, and institute. These missions are also supported by The University of Vermont Extension System, Continuing Education, the Libraries, the Fleming Museum, Computing and Information Technology, and other related administrative units.

150.2 As set forth in Section 202, only departments of the colleges and schools, or schools if not organized into departments, and the Department of Military Studies may appoint Officers of Instruction. Similarly, only approved departments of the colleges and schools, or schools if not organized into departments, may appoint Officers of Research. Officers of Extension may be appointed jointly by the colleges and schools and the Extension System or by the Extension System alone. Officers of the Libraries may be appointed by the Libraries.

150.3 Establishment of academic units and changes in their status require approval by the Board of Trustees, upon recommendation of the President, following consultation in accordance with the procedures of the Faculty Senate.

151. *Divisions.*

151.1 A division is an administrative unit of The University of Vermont which assembles one or more colleges and/or schools with related academic missions.

151.2 The senior administrative officer of a division is the dean of said division. The dean of the division, who may also serve as dean of one of the component units of the division, is responsible for coordinating the work of these units, and shall have such line authority as may be delegated by the Provost.

152. *Colleges and Schools.*

152.1 *College.* A college is an academic unit with a defined and congruent mission in instruction, research and scholarship, and service. A college presents candidates to the Faculty Senate, which recommends those candidates to the Board of Trustees for the awarding of the appropriate degrees. A college is organized into departments and may or may not be a member of a division. (See also Section 153, Graduate College.)

152.2 *School.* A school is an academic unit with a defined and congruent mission in instruction, research and scholarship, and service, which mission is narrower in scope than that of a college and is ordinarily focused upon professional training. A school presents candidates to the Faculty Senate, which recommends those candidates to the Board of Trustees for the awarding of the appropriate degrees. A school may be organized into departments if such departments are

of a scale appropriate for efficient administration. A school is ordinarily administratively located within a division.

152.3 Dean. The dean of each undergraduate college and school and of the Graduate College is responsible to the dean of the division (if one exists) and to the Provost and the President for the effective leadership and administration of the unit under his/her supervision. In selecting a dean of a college or school, the President shall have the assistance and advice of a search committee which he/she shall appoint and which shall include, among other members, four members of the faculty of the college or school concerned elected by that faculty, two students nominated by or in accordance with procedures prescribed by the Student Association, and a staff member from the college or school.

- a. The dean has the responsibility to direct and coordinate the actions of the faculty in establishing and maintaining the academic standards and educational objectives and in planning curricula to attain them. He/she gives attention to the programs of study and research, to their purposes and content, to the effectiveness of instruction, to the admission and counseling of students, to the recruitment and supervision of the faculty of the college or school, and to the development and maintenance of resources and support services for the carrying out of the mission of the college or school. He/she also directs curricular advising of students and their enrollment, supervises their academic status and standing, and certifies degree candidates to the Senate.
- b. The dean presides over faculty meetings of the college or school except where the bylaws of such units stipulate otherwise.
- c. Through the Provost, the dean makes recommendations to the President for appointments and changes in the status of officers of instruction and research.
- d. The dean prepares a budget for the college or school and administers it after its adoption.
- e. The dean of each college and school shall be a member of the Academic Council as described in Section 141.

152.4 Curriculum and Standards Committees.

- a. Colleges and schools shall establish appropriate curriculum committees to advise the dean.
- b. Schools and colleges shall each establish standards committees to advise the dean on matters of tenure, promotion, or reappointment. Separate standards committees shall not be established for a division. Rather, the deans of the constituent schools and/or colleges of a division, after consultation with their respective standards committees, shall submit recommendations concerning tenure, promotion, or reappointment through the dean of the division to the Provost.

153. *The Graduate College.*

153.1 The Graduate College is an enrollment unit of The University of Vermont which is responsible for matters pertinent to the admission, support, and certification of graduate students and the standards of graduate programs. The Graduate College presents candidates to the Faculty Senate which recommends those candidates to the Board of Trustees for the awarding of the appropriate degrees.

153.2 The Dean of the Graduate College, with the advice of the Graduate Faculty and its committees, is responsible for formulating and implementing policies and procedures affecting graduate programs. These responsibilities are carried out in consultation with the Provost and the deans and chairpersons of the academic units which offer graduate instruction or graduate degree programs.

154. *Continuing Education.*

154.1 Continuing Education is an enrollment unit of The University of Vermont which is responsible for the coordination and administration of Summer Session, Evening Division, Conferences and Institutes, and the Church Street Center.

154.2 The Dean of Continuing Education, in cooperation with concerned deans and chairpersons, arranges for faculty and facilities to offer appropriate courses, with or without school or college credit, in the Summer Session and in the Evening Division, both on and off campus. The Dean ordinarily supervises arrangements for conferences and institutes sponsored by the University or by other groups.

155. *The Department of Military Studies.*

155.1 The Department of Military Studies is an instructional unit of The University of Vermont which is responsible for the curriculum in military studies as part of the total University educational program.

155.2 The Professor of Military Studies is assigned to the University by the Department of the Army, subject to the approval of the President of the University. The Professor of Military Studies is responsible to both the Department of the Army and to the Provost for the efficient administration of the Department of Military Studies.

156. *The Faculties.*

156.1 The membership of the faculty of each undergraduate college or school and of the College of Medicine consists of the President, the Provost, the dean of the college or school, and all Professors, Associate Professors, Assistant Professors, Instructors, and Lecturers, part-time, full-time, or visiting, including adjunct and clinical ranks, who are responsible for

teaching students in the college or school concerned. Regulations concerning additional memberships and voting privileges are established by the individual faculties.

156.2 The faculty of the Graduate College consists of the President, the Provost, the Dean of the Graduate College, and all persons who are elected by said faculty and appointed by the Dean of the Graduate College.

156.3 The faculty of a college, school, or department is responsible for defining policies and making rules consistent with those of the University as a whole and for enforcing the rules and regulations of the Senate as they apply. Standards established for admission, graduation, and other matters for academic judgment may not be lower nor less specific than those adopted by the Senate; however, the faculty of a college, school, or department may vote to set higher and more specific standards than those adopted by the Senate.

156.4 Authority for certifying candidates for undergraduate degrees shall reside exclusively in the colleges of The University of Vermont and in schools of The University of Vermont whether or not those schools are constituents of divisions.

Authority for certifying candidates for graduate degrees shall reside exclusively in the Graduate College of The University of Vermont.

156.5 The functions of a school or college faculty are exercised within the limits of University policy and are:

- a. To define the objectives of its educational program within the general program of the University and to foster effective coordination of effort;
- b. To develop courses, curricula, and research programs consistent with those objectives;
- c. To establish the requirements for admission to its programs;
- d. To set up and administer specific requirements for its programs;
- e. To study the progress of its students and assist them with professional and educational planning and placement; and
- f. To maintain adequate records and reports on students, staff, programs, services, and budget.

156.6 Each college or school faculty determines its own procedures, consistent with policies prescribed by the Senate and other general University policies. The faculty of a college or school may delegate any of its work to committees or individuals.

156.7 Questions of jurisdiction between the powers of a faculty and those of the Senate are referred to the President for decision.

157. Department.

A department is a unit of instruction, research and scholarly activity, and service, which is established only within a college or school. Its faculty, instructional offerings, and research are recognized as belonging to a discrete academic discipline or related disciplines or as providing a unique supporting role to other academic programs. In the establishment of a department, due consideration will be given to identifying the fiscal resources and the appropriate number of faculty members compatible with its instructional, research, and scholarly responsibilities.

157.1 The work of the department is coordinated by a chairperson.

157.2 Subject to the approval of the Provost, the chairperson is appointed by the dean of the college or school concerned. In the search for a new chairperson the dean shall be assisted and advised by a search committee appointed by the Provost. This search committee shall include at least five members of the faculty, two of whom shall be members of the department elected by the department's faculty. The search committee shall invite all members of the department to consult with it and shall invite them to meet a prospective chairperson and express their opinions, through the committee, to the dean.

157.3 Each chairperson is appointed for a one-year term and may be reappointed, and, if not to be reappointed, must be so notified by the dean by March 1.

157.4 The chairperson of each department is responsible to the dean for the effective administration of the unit under his/her supervision, and:

- a. He/she gives attention to the courses of instruction and research, their purpose and content, to the effectiveness of instruction, to the counseling of students, and to the guidance of the members of the department.
- b. After consultation with the faculty of the department he/she makes recommendations on the appointment of new personnel.
- c. After consultation as provided in Section 231, he/she makes recommendations to the dean for changes in status of departmental personnel.
- d. After consultation with the department, he/she prepares a budget for the unit and administers it after its adoption.
- e. He/she sets the time and place for meetings of the department, upon his/her own initiative or at the request of any two members of the department. At least two meetings shall be scheduled every academic year. All matters of interest to members of the department except

the particulars of tenure, rank, salary, appointment, and reappointment of individuals are appropriate subjects for discussion in departmental meetings.

f. The chairperson shall be guided by the following: An officer of instruction, as a member of a learned profession, is invested with the responsibilities and privileges inherent in faculty status. He/she shall be consulted in the formulation of departmental policy at scheduled departmental meetings.

g. The chairperson shall make an annual review of each faculty member's performance, including tenured faculty members, and privately discuss with each faculty member the latter's status with respect to reappointment, promotion, salary, tenure, and termination of services before sending recommendations to the dean. Upon written request, the chairperson will provide to a faculty member a written statement of the basis upon which the salary recommendation was determined. If the dean does not accept the chairperson's recommendation relative to a faculty member's salary, the faculty member may request and is entitled to a private discussion with the dean. Subsequently, upon written request, the dean will provide a written statement of the basis upon which the dean's salary recommendation was determined.

157.5 A chairperson's salary, at the discretion of the dean, may include an increment as compensation for duties and responsibilities peculiar to the office of chairperson. In such cases, the dean shall inform the chairperson, in writing, that such increment is a particular percentage of his/her total salary and that it will cease when he/she ceases to be chairperson.

157.6 It is the function of each department, subject to the approval of the dean and the Provost:

- a.** To develop an appropriate program of instruction, research, and service consistent with that of the University;
- b.** To study and employ ways and means of making its instructional work more effective;
- c.** To maintain and administer the resources and the property entrusted to it by the University.

157.7 Each department has jurisdiction over matters which concern primarily its own internal policy so long as they are consistent with the policies of the college/school and University. Questions of jurisdiction between the departments of a college or school or between a department and the faculty are referred to the dean for resolution.

157.8 Each department may be visited from time to time by a committee appointed by the President and consisting of at least three members of the faculty, none of whom is a member of the department concerned and at least one of whom is from a different college. Upon occasion, a member of a visiting committee may be appointed from outside the University. The department will be informed of the impending visitation and the composition of the committee not less than one month prior to the visit. During the visit every member of the department, including the chairperson, is asked to express a confidential judgment of the department. In

addition, such a visit may be made whenever a serious complaint is made to the President. The conclusions of the visiting committee are communicated to the President.

The purposes of the visiting committee are based upon the premises that the performance and quality of any department are the concern of the entire faculty. With this in mind, one object of the visits is to acquaint members of other departments and colleges and schools with the activities of the several departments. In addition to the exchange of knowledge about internal workings of the University among all the faculty, the visits constitute part of a continuous self evaluation and provide an opportunity for every staff member to be heard.

158. Program.

158.1 A program, as a formal unit, is an organization of faculty members each of whom holds a primary appointment in a department in a college or school, or in a school if such school is not organized into departments. The faculty of a program cooperate in the presentation of a specialized academic curriculum or course of study; the faculty usually are assembled from more than one approved academic unit.

A program may offer a limited number of courses necessary for the purposes of the program and not available in other approved academic units. A program may be responsible for the management of a budget devoted to operational matters. A program does not award degrees, nor appoint its own faculty.

A program is responsible to the dean of a division or college or school, or, in unusual circumstances, to the Provost.

As often used at The University of Vermont, the term "program" refers to a curriculum, major, or concentration within an approved academic unit. When used in that way, "program" does not refer to an approved academic unit.

158.2 Certificate Program: A non-degree program of study at the University of Vermont, which may or may not carry academic credit. The Certificate Program provides instruction in a coherent body of knowledge and leads to the attainment of a specified set of learning objectives. The Certificate Program is based on a logical cluster of relevant courses and learning experiences and includes explicit mechanisms for performance evaluation, which are appropriate to and consistent with the stated objectives.

There are three types of Certificate Programs at UVM:

- a) Advanced Studies Certificate Programs (for academic credit) offered through an academic unit (e.g. Post-Baccalaureate Teacher Preparation; Advanced Studies Certificate in Education). Advanced Studies Certificate Programs are designed to prepare students to meet an external standard such as the requirements for professional licensure.
- b) Continuing Education Certificate Programs, offered through the Division of Continuing Education in conjunction with an academic unit, and which utilize existing, credited courses

and/or non-credit courses (e.g. Certificate in Gerontology; Certificate in Computer Software; Post Baccalaureate Pre-Med. Certificate). Continuing Education Certificate Programs may include some graduate level courses as well as undergraduate courses.

c) Training Certificate Programs which are non-academic, non-credit in nature. (e.g. Training Certificate Programs in Secretarial Skills; Home Gardening; Culinary Arts; other Arts and Crafts, etc.)

Proposals to initiate, alter or terminate Certificate Programs which carry academic credit (in part or in whole) are reviewed by the Academic Affairs Committee of the Faculty Senate with respect to quality, value and resource allocation.

158.3 *Certificate*: An official document awarded by the University of Vermont upon successful completion of a Certificate Program, and which bears the seal of the University. The student's official transcript shall list the title and nature of the Program, and academic credit awarded (if applicable). Certificates provide proof that a student has completed a Certificate Program at the level of performance stated in the transcript; however, no other standard of accomplishment is implied.

159. *Centers and Institutes.*

159.1 *Center.* A center is an administrative unit coordinating research, instruction, or service activities which focus upon an interdisciplinary subject or specialized field of study. Faculty participants are drawn from two or more colleges or schools or, in rare instances, from two or more departments within a college. A center does not grant degrees, and it generally does not develop formal course offerings except in cooperation with the academic units which constitute its participants. The chief administrative officer of a center is the director, whose appointment and responsibilities, administrative and fiscal, are coordinated through the Provost or his/her designee; an Advisory Committee, whose members, appointed by the Provost, are drawn from the deans or their designees of the academic units involved, serves to counsel the director.

All faculty personnel with responsibilities to the center will be Officers of Instruction in one of the colleges or schools participating in center activities.

159.2 *Institute.* The designation institute is reserved for those activities within a college, school, or center which have a more sharply defined mission than implied by the word center. In general, institutes obtain their resources from external sources—state, federal, or other—and hence will not be substantially dependent upon University general funds. In this context, therefore, the proposal to establish an institute shall include a statement of the expected duration of its activities.

In many instances, institutes may be developed as a consequence of efforts to address particular problems of interest to society—health, housing, and the like—and may therefore possess a substantial external constituency. In keeping with the principles of academic autonomy, however, the administrative functions of the institute will be accomplished through the usual academic procedures. Administration of an institute shall ordinarily be through the appropriate

dean. An institute may be governed by a board, director, or other designee as may be appropriate to the objectives, but in all instances governance will be constituted from members of departments or other academic units within the pertinent school, college, or center.

PART 200. OFFICERS OF INSTRUCTION

Section 200. Officers of Instruction.

Last revised: October 2001. Specifically sub-sections 205.2, 208.6, 208.6.1, 208.6.2, 208.6.3 revised to reflect changes approved by the Faculty Senate, The Office of the President and The Board of Trustees, December 2000.

201. Titles of Officers of Instruction.

The term Officers of Instruction shall include all persons with the titles of professor, associate professor, assistant professor, instructor, full or part-time, persons with adjunct appointments (i.e. adjunct professor, adjunct associate professor, adjunct assistant professor, or adjunct instructor), clinical appointments, visiting appointments, and lecturers.

202. Units Approved to Make Appointments.

Only departments of the colleges and schools, or schools if not organized into departments, and the Department of Military Studies may recommend appointment of Officers of Instruction.

203. Eligibility for Tenure.

203.1 Full-time Officers of Instruction with the titles of professor, associate professor, or assistant professor are eligible for continuous tenure in accordance with Section 206.

203.2 For purposes of determining full-time service (as used in Section 203.1) an Officer of Instruction will be considered full-time if appointed to full-time service to the University with at least a 50 percent appointment in an approved academic unit or units as stated in the letter of appointment.

203.3 Persons with full-time appointments designated as "nontenured" and persons with adjunct appointments, visiting appointments, clinical appointments, lecturers, Officers of Administration, Officers of Research, Officers of Extension, Officers of the Libraries, and appointees to the Department of Military Studies are not eligible for continuous tenure.

203.4 Part-time Officers of Instruction are not ordinarily eligible for tenure, except as set forth in Section 208.5. If a part-time Officer of Instruction receives tenure, the obligation of the University to continue employment extends only to the level (percent of full-time equivalent) in the appointment at the time tenure is granted.

205. Probationary Service.

205.1 In Section 208 probationary periods are established for full-time Officers of Instruction with the rank of instructor, assistant professor, and associate professor. Unless agreed upon in writing with the approval of the chairperson, the dean, and the Provost before the initial offer of

a tenure-track appointment, only continuous time in these three ranks will be counted and employment such as the following will not be counted in determining the time served in these probationary periods: service on an adjunct, clinical, visiting, or lecturer appointment; service as an Officer of Administration, Officer of Research, Officer of Extension, or Officer of the Libraries; service as a Graduate Teaching Fellow or as a Teaching Associate or Teaching Assistant.

205.2 The period of a leave of absence will be included in the probationary period unless there is a written agreement to exclude it. Such an agreement will require the written approval of the Provost.

205.3 The initial appointments of full-time Officers of Instruction with the title of instructor, assistant professor, or associate professor are probationary in nature. The performance of an Officer of Instruction should be reviewed annually during this period. The record of performance and the judgment of potential for future accomplishment form a basis for decisions concerning renewal of the appointment or the eventual decision to grant tenure or not.

205.4 Nonrenewal of an appointment does not carry with it implication of incompetence or misconduct on the part of the Officer of Instruction. In addition to considerations of individual performance, such decisions may be based on a variety of reasonably derived administrative, financial, or academic policy reasons; on an assessment of insufficient potential for future growth of the officer; or on a prior and independent judgment that the position should be redefined.

205.5 When an Officer of Instruction has had prior service at or above the level of instructor at The University of Vermont or at another university, part or all of such prior service may be included as part of the probationary period. This credit must be approved by the Provost prior to the initial offer of appointment upon the recommendation of the dean of the college or school.

205.6 During the probationary period a teacher has the academic freedom accorded all other members of the faculty. Decisions affecting the renewal of a probationary appointment may not be capricious or carried out in violation of an officer's right to academic freedom.

206. *Tenure.*

206.1 Tenure represents the commitment of the University to the continued appointment of an Officer of Instruction until retirement for age or prolonged physical or mental disability, subject to dismissal for cause or unavoidable termination on account of financial exigency or elimination of an institutional program as set forth in Section 224.

206.2 No Officer of Instruction attains tenure automatically. Tenure is acquired either in an initial appointment to the rank of professor, or upon promotion from within the University to the rank of associate professor, or upon reappointment following a probationary period as specified in Section 208. The granting of tenure is subject to the conditions set forth in the following subsection.

206.3 Officers of Instruction who meet the criteria set forth in Section 223 as appropriate to the conditions described in Sections 207 and 208 may be granted tenure by the President on the authority of the Board of Trustees. Such action shall be taken by the President upon recommendation of the Provost made after considering the recommendations of the appropriate chairperson, Faculty Standards Committee, and dean, and the Faculty Affairs Committee. The procedure to be followed with respect to recommendations for tenure shall be as set forth in Section 231.

206.4 A person eligible for tenure shall not continue as an Officer of Instruction beyond the probationary period, unless tenure is granted.

206.5 The President, on the authority of the Board of Trustees, and after consideration as described in Section 206.3, may grant tenure before the probationary period has expired.

206.6 A tenured incumbent's salary as a faculty member shall not be reduced except when financial conditions cause a general salary reduction; provided, however, that this does not apply (a) to a reduction of the administrative supplement upon relinquishing a department chairpersonship or other special administrative assignment, or (b) to a proportionate decrease in total salary if he/she changes from a 12-month to an academic-year basis, or (c) in the College of Medicine, to supplemental salary derived from the clinical practice of medicine.

206.7 Termination of tenure is described in Sections 224 and 225.

206.8 A tenured Officer of Instruction may be supported by a career-development award, by a UVM-administered research grant, in an administrative position, or from other UVM non-instructional sources without loss of tenure. The regular faculty title is retained and funds are reserved in the base budget of the college or school to support the return of the officer to the instructional budget.

207. *Qualifications of Officers of Instruction; Tenure-Track Appointments.*

207.1 *Instructor.* Appointment or reappointment as an instructor requires a judgment that the person being appointed possesses the potential to develop and to meet substantially the criteria described in Section 223.

207.2 *Assistant Professor.* Appointment, reappointment, or promotion to assistant professor requires evidence that the person possesses the potential to meet substantially the criteria described in Section 223.

Appointment or promotion to assistant professor or to a higher rank requires the earned doctorate, or the highest degree normally attained in the discipline, or equivalent qualifications.

207.3 *Associate Professor.* Appointment, reappointment, or promotion to associate professor requires demonstrated evidence that the person meets the criteria described in Section 223 and satisfactory indications that his or her professional development will continue.

207.4 Professor. Appointment or promotion to professor requires both demonstrated evidence that the person has met the criteria described in Section 223, exhibiting a high degree of professional accomplishment, and reasonable assurance that this level of achievement will be sustained.

208. Probationary Periods.

208.1 Instructor. Persons holding appointment as instructors may be reappointed or promoted in accordance with Section 222.1. They may not, however, be granted tenure in the instructor rank.

208.2 Assistant Professor. Initial appointments as an assistant professor are on a probationary basis. Tenure will be granted to faculty members initially appointed as assistant professors at any time upon promotion to associate professor. Tenure may be granted to a full-time assistant professor at that rank only after an uninterrupted seven-year probationary period, part of which consists of full-time service to the University at the rank of instructor.

A full-time assistant professor will be informed no later than the end of the sixth year of service whether tenure will be granted. If tenure is not granted, the appointment will not be renewed after the end of the seventh year.

208.3 Associate Professor. Except in rare instances, approved by the Provost in advance of an offer, initial appointments as an associate professor are on a probationary basis. Before a full-time associate professor will be granted tenure at that rank, a four-year probationary period must be met. A person promoted to associate professor at this University will acquire tenure upon the effective date of the promotion.

A probationary associate professor will be informed during the third year of service whether tenure will be granted. If tenure is not granted, the appointment will not be renewed after the end of the fourth year.

208.4 Professor. Tenure is acquired upon full-time appointment to the rank of professor.

208.5 Part-Time Positions. With the written approval of the chairperson, the dean, and the Provost, a part-time faculty member (serving at least 50 percent of a full-time equivalent position) and bearing the title instructor, assistant professor, associate professor, or professor may be placed on a tenure track or, except in the case of an instructor, may be granted tenure. The length of the probationary period must be part of the original agreement and shall be an integer number of years, based on the principle that the usual probationary period stated in Sections 208.2 and 208.3 represents full-time service, and with the following restrictions: The maximum permissible probationary period for a part-time assistant professor shall be ten years; the maximum permissible probationary period for a part-time associate professor shall be six years.

208.6 Extension of Probationary Period.

208.6.1 The probationary period may be extended with written permission from the Provost for reasons including Family, Medical or Military Leave (see Section 245.3, 245.4, 245.5).

208.6.2 If a faculty member originally appointed full-time to a tenure-track position subsequently serves less than full-time (but at least 50 percent), the probationary period may be extended. Such extension must be requested by the faculty member at least one year in advance of the expiration of the original probationary period and must be approved by the chairperson, the dean, and the Provost.

208.6.3 The maximum permissible probationary period for an assistant professor shall be ten consecutive years; the maximum permissible probationary period for an associate professor shall be six consecutive years.

209. *Officers of Instruction; Nontenure-Track Appointments.*

209.1 Part-time persons with appointments as instructor, assistant professor, associate professor, and professor are not eligible for tenure except as set forth in Section 208.5. Other positions not eligible for tenure are defined as follows:

209.2 *Adjunct Appointments.* The titles of adjunct professor, adjunct associate professor, adjunct assistant professor, and adjunct instructor are reserved for part-time Officers of Instruction whose primary affiliation is with an organization other than the University. Adjunct appointments are made for periods of one year or less and may be renewed.

209.3 *Full-Time and Part-Time Clinical Appointments.* Clinical appointments are reserved for full or part-time faculty members in the health sciences whose sole responsibilities involve patient care and/or the instruction of professional students in patient-care situations and who do not have the research responsibilities of tenure-track faculty members.

209.31 *Duration of Full-Time Clinical Appointments.* Appointments at the rank of Assistant Professor are made for periods of two years or less and may be renewed. Faculty initially appointed at the rank of Associate Professor and faculty promoted to the rank of Associate Professor from Assistant Professor are appointed for a four-year term which may be renewed. Faculty initially appointed to the rank of Professor may be appointed for a term of six years or less. Faculty promoted from Associate Professor to Professor or reappointed to the rank of Professor are appointed for six-year terms which may be renewed.

209.32 All part-time clinical appointments are for periods of two years or less and may be renewed.

209.33 In the case of promotion of part-time clinical faculty, the dean will reach and communicate a decision after considering the recorded opinion of the Faculty Standards Committee of the college or school.

209.4 *Visiting Appointments.* The visiting titles are reserved for the full or part-time appointment of a temporary nature, ordinarily involving persons from other institutions. Initial

appointments are made for periods of one or two years and may be renewed on an annual basis to a maximum of six years.

209.5 Lecturer. The title of lecturer is used for a teacher who does not have the research or service responsibilities expected of a tenure-track faculty member. Lecturer appointments may be full- or part-time. Contingent upon a department's projected need, a lecturer may be appointed for an initial period of two years; a second reappointment may be for a period of two years; subsequent reappointments may be for a period of four years.

Section 210. Academic Freedom.

The following statement (Sections 211 through 215) was adopted by the UVM Senate September 23, 1954.

211. Academic Freedom and Responsibility.

We, the faculty of The University of Vermont and State Agricultural College, in the spirit and tradition of free universities throughout the world, are agreed upon the following statement of principles on academic freedom and responsibility. We believe that incorporation of these principles into the organization of The University of Vermont and State Agricultural College will re-emphasize the importance of academic freedom to the basic health of the University, and also serve as a statement of policy on the rights and responsibilities of faculty members at this institution. It has been our intent to state these principles in terms broad enough so that they may be valid not only in these critical times when academic freedom and personal liberty are in jeopardy both at home and abroad, but also in the future insofar as the future can be foreseen.

212. The Necessity of Academic Freedom in Higher Education.

The main purpose of a university has always been, must always be, to stimulate the thinking and the creative powers of its students and its faculty. As an institution it deals in ideas, not only old and accepted ones but new ones that may be full of explosive power. If they are explosive, they are bound to be disconcerting, even painful, to some on the campus and to many beyond its borders.

Inevitably they will be called dangerous by the timid and short-sighted, but to those who really believe in the fruitfulness of human thought, the real danger would appear only if the flow of such ideas should cease. For then indeed sterility would have taken over our campus. Our faculty would no longer deserve the name of intellectuals and our students, regardless of degrees attained, could no longer claim to be educated. They would leave our campus accustomed only to the commonplace, satisfied with the mediocre, ignorant or afraid of ideas which catch fire.

Academic freedom is therefore not solely a right or privilege of the faculty but is the fulfillment of the obligation on the part of the university to provide an atmosphere in which intellectual growth may take place.

213. Academic Freedom and Special Responsibilities of Faculty Members.

213.1 We subscribe to the following statement on academic freedom and the responsibilities of faculty members adopted by the American Association of University Professors:

"The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties, but research for pecuniary return should be based upon an understanding with the administration of the institution.

"The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his

subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

"The teacher is a citizen, a member of a learned profession and an officer of this institution. When he speaks or writes as a citizen he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman."

213.2 In addition, there are recognized qualifications which must be attained and maintained before the privilege of being a member of the academic profession can be considered a permanent one: satisfactory performance as a teacher, scholarship, and high moral standards.

214. Responsibility of the Institution to the Faculty.

The University must defend tenaciously the right of its members to think and express their thoughts freely and to make those choices within the law guaranteed to every citizen. This includes the right of dissent since any democratic institution ceases to merit the name democratic when this fundamental right is denied. Never is this duty more imperative than in those unhappy times when the public opinion of the community would restrain or curtail the free play of ideas. The universities, whose roots extend back into the centuries, have a tradition and a duty to maintain an independence of judgment in the face of public emotion.

215. Academic Freedom and Tenure.

Tenure is an indispensable pre-condition for academic freedom. It is, in fact, a guarantee that the institution subscribes to the principle of academic freedom, and that its members may not be dismissed without adequate cause. Termination of tenure should occur only in cases of bona fide financial exigency in the University or when it has been demonstrated that the teacher lacks professional or moral fitness or competence as a teacher.

In the interpretation and the application of these principles we shall expect the University authorities to be quick to protect its heritage of academic freedom, in doubtful cases remembering that an excess of freedom is always less dangerous than an excess of constraint.

Section 220. Appointment of Officers of Instruction.

Last revised: October 1996. Sub-sections 224 and 226 approved by the Board of Trustees on October 19, 1996.

221. Affirmative Action/Equal Opportunity.

The faculty, administration, and Board of Trustees of The University of Vermont have pledged positive efforts to include women and minority and handicapped persons in professional roles at the University. Inquiries concerning the University's nondiscrimination or affirmative action policies may be addressed to the Executive Officer for Affirmative Action and Equal Opportunity. (Refer to Section 040.1 for the policy statements on nondiscrimination.)

222. Appointments and Reappointments, Without Tenure.

(Sections 222.1, .2, and .3 apply only to full-time Officers of Instruction or to part-time tenure-track Officers of Instruction.)

222.1 An instructor is appointed for a term of one year, and may be reappointed as an instructor twice, the first reappointment for a one-year term and the second for a two-year term. An Instructor may be promoted only during the first three years of service. The fourth year as an instructor is a terminal year.

222.2 An assistant professor is initially appointed for a three-year term and may be reappointed for two additional two-year terms.

222.3 An associate professor is initially appointed for a two-year term and may be reappointed for a subsequent two-year term without tenure.

222.4 During or at the end of a term an instructor, assistant professor, or associate professor may be appointed to the next higher rank, in accordance with Section 231.

222.5 The procedure in matters of reappointment is set forth in Section 231.

222.6 The precise terms and conditions of initial appointments and all changes in status are to be stated in writing by the dean of the appropriate college or school and in the possession of both the University and the individual when the appointment or change in status is offered. Such terms and conditions shall be subject to the definitions, qualifications, criteria, and procedures set forth in these sections (200 series).

For Officers of Instruction with multiple appointments, there must be a single department (or college, school) which will be responsible for the professional development and evaluation of the faculty member; for maintaining complete records; for initiating recommendations concerning changes in appointment status; for fiscal responsibility; and for any eventual tenure commitment. The responsible department (or college, school), and the nature and extent of the commitment of the other department(s), will be designated at the time of initial appointment or of change of appointment status. The reviews and recommendations of secondary units shall be requested by and reported to the primary unit (i.e. the responsible department, college, or

school) in advance of the primary unit's decision on the officer's reappointment, promotion, or tenure. Such review and recommendations shall become a part of the recommendation documentation of the primary unit.

If there are differences in the recommendations of the units or if there is undue delay, the Dean of the unit having primary responsibility shall bring the matter to the Provost for prompt settlement.

222.7 The responsibilities of an appointment for the academic year begin one week prior to the first scheduled class in the fall and extend one week beyond Commencement in the spring.

222.8 Appointments may be made for a period of one semester only and, in these cases, the following definitions apply. An appointment for the fall semester begins one week before the first scheduled class and extends through December 31. An appointment for the spring semester begins January 1 and extends one week beyond Commencement.

222.9 Persons hired on a 12-month appointment are given an initial appointment such that subsequent renewals will extend from July 1 to June 30, unless specifically provided otherwise.

222.10 An appointment may be made on a temporary basis to fill a special need or to meet unexpected enrollment pressures. A temporary appointment does not carry with it any expectation of reappointment beyond the original appointment period. Officers on a temporary appointment will have the same rights and privileges as other Officers of Instruction with the exception of eligibility for tenure and sabbatical leave and the right to any notice of nonreappointment. Accumulated time spent as a temporary officer will not count toward eligibility for tenure or sabbatical leave.

222.11 Members of immediate families, and other relatives, may be employed in any capacity and any department within the University. However, persons related shall not be employed in a situation where one relative exercises direct supervision over the other. Where such direct supervision is deemed a distinct advantage to the University, the employment of the relative in question must be approved by the Board of Trustees.

222.12 *Teacher's Oath.* Each Officer of Instruction is required by State law to take the following oath, provided, however, that it is not required of a person who is a citizen of a foreign country. "I do solemnly swear or affirm that I will support the Constitution of the United States and of the State of Vermont and the laws of the United States and the State of Vermont." The signed, notarized statement is filed in the Personnel Office.

222.13 Notice of nonreappointment, or of intention not to recommend reappointment, of a full-time Officer of Instruction or of a part-time tenure-track Officer of Instruction shall be given in writing in accordance with the following standards.

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

b. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that appointment year; or, if an initial two-year appointment expires during an academic year, at least six months in advance of its expiration.

c. At least 12 months before the expiration of an appointment after two or more years in the institution.

These standards of notice will not apply to part-time nontenure-track officers of instruction or in cases of termination for cause.

222.14 After having served as an Officer of Instruction at the University for the full probationary period specified in Section 208, an Officer of Instruction will not be eligible for appointment as an Officer of Instruction unless tenure has been granted by the President, upon authority of the Board of Trustees.

223. Criteria in Appointment, Reappointment, Promotion, and Tenure Decisions.

223.1 *General Considerations.* In considering candidates for appointment, reappointment, promotion, and/or tenure, each candidate will be judged with respect to the proposed rank, status, and duties, considering his or her record of performance in teaching, research or other creative work, and service. The following subsections provide a framework of criteria and standards of evaluation within which judgments are made on the present achievements and future potential of the candidate.

In evaluating the candidate's qualifications within these three areas, reasonable flexibility shall be exercised, balancing, where the case requires, heavier assignments and responsibilities in one area against lighter assignments and responsibilities in another. Each candidate is expected to be engaged in a program of work which is sound and productive and which can be expected to continue to develop throughout his or her professional career. *In all instances, excellent intellectual attainment, in accordance with the criteria set forth below, is the crucial qualification for appointment or promotion to a tenured position.* Insistence upon this standard for continuing members of the faculty is necessary for maintenance of quality of the University as an institution dedicated to the discovery, preservation, and transmission of knowledge.

223.2 *Teaching.* *Effective teaching is an essential criterion for initial appointment as an associate professor or professor, for reappointment at any rank, or for tenure or promotion.*

The prime requisites for an effective teacher are intellectual competence, integrity, and independence; a willingness and capacity to grow in the field, to consider suggestions and to cooperate in teaching activities; a spirit of scholarly inquiry which leads to the strengthening of both course content and presentation in light of developments in the discipline; a vital interest in teaching and working with students, and, above all, the ability to stimulate their intellectual interest and enthusiasm; a capacity to awaken in students an awareness of the relationship of the subject to other fields of knowledge; an interest and skill in the general guidance and academic advising of students.

Academic advising of students is an important part of the mission of the University. Many faculty members perform this function. For these faculty members academic advising will be considered as part of the total teaching effort.

Teaching and academic advising must be evaluated regularly and the results of such evaluation must be presented systematically and considered in reappointment, promotion, and tenure decisions.

Elaboration: No single set of satisfactory measures can be prescribed. However, significant evidence for the evaluation of teaching can be derived from some combination of the following (not rank ordered): (1) opinions of members of the candidate's department, particularly if based on examination of course materials, on team teaching experiences, on class visitations, on attendance at lectures given by the candidate or on the results of the candidate's teaching in courses prerequisite to those of other members of the department; (2) opinions of students, appropriately documented and interpreted, for example, through the use of student survey instruments and/or by seeking evaluation by students after course completion or after graduation; (3) development by the candidate of new and effective techniques of instruction and instructional materials, including textbooks, particularly when evidenced by acceptance at other universities; (4) publications by the candidate on the teaching of his/her discipline in respected journals; and (5) recognitions or awards for distinguished teaching.

223.3 Research, Scholarship, and Creative Work. There must be evidence that the candidate is continuously and effectively engaged in scholarly activity of high quality and significance. Account shall be taken of the type and quality of creative activity normally expected in the candidate's field. Documented evidence must be provided of genuine scholarship, productivity, and creativity in the form of such things as published research or recognized artistic production, or engineering designs, etc.

Teaching and scholarship go hand in hand. An institution of recognized quality must foster an environment which promotes scholarship and teaching in a mutually supportive relationship.

Publication of research and other creative accomplishment must be evaluated, not merely enumerated.

Elaboration: Work in progress should be assessed whenever possible. When published work in joint authorship (or other product of joint effort) is considered, it is the responsibility of the department to establish as clearly as possible the role of the candidate in the joint effort.

Appraisals of publication or other works in the scholarly and critical literature may provide important testimony.

If the record of the candidate includes journal articles, it is the responsibility of the chairperson to communicate clear information concerning the publication and review standards of the journal and its standing in the discipline.

If the record of the candidate includes publication of a monograph or monographs, it is the responsibility of the chairperson to communicate clear information about the reviewing policies of the press and to report reviews published subsequent to the appearance of the work.

In cases involving tenure or promotion to associate professor or professor, the quality and significance of the work must be evaluated by the department. In addition, the department must solicit evaluations from acknowledged scholars or practitioners at other institutions.

If the record of the candidate includes presentations, invited and/or subject to peer evaluation, it is the responsibility of the chairperson to communicate clear information concerning the standards involved.

In certain disciplines in which competitive grant and contract support is available, a record of continuing support may be an indication of recognized research competence and productivity.

Textbooks, reports, and similar products connected with teaching or public service should be considered creative work insofar as they present new ideas or incorporate the candidate's scholarly research.

In certain fields such as art, music, literature, and theatre, distinguished production may be evidence of scholarship in much the same way as analytical research is in other disciplines. In evaluating artistic creativity, an attempt should be made to define the candidate's merit in the light of such criteria as originality, scope, and depth of creative expression.

In some instances, professional activities, such as service as editor of a professional journal or service as a major officer of a professional organization, may be considered as recognition of scholarly achievement.

223.4 Service. Service by all members of the faculty in their capacity as scholars is an essential part of the University's mission.

The faculty plays a vital role in the governance of the University at all levels and in the formulation of its policies. Effective service in this regard is expected of all faculty members. Recognition should be given to scholars who participate effectively and imaginatively in faculty governance and the formulation of departmental, college/school, and University policies. Similarly, contributions to student welfare through service on student-faculty committees, as advisor to student organizations, or as a contributor to the promotion of cultural pluralism of the University should be considered. Such contributions may include participation in programs on awareness of discrimination and harassment on the basis of race, gender, sexual orientation, religion, creed, national origin, ancestry, age, marital status, handicap, or political affiliations and beliefs; involvement in campus efforts to promote cultural diversity, or in the promotion of affirmative action.

Some persons may demonstrate their service contributions through effective participation on the community, state, or national professional level, e.g. through service on accreditation teams,

as a contributor to the promotion of cultural pluralism, as an officer of a professional organization, as a professional consultant, etc.

In certain of the colleges and schools, a demonstrated distinction in service responsibilities characteristic of the area may be an essential criterion for appointment, reappointment, promotion, and/or tenure. Examples include extension work (agriculture, home economics, and natural resources), clinical practice (health disciplines), and field service (education).

Elaboration: All of the candidate's professional service activities should be scrutinized for evidence of achievement and of leadership in the field and in the development or utilization of new approaches and techniques for the solution of professional problems. Evidence must be provided of the quality of the service rendered, including evaluations by persons or agencies served.

224. Termination of Appointment.

Termination of a tenured appointment, or termination of a non-tenured appointment before the end of the specified term, may be effected by the University for adequate cause, defined as a demonstrated lack of professional or moral fitness, incompetence as a teacher, or gross neglect of duty. Termination of such appointments may also be effected for reasons of financial exigency or in connection with the elimination of an academic unit for *bona fide* academic reasons.

225. Procedure in Cases of Termination of Tenure for Cause.

225.1 A written charge or charges, supported by evidence, are brought by the dean of the college or school in which the tenured incumbent holds his/her principal appointment, to the Provost.

225.2 The Provost, in his/her discretion, prepares formal charges and presents them to the President and the tenured incumbent.

225.3 The President appoints a committee of five to investigate the charges and make a recommendation to the Board of Trustees. The committee consists of a trustee, chairperson, the President, and three faculty members, who are appointed only on nomination by the Faculty Affairs Committee.

225.31 The committee investigates the case, interrogating the tenured incumbent and such other persons as it or he/she may desire. In the hearing of charges of incompetence, the testimony includes that of teachers and other scholars, either from The University of Vermont, or from other institutions, or both.

225.32 At the conclusion of its deliberations, the committee formulates a report summarizing its findings on the charges and recommending action to be taken in the light of its findings on these charges.

225.33 The tenured incumbent, each member of the investigating committee, and each member of the Board of Trustees receives a copy of this report together with a full stenographic record of all hearings.

225.34 No action upon the recommendation of the investigating committee is taken until 14 days have elapsed from the date of mailing the report and the stenographic record to the accused person.

225.35 During this time, the tenured incumbent has the right to appeal the recommendation and to be granted a hearing before the Board of Trustees. This hearing, if requested, takes place within 60 days of receipt by the President of written request therefor. (See paragraphs 225.37, 225.38, and 225.39 below).

225.36 If the tenured incumbent does not appeal within the 14 days, the Board of Trustees acts upon the investigating committee's recommendation. If the Board concurs in the recommendation, its decision is final, and it reports the decision and the basis thereof to the tenured incumbent and the Faculty Senate. If the Board does not concur in the investigating committee's recommendation, it conducts a hearing.

225.37 The hearing includes testimony by the tenured incumbent and by such members of the investigating committee and such other individuals as either the Board or the tenured incumbent may desire. Full stenographic record of this hearing is supplied to the parties concerned.

225.38 The Board's decision after a hearing is based on its findings relative to the specific charges and is final. The Board reports its decision and the basis thereof to the tenured incumbent and the Faculty Senate.

225.39 Nothing in this statement of procedure should be construed as preventing the tenured incumbent from having a legal counselor or advisor present at any and all hearings.

225.4 A tenured incumbent under investigation may be relieved by the President of any or all duties in the University pending final decision as to dismissal, salary to continue while so suspended.

225.5 A faculty member on continuous tenure who is dismissed for reasons not involving moral fitness or financial exigency continues to receive his/her salary from the University for one year from the date of notification of dismissal. This amount is in addition to salary already due him/her as of the date of notification. Acceptance of this amount releases the University from all claims by the dismissed faculty member.

226. Termination of Appointment for Reasons of Financial Exigency.

226.1 Policy. A condition of financial exigency shall be declared by the Board of Trustees at such time as the University faces an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic reasons. Such

declaration and any associated action may be taken only in accordance with these provisions and in a manner consistent with the principles set forth in Regulation 4(c) of the American Association of University Professors' ("AAUP") Recommended Institutional Regulations on Academic Freedom and Tenure (reprinted in *AAUP Policy Documents and Reports*, 1990 edition).

226.2 *Preconditions to Declaration.* The University is required to take necessary and appropriate steps to address an imminent or actual financial crisis prior to declaration of a condition of financial exigency. Such steps shall include development by the President of a plan designed to remedy actual or projected budgetary deficits through reduction in operating expenses, increase in revenues, or both. The President will subsequently develop such plan in consultation with the Financial Policy and Academic Affairs Committees of the Faculty Senate. The President will subsequently present the plan to the Faculty Senate prior to its implementation.

If, in the judgment of the President, implementation of the plan fails to avert or remedy a financial crisis, the President will so inform the Financial Policy and Academic Affairs Committees of the Faculty Senate and, following consultation with such Committees, will also report on the matter to the Faculty Senate. Following such report, the President may recommend to the Board of Trustees that it declare a condition of financial exigency. The Board shall take action on such recommendation at a regular or specially scheduled meeting of the full Board.

226.3 *Termination of Faculty Appointments for Reason of Financial Exigency.* A condition of financial exigency may require the termination of faculty appointments. Terminations can occur due to the elimination of an academic unit, or through the selection of individuals from within such units. (Academic unit is defined in accordance with *Officers' Handbook* Section 150.1. See also *Officers' Handbook*, Section 158.) In all such cases, the following standards and procedures shall apply.

226.31 *Plan.* As soon as feasible following a declaration of financial exigency by the Board of Trustees, all deans shall, in consultation with the department chairs, program heads, and the Faculty Standards and Curriculum Committees of their Colleges or Schools, devise Plans designed to address the programmatic and administrative implications of such declaration. Each Plan will include an articulation of criteria and statements of rationale upon which bases (1) academic units have been targeted for elimination and/or (2) faculty appointments have been identified for termination. Plans may include factors such as academic policy considerations; personnel policy considerations, such as seniority and/or length of professional service, and affirmative action requirements; and administrative policy considerations, such as balanced and reasonable allocation of human, physical and budgetary resources. Prior to the finalization and implementation of such Plans, the deans shall consult with the Provost as necessary and appropriate.

226.32 *Academic Unit Elimination for Reasons of Financial Exigency.* Deans shall incorporate into the Plans required by Section 226.31 recommended actions with respect to the elimination of academic units. Such initiatives shall proceed in conformance with the

requirements of the Protocol and Procedures for Review of Proposals to Initiate, Alter, or Terminate an Academic Unit, Curriculum, Research or Service Endeavor, published annually by the Office of the Provost in its statement of Academic Policies and Procedures.

226.33 *Involuntary Appointment Terminations.* Before recommending the involuntary termination of a faculty appointment, a dean must explore and articulate in a Plan all feasible alternatives, such as voluntary faculty retirements, reductions in full-time equivalency, leaves of absence, and intra-institutional reassignments including where feasible opportunities for retraining. In the event that there are no feasible alternatives to faculty terminations, appointments shall be terminated in accordance with the following standards and procedures:

a. *Priority.* Except for compelling and bona fide reasons of academic policy, appointment terminations will be made within academic units in conformance with the following order of priority: non-tenure track officers of instruction; non-tenured tenure-track officers of instruction in reverse order of seniority or credited professional service; tenured officers of instruction in reverse order of rank and, within each rank, in reverse order of seniority or credited professional service.

b. *Procedure.* In considering whether to terminate a faculty appointment under this section, a dean shall consult with the Faculty Standards Committee of the College or School. If, following such consultation, the dean decides to terminate the faculty appointment, he/she shall provide written notice to the faculty member. Such notice will include the criteria and the rationale upon which the individual termination decision is based, the effective date of termination, and rights of appeal, severance, and reinstatement, as described below.

c. *Rights of Appeal.*

(1) *Appeal to the Provost.* Within forty-five (45) days of the date of an adverse decision by the dean following issuance of a notice of termination, the faculty member may file a written appeal with the Provost, stating with particularity the bases of the appeal. The faculty member may not appeal the issue of whether there exists a condition of financial exigency. In considering the appeal, the Provost shall obtain from the Faculty Affairs Committee a written recommendation, and issue a written decision within forty-five (45) days of the date of receipt of the appeal.

(2) *Appeal to the President.* Within twenty-five (25) days of the date of an adverse decision by the Provost, the faculty member may file with the President a written appeal, stating with particularity the bases of the appeal. The faculty member may not appeal the issue of whether there exists a condition of financial exigency. The President will issue a written decision within forty-five (45) days of receipt of the appeal.

d. *Faculty Grievance Process.* In cases otherwise meeting the jurisdictional requirements of Section 270.5, a faculty member may grieve a termination decision rendered under Section 226 in accordance with the procedures described in Section 270. Normal institutional channels shall, however, be deemed exhausted following an adverse decision by the Provost,

and a grievance may not be filed subsequent to the issuance of an adverse decision by the President.

e. Severance Rights. Faculty whose appointments are terminated for reason of financial exigency shall be provided notice, or salary and benefits in lieu of such notice, in accordance with the following schedule:

(1) During the first year of probationary service in the case of tenure track appointments, or during the term of appointment in the case of non-tenure track appointments renewable annually, a minimum of three (3) months' notice or equivalent salary and benefits in lieu of notice if notice is given after March 1.

(2) During the second year of probationary service in the case of tenure track appointments, or during the term of appointment in the case of non-tenure track appointments with terms in excess of one year, a minimum of six (6) months' notice or equivalent salary and benefits in lieu of notice if notice is given by December 15, or salary and benefits equivalent to one (1) year's notice if notice is given after December 15.

(3) In the case of probationary tenure-track faculty with more than 18 (eighteen) months' service, and in the case of tenured faculty, no less than twelve (12) months' notice or equivalent salary and benefits in lieu of notice.

Compensation payable under this section shall be made on the same schedule as the employee's regular payment schedule. Persons who are reinstated or re-employed by the University under Section 226.34 or 226.35 below shall forfeit any right to continuing severance payments under this section as of the start date of such reinstatement or re-employment.

f. Additional Rights. The University shall provide outplacement assistance to persons whose tenured appointments were terminated under this Section 226.

226.34 Reinstatement.

a. Reinstatement. Prior to the effective date of termination and for a period of three (3) years following the effective date of termination, persons whose tenured appointments were terminated for reason of financial exigency shall be offered reinstatement if a comparable position for which they are qualified becomes available.

b. Exercise of Rights. Before recruitment may be otherwise initiated relative to any position for which persons may be eligible for reinstatement, such eligible persons will receive written notification of the vacancy through the Office of the Provost or its designee. The qualifications of any applicant for the position will be evaluated by the hiring department, the dean and the Provost. If, in their judgment, there is more than one qualified applicant, the appointment offer will be made in the following order of seniority: tenured officers of instruction in order of rank, and within each rank in order of seniority or credited professional service; non-tenured tenure-track officers of instruction in order of seniority or

credited professional service; non-tenure track officers of instruction, in order of rank, where relevant, and within each rank in order of seniority or credited professional service.

It is the responsibility of individuals having rights under this section to assure that the academic department from which their tenured appointments were terminated and the Office of the Provost have a current mailing address at which they may be contacted in the event a position becomes available. Notice of position vacancy shall be deemed sufficient if it is made in writing and sent by certified mail to the last address of record. Any position offered under this section must be accepted in writing within the 30 days of the date of mailing of such notice of position vacancy, and in a manner otherwise consistent with the terms of the offer. Failure to accept a position offered under this section constitutes a waiver of any further preferential rights to reinstatement or re-employment.

c. Status Retention. Faculty reinstated under this section shall be appointed at no less than the salary, rank and appointment status associated with the tenured appointment from which termination occurred, as of the effective date of such termination, along with all other rights and privileges available to similarly situated faculty whose appointments were not terminated.

226.35 Re-employment.

a. Re-employment. Except for compelling and bona fide reasons of academic policy or for reasons relating to University affirmative action requirements, for a period of three (3) years following the effective date of termination, persons whose tenured appointments were terminated for reasons of financial exigency will be eligible for a right of first refusal relative to positions for which they are qualified and which become available in academic departments other than the one from which their tenured appointments terminated. Notice shall be given, in the manner prescribed by Section 226.34.b.

b. Exercise of Rights. Application for such positions shall be made pursuant to recruitment procedures otherwise in effect. The qualifications of any applicant who has priority under this Section for such positions will be evaluated by the hiring department, the dean and the Provost. If, in their judgment, there is more than one qualified applicant and in the absence of compelling reasons to the contrary as just described, the offer will be made on the basis of the priority schedule set forth in Section 226.34.b. Positions becoming available under this section shall be offered at a salary, rank and appointment status appropriate to the position, together with all associated rights and privileges of such employment.

226.4 Cessation of Condition of Financial Exigency. It is the responsibility of the President to monitor closely the financial status of the University during a period of financial exigency. Through its Financial Policy Committee or as otherwise requested by the President of the Faculty Senate, the President shall periodically report on the matter to the Faculty Senate. At such time as the President, after consulting with the Financial Policy Committee and advising the Faculty Senate, determines that the condition of financial exigency no longer exists, the President shall recommend to the Board of Trustees that a declaration of cessation of the state

of financial exigency be issued. The Board of Trustees shall act on such recommendation at a regular or specially scheduled meeting of the full Board.

227. Termination of Appointment for Reasons of an Elimination of an Academic Unit for Bona Fide Academic Reasons.

227.1 Policy Statement. Proposals for the termination of academic units (academic unit is defined in accordance with *Officers' Handbook*, Section 150.1) for *bona fide* academic reasons shall be advanced in accordance with the Protocol and Procedures for Review of Proposals to Initiate, Alter, or Terminate an Academic Unit, Curriculum, Research or Service Endeavor, as published annually in the Office of the Provost statement of Academic Policies and Procedures.

227.2 Termination of Faculty Appointments for Reasons of Academic Unit Termination. Termination of a faculty appointment may occur as a result of a termination of an academic unit for *bona fide* academic reasons. If a proposal to terminate any other academic entity includes the termination of faculty appointments, the plan must be reviewed by the Senate Academic Affairs Committee and recommendation made to the Provost. In the cases of such appointment terminations, the following standards and procedures shall apply:

227.21 Alternatives to Involuntary Termination. Before a recommendation to terminate tenure is made because of elimination of an academic unit, a reasonable effort must be made to relocate a faculty member whose position is to be eliminated into another unit of the University in which it is mutually agreed upon that the faculty member can make a substantive contribution. A reasonable effort must also be made to consider other possible options including early retirement plans, retraining including proffering financial support for such training and reductions in percent of effort from full-time employment to part-time employment.

227.22 Priority. Deans shall also be guided by the priority schedule set forth in Section 226.34.b in determining faculty eligibility for alternatives to involuntary termination.

227.23 Termination Procedure. In considering whether to terminate a faculty appointment under this section and in evaluating alternatives to involuntary termination, the dean shall consult with the Faculty Standards Committee of the College or School and obtain a written recommendation from such Committee. If, following such consultation, a decision is made to terminate a faculty appointment, the dean shall provide written notice to the faculty member. Such notice will include a description of the basis upon which the decision to terminate was made, the effective date of termination, and rights of appeal, severance, reinstatement, and re-employment, as described below.

227.24 Rights of Appeal.

a. Appeal to the Provost. Within forty-five (45) days of the date of notice of termination by the dean, the faculty member may file a written appeal with the Provost, stating with particularity the bases of the appeal. A faculty member may not appeal the decision to terminate an academic unit. In considering the appeal, the Provost shall consult with the

Faculty Affairs Committee and obtain a written recommendation from such Committee. The Provost will issue a written decision within forty-five (45) days of receipt of the appeal.

b. *Appeal to the President.* Within twenty-five (25) days of the date of an adverse decision by the Provost, the faculty member may file a written appeal with the President, stating with particularity the bases of the appeal. The faculty member may not appeal the decision to terminate an academic unit. The President will issue a written decision within forty-five (45) days of receipt of the appeal.

227.25 *Faculty Grievance Process.* In cases otherwise meeting the jurisdictional requirements of Section 270.5, a faculty member may grieve a termination decision made under Section 227 in accordance with the procedures described in Section 270; provided, normal institutional channels shall be deemed exhausted following an adverse decision by the Provost, and a grievance cannot be filed subsequent to the issuance of an adverse decision by the President.

227.3 *Severance Rights.*

a. *Notice or Compensation.* Faculty whose appointments are terminated under Section 227 shall be provided notice, or salary and benefits in lieu of such notice, in accordance with the following schedule:

(1) During the first year of probationary service in the case of tenure track appointments, or during the term of appointment in the case of non-tenure track appointments renewable annually, a minimum of three (3) months' notice or equivalent salary and benefits in lieu of notice if notice is given after March 1.

(2) During the second year of probationary service in the case of tenure track appointments, or during the term of appointment in the case of non-tenure track appointments with terms in excess of one year, a minimum of six (6) months' notice or equivalent salary and benefits in lieu of notice if notice is given by December 15, or salary and benefits equivalent to one (1) year's notice if notice is given after December 15.

(3) In the case of probationary tenure-track faculty with more than eighteen (18) months' service, and in the case of tenured faculty, no less than twelve (12) months' notice or equivalent salary and benefits in lieu of notice.

Compensation payable under this section shall be made on the same schedule as the employee's regular payment schedule. Persons who are reinstated, re-employed or awarded a paid leave of absence by the University under the provisions set forth below shall forfeit any right to continuing severance payments under this section as of the date of the commencement of reinstatement or re-employment or the paid leave.

b. *Additional Rights.* The University shall provide outplacement assistance to persons whose tenured appointments were terminated under this Section 227.

227.4 Leaves of Absence and Re-Training. Persons eligible for re-assignment within an academic unit or to a new academic unit under Section 227.21 in lieu of termination, or reinstatement or re-employment under Section 227.5 or 227.6, respectively, may be eligible for a paid leave of absence and/or payment of tuition or professional development expenses under the following conditions and circumstances:

- a.** A person reassigned within an academic unit or appointed to a new academic unit under Section 227.21 may apply for a paid leave of absence for the purpose of facilitating such re-training or professional development reasonably necessary for the commencement of the new appointment. Application for such leave shall be made to the Provost, who will act on the request in consultation with the chair of the hiring department and the Dean of the College or School. In conjunction with a leave approved under this paragraph, prior application may also be made for payment of tuition associated with re-training or professional development; the Provost will consider the request in consultation with the chair of the department wherein appointment will be made and the corresponding dean.
- b.** Persons reinstated or re-employed under the provisions of Section 227.5 or 227.6, respectively, may apply to the Provost for payment of tuition or professional development expenses relative to work reasonably necessary to the assumption of the reassignment or new appointment.

227.5 Reinstatement

- a. Preferential Reinstatement.** Prior to the effective date of termination and for a period of three (3) years following the effective date of termination, persons whose tenured appointments were terminated under this section shall be offered reinstatement before recruitment may be otherwise undertaken relative to any comparable available position for which they are qualified.
- b. Exercise of Rights.** Before recruitment may be otherwise initiated relative to any position for which persons may be eligible for reinstatement, eligible persons shall receive written notification of the vacancy through the Office of the Provost or its designee. The qualifications of any applicant for the position will be evaluated by the hiring department, the dean and the Provost. If, in their judgment, there is more than one qualified applicant, the appointment offer will be made on the basis of the priority schedule set forth in Section 226.34.b.

It is the responsibility of persons having rights under this section to assure that the academic department from which their tenured appointments were terminated and the Office of the Provost have a current mailing address at which they may be contacted in the event that a position becomes available. Notice of a position vacancy shall be deemed sufficient if it is made in writing and sent by certified mail to the last address of record. Any person offered a position under this section must accept in writing within 30 days of the mailing of such notice of position vacancy, and in the manner specified in the offer. Failure to accept a position offered under this section constitutes a waiver of any further preferential rights to reinstatement or re-employment.

c. Status Retention. A person reinstated under this section shall be appointed at no less than the salary, rank and appointment status associated with the tenured appointment from which termination occurred as of the effective date of such termination, along with all other rights and privileges otherwise available to similarly situated faculty whose appointments were not terminated.

227.6 Re-employment.

a. Re-employment. Except for compelling and *bona fide* academic reasons or for reasons relating to University affirmative action requirements, for a period of three (3) years following the effective date of termination, persons whose tenured appointments were terminated under this section will be eligible for a right of first refusal relative to positions for which they are qualified which become available in academic departments other than the one from which their tenured appointments terminated. Notice shall be given, in the manner prescribed in Section 227.5.b.

b. Exercise of Rights. Application for such positions shall be made pursuant to recruitment procedures otherwise in effect. The qualifications of any applicant for such positions who has priority under this section will be evaluated by the hiring department, dean and the Provost. If, in their judgment, there is more than one priority applicant qualified for the position, then in the absence of compelling reasons as described in the preceding paragraph, the offer will be made on the basis of the priority schedule set forth in Section 226.34.b. A position becoming available under this section shall be offered at a salary, rank and appointment status appropriate to the position, together with all associated rights and privileges of the employment.

Section 230. Changes in Status of Officers of Instruction.

Last revised: February 1999. Approved by the Faculty Senate and the President on February 19, 1999.

231. Procedure in Matters of Reappointment, Promotion, and Tenure.

231.1 Although the faculty member bears the responsibility of demonstrating his or her achievement and potential in matters of reappointment, promotion, and/or tenure, administrative officers have a responsibility to contribute to the professional development of the faculty member by communicating to that person their assessments of performance and progress.

In matters of reappointment, promotion, and tenure, chairpersons, deans, or the Provost may either provide a positive or negative recommendation. If the recommendation is negative the faculty member has the option to appeal to the next administrative level.

231.2 The Standard Consideration Procedure.

Department chairpersons shall regularly review the performance of faculty members of their departments and may recommend reappointment, promotion or tenure to the dean. Consideration for promotion and/or tenure in cases where such consideration is not otherwise mandated is required upon request of the individual faculty member. In considering whether to recommend reappointment, promotion, and/or tenure, the chairperson shall request the advice of all tenured and tenure-track faculty members of the department or school. The advice of other faculty members may be requested according to a clear and consistently applied policy developed by the department or school. In making a recommendation, the chairperson shall report the extent of such consultation and the nature of the advice received. The chairperson's recommendation should be separate from the recorded opinion of the faculty.

If a positive recommendation for reappointment, promotion, or tenure is made by the chairperson, it is forwarded to the dean. After considering the recorded opinion of the Faculty Standards Committee of the college or school, the dean, if he or she concurs with the chairperson's recommendation, shall forward it to the Provost with the following exceptions. In the first reappointment of an Instructor, Assistant Professor, or Associate Professor, and in all cases of reappointment of faculty members not on tenure track, and in the case of promotion of part-time clinical faculty, the dean will reach and communicate a decision after considering the recorded opinion of the Faculty Standards Committee of the college or school. In all other cases the Provost shall submit the recommendation of the dean and appropriate documentation to the Senate Faculty Affairs Committee for review and after receiving its report, if he or she concurs with the recommendation, shall forward it to the President for consideration.

231.3 Negative Recommendations and Appeals.

Whenever a negative decision is rendered at any stage on reappointment, promotion, or tenure, whether in the first instance or on appeal, a written explanation of the reasons will be provided to the faculty member by the appropriate officer.

Following a negative recommendation a faculty member may opt to appeal. The faculty member shall notify the Faculty Ombudsperson in writing whenever an appeal has been submitted.

All time periods specified for actions in Section 231.3 refer to calendar days.

231.31 If the department chairperson does not recommend reappointment, promotion, or tenure, the faculty member may appeal to the dean within 30 days of notification, stating, in writing, why he or she believes that the departmental decision should not be accepted.

231.32 *Appeal; the Dean*

In considering an appeal of a chairperson's negative recommendation, the dean shall seek the advice of the college or school Faculty Standards Committee. The dean may opt to send the case back to the department or school for reconsideration. Reconsideration by the department or school must take place within 30 days, with the exception that if additional external evaluation letters are requested then the reconsideration must take place within 45 days.

If a dean decides not to approve a chairperson's positive recommendation or denies an appeal, the dean shall notify the faculty member directly in writing with copies to the chairperson and the Provost; such notification must include a written explanation of the reasons for the decision.

Notification must be made within 30 days of receipt of an appeal; any time taken for reconsideration by the department or school shall not count as part of this 30-day period.

In the event of a negative decision by a dean, formal documentation need not be forwarded to the Provost unless the faculty member appeals the decision to the Provost.

231.33 *Appeal; the Provost*

A faculty member is entitled to appeal a negative decision by a dean in writing to the Provost within 30 days of notification, stating why he or she believes that the decision should not be accepted. In considering an appeal, the Provost shall seek the advice of the Faculty Affairs Committee.

The Provost may opt to send the case back to the department or school for reconsideration, in which case the Provost shall notify the faculty member and the Dean. Reconsideration by the department must take place within 30 days, with the exception that if additional external evaluation letters are requested then the reconsideration must take place within 45 days. After departmental reconsideration the documentation is forwarded for reconsideration by the dean and the Faculty Standards Committee of the college or school; the time taken for this reconsideration must not exceed 30 days.

If the Provost decides not to approve a dean's positive recommendation or denies an appeal, he or she shall inform the dean who in turn informs the chairperson and the individual involved of the decision; such notification must include a written explanation of the reasons

for the decision. Notification of the faculty member must be made within 45 days of receipt of an appeal. Any time taken for reconsideration shall not count as part of this 45-day period.

231.34 Appeal; the President

A faculty member is entitled to appeal a negative decision by the Provost in writing to the President within 30 days of notification, stating why he or she believes that the decision should not be accepted.

If the President decides not to approve the Provost's positive recommendation or denies an appeal, he or she shall inform the Provost who in turn informs the dean, chairperson, and the individual involved of the decision. Notification of the faculty member must be made within 45 days of receipt of an appeal and shall contain a written explanation of the reasons for the decision.

231.35 If an appeals decision is not communicated to the faculty member within the time frame specified in Section 231, the Ombudsperson shall notify the appropriate administrative officer, and the faculty member's case, along with the recommendation of the appropriate Standards Committee or Faculty Affairs Committee, shall be forwarded automatically for consideration by the next level of appeal.

231.36 If a faculty member supplements the documentation in connection with an appeal, he or she may do so only to the extent necessary to elucidate work completed or documented to be in progress prior to the original deadline for submission. A reviewing officer receiving an appeal may request an additional evaluation of such information by the department and/or college or school before considering an appeal.

231.4 When the normal appeal processes to the dean, the Provost, and the President are exhausted, the faculty member may petition the Grievance Committee (Section 270) provided the appeal is based on one or more of the categories outlined in Subsection 270.5.

Section 240. Conditions of Employment

241. Compensation.

241.1 Salaried officers on either the academic-year or 12-month appointment are paid semi-monthly, 24 times each year. Individuals on academic-year appointment may choose to receive their salary in 18 semi-monthly checks.

241.11 Semi-monthly deductions are made for social security, federal income tax, state income tax, medicare, the required and elected fringe benefits, and any approved payroll deduction plans.

241.2 Salary Levels.

241.21 The chairperson shall make recommendations for the appropriate salary level for each faculty member.

241.22 The dean shall approve or alter the departmental chairperson's recommendation and shall record the distribution of sources and the amount of money from each source to be applied in payment of the salary.

241.23 The Provost will consider the recommendations in a budget conference with the dean and make budget recommendations to the President.

241.24 The dean will be informed of the President's recommendations for the final budget to be approved by the Trustees.

241.25 An annual salary for services to the University is fixed irrespective of the source of funds used for payment of the salary. The amount of the salary shall not be changed by the chairperson or dean during the year for which it has been fixed, without the approval of the Provost.

241.26 An officer whose University appointment is part-time teaching and part-time sponsored research, or whose appointment is otherwise split, will receive a salary in each appointment in proportion to the effort expended and at the same uniform rate.

241.27 Refer to Section 270.6 for the salary appeal procedure.

242. Supplemental Compensation and Outside Professional Service.

242.1 Supplemental Compensation. The salary of a full-time officer is intended as compensation for all activities performed for, or in the name of, the University. However, there will be instances in which the University wishes to provide opportunities and incentives to officers to engage in special activities beyond their normal assignments. Examples include

evening instruction and certain outreach activities, limited and specific consultation on a grant or to an administrative unit.

242.2 *Definition of Supplemental Compensation.* Supplemental compensation is defined as payments by the University over and above the regular appointment salary.

Summer Session teaching is considered a separate appointment and is not considered as supplemental compensation in the case of officers on academic-year appointments. Fiscal-year appointees cannot receive extra compensation for Summer Session teaching except for teaching Summer Session evening classes.

Compensation received through University-approved faculty professional groups in the College of Medicine is not regarded as supplemental compensation under these policies. Faculty members of health-care professional groups in the College of Medicine are eligible to receive extra compensation for direct or indirect services to patients only from these groups. They are not eligible for extra compensation under Sections 242.5 but are eligible for extra compensation under Section 242.6 for professional activities other than those involving the direct or indirect care of patients.

Except in the case of department chairpersons, decisions as to whether professional activities of a member of a University-approved faculty professional group in the College of Medicine involve the direct or indirect care of patients and thus must be compensated through the group shall be decided by the department chairperson. Such decisions may be appealed to the Dean of the College of Medicine. An appeal must be made in writing within ten days of written notification from the department chairperson. The dean will render a decision in writing to the faculty member within ten days. The decision of the Dean of the College of Medicine will be final.

If such questions arise in reference to the professional activities of a department chairperson, the decision shall be rendered by the Dean of the College of Medicine. Such a decision may be appealed to the Provost of the University. An appeal must be made in writing within ten days of written notification from the Dean of the College of Medicine. The Provost will render a decision in writing to the department chairperson within ten days. The decision of the Provost will be final.

242.3 An officer may have some outreach, evening instruction, or other continuing education responsibilities. In such cases, the dean should provide a written stipulation of those responsibilities in the definition of the officer's duties.

242.4 *Appointment Period.* Academic-year appointments are to cover services from one week prior to the first scheduled class in the fall to one week following Commencement in the spring.

242.5 *Approval.* Supplemental compensation assignments require the prior written approval of the department chairperson and the dean (or corresponding supervisors) of the officer's primary department, as well as the approval of the budget officer of the unit proposing the payment, in

advance of rendering the service. In addition, such payments are subject to the following restrictions:

- a.** The total amount of supplemental compensation received during a period of an academic or fiscal year may not exceed 20 percent of the base academic-year or 12-month (full-time) salary, respectively. (This total supplemental compensation includes payments for Evening Division teaching.)
- b.** Supplemental compensation of 20 percent is expected to correspond to one day per week equivalent service. In case of concomitant outside consulting, the total supplemental service both within and without the University should not exceed the equivalent of one day per week.

In reaching decisions concerning supplemental compensation requests, department chairpersons and deans must determine that such activities will not interfere with the regular responsibilities of the individual officer, including professional development, and that the same individual ordinarily will not be heavily involved in activities of this nature on a continuing basis.

Unless otherwise agreed upon, officers have no obligation to teach evening courses offered through Continuing Education.

242.6 *Outside Professional Services.* In keeping with the land-grant tradition, The University of Vermont recognizes teaching, research, and service as central to its mission. Appropriate professional service outside the University can enrich the University academic programs and benefit a variety of agencies and organizations, both public and private. The University thus acknowledges the value of qualified officers engaging in professionally-related activities that render significant service to the public and at the same time contribute to their own competence as teachers, scholars, and professionals.

In making decisions to engage in professional service outside the University, both with and without compensation, University officers must consider first and foremost the requirements of their total University commitment and responsibilities.

Officers engaging in outside professional services shall make a written report of these activities to their supervisor at least once a year. This report must address items a, c, d, e, and f below.

- a.** The total time devoted to outside professional service shall not exceed the equivalent of one day per week. Although the activity may be concentrated in briefer periods, no more than 40 days per academic year, or, for officers having 12-months appointments, 52 days per calendar year may be devoted to outside professional service.
- b.** The officer is not required to report to the University the amount of compensation for outside professional service;

- c. If the officer is also engaged in supplemental University services for compensation, the total time for extra services, both within the University and in outside professional service, must not exceed the equivalent of one day per week.
- d. An officer engaged in consulting or other professional service must avoid conflict of interest with assigned University responsibilities, particularly as related to an area of ongoing research and including sponsored programs. The signing of a patent or copyright agreement with an outside company or agency may in some instances result in a conflict of interest;
- e. An officer engaging in outside professional activities for compensation must not use the name of The University of Vermont in such a manner as to suggest institutional endorsement or support of a non-University enterprise;
- f. If University personnel, space, services, supplies, or equipment are required to perform the outside professional service, prior permission must be obtained and fees paid to the University for the use of such facilities. The schedule of payment must be approved by the Provost;
- g. Supervisors must maintain records of outside professional service by officers;
- h. It is the officer's responsibility to be aware of the provisions of this Handbook regarding conflict of interest and disclosure requirements.

242.7 Summer Session. Ordinarily officers on 12-month appointments will teach in Summer Session without extra compensation. In cases involving 12-month appointees teaching a Summer Session course, the Dean of Continuing Education and the dean of the respective college or school, or other unit of the University involved, shall work out the assignment and financial arrangements.

Ordinarily, officers on academic-year appointments will receive a salary for Summer Session teaching equivalent to two and one-half percent of the salary for the prior academic year for each credit hour taught.

Unless otherwise agreed upon, officers on academic-year appointments have no obligation to teach during the Summer Session.

242.8 Summer Appointments of Academic-Year Officers. Officers on academic-year appointments may not receive additional compensation per month exceeding one-ninth of their base salary in the previous academic year for any combination of appointments in the summer period. Normally this will be limited to a total of two and one-half ninths of the previous academic year's base salary for the summer.

Summer period service to the University or any of its units, or in support of a University-related grant or contract, by officers on an academic-year appointment, is compensated by salary for the defined period of service at the rate of the previous academic year as applied to the appropriate percentage of full-time service. Supplemental compensation payments may be

used in lieu of salary for summer service when the total earned during the summer period will be less than \$500.

242.9 No officer may accept remuneration for tutoring a student of the University in subjects in his or her own department(s).

243. Conflict of Interest.

(*Note:* Several federal funding agencies have published, or are contemplating issuance of, conflict of interest regulations. The Office of Sponsored Programs should be consulted regarding the relevant policies.)

243.1 When a University officer has a significant financial interest in, or a controlling interest in, or a consulting arrangement with a private business concern, it is important to avoid actual or apparent conflicts of interest between University obligations and outside interests and obligations. The following situations are representative of a broader class of such relationships which are to be avoided:

- a. Use of University space, services, supplies, or equipment for non-University purposes except as set forth in Section 242.6 (g);
- b. Undertaking or directing of the officer's University research or other activities to serve the needs of the private firm without disclosure of such to the University;
- c. Purchase of equipment, instruments, materials, or services for the University from the private firm in which the officer has an interest;
- d. Acting as an agent representing any manufacturer, publisher, business house, or corporation to sell or dispose of any apparatus, books, or other merchandise required for instruction, research, or service whether or not the officer receives compensation;
- e. Transmission to a private firm or other use for personal gain of University-supported or government-sponsored work, products, results, materials, record, or information that are not made generally available;
- f. Use for personal gain or other unauthorized use of privileged information acquired in connection with the officer's University or sponsored activities. (The term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);
- g. Negotiation or influence upon the negotiation of contracts between the University and private organizations with which the officer has consulting or other significant relationships;

h. Acceptance of gratuities or special favors from organizations with which the University does or may conduct business, or extension of gratuities or special favors to employees of an external organization.

243.2 An officer may not engage in activities through the University in such a manner as to restrict the free flow of information or ideas vital to a research environment.

243.3 *Distribution of Effort.* There are competing demands on the energies of an officer (for example, in the case of an Officer of Instruction, research, teaching, and service). The way in which effort is divided among various functions and assignments does not raise ethical questions unless an entity providing support is misled in its understanding of the amount of effort actually devoted to the activity in question. A system of precise time accounting is incompatible with the inherent character of a University. However, officers, chairpersons, and deans have a responsibility to see that a demonstrable relationship exists between the effort expended and expected assignment or responsibility. In assessing this relationship, all activities, assignments, and salary distribution information are to be taken into account, whether sponsored or not, and including outside professional services (Section 242.6) and services for supplemental compensation (242.1-5).

244. Vacations.

244.1 The annual vacation for a full-time officer on a 12-month appointment is 22 working days each year. Any time taken during the year counts against this annual vacation, except holidays which are recognized by the University. Officers who have served as such for less than one year are entitled to vacation time at the rate of one-twelfth of 22 days for each month of service. Vacation time shall not be taken prior to accrual, except that fractions of a day exceeding one-half may be counted as accrued.

244.11 Vacation time may be allowed to accumulate to a maximum of 44 working days, provided such an arrangement, together with the time that the vacation is to be taken, is mutually agreed upon by the officer, his/her department chairperson, and the dean.

245. Leaves and Absences.

(*Note:* Questions regarding the Family Medical Leave Act should be referred to the Personnel Office.)

245.1 An absence from regular University duties for a period not exceeding two weeks must be arranged with the department chairperson or dean and an acceptable plan for carrying on the work during the absence must be made.

In case of accident, illness, or other cause beyond the officer's control, he/she must notify his/her immediate superior as soon as possible, so that the latter can make adequate arrangements.

An absence from regular duties at the University in excess of two weeks is considered a leave.

245.11 Any leave of absence and the conditions under which it is granted must have the written approval of the President and the approval of the Board of Trustees.

245.111 Applications for leaves of absence and any special exceptions to stated policy must be made in writing through the office of the dean to the Provost at least 30 days before the trustees' meeting prior to the beginning of the leave.

245.112 In the case of a faculty member granted leave which involves compensation from a non-University source, the sponsoring agency is expected to carry both salary and fringe benefits unless exceptions are provided for in writing in advance by the President.

245.113 An approved leave of absence is not considered an interruption of service for purposes of Section 208.

245.114 Persons holding a leave of absence ordinarily may not hold concurrently a University-related research grant. Nor may such persons receive supplemental compensation as described in Section 242, during a leave of absence. Exceptions require prior approval by the Provost.

245.2 Any member of the faculty on leave must advise the University authorities by February 1 as to his/her intentions for the forthcoming academic year.

245.21 If the University has not received such statement of intent within three weeks after February 1, it will be interpreted as an intent of the faculty member to sever his/her relation with the University, effective September 1 of that calendar year.

245.3 *Medical Leave.*

245.31 A medical leave will be granted in the event of an accident or illness which renders any full-time officer temporarily incapable of performing his/her duties in accordance with the following. Satisfactory medical evidence may be required.

245.32 Officers who have served as such for one year or more may be granted as much as six months' medical leave with full pay.

245.33 Officers who have served as such for less than one year may be granted as much as one month's medical leave with full pay.

245.4 *Child-Bearing and Child-Rearing Leave.*

245.41 Child-bearing leave is a medical leave as defined in Section 245.31, i.e. a temporary disability based on medical determination that the officer is incapable of performing her duties. Child-bearing leave is subject to the same conditions as other forms of medical leave.

245.42 Such leave necessitated by complications of pregnancy or childbirth shall be covered by the general University medical leave policy. At the employee's option, accrued medical leave may be taken to cover the period of confinement for delivery and recovery.

245.43 A voluntary and medically unrelated decision to take leave prior to childbirth or not to return to duties subsequent to childbirth does not qualify as disability or entitle an officer to medical leave.

245.44 Except as otherwise required by law, child-rearing leave is considered an ordinary unpaid leave of absence as described in Sections 245.1, .11, .111, .112, .113, .2, and .21.

245.5 Military Leave.

245.51 Any member of the faculty or administrative staff on regular appointment, or any full-time employee of the University will be granted a leave of absence for the purpose of military service in the armed forces of the United States, subject to the following provisions.

245.511 The individual on leave shall make written application to resume his/her duties at the University within 90 days after discharge or separation.

245.512 The individual on leave shall request discharge from the armed forces within a reasonable time after the period of required service has been completed.

245.513 The individual shall be found to be physically and mentally competent to resume his/her University duties.

245.52 For a member of the faculty or staff who at the time of entering the armed forces is a participant in the University retirement plan and who so desires, the University continues to pay its share of the premium during the period of leave, provided the individual concerned maintains his/her personal contribution to the plan and is willing to return to the University for at least one academic year following the termination of the leave.

245.53 After four months of satisfactory service with the University, any staff member may be granted two weeks' military leave with pay for reserve duty without loss of vacation leave.

246. Sabbatical Leaves.

246.1 The objectives of the sabbatical leave program of the University are to enhance the educational environment of the University and to promote the professional development of the individual faculty member by affording opportunities for sustained periods of concentrated research and study, free from regular on-campus obligations. The University and the individual faculty member share a joint responsibility to ensure the effective use of sabbatical leaves to achieve these objectives.

The award of a sabbatical leave is based on the expectation that the officer will utilize the period of the leave to add to knowledge in the academic field, to enhance teaching

effectiveness, to broaden fields of competency, or to acquire other valuable professional experience. Appropriate means of achieving these aims include sponsored or unsponsored research, formal or informal study, or creative activity appropriate to the individual's responsibility within the University.

246.2 Sabbatical leaves may be granted to Officers of Instruction, Officers of Research, Officers of Extension, and Officers of the Libraries.

246.21 For the first sabbatical leave, officers must have served the University for at least six years. The six years shall consist of 12 semesters for academic-year appointees and 12 half-years for 12-month appointees, accumulated over a period of up to ten years. Time spent in other types of approved leave shall not be counted toward the accumulated service.

246.22 For subsequent sabbatical leaves, officers will be eligible for either (a) a half-sabbatical leave after a further three years of accumulated service, or (b) a full sabbatical leave after a further six years of accumulated service. Time spent in other types of approved leave shall not be counted towards the accumulated service.

246.23 Time accumulated toward a sabbatical leave at another institution may be counted toward meeting the eligibility requirement if specified in writing at the time of appointment, or later, with the approval of the Provost.

246.24 A planned or approved sabbatical leave may be deferred for up to two years by mutual agreement among the faculty member, chairperson, dean, and Provost. The time deferred shall be counted as service toward an application for a subsequent leave.

246.25 *Duration and Pay.* A full sabbatical leave for academic-year appointees will be for one semester at full salary or for two consecutive semesters at 77.3 percent salary. A half-sabbatical leave for academic-year appointees will be for one semester at 77.3 percent salary. A full sabbatical leave for 12-month appointees will be for six months at full salary or for a year at 77.3 percent salary. A half-sabbatical leave for 12-month appointees will be for six months at 77.3 percent salary.

A full sabbatical may be split into two nonconsecutive periods, if specified at the time of application or later with the approval of the Provost.

246.251 A recipient of a sabbatical leave shall not accept employment during his/her leave, except in cases when such employment increases his/her professional competence. Such employment must be approved in advance by the Provost, ordinarily as part of the sabbatical application process.

Employment within the University during a sabbatical is strongly discouraged and, when approved, is subject to the supplemental compensation conditions defined in Section 242.5. Outside professional service during a sabbatical is strongly discouraged and, when approved, is subject to the conditions defined in Section 242.6.

246.252 Subject to the restrictions stated in Section 246.251, a recipient may hold a scholarship, non-teaching fellowship, or a research grant concurrently with a sabbatical leave.

246.26 A recipient of a sabbatical leave will be expected to return to The University of Vermont and serve at least one year following the sabbatical leave.

246.27 An applicant for a sabbatical leave shall file an application on forms available from the Office of the Provost accompanied by a copy of the application for the most recent sabbatical leave taken, by a copy of the written report describing the results of such leave, and by a current curriculum vitae. Eligible officers shall submit their applications through their department chairpersons and their deans to reach the Provost no later than six months prior to the beginning of the anticipated leave.

In making a recommendation concerning applications for sabbatical leaves, the Provost shall seek the advice of the Faculty Affairs Committee.

246.28 The University will continue payment of the total premiums on group life, disability, dental, and health insurance during the leave. The University's contribution to the retirement plan will be continued at ten percent of the University sabbatical salary.

246.3 A member of the faculty returns to at least the academic rank and salary which existed at the time the leave began. The salary of a person on sabbatical leave shall be reviewed and adjusted as if the person were not on leave.

246.4 All officers awarded a sabbatical leave shall submit to their chairperson and dean a written report detailing sabbatical activities and accomplishments within 60 days of completion of the leave. Such reports shall be forwarded to the Provost (see 246.27).

247. Faculty Summer Research Fellowships.

Annual faculty summer research fellowships, each fellowship carrying a stipend for nonthesis research in the humanities, the social sciences, and related fields, are made available so that members of the faculty receiving them will be able to devote the summer to research. Only full-time, active members of the faculty are eligible.

247.1 Applications must be in the hands of the Dean of the Graduate College, who serves as chairperson of the Committee on Faculty Summer Research Fellowships, by mid-October.

a. Applications should state the nature of the proposed research project, work already completed or underway, and outline briefly the procedure for continuing the investigation.

b. One or two references, from persons not necessarily on this campus, who are competent to judge the value of the proposed project must accompany the applications.

247.2 The fellowships are awarded and function in accordance with the following:

- a. Fellowships are awarded entirely on the merits of the application, and no attempt is made to distribute them equally among departments.
- b. Each year's candidates will be judged on their own merits. A grant may be awarded to the same individual more than once.
- c. The recipient, by accepting the fellowship, undertakes to carry out the program of research as outlined in his/her application; or, in special cases, with the consent of the committee, he/she may undertake a similar program.
- d. The recipient refunds the amount granted in whole or in part, according to his/her best judgment, if unexpected events interfere with carrying out part or all of his/her outlined program or research.
- e. The recipient submits a report to the committee at the end of the period for which the summer research award is made, and subsequently keeps the University and the committee informed about his/her project, in particular, about papers and publications relating to it.
- f. The fellowship is withdrawn automatically from a recipient whose connection with the University terminates for any reason.
- g. Recipients of Faculty Summer Research Fellowships will hold no other employment during the period of the award.

247.3 The period of the Faculty Summer Research Fellowship is from June 1 to September 1 of the year in which the award is made.

247.4 Checks covering the stipend for the fellowship will be available on or before May 31.

248. *Graduate Student Assistance in Teaching.*

Certain graduate students assist programs of instruction and research. Although they are not officers of the University, the conditions of their appointment are included here for information, as follows:

248.1 Graduate Teaching Fellows are approximately half-time teaching assistants to the departments which appoint them. As graduate students, they may enroll without charge for tuition for a maximum of ten credit hours each semester. Appointments are for nine months. Information as to the stipends, which are set annually, is available from the Dean of the Graduate College.

248.2 Graduate Research Fellows may be appointed for 12 months. They give individual professors or departments research assistance, which is also an essential part of their degree programs. Information as to current stipends is available from the Dean of the Graduate College.

248.3 Graduate Resident Advisors give half-time service to the residence hall student personnel program. Other conditions are the same as for Graduate Teaching Fellows.

248.4 Graduate Assistants are students in graduate degree programs who are employed on research grants. They may enroll for a maximum of nine credit hours each semester and six credit hours during the summer. Tuition is charged at the in-state rate. Compensation is fixed annually; information as to current rates is available from the Dean of the Graduate College. A Summer Graduate Assistant on an appointment for less than three months receives weekly compensation, and tuition at the in-state rate.

248.5 No academic credit is allowed for routine technical assistance or for research work that lies outside a graduate student's degree program.

249. Public Office.

Recognizing that seeking public office is an act of good citizenship, the University wishes to make it possible for its faculty members to be able to do so, insofar as their campaigns and time in office do not interfere with their responsibilities to the University or substantially compromise its mission. The conditions of leave for such campaigns and service should be negotiated by the faculty member and the administrative officers of the University in a spirit of good faith and practicality.

To this end, the following guidelines will be observed:

249.1 Leave to hold full-time federal, state, or municipal elective office will be for no more than one term: to hold a full-time appointive office, it will be for no more than one term of up to four years. If a faculty member wishes to pursue a political career beyond these limits, he/she should resign from the University, and can be required by the Provost to do so.

249.2 For public office that will require a full-time commitment—whether it be elective or appointive, political, administrative, or judicial—the would-be office holder must negotiate the terms of leave with the Provost, with the advice and consent of his/her departmental chair and college dean.

249.3 Periods of leave for actual full-time service in such offices will be unpaid and will begin at the time the successful candidate assumes office. Office holders must inform the Provost of the anticipated date of their return to full-time faculty status in a timely manner. Office holders wishing to return to full-time faculty status before the time anticipated are not guaranteed immediate reinstatement and must negotiate the terms of their return with the Provost.

249.4 There are no time limits for service in part-time public offices. But for part-time offices with substantial responsibilities, such as service in the state legislature, the faculty member should negotiate a partial leave of absence at reduced pay during his/her actual term of active service. State or local offices that do not materially affect a faculty member's responsibilities at the University are exempted from these provisions.

249.5 The faculty member should at the earliest possible date formally notify the Provost via his/her departmental chair and his/her college dean of his/her intention to seek public office so that the terms of the leave may be arranged with deliberate planning.

249.6 Campaigning for office while still holding a faculty position will be permitted to the extent that it does not interfere with the University's ordinary demands for teaching and administrative service and its expectations about scholarship. Should the demands of campaigning be heavy, the faculty member will be expected to accept a part-time status and reduced pay commensurate with actual service he/she renders to the University during that time. Should such campaigning become all-involving, the faculty member will be expected to request unpaid leave for the time of the campaign and, if disruptive of teaching schedules, for the entire semester(s) in which the campaign falls.

249.7 Failure to follow these guidelines in good faith may result in a change of faculty status.

Section 250. Retirement.

251. Retirement.

251.1 For officers on an academic-year appointment, the effective date of retirement is the end of the academic year in the fiscal year in which the appropriate age is attained. For officers on a 12-month appointment, retirement is the end of the fiscal year in which the appropriate age is attained.

251.2 Retired faculty members may, at the discretion of the University, be appointed annually on a full-time or part-time basis with the permission of the Provost.

251.3 The designation of emeritus/a to a faculty title is regarded as an honor and will be awarded upon retirement to full-time faculty in good standing. They will retain the rank held at retirement. This action will be initiated by the Provost's Office. Part-time faculty can be taken on a case-by-case basis upon request to the Provost.

Section 260. Research.

261. Policies and Procedures.

A "Sponsored Funds Manual" is available in the Office of Sponsored Programs and should be consulted by those interested in undertaking sponsored research.

261.1 The policies on sponsored research and related activities are based on the philosophy that the University's fundamental objectives are the dissemination, preservation, and advancement of knowledge through its educational and research programs. The University also recognizes its responsibility to serve community (local, state, national, international) interests as it fulfills its basic educational objectives of undergraduate, graduate, and professional teaching, advanced research, and public service—the traditional aims of a land-grant institution. Research and creative scholarship are essential elements of an effective educational program and enable faculty members to keep abreast of the rapid advances in knowledge, to satisfy their intellectual curiosity, and to improve their professional status. Students are stimulated in their academic work and develop a spirit of inquiry and a familiarity with research techniques. Insofar as possible, teaching and research should be considered as parts of a continuum and not as separate and discrete activities.

261.2 In negotiating for such funds, the University has sought to follow policies which will preserve the academic freedom and financial integrity of the institution and which will not conflict with the educational pursuits of the University. Policies with respect to sponsored programs are based on the following principles:

- a.** Sponsored programs supporting research, training, and related activities must be consistent with the immediate and long-term objectives of the University as an institution of higher education.
- b.** The source of sponsorship and the purpose of all projects must be of such a nature that they can be publicly disclosed.
- c.** Classified research is inconsistent with the purposes and functions of a university and will be accepted only when there are compelling reasons, such as pressing demands of national interest and welfare or unique capabilities and/or facilities which the University can assign to the work.
- d.** Restrictions on the free publication of results are contrary to one of the basic objectives of a university, namely the dissemination of knowledge. Accordingly, the University, in concert with the principal investigator, his/her department and college or school, will seek to minimize any restrictions on public and scholarly communication imposed by those research agreements that are accepted.
- e.** All research on human subjects and living animals must follow the safeguards established by the University and federal government for such work.

263. Inventions and Patents.

263.1 Objectives. The purposes of the Patent Policy of The University of Vermont and State Agricultural College (hereinafter the University) are:

- a. To promote the acquisition and application of knowledge.
- b. To promote the utilization of inventions in a manner consistent with the public interest.
- c. To recognize and reward the education and research accomplishments of the individual inventor(s) and the University.

263.11 The policy is designed to promote the educational and research work of the faculty, staff, fellows, associates, students, or other University personnel (hereinafter, University member) by providing an equitable share in the outcome of their work and to insure that inventions are developed and utilized in the public interest.

263.12 All matters pertaining to inventions and patents resulting from federally supported research shall be disposed of in accordance with the policies and procedures contained in P. L. 96-517 (an amendment to Title 35 of the United States Code entitled "Patents" effective July 1, 1981; and Office of Management and Budget circular No. A-124 "Patents - Small Firms and Non-Profit Organizations" effective March 1, 1982) and any subsequent revisions thereof or applicable laws.

263.2 Ownership of an Invention. The University recognizes three types of inventions for the purposes of defining ownership of the invention.

Type A - Inventions subject to a sponsored agreement between the University and the sponsor.

Type B - Inventions not subject to a sponsored agreement but that involve the use of University time, funds, or other resources.

Type C - Inventions not subject to a sponsored agreement that do not involve the use of University time, funds, or other resources.

263.21 Type A Inventions. These are inventions arising from a sponsored agreement in which ownership of the invention is determined by the negotiated terms of the sponsored agreement.

a. Government Sponsored Agreements.

(1) The invention and the rights to the patent belong to the University unless otherwise negotiated in the sponsored agreement.

(2) Exclusive licenses may be negotiated when this will, in the judgment of the University, best serve the interests of the University and the public.

b. All Other Sponsored Agreements.

(1) The inventions and the rights to the patent belong to the University unless otherwise negotiated in the sponsored agreement.

(2) The first option for an exclusive license of the patent belongs to the sponsor for a term of exclusivity determined by the University and sponsor unless otherwise negotiated in the sponsored agreement.

263.22 *Type B Inventions.* These are inventions by a University member not subject to a sponsored agreement but resulting from projects or other activities supported by the use of University time, funds, or other resources. For the purpose of this provision, University time includes that time devoted to implicit or assigned University functions of research, teaching, service, administration, and the direction of thesis or dissertation research.

(1) The invention and the rights to the patent belong to the University.

(2) Exclusive licenses may be negotiated when this will, in the judgment of the University, best serve the interest of the University and the public.

When a type B invention is made by a student enrolled at The University of Vermont, the University will waive its rights and the invention will become the property of the student providing the student is not being paid through the University payroll system and provided that the student's rights in the invention are not altered by the terms of any financial aid, including grants, contracts, scholarships, fellowships, assistantships, traineeships, thesis or dissertation support, or other assistance whether or not administered by the University.

A staff member or other compensated University member even though enrolled as a student at The University of Vermont (or elsewhere) will not be considered a student as far as the ownership of patentable inventions are concerned.

263.23 *Type C Inventions.* These are inventions made by a University member on his/her own time. "Own time" shall mean time other than that devoted to University functions of research, teaching, service, administration, and the direction of thesis or dissertation research.

University members with inventions resulting from unsponsored activities conducted on his/her own time may elect to assign a patent and its subsequent commercial development under terms agreed upon by the individual inventor(s) and the University. Permission for the use of laboratory or other specialized facilities for unsponsored activities must be obtained from the immediate supervisor of the laboratory or facility.

263.3 *Reporting of an Invention.* The following provisions apply to all University inventions and to the pursuit of a patent(s):

263.31 The inventor must make a full disclosure of an invention to the University and any sponsor(s) in accordance with prescribed procedures as soon as possible following the discovery of the invention. A University member shall report promptly in writing to the

Office of the Provost any of the member's inventions or discoveries which the member considers likely to form the basis of a patent application.

263.32 The University shall respond in writing to the University member disclosing the invention within 90 days of receipt of the disclosure whether or not the University will pursue a patent and license. To promote the timely execution of a patent application, the University and the member will determine jointly the appropriate time to submit a patent application. If the University elects not to pursue a patent application, then all rights revert to the member and sponsor, if applicable.

263.33 The pursuit of a patent will be executed so as to promote the timely publication in professional or scholarly media of the research findings associated with the invention as well as the timely completion of a student's thesis or dissertation.

263.4 Patent Assistance Organizations. The University, in consultation with the University member(s), will decide upon the most appropriate organization for the patenting and licensing of an invention.

263.5 Distributions of Royalties From Patents. When the University owns an invention which is then patented, the University shall share any net annual income from the sale or licensing of that patent with the inventor. Net annual income on a patent (income after all cumulative expenses relating to patents, licensing, or other matters reasonably attributable to the proceedings have been paid) received by the University shall be apportioned and paid within 30 days upon receipt of each payment by the University as shown in chart below.

Annual Net Income	Inventor (s)	Percentage to Inventor(s)' Administrative Unit	*University
First \$50,000	50	—	50
In Excess of \$50,000	50	25	25

*Dedicated fund to implement University patent program; excess income over expenses to support research and scholarship.

263.51 The percentage to the inventor(s)' administrative unit and to the University shall be used to promote research and scholarship.

263.52 In the event that the inventor(s) leaves the University, then that portion of the net income allocated to the inventor's administrative unit may go to the University as determined from time to time by the Provost in consultation with the former University member's dean.

263.53 When an invention is conceived jointly by two or more inventors, then each shall share in the net income in proportion to their contribution(s) as mutually agreed upon. If the joint inventors fail to reach such an agreement, then the income shall be distributed among the inventors in proportion to their contribution(s) as determined by the University Committee on

Patents. In no case shall the total payments to joint inventors exceed the amount that would have been paid to a single inventor for a particular invention. Also the proportionate distribution schedule of income between the inventors will be employed for distribution between their administrative units.

263.6 Consulting Agreement. Any University member who is participating in consulting work or in business is responsible for ensuring that clauses in his or her consulting or business agreements are not in conflict with the Patent Policy of the University and Section 242.6 of the Officers' Handbook. The rights of the University and the member's obligations to the University are in no way abrogated or limited by the terms of such agreements unless the University agrees in advance to revise terms. All University members must make known their obligations to the University to other parties and must provide other parties to an agreement with a current statement of the University's Patent Policy.

263.7 The University Committee on Patents. A designee of the Provost is responsible for administrative matters relating to inventions and patents serving as Chairperson of the University Committee on Patents (hereinafter, the Committee).

263.71 In addition to the Chairperson, the Director of the Office of Sponsored Programs shall serve as Secretary of the Committee and three faculty knowledgeable in patent matters shall be appointed by the University Senate for three-year staggered terms. A member of the staff shall be appointed by the Staff Council for a three-year term. The Committee shall be charged with the following duties:

- a. To advise, upon request, the Office of the Provost on all matters relating to patents, licenses, and to adjudicate matters of dispute concerning patents and licenses.
- b. To recommend to the Office of the Provost any changes in the patent and licensing policies of the University as may be appropriate from time to time.

263.8 Appeals. In the event that a Committee decision in a disputed issue is unsatisfactory to any of the parties involved, an appeal may be directed to the President of the University whose decision shall be final.

265. *Alleged Misconduct in Research and Other Scholarly Activities.*

265.1 Statement of Policy. The University of Vermont is committed to fostering an environment in which the highest ethical standards in the conduct of research and other scholarly activities are followed. The primary responsibility for maintaining such standards of honesty in the pursuit and dissemination of knowledge rests with the faculty, their collaborating staff members, and students.

An individual engaged in research and other scholarly activities must be aware of the ethical standards governing his/her discipline, and of applicable regulations. Persons subject to this policy should report conduct that they believe in good faith constitutes misconduct in research or other scholarly activities. Protection shall be provided to whistleblowers as detailed in

Section 265.65. "Misconduct" will be defined here to mean fabrication of data, falsification of data, plagiarism, or other practices that seriously deviate from those that are commonly accepted within a discipline for proposing, conducting, or reporting research and other scholarly activities. Misconduct does not include honest error or honest differences in interpretations or judgments of scientific data and other scholarly work. Persons found in violation of this policy under the procedures described below are subject to disciplinary action and may also be subject to civil or criminal prosecution.

Any allegation of misconduct in research and other scholarly activities against a member of the faculty or his/her collaborator(s) merits a prompt, thorough, and fair review. All time limits contained in this policy should be adhered to except in the event of extenuating circumstances not reasonably foreseeable or avoidable. In the event a delay is anticipated, the responsible administrator or body should document the reasons for delay. If the status of the matter is such that the accused or third parties have been notified that an inquiry or investigation is in progress, notice of the delay and the reasons therefor should be provided.

265.2 *Stage 1. Allegation of Misconduct.*

265.21 *Initiation of a Charge.* Signed and dated statements containing an allegation of misconduct¹ and the reasons and bases for suspecting misconduct by a member² of the University shall be sent to the department chairperson of the person accused. If the accused has an immediate supervisor who is not the department chairperson, a copy of the signed and dated allegation shall be provided to the supervisor at the same time it is sent to the chairperson. If the chairperson, dean, or a higher administrator is the one suspected of misconduct, the allegation shall be made to the immediate administrative supervisor of the person suspected. An exception must occur if the person alleging misconduct is the immediate supervisor of the person accused; the allegation must then be sent to the supervisor of the person making the allegation. The individual who receives the allegation (hereafter called the "Informal Inquirer") must conduct an informal inquiry into the allegation to determine if the allegation is frivolous.

¹For simplicity, the singular "allegation" shall be used here to refer to a charge of one or multiple acts of misconduct.

²This policy covers faculty, postdoctoral students, graduate students, personnel who have research responsibilities in conjunction with their employment or in conjunction with a course of study, and any other persons who are required by law or federal regulation to be covered by an approved University policy regarding misconduct. However, if an undergraduate student is accused of misconduct as defined in this policy, and neither law nor regulation require the alleged misconduct to be judged under this policy, then academic honesty procedures described in the student handbook, *The Cat's Tale*, shall apply.

265.22 *Examples.* The following examples are nonexclusive and presented for informational purposes only.

Example 1: A chairperson alleges misconduct by a faculty member of his or her department. The chairperson makes the allegation to the dean, who conducts an informal inquiry. If the case moves to the formal inquiry stage, the Vice Provost for Research would be the Hearing Director (see Section 265.24).

Example 2: A dean alleges misconduct by a chairperson. The allegation must be made to the Vice Provost for Research, who serves as the Informal Inquirer. If the case proceeds to the formal inquiry stage, the Provost serves as the Hearing Director (see Section 265.24).

265.23 *Informal Inquiry.* Within ten calendar days, the Informal Inquirer shall conduct a limited informal inquiry to determine whether the allegation is frivolous. If the Informal Inquirer judges that there was no basis for the allegation, he or she shall prepare a written finding for the file (see Section 265.72) and the informal inquiry shall end. If the allegation is judged not to be frivolous, or if any person in addition to the accuser and/or the immediate supervisor of the accused is consulted in connection with the informal inquiry, the accused individual shall be provided a copy of the signed and dated statement of the allegation and shall be accorded an adequate opportunity to respond to the allegation. If the response of the accused convinces the Informal Inquirer that the charge is without merit, the Informal Inquirer shall prepare a written finding for the file as indicated above, and the inquiry shall end.

265.24 *Continuation to a Formal Inquiry.* If the Informal Inquirer decides that the allegation warrants a more thorough inquiry, the Informal Inquirer shall, within ten calendar days of receipt of the allegation, notify his/her immediate administrative superior in writing. The written notice shall include a statement of findings, conclusions, and the bases therefor. The supervisor of the Informal Inquirer, hereafter called the "Hearing Director," shall conduct a formal inquiry (see Section 265.3). The Informal Inquirer shall supply to the Hearing Director a copy of the original signed and dated statement of the allegation, the initial findings, and the bases therefor. The accused will already have been given a copy of the allegation by the Informal Inquirer. The Hearing Director shall also provide written notice to any and all collaborators associated with the research under review that a formal inquiry is pending.

265.25 *Conflict of Interest.* It is crucial to avoid the appearance or reality of a conflict of interest. If, in the normal assignments of responsibility in Sections 265.21 through 265.24, the task of Informal Inquirer or Hearing Director would pass to someone who may have a conflict of interest, then that person must pass the task of Informal Inquirer or Hearing Director to the first individual in the normal chain of command who does not have a conflict of interest. Examples of apparent or real conflicts would include, but not be limited to, cases where the Informal Inquirer or Hearing Director initiated the charge of misconduct, or where one of these individuals was a collaborator in the research in the course of which misconduct is alleged to have occurred. Similarly, other individuals who may be asked to participate in an inquiry must avoid real or apparent conflicts of interest.

265.3 *Stage 2. Formal Inquiry.*

265.31 *Selection of the Review Panel.* The Hearing Director shall appoint a Review Panel of three or five academically qualified and impartial members within ten calendar days. Scholars

from other institutions who are recognized experts in the discipline of the accused individual(s) may serve as necessary to insure a panel qualified to review the allegation. The Hearing Director should insure, insofar as he/she can, that none of those appointed to the Review Panel has any real or apparent conflict of interest regarding the planned inquiry. The accused person shall have the opportunity to challenge proposed panel members for good cause shown, including but not limited to circumstances in which the accused believes the member(s) to be unqualified due to bias or lack of expertise.

265.32 *Charge of the Panel.* The Hearing Director shall explain, in writing, the responsibilities of the Review Panel and shall provide it with all material already at hand.

265.33 *Material to be Provided to the Panel.* The person accused of misconduct shall be obliged to provide the Review Panel with: (a) a list of all persons connected with the work; (b) copies of relevant grant applications and work progress reports; (c) all requested relevant research notebooks, journals, and other records; (d) copies of relevant abstracts and papers, published or pending; (e) other relevant information and materials as required by the Review Panel. In the event the accused fails to respond or otherwise cooperate, the Review Panel shall continue its inquiry insofar as is feasible.

265.34 *Hearing.* The Review Panel is authorized to conduct a hearing following procedures outlined in Section 265.6. The Panel may interview anyone who could contribute information helpful to the inquiry. The accused individual(s) shall be requested to cooperate with the Review Panel and shall have the opportunity to be heard and defend themselves against the allegation, including the presentation of additional relevant evidence and witnesses.

If the accused resigns or refuses to participate in the hearing, the Review Panel shall continue the inquiry.

265.35 *Conclusion of Formal Inquiry.* The Review Panel shall complete its formal inquiry and send a written report to the Hearing Director in no more than 30 calendar days. The report must indicate the reasons for deciding either to terminate the inquiry if the allegation is not substantiated or to continue further with an investigation. An investigation may continue, even if the original allegation was not substantiated, if the formal inquiry provided evidence of misconduct. In the latter case, an amended allegation shall be provided to the accused. The accused and the accuser shall receive copies of the report by the Review Panel, which must include findings of fact, conclusions, and the bases therefor. They shall have ten calendar days to comment in writing on the findings of the inquiry. Their comments shall be added to the record.

265.4 *Stage 3. Investigation.*

265.41 *Notification of the Provost.* If the Review Panel determines that there is sufficient basis to continue with an investigation, the Hearing Director shall notify the Provost (unless the Hearing Director is the Provost).

265.42 *Sponsored Projects.* It is the responsibility of the Provost to assure timely compliance with funding agency regulations regarding the reporting and disclosure of information relevant to misconduct in research. When a sponsoring agency is notified that an investigation is underway, a copy of the notification shall be sent to the person(s) accused of misconduct.

In general, sponsoring agencies shall be notified if, and only if, an Investigation (Stage 3) is initiated, unless earlier notification is required by law, by regulation, by prior agreement between the University and the funding agency, or by extraordinary circumstances. Any of the following shall be a compelling reason for notifying a sponsor before the investigation stage is reached: (a) There is an immediate and previously undisclosed threat to the public health, safety, or welfare that requires notification. (b) There is immediate need to protect sponsoring agency funds or other assets. (c) There is immediate need to protect the interests of the University member making the allegation, or the person accused of misconduct, or any coinvestigators and associates, requiring early notification. (d) There is good reason to believe the allegation will be reported publicly. (e) There is prima facie evidence of criminal violation. In this instance, notification must occur within 24 hours.

265.43 *Further Investigation.* The Review Panel shall continue with an investigation along the lines indicated in Stage 2. The Review Panel may request that its membership be expanded following the procedure outlined in Section 265.31; the expanded panel should have an odd number of members. The accused shall again have the right to challenge proposed additions to the Review Panel for good cause shown.

265.44 *Expanding the Investigation.* The Review Panel may expand the investigation to include other projects with which the accused individual(s) is or has been involved where the investigation thus far: (a) suggests a substantive link between the project under investigation and other projects; (b) establishes that the same research team was or may have been involved in other projects; (c) indicates a pattern or practice of misconduct; or (d) reveals other appropriate circumstances under which review should be expanded.

If the investigation uncovers new evidence of misconduct, not previously alleged, the Hearing Director shall give the accused, in writing, an amended allegation.

265.45 *Time Limit.* The Review Panel shall complete this phase of the investigation in no more than 120 calendar days and document its decision to the Hearing Director in a written report, which should indicate findings, conclusions, and the bases therefor. The accused and the accuser shall receive copies of the report of the Review Panel, which must include findings of fact, conclusions, and the bases therefor. They shall have ten calendar days to comment in writing on the findings of the investigation. Their comments shall be added to the record of the investigation.

265.5 *Subsequent Actions.*

265.51 *Notification of the Provost.* Within ten calendar days of receiving the full report of the Review Panel, the Hearing Director shall forward the report to the Provost. The Hearing Director shall notify the accused person(s) that this action has been taken, and in this letter

advise the accused of the right of appeal and time limits for appeal (see Section 265.56). The Hearing Director shall notify any other appropriate parties of the findings of the Review Panel. In cases where there is support for the allegation, the Hearing Director shall recommend to the Provost an appropriate course of action.

265.52 *Notification of Sponsors.* If the Review Panel has determined that misconduct occurred in sponsored research, the Provost shall notify the sponsoring agency or agencies in writing of the findings of the investigation. If a sponsor received notice of an investigation in progress in accordance with Section 265.42, then the sponsor shall be notified in writing of the outcome of the investigation even if the Review Panel finds that the allegation was without foundation.

265.53 *Disciplinary Actions.* If all or part of the allegation is proven against the individual(s) accused of misconduct, the individuals shall be subject to disciplinary action(s), which may include termination as provided in Sections 225 and 226 of this handbook. Procedures in Section 265 are not, however, intended to supersede procedures outlined in Sections 225 and 226. Individual(s) guilty of academic misconduct may also be expected personally to make restitution as appropriate under the circumstances of the case.

265.54 *Notification of Journals.* The Provost shall notify the editor(s) of journals to which abstracts and papers, emanating from research determined to be the product of misconduct, have been submitted and/or published.

265.55 *Notification of Other Institutions and Agencies.* Institutions with which the individual(s) has been affiliated and the relevant sponsoring agencies should be notified by the Provost if there is reason to believe that the validity of previous research might be questionable.

265.56 *Appeals.* If the allegation against an individual(s) is proven, wholly or in part, the letter from the Hearing Director reporting that the findings have been sent to the Provost (see Section 265.51) shall notify the individual(s) that a written appeal can be directed to the Provost (or to the President if the Provost was the Hearing Director) within ten calendar days. The written appeal must be based solely upon issues of procedural error that substantially damaged the accused; decision without rational basis; decision rendered in violation of fundamental rights of the accused, as established by Constitutional or statutory law; or new evidence that was not reasonably available during the time of inquiry or investigation. In an appeal, the burden of proof is upon the individual making the appeal. The decision of the Provost (or President) shall be final.

265.6 *Guidelines for the Conduct of an Inquiry/Investigation.*

265.61 *Procedures.* Detailed procedures for conducting hearings shall be prepared and updated as necessary by the Faculty Senate Research and Scholarship Committee. A copy of the current procedures shall be kept on file in the Faculty Senate office. These procedures shall provide the following basic rights:

- Right to counsel.
- Right to a record of the hearing.
- Right to confront and cross-examine witnesses.
- Notice reasonably in advance of the hearing of witnesses and documents.
- Right to present witnesses and documents, and to testify.
- Right to a reasonably prompt decision based on the evidence.
- Right to a written statement of decision containing findings, conclusions, and the bases therefor.
- Right to be present during hearing sessions of the Review Panel. This right shall not include the right to attend deliberative sessions of the Panel.

In these procedures, the burden of proof shall rest with the University. The standards of evidence shall be clear and convincing evidence.

265.62 Privacy. All University persons called upon to administer this policy, including but not limited to the Review Panel, shall diligently protect the privacy of those against whom allegations are made. Confidentiality shall therefore be maintained except as necessary to consult with persons as required by this policy and except insofar as disclosure is required by law. All notebooks, journals, and other materials submitted to the Panel shall be held in trust by the Panel.

265.63 Restoration of Reputation. If the alleged misconduct is not substantiated by a thorough investigation, efforts must be undertaken to restore fully the reputation of the researcher and others under investigation. At a minimum, written notifications must be sent to each individual and agency contacted at any point during these proceedings, describing the outcome of the investigation and including a definitive statement that the University supports and continues its commitment to the individual(s) against whom an allegation of misconduct was levied. If the accused believes the charges resulted in unfair treatment in the workplace, he/she may follow grievance procedures described elsewhere in this handbook.

265.64 Collaborators. Collaborators named in allegations, against whom charges are not commenced under this policy, are presumed to be innocent of misconduct except where allegations are lodged against them as individuals and reviewed under the procedures of this policy.

265.65 Whistleblower Protection. Disclosure of suspected misconduct is a responsibility of faculty, staff, and students. Retaliation against those who report misconduct is contrary to University policy. If a member of the University (a "whistleblower") makes an allegation of misconduct **in good faith**, the University shall, to the maximum extent possible, protect the

whistleblower from retaliation by the accused or third parties, including but not necessarily limited to the initiation of disciplinary action against persons who engage in such conduct. If a claim is filed externally with an administrative agency or in a court of law against the whistleblower because of the filing of an allegation under this policy, the University shall retain or authorize the retention of legal counsel to provide a defense and indemnify the whistleblower against any judgments resulting from such action, provided that the whistleblower filed such allegation, or provided testimony relating to such an allegation, in good faith and in connection with his/her employment or enrollment at the University. If an allegation made in good faith results in loss of employment by the whistleblower, or so strains working relations that it is impractical for the whistleblower to continue in his/her original position, the University shall make a good faith effort to find substantially equivalent employment elsewhere in the University.

If a whistleblower makes an allegation that he or she knows, or should know, is not true, or if an allegation is fabricated to harm the accused person, or if an allegation is made maliciously or recklessly, the above protections shall not apply and appropriate disciplinary action shall be taken against the whistleblower.

265.7 *Guidelines for the Confidentiality of Records.*

265.71 *Confidentiality.* All records, documents, and the like submitted, generated, or otherwise developed in connection with proceedings under this policy are confidential. These records shall be maintained for at least six years.

265.72 *Records of Proceedings Terminating before Stage 3.* All records, documents, and the like relative to proceedings that terminate prior to Stage 3 shall be maintained confidentially in the office of the Informal Inquirer. The records and documents shall be sealed, and filed under the name of the individual against whom allegations were made, in a repository created for the purpose of records maintenance under this policy. Under no circumstances should such records be referenced or included in the personnel file of the individual(s) against whom allegations were made. The same procedures shall apply relative to proceedings that terminate prior to Stage 3, except that such records shall be maintained in the office of the Hearing Director.

265.73 *Records of Proceedings Terminating after Stage 3.* All records relative to proceedings that terminate after Stage 3 shall be maintained in the Office of the Provost. If the allegations are found to be without merit, the procedures for records maintenance described in Section 265.72 shall apply, except that such records shall be maintained in the Office of the Provost. If the allegations are wholly or partially substantiated, the records shall be maintained unsealed in the Office of the Provost.

265.74 *Access to Records.* Access to records shall be limited to persons to whom access must be granted to insure compliance with the dictates of the law and this policy. All access and disclosure requests, and responses thereto, shall be documented and maintained as part of the file.

265.75 Administration of Confidentiality. All persons called upon to administer this policy shall exercise diligence to assure compliance with these confidentiality requirements. No disclosure of, or access to, such records shall be permitted, except as required by law or essential to effect this policy.

265.8 Review of Policy. After completion of an investigation, faculty practices and institutional policies and procedures for promoting the ethical conduct of research and investigating allegations of misconduct should be scrutinized and modified in light of the experience gained.

Section 270. Faculty Grievance Procedure.

Last revised: February 1999. Approved by the Faculty Senate and the President on February 19, 1999.

270.1 Statement of Purpose. The purpose of this grievance procedure is to provide a process for the fair and timely resolution of those claims based upon an event or condition which affects the terms and/or conditions of employment of a faculty member or group of faculty members at The University of Vermont. This grievance procedure is designed to: (1) accommodate complaints or grievances that cannot be or have not been satisfactorily resolved through the "normal institutional process" provided in Section 270.6; (2) recognize the right and responsibility of administrators to make decisions which fall within the scope of their legitimate authority. The grievance procedure is not intended as an alternative locus of judgment as to a faculty member's academic qualifications or the wisdom (as opposed to the fairness) of a personnel decision.

The grievance procedure is also designed to provide faculty with assistance in seeking resolution of a complaint through the normal institutional process. The provision of such assistance is a principal responsibility of the Faculty Ombudsperson.

270.2 Structure.

a. The structural components of the grievance procedure shall be a Grievance Committee and a Faculty Ombudsperson.

b. Grievance Committee.

(1) The Grievance Committee shall consist of seven persons, who shall be voting members. The Faculty Ombudsperson shall not be a member of the Committee but may attend all meetings and hearings of the committee unless excluded by majority vote of the committee.

(2) Five members shall be members of the faculty, appointed by the Executive Council of the Senate. The Executive Council shall establish and publicize qualifications for membership on the Grievance Committee, announce vacancies to the faculty campus-wide, and receive applications and nominations whenever such vacancies occur.

Two members shall be administrators with academic experience, appointed by the Provost.

(3) Each member shall serve for a three-year term; provided, however, that a vacancy occurring during a member's term shall be filled by appointment by the Executive Council or the Provost, as the case may be, the appointee to serve for the remainder of the term of the member whose departure from the Committee created the vacancy.

(4) The Grievance Committee shall annually elect, by the end of the Spring term, a chair from among the members appointed by the Executive Council, to serve the following academic year.

(5) Normally, the work of the Grievance Committee is conducted during the academic year.

c. The Grievance Committee will propose one or more names of candidates for Faculty Ombudsperson to the Executive Council by April 1. The Executive Council will appoint the Faculty Ombudsperson shortly thereafter. The term of the Faculty Ombudsperson will be three years beginning on September 1 following appointment.

It is the responsibility of the Grievance Committee to announce to all faculty well in advance of April 1 a forthcoming vacancy in the position of Faculty Ombudsperson and to receive and review all applications before making their nomination(s) to the Senate Executive Council by April 1.

d. In the event there is a conflict of interest for the Faculty Ombudsperson on a case, or if the Faculty Ombudsperson is unable to serve, for example, during a period of illness, the chair of the Grievance Committee will appoint a person to serve for the case or period.

e. The Faculty Ombudsperson should receive at least one-third released time from normal duties, shall have a private office (although it may be within his/her department), and should have adequate secretarial assistance.

(1) The Faculty Senate shall provide the secretarial assistance needed to carry out all required responsibilities of the Ombudsperson and to maintain necessary records coincident with the Ombudsperson's duties.

(2) The Faculty Ombudsperson's department should be compensated for such released time.

(3) The appropriate amount of released time necessary should be reviewed periodically in the light of the workload of the Faculty Ombudsperson, and necessary adjustments should be made.

f. Among the responsibilities of the Faculty Ombudsperson are the following:

(1) To assist faculty in determining the normal institutional channels most appropriate for the resolution of a complaint.

(2) To assist faculty in seeking resolution of a complaint through normal institutional channels.

(3) To facilitate the informal resolution of complaints through mediation.

(4) To advise faculty as to the kinds of information necessary to present a formal complaint to the Grievance Committee.

(5) To work, in consultation with the faculty grievant, to insure an effective fact-finding process prior to a grievance hearing.

- (6) To assist the faculty grievant throughout the grievance process through to the final disposition of the Grievance Committee's recommendations.
 - (7) To monitor the implementation of decisions resulting from Grievance Committee hearings and to report subsequent progress to the Grievance Committee.
 - (8) To assist the Grievance Committee in investigating grievances.
 - (9) To keep the faculty informed of the Faculty Grievance Procedure by conducting regular and systematic informational programs for faculty, including publication of an informational brochure periodically.
 - (10) To develop and maintain a record system which records all faculty inquiries to the Ombudsperson, all complaints and all grievances, including the final disposition of complaints and grievances, and progress in the implementation of decisions reached.
 - (11) To monitor the time periods specified for appeals in Section 231.3 and to notify the appropriate administrative officer when necessary.
- g. To facilitate the resolution of complaints through the normal institutional process, the Faculty Ombudsperson shall have access to all appropriate administrative officials.

270.3 Constituency. The UVM Faculty Grievance Procedure is meant to serve all members of the faculty.

270.4 Complaints. Within the framework of this grievance procedure, a complaint is a claim based upon an event or condition which affects the welfare and/or terms and conditions of employment of a faculty member or group of faculty members. When a complaint is accepted by the Grievance Committee as falling within its jurisdiction, it is designated as a "grievance."

270.5 Jurisdiction of Grievance Committee. Whatever the nature of the event occasioning a complaint, the Grievance Committee shall have jurisdiction over all and only cases which fall under one or more of the following categories:

- a. Grievances in which faculty members allege a violation of procedural rights. This category includes cases in which appropriate procedures were not followed, and cases in which existing procedures were inadequate or inequitable.
- b. Grievances in which faculty members allege that a decision had no rational basis or was the result of an abuse of authority.
- c. Grievances in which faculty members allege a violation of fundamental rights. This category includes violation of Constitutional and other extra-University statutory and administrative rights including but not limited to violations of academic freedom and freedom from discrimination on the basis of race, sex, religion, national origin, age, disability, color, sexual orientation, or Vietnam Veteran status.

270.6 Process.*a. The Normal Institutional Process.*

(1) Faculty are expected to seek resolution of complaints through the normal institutional process whenever possible.

The appeal sequence outlined in Section 231 is to be used for all faculty complaints, not only about reappointments, promotion, and tenure, but also about sabbatical leaves and salary matters, etc.. While the specific time periods in Section 231.3 apply to appeals involving reappointment, promotion, and tenure, all complaints should be resolved in a timely fashion. For matters not directly related to academic issues (e.g., salary matters), the Dean need not seek the advice of the college or school's Standards Committee and the Provost need not seek the advice of the Faculty Affairs Committee of the Faculty Senate.

Faculty are also advised to consult Section 270.5 of this Handbook.

(2) Faculty may utilize the services of the Faculty Ombudsperson in seeking resolution of a complaint through the normal institutional process and may ask the Faculty Ombudsperson to serve as a mediator in reaching an informal solution.

(3) Presentation of a complaint to the Grievance Committee must be based on one or more of the categories outlined in Section 270.5, and is appropriate only after the Provost and/or President has considered the complaint and has not resolved the complaint to the satisfaction of the petitioner.

b. The Grievance Procedure.

(1) In the event a faculty member believes that his/her complaint falls within the jurisdiction of the Grievance Committee (as defined in Section 270.5 above), he/she may submit a petition for a grievance hearing to the Grievance Committee through the Chairperson of the Committee, provided that such petition is submitted within 30 days of the final action by the Provost, or the President if the appeal is made to him/her. Petition guidelines are available from the Faculty Senate Office.

(2) The Grievance Committee shall determine whether the complaint falls within its jurisdiction as specified in Section 270.5. The Committee shall then decide on the appropriate action, including, but not limited to, the following:

(a) find that no hearing is warranted;

(b) conduct a formal hearing on the grievance;

(c) recommend that the Senate or request that the President or Provost, as appropriate, conduct a review of University policy concerning the substance of the grievance.

(3) If the Grievance Committee decides to hold a formal hearing on the grievance, notification will be sent to the Provost or to whomever has jurisdiction over the matter, and all parties that had a role in making the decision which caused the grievance. Relevant parties shall make available to the Grievance Committee the information that the Grievance Committee deems necessary.

270.7 Hearings.

a. In the event the Grievance Committee decides that a formal hearing should be conducted, the grievant and respondents, i.e., all individuals named by the grievant who had a role in the process of making the decision which caused the grievance, shall be invited to attend the hearing. The chairperson of the Grievance Committee may require that groups name a spokesperson to represent the group and to present testimony. Other members of the group may be present and may make additional statements with the permission of the chairperson of the Grievance Committee. The hearing will be closed to other persons except as provided in Section 270.7c below. All participants in a hearing will be charged by the chair to maintain strict confidentiality about the hearing's proceedings.

b. A petition for a grievance hearing received between September 1 and April 15 will be acted on in accordance with Section 270.6b.(2) within 30 days of its receipt. If a formal hearing is conducted, the Grievance Committee will attempt to make its decision within 30 days from the date upon which it accepted the grievance. The Grievance Committee will notify the grievant if it finds that it cannot reach a decision within 30 days.

c. The Grievance Committee shall maintain rules of procedures for the conduct of such hearings, said rules to be reviewed and revised as necessary. A current description of these rules of procedure, and all revisions, will be made available to the Senate Executive Council. The grievant, who carries the burden of proof, and all faculty members and administrators who had a role in the process of making the decisions which caused the grievance have the right to present relevant evidence, call witnesses, make explanatory statements, select and have an advisor with voice who is not a lawyer in attendance, select and have in attendance a lawyer-consultant without voice, and to respond to the testimony of witnesses. At the discretion of the Grievance Committee Chair, following consultation with the Grievance Committee, witnesses may be present during the entire hearing. An accurate (although not necessarily verbatim) record of the hearing will be maintained.

d. The Grievance Committee shall make its findings in closed session by majority vote.

270.8 Decisions

a. The Grievance Committee shall submit its findings and recommendations in writing to the President within 15 days of the hearing. Copies will be sent under confidential cover to the grievant, the grievant's advisor, and/or attorney respondents, and the Faculty Ombudsperson.

b. The President shall, within 15 days, notify the Grievance Committee in writing of his/her intention with regard to its findings and recommendations and a schedule for implementation as the case may require.

c. If the President does not agree with the findings, and/or recommendations, or agrees with them but takes no corrective action, the Grievance Committee may request that the President reconsider his/her decision or take corrective action.

270.9 Reporting and Evaluation.

a. The Faculty Ombudsperson will report on his/her activities at each meeting of the Faculty Senate.

At the last Senate meeting of the academic year, the Ombudsperson will present a three year summary report to the Senate with a written copy to the chair of the Grievance Committee for a part of its permanent files. The report will include, but not be limited to, a representation of the total number of complaints handled during the period. The summary will be aggregated to show the number of complaints by: gender, academic rank, and college or division; the substance of the complaint by reappointment, promotion, tenure, benefits, work load, salary, working conditions, or other; and the disposition of the complaint, such as dropped with no resolution resolved by a grievance hearing, or other. If the numbers are small enough to identify individuals, the information will be aggregated at a higher level to preserve confidentiality. If applicable, the report will include recommendations for improving the grievance process.

b. At the end of each grievance case, the chairperson of the Grievance Committee will report to the Senate four items of information on each grievance hearing: the type of grievance as defined in Section 270.5 of the Handbook, whether or not an infraction occurred, the substantive nature of the alleged violation, e.g., reappointment, promotion, tenure, salary, benefits, leave, etc., and the actions taken by the President in response to the Committee's findings and recommendations. Each semester the Committee chairperson will report to the Senate on the general activities of the Committee; the spring semester report will also summarize the year's reports on all hearings. In all these reports, the confidentiality of the grievant and of the parties involved in the process of making the decision which caused the grievance will be maintained.

c. There will be regular evaluations of the grievance procedure by the Senate at the discretion of the Executive Council, but at least every five years.

PART 300. OFFICERS OF ADMINISTRATION

Section 310. Appointment of Officers.

311. *Appointment.*

Officers of Administration are appointed by the President on authority of the Board of Trustees, except for the Provost and the vice presidents who are appointed by the Board upon nomination by the President, and except for those officers who may be appointed by the vice president to whom the President has delegated the appointing authority.

In any search process for an Officer of Administration in which appointment also as an Officer of Instruction with tenure is contemplated, the searching entity shall work with the appropriate chairperson and dean to ensure the preparation of documentation of final candidates' teaching, research, and service qualifications in a manner sufficiently timely to allow for careful academic review for tenure as stipulated in Section 206.3.

311.1 Appointments may be full-time or part-time, and for the fiscal year or some other stated period of time.

311.2 The Officer of Administration may also be appointed as an Officer of Instruction. If so, he/she must take the Teacher's Oath and enjoys the rights and responsibilities of a faculty member (Part 200).

311.3 During a period when an Officer of Instruction serves as an Officer of Administration, he/she shall be notified annually of his/her total salary, and also of what his/her salary as an Officer of Instruction would be if he/she were not holding an administrative post; and when he/she relinquishes the administrative post, the total salary shall revert to the stated salary as an Officer of Instruction.

312. *Reappointment.*

Following an initial appointment, unless a specific expiration date is stated in the original appointment, an Officer of Administration may be reappointed annually.

312.1 Reappointment of department chairpersons is described in Section 157.3.

312.2 With the exception of the President, the Provost, the vice presidents, and department chairpersons, notification that an appointment will not be renewed may be made no later than one month before that appointment expires with the condition, however, that an Officer of Administration is entitled to six months' continuation from the date of the notice. Such notice shall be in writing from the appointee's immediate supervisor.

312.3 In cases of dismissal for cause (Section 340), an Officer of Administration is not entitled to the six months' notice described in Section 312.2.

312.4 A letter of appointment may make specific reference to the fact that the appointment is contingent upon the availability of continued restricted funding. If the restricted funding ceases or if there is a significant change in the nature of the funded activity, the appointment will be terminated at the point the granted funds supporting the position no longer remain available. The minimum notice of nonreappointment given in such situations shall be one calendar month. Restricted funds are defined as those which have stipulations by donors and/or external agencies as to the program, purposes, department, or college/school for which they can be expended.

312.5 Decisions affecting reappointment may not be capricious. However, in addition to considerations of individual performance, such decisions may be based on a variety of reasonably derived administrative, financial, or policy reasons affecting continuation of the position.

Section 320. Conditions of Employment.

321. Compensation.

321.1 Salaries are based on the nature of the work and the responsibility of the position.

321.2 See Section 241. Salaries are fixed by the departmental chairperson or department head subject to approval of the dean or director, if applicable, and the approval of the Provost or appropriate vice president.

322. Supplemental Compensation and Outside Professional Service. See Section 242.

323. Vacations. See Section 244.

324. Absences. See Section 245.

325. Leaves. An absence from regular duties for more than two weeks is considered a leave.

325.1 Any leave of absence and the conditions under which it is granted must have the written approval of the President and be reported to the Board of Trustees. Any request for leave of absence is to be transmitted to the President through the staff member's immediate supervisor and the Provost or appropriate vice president.

325.2 Medical Leave. See Section 245.3.

325.3 Child-Bearing and Child-Rearing Leave. See Section 245.4.

325.4 Military Leave. See Section 245.5.

326. Affirmative Action/Equal Opportunity. See Section 221.

327. Election to Public Office. See Section 249.

328. Retirement. See Section 250.

Section 330. Termination.

331. *Notice.* The University shall under normal circumstances be given six months' notice by an Officer of Administration who intends to terminate his/her appointment.

Section 340. Dismissal for Cause.

341. Procedure. Final decision concerning dismissal for cause of an Officer of Administration previous to the expiration of a term of appointment is vested in the Board of Trustees.

341.1 A statement of the reasons for dismissal shall be in the possession of the President with a copy for the officer concerned.

341.2 If the President finds the reasons adequate, he/she will notify the officer concerned of his/her intent to recommend such action to the Board of Trustees.

341.3 At the discretion of the President, the individual may be suspended with pay until the Board of Trustees renders its decision in the case.

341.4 If the staff member desires to appeal the President's decision to recommend dismissal, he/she shall state this in writing to the President within seven days.

341.5 On receipt of a request for appeal, the President shall initiate formation of a special investigating committee of five members, consisting of two University staff members appointed by the President, two University staff members chosen by the officer concerned, and one member of the Board of Trustees chosen by the Board.

341.6 The committee shall investigate the case, interrogating the officer concerned and such other persons as it or he/she may desire. A report of the findings and recommendations shall be prepared and a copy given to the officer concerned and to the President for transmittal to the Board of Trustees.

341.7 The Board of Trustees will receive the reports of the President and of the investigating committee and will render its decision.

341.8 Nothing in this statement of procedure shall be construed as preventing the officer concerned from having legal counsel or an advisor present at any and all hearings at which the officer is present.

341.9 An Officer of Administration subject to dismissal action shall receive vacation benefits accrued up to the time of dismissal.

PART 400. OFFICERS OF RESEARCH

Section 400. Officers of Research

401. Appointment.

Individuals whose major activity is research may be appointed as Officers of Research. Ordinarily, these individuals will possess the highest degree available in their field. They will not, as conditions of their appointment, be required to teach or render professional service other than research. The goals and expectations of all Officers of Research will be clearly defined and agreed upon prior to appointment and to each reappointment.

401.1 The Officers of Research consist of the Research Associates, the Research Assistant Professors, the Research Associate Professors, and the Research Professors.

401.2 All Officers of Research are appointed and reappointed on an annual basis. The procedures for appointment, reappointment, and promotion of Officers of Research are the same as for Officers of Instruction. There is no limitation on the number of reappointments for Officers of Research.

401.3 Ordinarily, appointments and reappointments for Officers of Research will be contingent upon available research funding. If the restricted funding ceases or if there is a significant change in the nature of the funded activity, the appointment may be terminated at the point the granted funds supporting the position no longer remain available. No minimum notice of nonreappointment need be given in such situations. Restricted funds are defined as those which have stipulations by donors and/or external agencies as to the program, purposes, department, or college/school for which they can be expended.

401.4 Decisions affecting the renewal of an appointment as an Officer of Research may not be capricious or carried out in violation of an officer's right to academic freedom. Nonrenewal of an appointment does not carry with it implication of incompetence or misconduct on the part of the Officer of Research. In addition to consideration of individual performance, such decisions may be based on a variety of reasonably derived administrative, financial, or programmatic policy reasons; on an assessment of insufficient potential for future growth of the officer; or on a prior and independent judgment that the position should be redefined.

401.5 Officers of Research will have the same rights and privileges as the Officers of Instruction with the exception of eligibility for continuous tenure.

401.6 If an Officer of Research is subsequently appointed as an Officer of Instruction, any time served as an Officer of Research will not be considered as service in The University of Vermont for the purpose of determining the length of the probationary period and eligibility for appointment to continuous tenure.

410. Academic Freedom. See Section 210.

420. Criteria for Appointment, Reappointment, or Promotion of Officers of Research. See Sections 223.1 and 223.3.

421. Affirmative Action/Equal Opportunity. See Section 221.

PART 500. OFFICERS OF EXTENSION

Section 500. Officers of Extension.

Last revised: October 1998. Approved by the Faculty Senate on October 8, 1998.

501. Appointment.

Individuals whose major activity involves noncredit, off-campus education may be appointed as Officers of Extension. Ordinarily, these individuals will possess the highest degree available in their field as applicable to their assignment. The goals and expectations of all Officers of Extension, especially those related to teaching and scholarship, will be delineated and agreed upon prior to appointment and each reappointment.

501.1 The Officers of Extension consist of Extension Instructors, Extension Assistant Professors, Extension Associate Professors, and Extension Professors.

501.2 All Officers of Extension are considered for appointment and reappointment on an annual basis with reappointments normally beginning July 1. Procedures for appointment, reappointment, and promotion are the same as for Officers of Instruction (See Section 231). There is no limitation on the number of reappointments.

501.3 Standards of notice are as described in Section 222.13.

501.4 Officers of Extension will have the same rights and privileges as the Officers of Instruction, with the exception of eligibility for continuous tenure.

501.5 If an Officer of Extension is subsequently appointed as an Officer of Instruction and has prior service at or above the level of Extension instructor at The University of Vermont or at another university, part or all of such prior service may be included as part of the probationary period. This credit must be approved by the Provost prior to the initial offer of appointment upon the recommendation of the dean of the college or school.

505. Continuation of Appointment.

505.1 Decisions affecting continuation of an appointment shall not be capricious or carried out in violation of an officer's right to academic freedom. Non-reappointment does not carry with it implication of incompetence or misconduct on the part of the Officer of Extension. In addition to consideration of individual performance, such decisions may be based on a variety of reasonably derived administrative, financial, or academic policy reasons.

507. Qualifications of Officers of Extension.

507.1 Extension Instructor. Appointment or reappointment as an Extension Instructor requires a judgment that the person being appointed possesses the potential to develop and to meet

substantially the criteria described in Section 523. A master's degree in a discipline appropriate to the position's responsibilities is required for Officers of Extension hired after July 1, 1994.

507.2 Extension Assistant Professor. Appointment, reappointment, or promotion to Extension Assistant Professor requires evidence that the individual possesses the potential to meet substantially the criteria described in Section 523. Appointment or promotion to Extension Assistant Professor, or to a higher rank, requires the earned doctorate degree or the highest degree normally expected for the position held.

507.3 Extension Associate Professor. Appointment, reappointment, or promotion to Extension Associate Professor requires both demonstrated evidence that the person meets the criteria described in Section 523 and satisfactory indications that his or her professional development will continue.

507.4 Extension Professor. Appointment or promotion to Extension Professor requires demonstrated evidence that the person has met the criteria described in Section 523, exhibiting a high degree of professional accomplishment and reasonable assurance that this level of achievement will be sustained. Generally a high degree of professional accomplishment is most clearly evidenced by forms of scholarly presentation made, and service rendered, to accomplished professional groups in a region extending beyond Vermont or in the national or international arena. Likewise, evaluation of this accomplishment should come from highly accomplished professionals at institutions in these broader arenas as well as from UVM Extension.

510. Academic Freedom (See Section 210 through 214.).

521. Affirmative Action/Equal Opportunity (See Section 221).

523. Criteria in Appointment, Reappointment, and Promotion Decisions.

523.1 General Considerations. The basic quality which must be evident for appointment, reappointment, or promotion of an Officer of Extension is performance at a high professional level in areas which contribute to creative and scholarly work, and the educational, research, and service activities of The University of Vermont. Insistence upon this standard for continuing members of the faculty is necessary for maintenance of quality of the university as an institution dedicated to the discovery, preservation, and transmission of knowledge.

523.2 Specific Criteria. The following criteria are the basis for judgments to be made regarding the quality of performance of an Officer of Extension. They provide the basis for decisions on appointment, reappointment, and promotion. Officers of Extension should be evaluated at least annually, and the results presented systematically and considered in all reappointments and promotions.

In evaluating the performance of each Officer of Extension with respect to these criteria, reasonable flexibility should be exercised, balancing, where the case requires, heavier

assignments and responsibilities in one area against lighter assignments and responsibilities in another. Documented consistency of performance over a period of years is considered to be an excellent indicator of future performance.

The University of Vermont values effective collaboration in, and synthesis of, teaching, research, and other scholarly endeavors and supports and encourages Officers of Extension who contribute effectively to team efforts. When documenting evidence of accomplishment that resulted from a team collaboration, the Officer of Extension should:

- (1) briefly state the significance of the team accomplishment
- (2) identify collaborators, whether within the University or outside institutions and agencies
- (3) describe his or her role in the team effort

Accomplishments and elaboration of a team effort should only be reported when the Officer of Extension's contribution is substantial.

a. Teaching

The primary requisites for an effective teacher are intellectual competence, integrity, and open mindedness; a willingness and capability to grow in one's field; and a spirit of scholarly inquiry which fosters the desire to keep current in one's field, including strengthening both subject matter expertise and methods of presentation.

An effective teacher has a vital interest in teaching and working with diverse audiences, stimulating their intellectual interest and enthusiasm and encouraging them to seek further knowledge. For Officers of Extension, the audience is a heterogeneous group in terms of educational backgrounds, learning capabilities, and needs.

An effective teacher must be prepared to use a variety of methods and techniques to deliver information, as appropriate to the situation, including teaching noncredit and credit courses, workshops, seminars, institutes, and conferences; providing individual consultation and instruction; training volunteers and paraprofessionals; and using mass media to disseminate information.

Teaching excellence consists of more than imparting knowledge available from texts or research. An effective teacher will seek out current sources of information, then adapt or develop new materials and/or teaching techniques as needed for programs, courses, workshops, presentations, and other teaching situations.

The guidelines below suggest general criteria to be used to appraise teaching effectiveness. An effective teacher:

- (1) Accurately and clearly perceives relevant needs and concerns of potential clientele groups.
- (2) Interprets and presents information so that it is useful and meaningful to the clientele; this information should be based on current knowledge and research from reliable sources, which may include The University of Vermont, other universities and institutions, government agencies and research organizations, and the private sector.
- (3) Utilizes appropriate and effective educational methods, techniques, and devices, as the situation and clientele warrant.
- (4) Develops and uses effective measurement instruments to determine the progress of the educational program or project.
- (5) Determines and evaluates the ultimate results achieved through clear assessment and reporting.

For Officers of Extension, teaching also may involve taking on a leadership role in the development and administration of educational programs. Responsibilities include developing and organizing educational programs individually or as part of a team and/or managing volunteers and professionals involved with the teaching effort. An effective leader provides program leadership in many ways including the following:

- (1) Clarifies objectives and contributes substantially to programs and curricular direction.
- (2) Establishes a positive teaching environment, which is both comfortable for the clientele and conducive for learning, and which encourages excellence of teaching.
- (3) Organizes and coordinates activities and/or logistics necessary to carry out the educational program or project both effectively and efficiently.
- (4) Obtains sufficient and appropriate resources and personnel, including the training of volunteers, to meet program requirements
- (5) Stimulates volunteers, clientele, and others to contribute effectively to the goals and objectives of the program or project.
- (6) Effectively reports program activities and results, particularly the impact of Extension programming on the quality of lives of Vermonters.

Officers of Extension need to have a mastery of their subject matter and be capable of demonstrating teaching effectiveness. Documented support of teaching effectiveness may include the following:

(1) Summaries of program, workshop, or course conducted including compiled student and/or audience (client) evaluations; actual number reached; teaching or advising methods used to assess needs and reach targeted audience. Written comments by participants reflecting teaching effectiveness may be included. (Whenever possible, evaluations should employ a numerical rating that can be averaged for the presentation.)

(2) Documentation of the impact of contributions on program, workshop, or course participants, such as enhanced understanding and retention of information, behavioral changes, and successes.

(3) Letters from peers, clients, outside professionals, editors, and others regarding effectiveness of program development, teaching, and media use. Letters need to reflect documented evidence demonstrating the value of the work performed.

(4) Documentation of team efforts, such as summaries of success or progress being made regarding team efforts; individuals need to identify role(s) played and contributions made.

b. Scholarship, Research, and Creative Activities.

Each faculty member is expected to engage continuously and effectively in creative professional activities of high quality and significance.

Scholarship demonstrates continued excellence in, and significant contributions to, a specific field through a continuum of creative and scholarly endeavors, which may include basic and/or applied research; the development and analysis of original and innovative educational program efforts; creation and dissemination of new knowledge; and the adaptation, integration, and application of existing knowledge or technology into one's work.

Active scholarship should be a fundamental endeavor of all members of the Extension faculty. However, the type and level of scholarly activity will vary, depending on the roles and responsibilities of the individual faculty member, and should be evaluated based on the individual's specific responsibilities within the institution.

In cases involving promotion to Associate Professor or Professor, the unit must solicit evaluations from highly accomplished professionals at other institutions.

When evaluating the significance of an Officer of Extension's scholarship, the following guidelines may be used:

(1) Impact and quality of the work in the assigned area of responsibility.

(2) Breadth, value, and originality of the work.

(3) Innovation in using either original or revised work to meet clientele needs.

(4) Pertinence of the activity or scholarly effort in identifying and solving problems.

(5) Acquisition of external funding, awards, and patents.

(6) Consistency in publishing or presenting results, writings, and reports to peers and colleagues over a period of years.

(7) Peer-reviewed, significant, scholarly contributions to mass media including newspaper and magazine articles, television programs, and radio broadcasts.

(8) Type and number of honors and awards earned.

Officers of Extension should have a mastery of their subject matter and be capable of developing and implementing quality educational programs and materials and providing technical assistance. Documented support of scholarship may include the following:

(1) Letters and/or program evaluations from peers and clientele addressing the faculty member's expertise and scholarship.

(2) Original or creatively revised curricula and educational materials.

(3) Journal articles, book chapters, Extension and research publications, multimedia materials, and other reports and documents as well as significant writing for newspapers and business, industry, agency, and community publications.

(4) Original and significant contributions using electronic media including television, radio, and computer.

(5) Presentations or lectures made to peer groups as an invited speaker, at professional meetings, and in other public forums.

(6) Other significant efforts which directly contribute to the knowledge base of clientele.

Officers of Extension who do not have research responsibilities per se, but who collaborate in research efforts, should be recognized and evaluated for their participation, which may include such activities as:

(1) Identification of problems requiring investigation.

(2) Participation in the design and execution of applied research in the laboratory and in the field.

(3) Adaptation of the research within the context of Extension education programs.

Officers of Extension who are supported by research funds may be involved in the creation or application of new knowledge through basic, adaptive, and applied research. Research, as measured by peer recognition of its originality, impact, and quality, may be documented by refereed publications, such as journal articles, chapters in textbooks and other books of high quality, or appropriate proceedings.

Research/scholarship also may be demonstrated by the presentation of papers at professional meetings at the regional, national, or international level. Research should be documented and evaluated by peers both within and outside the University as to its relevant contribution to the state, region, nation, or world.

c. Community/University Service Activities.

Recognition should be given to faculty who participate in, and contribute significantly to, faculty government and policy making through departmental, Extension, division, and/or University committees. An Officer of Extension should play a vital role in faculty committees and take part, as a faculty member, in activities which may include participation in programs on discrimination and harassment awareness, community and/or campus efforts to promote multicultural diversity, and in the promotion of affirmative action.

Contributions of an Officer of Extension's disciplinary expertise to the State of Vermont and its communities through service on relevant committees, boards, and commissions and leadership or advising of a relevant community organization, civic group, public agency, or public agency official are considered to be service. Activities identified as service should fulfill a professional or educational role in the community.

Active involvement in professional organizations and societies is recognized as service, especially when effectively carrying out leadership responsibilities and contributions to publications including serving on the editorial board of professional journals.

Section 530. Changes in Status of Officers of Extension.

Last revised: October 1998. Approved by the Faculty Senate on October 8, 1998.

531. Policies and Procedures Concerning Appointment, Reappointment, and Promotion of Officers of Extension.

531.1 Annual Performance Review and Reappointment. Chairpersons shall review annually the performance of each Extension faculty member in their region, department, or unit. The findings of that review shall be communicated to the faculty member in writing. Before deciding on the recommendations for reappointment, the chairperson shall consult the members of the region, department, or unit.

Annually, the chairperson will make a recommendation on salary and reappointments to the appropriate director or dean. This recommendation will be made following the processes outlined in Section 157.4-g and Section 231.

531.2 Procedure in Matters of Promotion. Recommendations for faculty promotion may be forwarded any time an Officer of Extension believes he or she has met the standards for the proposed rank. The chairperson will make recommendations on promotions to the appropriate director or dean, who, after considering the written documentation provided by the individual faculty member and the recorded recommendation of the Extension Faculty Standards Committee, will make his or her decision on a recommendation. The communication of this recommendation will follow the process outlined and prescribed in Section 231. Review by Extension Faculty Standards Committee, and subsequently by the Faculty Affairs Committee of the Faculty Senate, will be guided by the criteria outlined in Section 523.

PART 600. OFFICERS OF THE LIBRARIES

Section 600. Officers of the Libraries.

601. Appointment.

Individuals whose major responsibilities are library services as described in Section 620 may be appointed as Officers of the Libraries. Each individual appointed as an Officer of the Libraries shall have the terminal professional degree in librarianship, i.e. the master's degree from a graduate school of librarianship accredited by the American Library Association. For some appointments, however, a graduate degree in a specialized subject or linguistic area may be required in lieu of, or in addition to, the degree in librarianship. They may, as conditions of their appointment, be required to do classroom teaching or research activities. The goals and expectations of all Officers of the Libraries will be clearly defined and agreed upon prior to appointment and each reappointment.

601.1 The Officers of the Libraries consist of Library Instructors, Library Assistant Professors, Library Associate Professors, and Library Professors. They will also bear titles descriptive of their library positions.

601.2 All Officers of the Libraries are initially appointed for a one-year term. Library instructors are reappointed annually. Library faculty appointed at the rank of Assistant Professor or promoted from Instructor to Assistant Professor are reappointed for up to two-year terms. Library faculty appointed at the rank of Associate Professor or promoted from Assistant Professor to Associate Professor are reappointed for up to four-year terms. Library faculty appointed at the rank of Professor or promoted from Associate Professor to Professor are reappointed for up to six-year terms. There is no limit on the number of reappointments for Officers of the Libraries. Early termination may occur under the conditions outlined in Section 224, Termination of Tenured Appointment. The provisions of Section 221, 222.4, 222.6, 222.9, 222.10, and 222.11 shall apply to Officers of the Libraries.

Procedures for appointment, reappointment, and promotion are described in Section 630.

601.3 Standards of notice are as described in Section 222.13.

601.4 Officers of the Libraries will have the same rights and privileges as Officers of Instruction with the exception of eligibility for continuous tenure. All sections in Part 200 apply to Officers of the Libraries except as noted in Section 600.

601.5 If an Officer of the Libraries is subsequently appointed as an Officer of Instruction, any time served as an Officer of the Libraries will not be considered as service in The University of Vermont for the purpose of determining the length of the probationary period and eligibility for appointment to continuous tenure.

601.6 Decisions affecting the renewal of an appointment as an Officer of the Libraries may not be capricious or carried out in violation of an officer's right to academic freedom. Nonrenewal of an appointment does not carry with it implication of incompetence or misconduct on the part of the Officer of the Libraries. In addition to consideration of individual performance, such decisions may be based on a variety of reasonably derived administrative, financial, or programmatic policy reasons; on an assessment of insufficient potential for future growth of the officer; or on a prior and independent judgment that the position should be redefined.

602. Rank and Qualifications for Officers of the Libraries.

602.1 Library Instructor. Appointment to this rank requires a judgment of competence in librarianship and of the potential to develop and meet substantially the criteria described in Section 620.

602.2 Library Assistant Professor. Appointment or promotion to Library Assistant Professor requires demonstrated evidence that the person possesses the potential to meet substantially the criteria described in Section 620.

602.3 Library Associate Professor. Appointment or promotion to Library Associate Professor requires demonstrated evidence that the person meets the criteria described in Section 620 and satisfactory indications that his or her professional development will continue.

602.4 Library Professor. Appointment or promotion to Library Professor requires demonstrated evidence that the person has met the criteria described in Section 620, exhibiting a high degree of professional accomplishment, and reasonable assurance that this level of achievement will be sustained.

610. Academic Freedom. See Section 210.

620. Criteria for Appointment, Reappointment, or Promotion of Officers of the Libraries.

620.1 General Considerations. The librarian must demonstrate effective performance in carrying out the responsibilities and goals applicable to his or her assignment. The goals of the Libraries are the development of collections and services to support the educational programs of the University, the application of a rational system for the organization, management, and use of the collections and services, the creation of essential bibliographic records, and instruction in use of the libraries.

The basic quality which must be evident for appointment, reappointment, or promotion of an Officer of the Libraries is strong professional performance in areas which contribute to the educational, research, and service missions of the University and the Libraries. These areas include library resource access, collection and service development, and organization of resources. In considering Officers of the Libraries for initial appointment or promotion, it is recognized that progressive experience contributes to the more successful fulfillment of the requirements of a position, and to the potential for promotion.

The following criteria form a framework within which judgements are made on the quality of performance of Officers of the Libraries. In evaluating the candidate's qualifications within these areas, reasonable flexibility shall be exercised, balancing, where the case requires, heavier assignments and responsibilities in one area against lighter assignments and responsibilities in another.

Documentation submitted in support of appointment, reappointment, or promotion in order to describe achievement in educational, scholarly, or service missions shall follow the criteria set forth in Sections 620.2, 620.3, and 620.4.

620.2 *Educational Mission.* Contributions to the educational mission of the University and Libraries are evaluated on the basis of the following general criteria, as applicable:

- a. The ability to interpret bibliographic systems and library collections and in assisting and training students in the use of library resources and services.
- b. Competence in the theory and practice of bibliographic description and subject analysis of library materials.
- c. The ability to present effectively, by lecture and demonstration, specific aids to literature searching, based on the officer's knowledge of the library's collections in subject areas, and on the application of automated systems and bibliographic networks to identify materials in this library and at other institutions.
- d. Effective exercise of professional and academic judgment in the acquisition and development of library resources and services to support instructional and research needs.
- e. The ability to administer and manage complex library operations requiring professional and academic judgement; the ability to provide leadership and foster cooperation, and to relate and interpret the goals, objectives, and operations of the library to the University community.

620.3 *Scholarly and Creative Activities.* Contributions to the literature of librarianship, bibliographic studies of a subject field, or research reports of library services and operations are evidence of scholarly achievement pursued independently of supervision or direction. Continuing evidence of studies, investigations, or scholarly contributions is expected.

The following guidelines shall be used in judging the significance of the faculty member's activities in this area:

- a. Impact of the work in the assigned area of responsibility.
- b. Professional judgement of the value of the work by colleagues in his/her own and related fields.
- c. Breadth, originality, and accuracy of the work.

d. Pertinency of the activity in solving problems.

620.4 Service. See Section 223.4.

621. Affirmative Action/Equal Opportunity (See Section 221).

630. Changes in Status of Officers of the Libraries.

631. Procedures in Matters of Reappointment and Promotion.

631.1 Annual Performance Review and Annual Reappointment. Area administrators and/or department chairpersons shall review annually the performance of each Libraries faculty member in his/her unit. The findings of that review will be communicated to the faculty member, with special emphasis given to areas of needed performance improvement. Before deciding on the recommendation for reappointment, the area administrator or department chairperson shall consult with members of the department and/or other appropriate groups or individuals. Performance appraisal criteria identified in Section 620 shall guide this review. The area administrator and/or chairperson will make a recommendation on annual reappointment to the Dean of Libraries. If the chairperson and/or area administrator recommends reappointment, the Dean of Libraries will reach and communicate a decision after considering the recorded opinion of the Library Faculty Standards Committee.

631.2 Procedures in Matters of Promotion. Recommendations for faculty promotion may be forwarded any time a faculty member has met the standards for the proposed rank. The area administrator and/or department head will make recommendations on promotions to the Dean of Libraries, who will reach and communicate a recommendation after considering the recorded opinion of the Library Faculty Standards Committee. This recommendation will follow the process outlined and prescribed in the Officers' Handbook, Section 231. Review by the Faculty Affairs Committee of the Faculty Senate will be guided by the criteria set forth in Section 620.

CONSTITUTION AND BYLAWS, FACULTY SENATE

Last revised: October 2001. Approved by the Faculty Senate November 19, 2001.

Approved by the Board of Trustees February 23, 2002.

Preamble. The administration and the Faculty Senate of the University of Vermont share responsibility for the effective management of the academic affairs of the University. Authority in matters related to the academic mission of the University is vested in the faculty by the Board of Trustees. This authority is exercised in the Faculty Senate by elected senators with voting privileges and by committees authorized to act on their behalf. Meetings of the Faculty Senate are presided over by a President and Vice-President and follow a town-meeting format at which all University faculty members have a voice. The activities of the Senate are overseen by an Executive Council.

1. Authority. Under the authority of the Board of Trustees the University of Vermont Faculty Senate is empowered:

1.1 To review and establish policy with respect to the following matters:

- a. Academic freedom, including rights and responsibilities.
- b. All curricular matters, including establishment, dissolution, and substantial changes of degree programs.
- c. Research and scholarship.
- d. Admissions standards and prerequisites.
- e. Requirements for regular certificates and degrees.
- f. Regulations regarding attendance, examinations, grading, scholastic standing, and honors.
- g. Teaching quality.
- h. Professional standards and criteria for positions accorded academic rank.
- i. Other academic matters referred to it by the Board of Trustees, the University Administration, the faculty of a school, college, department, Extension or the Libraries, or other members of the University community.

1.2 To review, to recommend, and to participate in the formulation of policy with regard to:

- a. Institutional priorities.
- b. The allocation and utilization of the University's human, fiscal, and physical resources.

- c.** Academic organization, including the establishment or elimination of colleges and departments and the reorganization of the general university and college academic structure.
 - d.** Faculty appointment, promotion, tenure, dismissal, leaves, and economic benefits. The Senate shall also participate in decisions regarding the application of these established policies to individual faculty members.
 - e.** Admission procedures and quotas.
 - f.** Student financial aid.
 - g.** The library, the academic computing center, the Center for Teaching and Learning, the instrumentation and model facility, media services, the university store, the museum, supporting services, etc., as they affect scholarly activities and research.
 - h.** Administrative procedures and organizational structure.
 - i.** The appointment and promotion of academic and policy-level administrative officers including all those at the budget management level whose functions are university wide.
 - j.** The regulations concerning, and the awarding of, honorary degrees.
 - k.** The distribution of unrestricted funds made available to the University for discretionary allocation in support of research or scholarly work.
- 1.3** To participate in the selection of the University President, Provost and vice presidents whenever those offices become vacant or are created.
- 1.4** To cooperate with and to coordinate its activities, especially with regard to the subjects referred to in 1.2 above, with student governing bodies and the Staff Council.
- 1.5** To consider all areas of student affairs and their effect on the educational process and academic achievement, and to make and review recommendations regarding them.
- 1.6** To provide the means by which any matters of interest to the faculty or pertaining to the University and its purposes may be discussed and acted upon.
- 1.7** To approve the Academic Calendar prepared by the Registrar.
- 1.8** To cooperate, in furtherance of the objectives stated in this section, with the faculty organizations of those public institutions of higher education in the State of Vermont which may be included under the authority of the Common Board of Trustees to be established, and to participate in such common organizations and bodies as may be established to voice the interests of the faculties of the aforesaid institutions and to cooperate in matters of common concern with such Board of Trustees.

2. Membership.

2.1 Eligible Faculty. University faculty members eligible for membership in the Faculty Senate (“eligible faculty”) are those holding a primary appointment as an Officer of Instruction, Officer of Research, Officer of Extension, or Officer of the Libraries at the rank of Professor, Associate Professor, Assistant Professor, Instructor, or Lecturer, with a full-time equivalent of at least 0.10.

2.2 Faculty Senate Membership. The membership of the Faculty Senate shall consist of the Elected Senators, a President and a Vice-President (see 3. below), and the elected members of the Senate Standing Committees (see 7. below). The voting membership of the Faculty Senate shall consist of the Elected Senators and, in the case of a tie vote, the Senate President.

2.3 Elected Senators.

2.31 Apportionment and Term. Each department or comparable budgetary unit of the University shall elect one senator from its eligible faculty to the Faculty Senate for a three-year term beginning on July 1; units with more than 25 full-time eligible faculty members shall elect two senators. Units may merge their members; the resulting merged group of faculty should be promptly reported to the Senate President and will be considered as a single unit for the purposes of apportionment and eligibility of elected senators. One senator shall be elected by and from the ranks of retired faculty. Senators shall be eligible for re-election, except that a member who has completed two consecutive three-year terms shall be ineligible for re-election to serve during the year that immediately follows the period of consecutive service.

2.32 Elections. Elections for senators shall be held no later than April of each year by each department having a senator whose term is due to expire on June 30, and shall be conducted by secret ballot distributed to all eligible faculty members whose primary appointment is in the department. At least one week shall be allowed for receipt of marked ballots. All eligible faculty members must be provided an opportunity to stand for election to the Faculty Senate as an Elected Senator. Terms shall be staggered so that approximately one-third of senators are elected each year. The Faculty Senate shall supervise the elections of Senate representatives; concerns regarding election irregularities must be communicated to the Senate President by May 1.

2.33 Vacancies. If an Elected Senator must vacate his or her seat, the vacancy shall be filled by a special election within the unit from which s/he was elected. The term of a member under these circumstances shall commence immediately and shall be for the duration of the absence or the unexpired term of the regularly elected member. If an Elected Senator is granted leave for one year or less a replacement shall be elected by a special election within the unit from which s/he was elected to take the absent Senator’s seat for the period of the leave.

2.34 Attendance. Elected Senators are expected to regard attendance at all meetings as a fundamental obligation to their colleagues and to the University. When conflicting

professional duties, imperative personal affairs, or illness make attendance at a given meeting impossible, Elected Senators may send an alternate, who shall have the same voting privileges as the Elected Senator. Alternates should present themselves to the Secretary of the Senate prior to assuming the seat of the Elected Senator. If neither the Elected Senator nor his/her chosen alternate is present, the Elected Senator will be indicated as absent from the meeting. A senator indicated as absent from two regular or special meetings of the Faculty Senate in an academic year will be considered to have vacated his/her seat.

3. Officers of the Faculty Senate.

The officers of the Faculty Senate shall consist of the President and Vice-President, elected from the ranks of all eligible faculty members.

3.1 President. In addition to other duties prescribed in this constitution, s/he shall preside at meetings of the Faculty Senate; hire and supervise Senate office personnel, including an administrative assistant who shall serve as Secretary of the Senate; prepare annual budgets for the Senate, the Grievance Committee, and the Faculty Mentoring Program; serve as the Faculty's spokesperson and consultant with the administration, the Staff Council, the student body, the Board of Trustees, and the extra-university community on matters within the jurisdiction of the Senate. The Senate President is a voting ex officio member of all committees, with the exception of the Nominating Committee in 3.5 below. The Senate President is a member of the Faculty Senate without vote, except that the Senate President may vote to break a tie. The Senate President may not also serve concurrently as an Elected Senator.

3.2 Vice-President. The Vice President shall perform the duties of the President when the latter is prevented from doing so and is an ex officio member (nonvoting except when designated according to Section 7.122) of all committees with the exception of the Nominating Committee in 3.5 below. The Vice President is a member of the Faculty Senate without vote and may not also serve concurrently as an Elected Senator.

3.3 Succession. The most senior at-large member (as determined by length of service in his/her current term, and, in the case of a tie in length of service, by time in University service) of the Executive Council (Section 8.1) who is willing and able to serve shall perform the duties of the Vice President when the latter is prevented from doing so, and shall assume the office of Vice President when that position is vacant.

3.4 Term. The Senate President and Vice-President shall each serve a two-year term starting on July 1.

3.5 Election.

3.51. Nomination. Candidates for Senate President or Vice-President shall be nominated in either of the following ways:

- a.** By majority vote of a Nominating Committee of seven members appointed for the purpose by the Executive Council. In selecting a Nominating Committee, every effort

shall be made to insure the widest possible search among eligible faculty for qualified Nominating Committee members. The current President and Vice-President of the Senate may not serve on a Nominating Committee.

b. By nomination from the floor of the Faculty Senate.

3.52. Election. Ballots with the names of nominees will be distributed to all eligible faculty members in April. At least a week shall be allowed for receipt of marked ballots. The candidate receiving the majority of votes will be elected. In the event that no candidate receives a majority of votes in the election, a run-off election will be held between the top two candidates.

3.6 Parliamentarian. The Senate President may appoint a parliamentarian. The Parliamentarian shall normally be a full voting member of the Faculty Senate who, by virtue of experience and/or expertise and/or willingness, shall agree to advise the Senate on questions of parliamentary procedure during normal Senate business. When appropriate, a professional parliamentarian may also be retained.

4. Meetings.

4.1 Access. Meetings of the Faculty Senate shall ordinarily be open to the public. Any University faculty member will be recognized to make a presentation or to propose a motion at an open meeting of the Faculty Senate, but only Elected Senators and the Senate President may vote on proposed motions. Persons other than University faculty may be recognized by the Senate President or by a majority vote of the Faculty Senate and accorded the privilege of making a presentation. The names and affiliation of such persons shall be made known to the faculty.

4.11 Closed Meetings. By a majority vote of the Senators present the Senate may declare the meeting closed to all except members of the Senate and those others specifically invited to be present.

4.2 Regular Meetings. The Faculty Senate shall meet at least four times each semester. Additional meetings may be called at any time by the Senate President. Additional meetings must be held on petition of ten percent of the members of the Faculty Senate or of five percent of the members of the eligible faculty.

4.3 Special Meetings. Special meetings of the Faculty Senate may be convened by the Senate President. The agenda of the meeting shall be prepared by the Senate President and must be made readily available to every eligible faculty member at least four working hours prior to the meeting.

4.4 Agenda.

4.41. Formulation. The Executive Council (see 8. below) will prepare the agenda of each Senate meeting from proposals submitted by faculty members, Faculty Senate committees,

representatives of student governing bodies and administrative officials. Items presented in the form of a petition signed by ten percent of the members of the Faculty Senate or of five percent of the members of the eligible faculty must be included on the agenda.

4.42. *Distribution.* The agenda of each regular meeting must be made readily available to the members of the Senate and other eligible faculty members at least one week preceding the meeting.

4.5 *Non-Agenda Items.* Matters for which the one-week notice has not been provided may be considered, subject to the following quorum restrictions for motions.

4.6 *Quorum.* A quorum for motions for which previous notice has been given shall consist of a majority of the total number of currently elected senators. For motions without prior notice, a quorum shall consist of three-quarters of the total number of currently elected senators.

4.7 *Approval of Resolutions.* Resolutions will be considered to have been adopted by the Faculty Senate if a quorum is present and a majority of those voting approve the proposal. Any issue may go to referendum upon request of ten percent of the eligible faculty. Every eligible faculty member will be allowed at least one week to respond to the referendum. The resolution will be considered to have been adopted if a majority of the referendum responses favor it, provided at least 25 percent of the eligible faculty members cast valid ballots in the referendum.

4.8 *Minutes.* Minutes of Faculty Senate meetings shall be prepared and made publicly available in a timely fashion.

4.9 *Recording of Votes.* On the request of any member of the Senate, if supported by one-third of the Elected Senators present, a record of individual votes cast on any resolution shall be taken and made part of the meeting minutes.

4.10 *Parliamentary Authority.* The Faculty Senate shall be governed by the rules contained in Robert's Rules of Order, Latest Edition, and such other special rules as the faculty may adopt. In case of any inconsistencies or differences, the Constitution and those special rules adopted by the Faculty Senate shall take precedence.

5. Disposition of Faculty Senate Legislation.

5.1 *Transmittal to President.* The Senate President shall promptly transmit copies of Faculty Senate actions to the University President.

5.2 *Action by the University President.*

a. *Approval.* The University President may indicate his/her approval of the legislation and his/her intention to implement it in either of two ways: (1) by noting his/her approval on the copy and returning it to the Senate President within one month of receipt, or (2) by not disapproving of the faculty action within the one-month period.

b. Disapproval. The University President may disapprove of the legislation by noting his/her disapproval on the copy and returning it to the Senate President within one month of receipt, together with reasons provided for his/her decision that may be presented to the Faculty Senate at its next meeting

c. Delay. If a more extended period is required for consideration of the legislation, the President will inform the Senate President of the reasons for the delay together with a precise date by which s/he intends to act on the resolution.

5.3 Appeal to the Board of Trustees. Appeal by the Senate of a presidential disapproval shall be made to the Board of Trustees, if two-thirds of the elected senators at a meeting or two-thirds of the eligible faculty members responding to a referendum indicate their desire to appeal.

6. Amendment of the Constitution and Bylaws.

6.1 Proposal of Amendments. Amendments may be proposed in one of the following ways:

a. By resolution at a Faculty Senate meeting and approval by two-thirds of those present and voting, provided a quorum is present.

b. By petition of ten percent of the members of the University faculty.

c. By recommendation of the Executive Council.

6.2 Adoption of Amendments. Amendments generated by any of these methods shall be the subject of a referendum. A referendum ballot will be made available to every eligible faculty member, who will be allowed at least two weeks to respond. The amendment will be adopted if at least two-thirds of the responses favor it.

7. Committees.

7.1 Standing Committees and Standing Subcommittees.

7.11 Purpose. Standing committees and subcommittees are established to focus on the major continuing areas of faculty concern, including education, faculty welfare, student affairs, scholarly activity and research, finances, and physical facilities. A standing committee may divide its duties among subcommittees that are directly responsible to the parent standing committee. Standing committees and subcommittees are authorized to act for and in the name of the Senate as specified in these Bylaws. Such actions shall be reported promptly to the Executive Council and to the Senate and will stand unless the Senate, upon receiving such a report, takes jurisdiction of the matter for further consideration.

7.12 Composition.

7.121 Elected Members.

a. Number. Except as described below, standing committees and standing subcommittees shall be composed of at least one member from each of the major academic units (the Colleges of Arts and Sciences, Agriculture and Life Sciences, Education and Social Services, Engineering and Mathematics, and Medicine; the Schools of Nursing and Allied Health Sciences, Business Administration, and Natural Resources; and the Offices of Extension, and of the Libraries. A unit with more than 200 full-time eligible faculty members may elect one additional member to each standing committee and standing subcommittee.

b. Eligibility. Any eligible faculty member may stand for election by his/her college or school to serve on a standing committee except as otherwise stated in these Bylaws.

c. Term. Members of the standing committees shall be elected for three years or as otherwise stated in these Bylaws, starting on July 1. Terms shall be staggered so that approximately one-third of the standing committee members shall be elected each year.

d. Election. The election of standing committee members shall be the responsibility of the individual college and school faculties. Elections shall be held no later than April of each year and shall be conducted by secret ballot distributed to all eligible faculty members of the college/school. An opportunity must be provided for all eligible faculty members to volunteer to run for election to Senate standing committees. The Faculty Senate shall supervise the elections of Senate Standing Committees; concerns regarding election irregularities must be communicated to the Senate President by May 1.

e. Vacancies. If a standing committee member vacates his/her seat the vacancy shall be filled by a special election within the unit from which s/he was elected. The term of a member under these circumstances shall commence immediately and shall normally be for the unexpired term of the regularly elected member. If a standing committee member is granted leave for one year or less a replacement shall be elected by a special election within the unit from which s/he was elected to take the absent standing committee member's seat for the period of the leave.

f. Attendance. A standing committee member absent from three committee meetings in a calendar year in the absence of mitigating circumstances will be considered to have vacated his/her seat.

g. Members of the Senate. A standing committee member may also serve as an Elected Senator. Standing committee members are members of the Senate without vote if not also an Elected Senator.

7.122 Ex Officio Members. The Senate President is a voting ex officio member of every Faculty Senate committee and subcommittee, with the exception of the Nominating Committee in 3.5, and may designate a member of the Executive Council to act on his/her behalf. The Faculty Senate Vice-President is a nonvoting ex officio member of every Faculty Senate committee and subcommittee except when serving as the Senate President's designee.

7.123 Student Members.

- a.** Standing committees may invite graduate and/or undergraduate students designated by student governing bodies on a one-year renewable basis to serve on the committee.
- b.** In addition to the faculty members elected as described above, the Student Affairs Committee shall also include a graduate and undergraduate student member designated by student governing bodies, renewable yearly.

7.124. Standing committees may add nonvoting resource personnel on the basis of their position, interest, or expertise.

7.13 General Duties of Standing Committees.

- a.** They shall recommend policy and changes in policy in their areas of responsibility to the Faculty Senate. They may initiate action on matters clearly within their province and request that they be placed on the agenda of the Senate meeting by the Executive Council.
- b.** They shall receive and consider policy proposals in their areas of responsibility from the Faculty Senate, the administration, student bodies, etc., and present their recommendations to the Faculty Senate for action.
- c.** They shall consider budgetary implications for policies in their areas of responsibility and make appropriate recommendations to the Faculty Senate and the administration regarding University priorities.
- d.** They shall annually review sections of the Officers' Handbook pertaining to their areas of concern and make recommendations for revision.
- e.** They shall consult with and provide advice to the administration, student groups, etc., in their areas of responsibility when requested to do so. Policy proposals generated as a result of these consultations shall be presented to the Faculty Senate for consideration and action.
- f.** They shall keep records of their activities and present reports at least once a year to the Faculty Senate.
- g.** They shall maintain close liaison with appropriate committees and groups established by the individual academic units, the student governing bodies, the Staff Council, and other University constituencies.

h. They shall meet frequently in order to promptly and responsively discharge their duties to the Senate, the faculty, and the University as a whole.

7.14 Committee Officers. The chair of each standing committee shall be elected by each committee from its elected membership for a one-year term. The chair of each committee shall appoint a secretary to keep minutes. Standing committee chairs or their designees shall serve as faculty representatives to the appropriate Board of Trustees committees (9.1). The duties of the chair shall be to report to the Senate at least once a year, schedule and conduct meetings, follow up on actions of the committee, serve as committee spokesperson with respect to the duties in 7.13(e), attend Faculty Senate meetings without vote if not also an Elected Senator, and serve on the Executive Council.

7.15 Specific Standing Committees. The standing committee charges detailed below shall not be construed to limit their activities and deliberations.

7.151 Curricular Affairs Committee. This committee shall have responsibility for matters related to undergraduate and graduate educational policy and long-range academic planning, including items referred to in Sections 1.1b, 1.1e, 1.1f, 1.1g, 1.2a, 1.2c, and 1.2k. It shall review proposals to initiate, alter, or terminate programs from the Schools and Colleges, make recommendations to the Provost pursuant to the policies and procedures for such review adopted by the Faculty Senate, and report those recommendations to the Executive Council and to the Faculty Senate. It shall make recommendations for faculty members to serve on the joint Senate/Trustees Honorary Degree Committee. The Curricular Affairs Committee shall have double the numbers of members stipulated in 7.121a.

7.151a Academic Program Review Subcommittee. This committee shall be a Standing Subcommittee of the Curricular Affairs Committee and have responsibility for conducting ongoing academic program review at the University, pursuant to the policies and procedures for such review adopted by the Faculty Senate. The Chair and other members of the subcommittee shall be appointed by the Chair of the Curricular Affairs Committee and shall ordinarily be chosen from among the members having at least one year of service on the parent committee. Terms of appointment shall be as necessary, consistent with providing effective program review.

7.152 Professional Standards Committee. This committee shall have responsibility for matters related to faculty professional standards and welfare, including items referred to in Sections 1.1a, 1.1h, 1.1i, 1.2b, and 1.2d. The Professional Standards Committee is advisory to the Provost on confidential personnel matters related to faculty reappointment, promotion, and tenure, as well as on the awarding of sabbatical leaves. No member of the Professional Standards Committee shall be serving concurrently on the standards committee of his/her college or other unit specified in Section 7.121a.

7.153 Student Affairs Committee. This committee shall have responsibility for matters relating to student affairs, their effect on the educational process, and the academic climate of the University, including items referred to in Sections 1.1d, 1.2e, 1.2f, 1.4, and 1.5. It

shall recommend policy with respect to honors programs, remedial programs, athletics, discipline, health service, placement, housing, student activities, etc. It shall include among its duties in-depth and ongoing review of University admissions and financial aid policies, including their relation to projected enrollments. This committee shall establish policy in matters related to general admissions standards and prerequisites, as referred to in Section 1.1d, and shall review, recommend and participate in formulation of admissions procedures. The committee shall establish a continuing liaison with student government groups and with all appropriate administrative and academic offices.

7.154 *Research, Scholarship, and Graduate Education Committee.* This committee shall have responsibility for matters relating to research activities and scholarly work carried out at the University, including graduate education and items referred to in Sections 1.1c, 1.2b, 1.2g, and 1.2k. It shall review, recommend, and participate in the formulation of policy with respect to resources related to research, including physical facilities and allocation of space for research purposes, library resources and resources for graduate programs, and make recommendations to assure effective use of these resources. It shall serve as liaison between the Senate and the administration on such matters as, but not limited to: the broad role of the University in advancing knowledge through research and scholarship; external and internal support for encouraging research and scholarship, including graduate and undergraduate research; intellectual property, and technology transfer; ethical issues and issues affecting the academic environment as these arise in research or scholarly work. It shall consult frequently with other University and collegiate committees that are charged to initiate, maintain, and monitor institutional support programs for research, scholarship, and graduate education, as well as maintain close liaison with appropriate administrative offices in its areas of responsibility.

7.155 *Financial and Physical Planning Committee.* This committee shall have responsibility for matters relating to planning and use of the institution's physical resources and for matters related to the formulation of the University budget with the exception of items subject to collective bargaining, including items referred to in Sections 1.2a, 1.2b, 1.2g, 1.2h, and 1.2i. It shall assist in the formulation of the University budget so that this document reflects the instructional, intellectual, and service priorities of the institution. It shall review and recommend policies and procedures relating to the planning, introduction, and use of campus-wide technologies, including computers, communications, electronic data handling, and instructional media. The committee shall assume responsibility for informing the administration of educational priorities and needs and see that these are considered in all planning. It shall seek advice from the various academic units relative to planning for physical facilities, environmental resources, and the allocation of space, and make recommendations to assure effective and responsible use of resources. It shall maintain close liaison with all appropriate subcommittees of the Board of Trustees as well as all appropriate administrative offices and committees in its areas of responsibility.

7.2 *Subcommittees.* Any standing committee may establish subcommittees to perform specialized functions within the overall responsibilities of the committee. A subcommittee is directly responsible to the standing committee that created it, to which it shall report. The formation, abolition, and membership of such subcommittees shall be determined by the entire

standing committee. The chair of each standing committee shall assign, with the approval of the full committee, members of the committee to the various subcommittees. S/he may appoint other eligible faculty members to serve on subcommittees. The chair of each subcommittee must be a member of the standing committee. The chair of the parent standing committee shall be a voting ex officio member of all subcommittees. The standing committee chair shall have primary responsibility for coordinating the work of all subcommittees. Subcommittees may, with the approval of the standing committee chair, add nonvoting resource personnel on the basis of their position, interest, or expertise.

7.3 Ad Hoc Committees. Select committees may be created by the Senate, the Executive Council, or the Senate President for the purpose of studying specific problems and preparing proposals relating thereto. These committees will ordinarily be appointed by the Senate President, after consultation with the Executive Council, but may also be appointed by a majority vote of the Executive Council or of the Faculty Senate. They will terminate when their assignment is complete or within one year of the date of appointment, whichever is shortest. They may be reappointed. An ad hoc committee is directly responsible to the entity appointing it, to which it shall report.

7.4 Joint Committees. The administration and the Faculty Senate may create committees for the purpose of studying issues for which joint responsibility is appropriate. The faculty members of a joint committee will be appointed both by the appropriate administrative officer and by the Senate President. The appointing administrative officer and the Senate President will share joint responsibility for the committee, to whom the committee shall report. Reports from joint committees shall be promptly communicated to the Executive Council and to the Senate.

8. Executive Council.

8.1 Membership. The Executive Council shall consist of the following eleven voting members:

- a. The President and Vice President of the Faculty Senate.
- b. The chairs of the five standing committees.
- c. Four members-at-large elected in April by the Senate from among the Elected Senators. The members-at-large will serve two-year terms beginning on July 1. A member-at-large ceasing to be an Elected Senator shall be replaced. Terms shall be staggered so that approximately half of the members-at-large are elected each year, and no more than two of the members-at-large may be from the same School or College.

8.2 Duties. The Executive Council shall perform the following duties:

- a. It shall be responsible for overseeing the implementation of the authority granted to the Senate as outlined under Articles 1.1 through 1.6.
- b. It shall set the agenda for meetings of the Faculty Senate, and shall be responsible generally for administration of the Senate.

- c. It shall monitor the activities of Senate committees, establishing committee priorities where necessary to insure committee responsibilities are discharged in a timely fashion.
- d. It shall serve to receive requests from the administration, the faculty, student bodies, etc. and direct those requests to the appropriate Senate body to ensure prompt and effective resolution of matters within its jurisdiction.
- e. It shall consider budgetary implications for University policies and make appropriate recommendations to the Faculty Senate and the administration regarding University priorities.
- f. It shall arrange for presentations to the Faculty Senate as frequently as necessary, but at least annually, on the University financial situation.
- g. It shall maintain a close liaison to ensure appropriate communication between the Faculty Senate and the Faculty Union.
- h. It shall be responsible for periodic and regular review of the items in the Faculty Handbook within its areas of jurisdiction, making recommendations for revisions as necessary.

8.3 Ratification of Action. On all issues falling under its jurisdiction, the Executive Council shall initially decide whether the issue is substantive and requires the approval of the full Senate, or should only require approval of the Executive Council itself, with the Senate informed of its action. The Senate, upon receiving such a report, may by majority vote take jurisdiction of the matter for further consideration.

8.4 Officers. The President of the Faculty Senate shall serve as Chair of the Executive Council. In the absence of the President, the Vice President shall serve.

8.5 Meetings. The Executive Council shall meet prior to each scheduled Faculty Senate meeting and at least once a month throughout the calendar year, and must meet upon written petition of four of its members. At the discretion of the Senate President, the Executive Council may meet more frequently in order to discharge its duties promptly and responsively.

9. Faculty Representation on the Board of Trustees.

In order to maintain a close liaison between the faculty and the Board of Trustees, the Faculty Senate provides nonvoting faculty representation to standing committees of the Board.

9.1 Membership.

- a. Advancement and Constituency Committee: Senate Vice President.
- b. Audit Committee: representative recommended by the Executive Council and appointed by the Senate President for a two-year term.

- c.** Facilities and Technologies Committee: representative recommended by the Financial and Physical Planning Committee and appointed by the Senate President for a two-year term.
- d.** Academic and Student Programs Committee: two representatives appointed by the Senate President from among the Chair of the Curricular Affairs Committee, the Chair of the Professional Standards Committee, or the Chair of the Student Affairs Committee.
- e.** Executive Committee: Senate President.
- f.** Finance and Budget Committee: representative recommended by the Financial and Physical Planning Committee and appointed by the Senate President for a two-year term.
- g.** Investment Committee: representative recommended by the Financial and Physical Planning Committee and appointed by the Senate President for a two-year term.
- h.** Diversity Committee: Chair of the Student Affairs Committee.

9.2 *Duties.*

- a.** The representative or his/her designated replacement will attend each meeting of the appropriate Board of Trustees committee.
- b.** S/he will communicate regularly with the Senate Executive Council and report to the Senate as necessary.

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