

Northeastern University

Faculty Handbook Faculty Senate

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Northeastern University

FACULTY HANDBOOK

2000-2001 edition

This Adobe Acrobat[™] readable copy of the *Faculty Handbook* includes the corrections mailed in hardcopy to faculty in October 2000.

To access a section of the handbook, either click on the topic in the bookmarks window or click on the page number listed in the table of contents page.

Footnotes are printed at the bottom of each page. Clicking on the footnote number in the text will reveal the location of that footnote.

This on-line version of the *Faculty Handbook* is correct as of October 2000. It is, however, unofficial. University policy establishes as official the most recent printed version and printed revisions to it that have been distributed to the Faculty.

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STATEMENT OF THE FACULTY SENATE*

The *Faculty Handbook* represents a distillation of the policies related to University governance and faculty rights. Many operational procedures appear in the *Academic Operations Manual*, published separately.

Many of the sections of this *Handbook* originated as actions by the Faculty Senate, Provost, President and/or Board of Trustees, and these are indicated by footnotes; other sections have emerged from the mists of the past without apparent pedigree.

To the extent that modification and revision of the *Handbook* do not constitute simple updating of factual material, or changes to conform to applicable laws, we believe that collegiality requires continued consultation between the Faculty Senate, the Provost and the President in order to maintain the vitality of this document as the basis of University governance. It is the position of the Faculty Senate that substantive changes to this *Handbook* for which procedures are not already mandated by the *Handbook* itself should receive the approval of the Faculty Senate.

Please Note: All sections of this *Faculty Handbook* generally apply to all Teaching Faculty. However, because various provisions and policies of this *Handbook* and its accompanying *Academic Operations Manual* do not, in many cases, apply to all categories of faculty/academic personnel, each policy has been annotated to indicate the group(s) to which it applies.

^{*} Amended by the Faculty Senate, February 25, 1991. Original version approved by the Faculty Senate, June 13, 1988. Reaffirmed May 7, 1990, with the additional resolution: "BE IT RESOLVED

a) That the administration shall consult with the Senate Agenda Committee on any proposed revisions in the *Faculty Handbook*;

b) That the Agenda Committee shall review all such proposed revisions;

c) That, unless the Agenda Committee unanimously agrees that the proposed revisions do not substantially alter existing policies, the Agenda Committee shall present the revisions in question to the Senate for discussion and vote."

I. Faculty Governance

A. The Faculty Senate Bylaws¹

1. Definition

The Teaching Faculty as defined in V.B.1 and 2, is represented by the Faculty Senate which, together with the Administration of the University, has the responsibility of maintaining and improving the academic standards of the University and making the functioning of the University more effective and harmonious. It serves also to coordinate the activities of the various college faculties as well as those that involve both the administration and faculty of the University.

2. Composition

a. The membership of the Faculty Senate will consist of thirty faculty members elected from the College faculties.²

In addition, there will be ten administration members chosen by the President, one of whom will always be the Provost.³ Other administrative and/or faculty members may be invited to sit with the Senate, but they would have no vote and will enter into discussion only at the pleasure of the Senate.

b. Officers of the Senate

- 1) The Chair of the Faculty Senate shall be the Provost. He or she shall normally preside at all meetings of the Senate, although the President of the University may preside at his or her pleasure.
- 2) The Vice Chair shall be elected annually from among the elected members of the Senate. He or she shall preside at the Senate in the absence of the Chair, and act as Chair of the Faculty Senate Agenda Committee. In either of these capacities, the Vice Chair shall retain his or her right to vote.
- 3) The Secretary shall be elected annually from among the elected members of the Senate. He or she shall record the business of the Senate, and at the completion of every academic year shall submit a written report of the Senate's activities to the University faculty.
- 4) The Vice Chair, Secretary, and members of the Agenda Committee shall be elected as follows:
 - a) Election of the Vice Chair

Prenominations — Prenominations for the office of Vice Chair shall be made from the floor at the same meeting of the Faculty Senate at which the election is to take place. No second shall be required. The Chair shall query each person so named as to his or her willingness to be a candi-

¹This faculty governance framework was approved by the Board of Trustees on June 19, 1961. Though only Teaching Faculty and administrative appointees serve on the Senate, policies recommended by the Senate and approved by the president govern the whole University.

²For a definition of College faculties, see section V.C.1.

³ By precedent and agreement with the Senate the President has agreed to appoint as members only those who serve on the Academic or Administrative Councils, one of whom will always be the Provost.

date, and the names of those who decline candidacy shall be withdrawn from consideration. Senators not present at the meeting shall not be named as prenominees unless they have signified, in writing, their willingness to be candidates.

Nominating Ballot — Each Senator shall vote by secret ballot for one person on the prenomination list. The two Senators receiving the highest number of votes shall be the nominees. In the event of a tie for second place, all persons so tied shall be nominees.

Introduction of Candidates — Whenever possible, the Chair will introduce nominees for Vice Chair to the Senate, and candidates nominated by the above procedure shall be permitted up to five minutes to introduce themselves and express their views.

The Election Ballot — Each Senator shall vote for one of the nominees by secret ballot. The person receiving the highest number of votes shall be elected.

b) Election of the Secretary

The procedure for the election of the Secretary shall be the same as that for the election of the Vice Chair.

c) Election of Members of the Agenda Committee

Following the election of the Vice Chair and the Secretary, prenominations shall be made from the floor for members of the Agenda Committee. No second shall be required. The consent of those prenominated shall be obtained in the same manner as for the Vice Chair.

On the first nomination ballot, each Senator shall vote by secret ballot for two names from the prenomination list. The four Senators receiving the highest number of votes shall be the nominees. In the event of a tie for fourth place, all persons so tied shall be nominees.

On the first election ballot, each Senator shall vote by secret ballot for two of the nominees. Those two nominees receiving the highest number of votes shall be elected. In the event of a tie for second place, a runoff election shall be held. The nomination and election of the other two members of the Agenda Committee from the remaining names of the prenomination list shall be conducted in the same manner as prescribed above.

- c. Only Professors, Associate Professors, and Assistant Professors from the College faculties, who are actively engaged at the University as full-time teaching and research personnel as defined in V.B.2.a and who do not have academic appointments which make them eligible for appointment as administration members, shall be eligible for election to the Faculty Senate and shall have the right to vote in the election.
- d. The term of office for elected Senate members shall be two years, and run from July 1 of the first academic year to June 30 of the second academic year⁴. Members initially elected shall have terms so adjusted by lot that one-half of the terms will expire the year thereafter. In case of a vacancy during a term, a special election shall be held to select a member for the unexpired portion. A member may serve two successive full terms. A member who has just completed two successive full terms is eligible for reelection a year later.
- e. The thirty faculty members of the Senate shall be elected proportionately from the degree-granting colleges and the School of Law. Each of these units shall have at least one Senate representative, but those with larger faculties shall have correspondingly more representatives.

⁴ Approved by the Faculty Senate June 9, 1983. Approved by Board of Trustees June 10, 1983.

- 1) The specific representation for the year 1996-97 will be as follows: Arts and Sciences 14; Bouvé College of Pharmacy and Health Sciences 3; Business Administration 4; Computer Science 1; Criminal Justice 1; Engineering 5; Nursing 1; Law 1.
- 2) In the spring quarter of every year, prior to the election, the Agenda Committee of the Senate will announce the number of the thirty Senate seats to be given each college for the following year. Its determination shall be based upon the number of full-time Teaching Faculty members in each of the colleges on March 31.
- f. Elections to the Faculty Senate shall be conducted by each college in the fourth week of the spring quarter in accordance with the following procedures and regulations:
 - 1) The nomination and election procedures are to be supervised by an *ad hoc* Committee chosen for the purpose by the Agenda Committee

2) Nomination Procedures

- a) The first balloting should be for the purpose of nominating candidates for one-half of the vacancies to be filled. In the event that there is an odd number of vacancies to be filled, these initial nominations will be for one-half of the next higher even number.
- b) Each Teaching Faculty member of a college may cast one nominating vote for each Senate vacancy.
- c) Two persons shall be nominated for each vacancy. In accordance with 2) a) above, the persons receiving the highest number of votes on the first ballot will be the nominees.
- d) In the event of a tie for last place, all persons so tied will be nominees.
- e) Whenever possible, the Chair will introduce nominees to the individual college faculties, and candidates nominated by the above procedure will be permitted up to five minutes to introduce themselves and express their views.

3) Election Procedure

- a) Each Teaching Faculty member of a college may vote for one person for each Senate vacancy to be filled.
- b) In accordance with 2) c) above, the nominees receiving the greatest number of votes are elected to membership. In the event of a tie for the last membership position, a runoff election will be held.

4) General Regulations

- a) Secret ballots will be used for all voting.
- b) The Deans of the colleges will provide their respective faculties, one week prior to elections, with a list of those faculty members eligible to vote, indicating those who are not eligible to be elected as defined in A.2.c.
- c) After any necessary corrections have been made, the lists shall be duplicated for use in nominations and ballots. Each eligible voter is to be handed one ballot and is to return it before the next ballot is distributed and collected.
- d) Interim elections to fill vacancies will follow the same procedures, but the timing thereof should be consistent with the need to fill the vacancy.
- e) Any faculty member has the right to decline nomination.

g. Most of the work of the Faculty Senate will be performed by the following standing committees:

1) The Faculty Senate Agenda Committee

This Committee will consist of the Vice Chair of the Senate who will act as chair of the Committee; the Secretary of the Senate who will be its secretary; and four additional Senators elected annually by the Senate from among the elected members of the Senate. The election of the Agenda Committee shall take place in the spring quarter preceding the academic year of its incumbency. After the annual Senate elections have been completed, the existing Agenda Committee shall call the Senators-designate to an organizational meeting for the sole purpose of electing the Agenda Committee for the forthcoming academic year. The officers of the existing Senate shall conduct the organizational meeting. The new Agenda Committee and the new Senate shall succeed to their responsibilities on July 1.5

- a) This Committee will arrange the agenda for all Senate meetings, submit all assignments to standing committees, and establish *ad hoc* committees for special studies whenever necessary. An item of business may, however, be brought before the Senate for discussion without approval of the Agenda Committee if (i) a motion to do so is made and seconded, in writing, directly to the presiding officer of the Senate, and (ii) a majority of the Senate agrees to the discussion. The item shall then become an item of business at the next succeeding meeting.
- b) All Senate committees will be responsible to the Agenda Committee and must submit their reports to it for review before presentation to the Senate. The Agenda Committee will have the right to return reports to committees if it feels it necessary.
- c) The Agenda Committee will also provide a regular channel for consultation and communication between the faculty and administration in matters of new programs, planning, and University policy by meeting regularly with the President of the University.
- d) The Agenda Committee should be represented by one or more members on the University-level committees or councils on long-range planning, financial priorities, and technology policy.⁶
- e) The Agenda Committee shall meet at least once each year with the Academic Affairs Committee of the Board of Trustees to report on Senate actions and issues coming before the Senate, and to discuss matters of mutual concern. By mutual agreement, the committees may hold more frequent meetings.
- f) At each Senate meeting the Agenda Committee shall present an oral or written report briefing the Senate on its activities.

2) The Committee on Academic Policy⁷

This Committee will consist of the Provost and five Teaching Faculty members appointed annually by the Agenda Committee. At least two of its members, preferably including the Chair, shall be members of the Faculty Senate.

a) This Committee shall be concerned with questions of basic academic and research policy on an institutional level. Items to be dealt with should concern teaching loads, research procedures,

⁵ Approved by the Faculty Senate June 9, 1983. Approved by Board of Trustees June 10, 1983.

⁶ As of 1999, these bodies were the University Planning Council, Committee on Financial Priorities, and University Technology Council.

⁷ Resolution to change the composition of this standing committee approved by the Faculty Senate, May 13, 1991. Approved by President Curry, June 11, 1992.

academic requirements, classroom instruction, and all matters that pertain to classroom and laboratory activities.

b) This Committee shall also consider any academic matter or proposed program brought before the Senate that deals with relationships between the colleges or involves more than one college.

3) The Committee on Enrollment and Admissions Policy^{7,8}

This Committee shall consist of five Teaching Faculty members appointed annually by the Agenda Committee, and an administrator appointed by agreement between the Provost and the Agenda Committee. At least two of the Teaching Faculty members, preferably including the Chair, shall be members of the Faculty Senate.

The Committee will maintain regular communications with University-wide planning committees.

- a) This Committee shall deal with questions concerning enrollment management policy, admission goals and standards, and policy regarding recruitment and retention of students.
- b) This Committee shall also prepare annual recommendations concerning improvements in admission standards, recruitment practices, enrollment management practices, and related areas.

4) The Committee on Faculty Development⁷

This Committee will consist of five Teaching Faculty members appointed annually by the Agenda Committee. At least two of its members, preferably including the Chair, shall be members of the Faculty Senate. No members of the University administration may serve on this committee in any capacity.

This Committee shall be concerned with the rights and status of faculty personnel. Matters to be dealt with are standards of tenure, promotion, and advancement for University faculty; and questions of professional development, academic freedom, and economic welfare.

⁸ Made a standing committee by vote of the Faculty Senate, June 6, 1979; approved by faculty referendum, November, 27, 1979, and by the Board of Trustees, December 14, 1979. Renamed and role expanded by vote of the Faculty Senate January 11, 1999; approved by faculty referendum, April 12, 1999 and by the President October 10, 1999.

5) The Committee on Financial Affairs,^{7,9}

This Committee shall consist of five Teaching Faculty members appointed annually by the Agenda Committee. At least two of its members, preferably including the Chair, shall be members of the Faculty Senate.

- a) This Committee shall be concerned with all questions related to financial affairs of the University. This may include surveys, reviews and recommendations on budgeting, and financial policies of the University.
- b) This Committee shall also prepare annual recommendations for the improvement of faculty salaries and fringe benefits.

6) The Committee on Athletics 10

This Committee will consist of four Teaching Faculty members, the Vice Provost for Undergraduate Education, and the Registrar's Athletic Certification Officer. The Faculty Representative to the NCAA must be one of the faculty members of the Committee, and will be its chair. Another of the faculty members will be a representative of the Admissions Policy Committee. The Committee members will be appointed annually by the President with the advice of the Senate from persons nominated by the Senate Agenda Committee. The President's appointment of the Faculty Representative to the NCAA shall be with the advice and consent of the Senate Agenda Committee.

- a) This Committee shall be concerned with all matters of University policy regarding intercollegiate athletics as they relate to the University's academic mission and the academic progress of student athletes.
- b) This Committee shall work with the Vice Provost for Undergraduate Education, Athletic Director, Compliance Officer, and Registrar to assure that proper academic standards are being met, that proper academic advising and support services are being provided, and to recommend policies for academic standards that meet or exceed those set by the NCAA.
- c) This Committee shall meet regularly with the President and Athletic Director to assist in determining the University's position regarding matters on which its representatives will vote.

h. Ad hoc Committees.

These Committees will be established by the Agenda Committee as the need arises. At least two members of each Committee will be elected members of the Senate. Members of the University administration may serve on these Committees, but the Chair must be elected by each *Ad hoc* Committee from among its faculty members.*

⁹Made a standing committee by vote of the Faculty Senate, June 6, 1979. Approved by faculty referendum, November, 27, 1979, and by the Board of Trustees, December 14, 1979.

¹⁰Made a standing committee by vote of the Faculty Senate, January 11, 1999; approved by faculty referendum, April 12, 1999, and by the President, October 11, 1999.

^{*}Editorial footnote: The *Ad Hoc* Committees of the Senate in existence in June 2000 are as follows:

Ad Hoc Selection (Search) Committees

Ad Hoc Grievance Mediation Committees

Ad Hoc Committee to Review Support Services

Ad Hoc Committee on the Semester Calendar

Administrator Evaluation Oversight Committee and individual evaluation committees appointed by it.

In addition, other University committees established by Senate resolution are now in operation. These include:

3. Functions of the Faculty Senate

- a. To act as a coordinating body to establish mutually satisfactory academic goals and standards among the various colleges and divisions;
- b. To be consulted as either a whole body or in appropriate committees on all policies, proposals, and problems of faculty concern, including such matters as the creation of new colleges, new campuses, and new departments;
- c. To initiate consideration and recommendation on any matter of faculty concern;
- d. To undertake such legislative and advisory functions in connection with the work of the University as may be referred to it by the President and Board of Trustees; and
- e. To provide communication between the Administration and general University faculty.

4. Procedural Policy of the Faculty Senate

- a. The Faculty Senate will meet in plenary session once per quarter and more frequently, if necessary, subject to the decision of the presiding officer in conjunction with the Agenda Committee. A simple majority of the total membership shall constitute a quorum.
- b. The Faculty Senate will forward recommendations and reports to the University President with appropriate comments. Certain routine matters, however, may be forwarded at the discretion of the Senate to an appropriate administrative body through the Office of the University President.
- c. The Faculty Senate, at its discretion, may refer matters under consideration to referendum by either the general University faculty or the college faculties. Such referenda shall be binding on the Senate, provided that at least two-thirds of those eligible shall have participated in the voting.
- d. All faculty, students, staff, and administrators may attend non-executive sessions of the Faculty Senate, but will not be permitted to vote. Only Senators and those holding faculty rank may be present when the Senate meets in executive session. The Senate shall meet in executive session when
 - 1) the Agenda Committee designates such a session in advance, and
 - 2) during a meeting a simple majority vote cast in secret ballot orders it. (A motion on the Senate floor to move into executive session shall be nondebatable and always in order during debate.)

At all sessions of the Senate the floor may be yielded to a non-Senator, who is legitimately present, by any member of the Senate unless this procedure is expressly suspended by a simple majority vote cast in secret ballot. Yielding the floor to a non-Senate member shall not be construed as in any way limiting the right of debate of the yielding Senator.

- e. The Faculty Senate, through its authorized committees or representatives, shall receive information that it needs for its studies from the staff offices of the University.
- f. The rules or procedures in Senate meetings, except as otherwise specified, shall be those presented in Robert's *Rules of Order* (Revised or Newly Revised).
- g. The Faculty Senate may adopt rules and regulations for its own operation not inconsistent with the bylaws of the University or the bylaws of the Senate as set forth above.

The Graduate Council, created by the Faculty Senate on June 8, 1966.

The University Undergraduate Curriculum Committee recommended by the Faculty Senate, May 8, 1978.

5. Amendments to the Faculty Senate Bylaws

- a. The foregoing Faculty Senate bylaws may be altered, amended, or repealed, in whole or in part, in accordance with the following procedures. 11
 - 1) The Method of Proposing Amendments to the Senate Bylaws
 - a) Senate Voting Requirement. A two-thirds affirmative vote of all Senators voting 'yea' or 'nay' in a roll-call vote shall be necessary to propose a bylaw amendment to the faculty from whom the Senators are elected.
 - b) Faculty Notice. At least two successive weeks notice must be given in writing to each Senator, and the announcement of a proposed amendment change and its text must appear on at least two successive Senate agendae circulated to the faculty immediately prior to the beginning of any Senate debate on a proposed amendment.

During the Senate floor debate on an amendment proposal, the usual procedures in Robert's *Rules of Order* (Revised or Newly Revised) for proposing amendments to any main motion shall apply, thus making advanced notice unrequired.

2) The Methods of Ratification of Proposed Senate Bylaw Amendments

Ratification of proposed amendments to the Faculty Senate bylaws shall require the participation of a minimum of 25 percent of the faculty, from whom the Senators are elected, and shall occur by one of the two following methods. The Faculty Senate shall designate which method of ratification shall be used.

- a) A two-thirds majority of the Teaching Faculty, from whom the Senators are elected, voting 'yea' or 'nay' at a faculty meeting authorized by a call from either the President or the Senate Agenda Committee shall be necessary to ratify a proposed amendment. The list of faculty entitled to vote shall be compiled by the Senate Agenda Committee in conjunction with the University's chief academic officer. At least one week's written advance notice of the meeting must be given to the faculty, including the text of the proposed amendment(s). Debate must be confined to the merits of the Senate-proposed bylaw amendment(s), and cannot include changes from the floor as they will not derive from the procedures set forth in 5.a.1) above.
- b) A two-thirds majority of the Teaching Faculty, from whom the Senators are elected, voting 'yea' or 'nay' by returned secret ballot, shall be necessary to ratify a Senate-proposed bylaw amendment. The list of faculty entitled to vote shall be compiled by the Senate Agenda Committee in conjunction with the University's chief academic officer. Thereafter a ballot prepared by the Agenda Committee, detailing the proposed bylaw amendment(s) and the changes it (they) would effectuate, shall be sent to the listed faculty. The deadline for the return of ballots may not be shorter than ten University working days and must be printed on the face of the ballot itself.

The Faculty Senate Agenda Committee shall be responsible for the integrity of the balloting procedures; shall count the ballots; and shall certify the outcome of the balloting to the Faculty Senate, the President and the Board of Trustees.

3) Operativeness of Amendments

¹¹ Recommended by the Faculty Senate, November 15, 1976. Approved by the Board of Trustees, December 10, 1976.

Amendments to the Senate bylaws shall automatically go into effect unless they have been disapproved by the Board of Trustees within 90 days after written notice of faculty ratification has been sent to the President by the Senate Agenda Committee.

b. The foregoing organizational arrangements may be altered, amended, or repealed by the Board of Trustees at any of its regular meetings.

B. Dismissal Proceedings¹²

Dismissal of a faculty member who has tenure or whose term appointment has not expired is the most severe sanction which the University may impose. An administrative officer who intends to request that dismissal proceedings begin should do so only when there is clear evidence to show adequate cause (see Section II.A.2) for dismissal. Except in an unusually serious or sudden case of gross personal misconduct (including sexual harassment), gross neglect of duty, or unfitness in one's professional capacity, a request for dismissal proceedings should come forth only after a history of prior formal disciplinary action has been established.

1. Preliminary Proceedings Concerning Cause for Dismissal of a Faculty Member

When reason arises to consider dismissal of a faculty member, the Provost (or a representative specifically designated by the Provost) should discuss the matter with him/her in personal conference. The matter may be terminated by mutual consent at that point, a corrective disciplinary sanction may be imposed (with the faculty member retaining his/her rights under the Faculty Grievance Procedure), or a request to commence dismissal proceedings may be made by the President to the Faculty Senate Agenda Committee.

- a. In the request the President shall state, in general terms, the grounds for dismissal of the faculty member and shall state that a bill of particulars has been prepared which will be delivered to a Committee of Inquiry when it commences its investigation.
 - 1) At the same time that the request for dismissal proceedings is sent to the Senate Agenda Committee a copy of that request shall be delivered to the faculty member.
 - 2) The bill of particulars shall include:
 - a) The specific charge(s) which would establish cause for dismissal, clearly identifying the rules, regulations, policies, and/or norms of professional conduct alleged to have been violated.
 - b) For each charge alleged as the basis for dismissal:
 - (1) the time or times of alleged cause;
 - (2) the place or places of alleged cause;
 - (3) the manner in which alleged cause was committed (the activity or failure to act);
 - (4) the means, if any, employed to commit the alleged cause;
 - (5) the name or names of person(s), if any, other than the accused, present during commission of alleged cause and of whom the University currently has knowledge (or upon whom the University plans to rely in proof of its case).

¹²Modified from procedures approved by the American Association of University Professors, April 1958. Revised procedures approved by Faculty Senate, February 26, 1990; editorial revisions accepted by the Senate Agenda Committee, June 15, 1990. Approved by Board of Trustees October 12, 1990 with further editorial revisions accepted by the Senate Agenda Committee, January 29, 1991. The procedure applies to Teaching Faculty (2.1-4), Clinical and Academic Specialists (2.7)), and to Co-op Coordinators (2.9) only.

- c) For each charge alleged as the basis for dismissal: A statement detailing previous disciplinary action taken against the faculty member with respect to each charge alleged as the basis for dismissal.
- 3) At the same time that the bill of particulars is sent to the Committee of Inquiry a copy shall be delivered to the faculty member.
- b. When the Senate Agenda Committee has received the President's request, it shall appoint a Committee of Inquiry consisting of five faculty members not part of the department or equivalent academic unit to which the person under investigation belongs.¹³
 - 1) The function of the Committee of Inquiry shall be to conduct an informal inquiry into the situation specified in the bill of particulars and to determine whether, in its view, there is sufficient evidence to demonstrate probable cause for dismissal.
 - 2) It is the burden of the University to present the specific charges against the faculty member. The Committee of Inquiry will reach its findings solely on the basis of the charges brought, and will not formulate charges which have not already been specified in the bill of particulars.
 - 3) During the informal inquiry, neither the University nor the faculty member is entitled to representation by an attorney before the Committee of Inquiry. However, the faculty member is permitted to bring another faculty member, as an observer, to any meeting between him/her and the Committee.
 - 4) The Committee of Inquiry shall submit its findings in writing to the President with a specific finding as to each charge and a conclusion as to whether probable cause exists to justify commencing formal dismissal proceedings.
 - 5) When the President and the Committee of Inquiry agree that probable cause for dismissal exists, a written statement to that effect shall be jointly formulated, specifying the charges. If there is disagreement between the President and the Committee of Inquiry, the President reserves the right to proceed to a formal dismissal hearing based on a unilaterally formulated statement of charges.
 - 6) A communication from the President to the faculty member, together with any statement formulated in step 5) shall inform the faculty member that further action will not proceed or shall inform him/her that formal dismissal proceedings will proceed. A copy of this communication and the detailed statement of charges shall be transmitted to the Senate Agenda Committee.

2. Commencement of Formal Proceedings

a. Upon receipt of the President's communication that dismissal proceedings shall commence, and the statement of charges, the Senate Agenda Committee shall serve notice to the faculty member that a hearing to determine whether he/she should be removed from his/her faculty position on the grounds stated will be conducted at a specified date, time and place.

b. Notice of hearing will be served at least thirty calendar days prior to the date of the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. In any

¹³If a Review Committee under the Sexual Harassment Procedure (adopted by the Board of Trustees, on March 24, 1982) has recommended that the faculty member be dismissed and the President concurs, the President shall request a formal dismissal proceeding without the informal inquiry steps enumerated in this subsection. The Review Committee shall be deemed to have substituted for the Committee of Inquiry, and the Review Committee's evidence, determination, and summary of reasons shall replace those which would have come from the Committee of Inquiry. In all other respects, the dismissal procedure shall be followed.

case, the faculty member must make a detailed and specific written response to the statement of charges not less than fourteen calendar days before the date of the hearing.

c. If the faculty member does not respond to the notice of hearing and statement of charges, the hearing will go forward without the faculty member being permitted to participate.

If the faculty member denies the charges or asserts that the charges do not support a finding of adequate cause, but waives a hearing, the hearing will go forward and the faculty member may participate.

3. Assistance for Committee of Inquiry and Hearing Committee

- a. In the course of preliminary proceedings and/or formal dismissal proceedings, the Senate Agenda Committee may deem it necessary to seek legal counsel on issues of process, for itself or for the Committee of Inquiry. The Agenda Committee will appoint such counsel. The University administration will provide a reasonable budget to meet the expense of such counsel.
- b. To assure impartiality of the Agenda Committee's counsel, and to assure impartiality of the hearing master, payments to these persons will be made from a budget account established by the University administration for that purpose at the commencement of dismissal proceedings, and administered by the Agenda Committee (subject to regular University budgetary procedures). In addition, this budget will cover the costs of preparing transcripts as required below.

4. Hearing Committee

- a. The Hearing Committee will be comprised of six faculty members chosen by the Senate Agenda Committee from among its members and/or the members of the previous four Agenda Committees.
- b. A master will be appointed to facilitate the hearing process as an agent of the Hearing Committee. The master will be a legal professional with experience as an arbitrator, chosen by the Hearing Committee.

5. Committee Proceeding

a. Representation by Counsel

During the proceedings the faculty member is entitled to counsel and an academic advisor of his/her choice. The administration's case may be offered by an administrator designated by the President and/or by designated counsel.

b. Hearing Proceedings

1) Initial Hearing Session

The initial session of the hearing will take place on the date established by the Agenda Committee in the notice of hearing. A postponement may be granted only at the will of the Hearing Committee.

This session will bring together the parties, the Hearing Committee and the master, to place in the record the statement of charges and to deal with preliminary procedural matters.

The session will be convened by the Chair of the Hearing Committee. After having been introduced to the parties, the master will then preside.

Upon adjournment of the initial session, the formal hearing before the Committee will normally resume only after the master has completed the findings of fact.

2) Fact Finding

To facilitate the progress of the formal hearing, the Hearing Committee will designate the master to be its agent in determining the facts of the case. The master will hold evidentiary sessions in which the administration and the faculty member will present the evidence in the case, including testimony and cross-examination of witnesses. A verbatim transcript will be taken.

Hearing Committee members will not be required to attend these sessions.

When the presentation of evidence is concluded, the master will make the findings of fact. These findings shall be presented to the Hearing Committee, in writing. The University and the faculty member may present specific written exceptions to the findings of fact if they believe that a finding is not reasonably based on evidence in the record.

The transcript of the presentation of evidence will be made available to the Hearing Committee.

3) Procedures

a) The Hearing Committee and the master will not be bound by strict legal rules of evidence, and may admit any evidence which has a tendency to prove any fact of consequence to a determination of the issues to be decided.

Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

The Hearing Committee, in consultation with the master, will make rulings with regard to granting adjournment or termination of the hearing.

- b) The proceedings shall be closed unless all parties including the Hearing Committee agree that they should be open.
- c) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. To this end, the administration will cooperate with the Hearing Committee and the master in attempting to secure witnesses and making available documentary and other evidence.
- d) The faculty member and the administration will have the right to confront and cross-examine all witnesses unless the faculty member has been excluded from the proceeding under the terms of 2.C above. Where witnesses cannot or will not appear, but the master or the Hearing Committee determines that the interests of justice require admission of their statements, the witnesses will be identified, the master will conduct an interview, if possible, and will read a report of the interview into the record.
- e) In the hearing of charges of incompetence, the testimony may include that of experts including qualified faculty members from this or other colleges or universities.
- f) A verbatim transcript of the fact-finding sessions and of the hearing will be taken. Once the transcript has been received from the stenographer, a copy will be made available to the faculty member at his/her request.

4) Formal Hearing

When the formal hearing resumes, the Hearing Committee will receive the master's findings and any exceptions thereto, and will hear oral argument by both sides.

If circumstances warrant, the Hearing Committee may request documentary evidence or the appearance of witnesses other than those presented by the faculty member or the administration. The Hearing Committee or the master (at its request) may reexamine witnesses heard during the fact- finding.

If the Hearing Committee feels that written briefs would be helpful, it may request them.

6. Consideration by Hearing Committee

- a. The Hearing Committee will reach its decision in conference without assistance of counsel or the master. The findings of fact and the decision will be based solely on the hearing record. The burden of proof that adequate cause exists rests with the administration and will be satisfied only by a preponderance of clear and convincing evidence in the record considered as a whole.
- b. The Hearing Committee will make explicit findings with respect to each of the charges presented. It may, at its discretion, prepare a reasoned opinion. If the Hearing Committee decides that the facts establish adequate cause for some form of discipline, but not for dismissal, it may recommend a disciplinary sanction other than dismissal. If a faculty member has previously been suspended without pay, such a suspension may not be recommended by the Hearing Committee.
- c. Publicity concerning the Hearing Committee's decision should be withheld until final consideration has been given to the case by the Board of Trustees. Any release to the public should be made through the President's Office.

7. Consideration by the Board of Trustees

The President will transmit to the Board of Trustees the full report of the Hearing Committee, stating its action. If the Board of Trustees, or a duly authorized committee thereof, chooses to review the case, its review will be based on the record of the committee hearing, and it may provide opportunity for argument, oral, written or both, by the principals at the hearing, or by their representatives. The decision of the Hearing Committee should either be sustained or the proceeding returned to the Committee with objections specified. If the Board of Trustees has objections regarding limited aspects of the Hearing Committee decision, the decision may be returned to the Hearing Committee for reconsideration limited to those specified issues.

The Committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before. The Board of Trustees will make a final decision only after study of the Committee's reconsideration.

The Faculty Grievance Procedure shall not apply to this Dismissal Procedure or any final action taken pursuant to it.

8. Suspension of the Faculty Member during Proceedings

The University may institute suspension of the faculty member during the proceedings only if immediate harm to the faculty member or to others is threatened by continuing his/her employment responsibilities. Unless legal considerations forbid, any such suspension shall be with pay.

9. Publicity

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by the faculty member, administrative officers, Hearing

Committee members, or legal counsel shall be avoided so far as possible until the proceedings have been completed. Announcement of the final decision shall be made by the President. If the final decision differs from the Hearing Committee's recommendation, the announcement shall include a statement of that recommendation.

C. Policy Regarding Faculty Discipline¹⁴

The University has the inherent right to discipline a faculty member for just cause.

In the event that a faculty member is accused of violating well-established, University-wide policies or procedures (e.g., those regarding sexual harassment, discrimination, timely submission of grades), the establishment of cause and imposition of discipline should proceed in conformity with the published guidelines.

In the event that a faculty member is accused of violating the established policies or procedures of a College or Department (or equivalent unit) and/or of violating such policies or procedures for which no clear disciplinary guidelines have been established, and/or of violating commonly accepted norms of professional conduct, the establishment of cause and imposition of discipline should proceed within the unit whose policies or procedures are alleged to have been violated.

Appropriate disciplinary measures are sanctions commonly applicable to faculty, including a formal letter of reprimand, a reduction of salary increment, a period of suspension (with or without pay), and dismissal from the faculty, or other appropriate sanctions within this range.

After careful investigation and documentation of the validity of the alleged infraction, imposition of a disciplinary sanction other than suspension or dismissal should be carried out by the appropriate academic administrator (e.g., Department Chair, Dean or Provost).

When suspension of a faculty member has been recommended, the decision whether to impose the sanction must be made by the President after careful review of the facts and process leading to the recommendation. Any suspension without pay for a period longer than one year shall only be made following the dismissal procedures. More than one suspension without pay of the same person shall not be permitted.

In the event that dismissal of the faculty member is sought, there will normally be a record either of progressive steps of disciplinary action (and related actions, if any, within the Faculty Grievance Procedure), or of the appropriate review procedure (e.g., alleged sexual harassment) prior to the bringing of dismissal charges. Only in an unusually serious or sudden case of gross personal misconduct (including sexual harassment), unfitness as a teacher or researcher, or gross neglect of duty ought dismissal charges be brought without a prior record of corrective discipline.

In any instance in which disciplinary action is brought (except actions for dismissal), the faculty member to be disciplined has full access to those avenues of appeal and redress afforded by the Faculty Grievance Procedure set forth in the *Faculty Handbook*.

¹⁴Approved by Faculty Senate, February 26, 1990; editorial revisions accepted by Senate Agenda Committee, June 15, 1990. Approved by Board of Trustees October 12, 1990 with further editorial revisions accepted by the Senate Agenda Committee, January 29, 1991. This procedure applies to Teaching Faculty (2.1-2.4), Clinical or Academic Specialists (2.7), and to Co-op Coordinators (2.9) only.

D. Faculty Grievance Procedure¹⁵

From time to time within the University community, disputes may arise between a faculty member and a department chair (or equivalent), Dean, Provost, or other administrator in which there are allegations of inequitable treatment, violation of academic freedom, or violation of University policy or procedures in some action which affects the faculty member. Administrators should work carefully to avoid such situations and, should they occur, make every effort to resolve them before they become formal grievances. Similarly, faculty should understand that mediating a formal grievance will involve a major investment of their colleagues' time, and should use the procedure only to resolve important issues.

When such a dispute arises, it is important that the parties work in good faith to resolve the situation informally, as quickly as possible. The aggrieved faculty member should attempt to meet with the person whose action is the focus of the dispute in order to discuss and resolve the situation. If resolution is not achieved, s/he should attempt to meet first with the Dean and, if the Dean is unable to resolve the dispute, then with the Provost (or Provost's representative) to make them aware of the situation and discuss paths to resolution. If, after making these attempts at informal resolution, the faculty member is not satisfied, s/he may proceed formally within the regular grievance procedure, including the option for early provostial review. ¹⁶

1. Definitions and Eligibility

a. Definition of "Grievance"

A grievance is defined as a complaint by a faculty member that he or she:

- 1) has been subject to a violation, misinterpretation or inequitable application of the provisions of the *Faculty Handbook, Academic Operations Manual*, or other published University or unit regulations; or
- 2) has otherwise been treated unfairly or inequitably.

b. Eligibility and Applicability

This procedure is available only to full-time probationary or tenured members of the Teaching Faculty as defined in *Faculty Handbook* section V.B.2.a.1)a). 17

Grievances relating to tenure, whether procedural or substantive, shall be governed by the Tenure Appeals provisions of this handbook (section II.B.3). This grievance procedure does not apply with respect to tenure or early tenure decisions nor does it apply to a Dismissal Proceeding or any final action pursuant to it.

If a grievant makes a claim of discriminatory acts prohibited by law or by University policy, the grievance shall first be pursued through the Office of Affirmative Action and its procedures. When this has been

¹⁵ Approved by vote of the Faculty Senate, November 2, 1992. Approved by the Board of Trustees, June 11, 1993. Amended by vote of the Faculty Senate, June 7, 1994; presidential approval authorized by Board of Trustees, June 10, 1994; approved by the President, July 7, 1994. The original Faculty Grievance Procedure on which this is based was adopted by the Board of Trustees in 1973. This procedure applies to Teaching Faculty (2.1-2.4) and, as modified in the footnotes that accompany the procedure, to Co-op Coordinators (2.9) only. A grievance procedure that applies to Clinical or Academic Specialists or Full Time or Benefits Eligible Lecturers (2.8F or B) follows this section.

¹⁶ See I.D.3. for Early Provostial Review (formerly the "Accelerated Grievance Procedure").

¹⁷ Or Cooperative Education Coordinator (2.9).

completed, any aspects of the grievance which remain unresolved may then be brought to the grievance procedure.

2. Regular Grievance Procedure

- a. Step One: Filing a Grievance
 - 1) A grievance must be filed within three months after the faculty member became aware of the grievable event. During this period s/he must attempt to resolve the matter informally.
 - 2) A formal grievance is filed in writing with the Senate Agenda Committee. The Senate's grievance coordinator will send copies to the Department Chair (or equivalent), Dean, Provost, and (if not one of these) the person whose action occasioned the grievance.
 - 3) In the formal grievance, the grievant will state the exact nature of the grievance, against whom it is filed, and the remedy sought. At this point s/he may request resolution through the Early Provostial Review Option. 14
 - 4) In the event that informal steps to resolve the situation are ongoing, the grievant may request, in writing, that the Senate Agenda Committee automatically grant postponement of the Step Two for an additional two months. At any time that the grievant is dissatisfied with the progress of informal steps, s/he may, in writing, rescind this request and resume the normal grievance process.
- b. Step Two: Mediation by an ad hoc Faculty Committee
 - 1) As soon as possible after the Senate Agenda Committee has received notice of a grievance or notice that Early Provostial Review has not resolved the grievance, the Agenda Committee shall appoint an *ad hoc* Mediation Committee composed of three faculty members. ¹⁸ In appointing this Committee, the Agenda Committee will normally appoint faculty members not involved with the grievant or his or her department.
 - 2) The *ad hoc* Mediation Committee shall be neutral and impartial as it attempts to mediate the dispute. During this phase of the procedure the committee may suggest ways to resolve the dispute, but shall make no formal findings with respect to the grievance other than to determine whether the grievance falls within the definition of a grievance, and/or whether it is insubstantial or frivolous. The *ad hoc* Mediation Committee shall conduct the meetings in steps two and three. However, the inability of one Committee member to attend such meetings shall in no way change any prescribed time limits.
 - 3) As soon as reasonably possible after the establishment of the *ad hoc* Mediation Committee, its chair shall arrange for one or more meetings with the relevant parties in an effort to resolve the grievance. At any meeting where the grievant is present, the grievant may be accompanied by a member of the Northeastern University community.
 - a) After an initial meeting with the grievant, the *ad hoc* Mediation Committee may at any point, by majority vote, determine whether the grievance meets a threshold for mediation: that it is neither insubstantial nor frivolous and falls within the definition of a grievance.
 - i) If the Committee rules that the entire grievance does not meet this threshold, it shall so inform the grievant, the other relevant parties, the Provost and the Senate Agenda Committee.

¹⁸Where the grievant is a Cooperative Education Coordinator (2.9), one member of the *ad hoc* Mediation Committee shall be appointed from among the Cooperative Education Coordinators not involved in the Grievance.

In this circumstance the grievance is terminated without further mediation and without recourse to arbitration.

- ii) If the Committee rules that only some of the issues raised in the grievance do not meet this threshold, it shall so inform the grievant, the other relevant parties, the Provost and the Senate Agenda Committee, also stipulating the issues which remain to be mediated. In this circumstance, mediation will proceed with respect to the remaining issues. Neither mediation nor arbitration will remain available for the issues deemed nongrievable.
- b) As the mediation process continues, if the Committee deems it advisable, it may require the attendance of the person whose action occasioned the grievance and any other persons who might be of aid in resolving the grievance, such as the Affirmative Action Officer, or the Director of the Office of Disability Resources.
- 4) If mediation is unsuccessful without the participation of the Dean, the Committee shall require the attendance of the Dean for at least one meeting to attempt to reach a resolution.¹⁹
- 5) If no resolution has been formalized within ten working days of the last Step Two meeting, or if the *ad hoc* Mediation Committee feels that no resolution is forthcoming, and if the grievant wishes to pursue the grievance, the Chair of the *ad hoc* Mediation Committee shall arrange a meeting with the Provost (or his or her designee), the grievant, and the *ad hoc* Mediation Committee for the purpose of resolving the grievance. If the *ad hoc* Mediation Committee considers it advisable, it may request the attendance of the party whose action occasioned the grievance and/or other involved individuals. The grievant may be accompanied by a member of the Northeastern University community.
- 6) If, after this meeting, no resolution has yet been reached, the *ad hoc* Mediation Committee may submit to the parties a proposed resolution to the grievance.

¹⁹In the case where the Grievant is a faculty member (2.1-2.4 or 2.9) in Cooperative Education, this provision applies to the Dean of the Department of Cooperative Education and to the Vice President of the Division of Cooperative Education.

c. Step Three: Request for Arbitration

- 1) If the grievant is not satisfied with the disposition of the grievance at Step Two, or if no decision has been rendered within ten working days after the meeting with the Provost (Step Two) or within ten working days of receipt of a proposed resolution formally submitted by the *ad hoc* Mediation Committee to the parties, the grievant may request, in writing, to the Chair of the *ad hoc* Mediation Committee that the grievance be submitted to arbitration. If the grievant does not file a request for arbitration by the end of 30 working days after the Step Two disposition and/or meeting, or the transmittal of the Committee's proposed resolution, the grievance is closed.
- 2) The *ad hoc* Mediation Committee will, within ten working days after receipt of the request for arbitration, decide by a majority vote if the grievance shall be arbitrated. In doing so, the Committee will not determine whether or not the grievance shall be upheld, but only whether the grievance shall be arbitrated. The Committee shall determine if (a) the claim falls within the definition of a grievance, b) the remaining issues beyond any settlement currently offered by the Provost are neither clearly insubstantial nor frivolous and (c) the remedy sought is within the power of an arbitrator. If these conditions are met, the Committee shall decide in favor of arbitration.
- 3) If the *ad hoc* Mediation Committee decides that the grievance does not meet the criteria for arbitration, the grievance is closed.
- 4) If the *ad hoc* Committee believes that the grievance has revealed needed improvements in policies, practices, or procedures in the University, it shall recommend such changes to the Senate by forwarding such recommendations to the Senate Agenda Committee, or appropriate supervisory unit.
- 5) If the *ad hoc* Mediation Committee decides that the grievance shall be arbitrated, the Committee will instruct the Provost's Office to institute arbitration proceedings.

d. Step Four: Arbitration

- 1) If the grievance is to be arbitrated, the *ad hoc* Mediation Committee will so notify the Provost and the grievant.
- 2) Within fifteen calendar days after the notification of the Provost, the Provost (or his or her designee) shall meet with the grievant for the purpose of explaining the process of filing a demand for arbitration with the American Arbitration Association. At the request of the grievant or the Provost, the *ad hoc* Mediation Committee's Chair may also be present at this meeting. The University must file such demand within 15 calendar days after this meeting, as long as the escrow requirement of subsection 5(d) has been met, or within 5 days after University Counsel receives notice that the grievant has met the escrow requirement, whichever comes later. If the grievant has not met the escrow requirement within 90 calendar days of the demand for arbitration, the grievance will be deemed to have been withdrawn.
- 3) The arbitrator shall be chosen from a list of arbitrators maintained by the American Arbitration Association. The arbitrator must be qualified for academic arbitration by virtue of current or previous service as a faculty member or academic administrator of a college or university.²⁰ The conduct of the proceedings shall be governed by the rules of the American Arbitration Association.

²⁰Approved by the Faculty Senate, January 23, 1984. Approved by the President, March 21, 1984. This provision is subject to periodic elaboration by agreements negotiated between the University and the American Arbitration Association.

- 4) The decision of the arbitrator, within the scope of his or her jurisdiction, shall be final and binding on the parties to the dispute and the University; however, the arbitrator shall be without power to
 - a) make a decision which requires the commission of an act prohibited by law,
 - b) substitute his or her judgment on the professional qualifications of a faculty member for the judgment of the relevant academic committee, or
 - c) add to, subtract from, or modify provisions of the *Faculty Handbook*, the *Academic Operations Manual*, or other relevant University documents.
- 5) The costs of the services of the American Arbitration Association and the Arbitrator shall be borne as follows:
 - a) If the arbitrator upholds the grievance (whether or not he or she grants the remedy sought by the grievant), these costs will be borne by the University.
 - b) If the arbitrator denies the grievance, the grievant will pay 1/3 of the fees of the American Arbitration Association and its arbitrator, and the University shall bear the remainder of such costs.
 - c) Each party will pay for its own expenses, services and fees other than the costs of the American Arbitration Association and the arbitrator.
 - d) To assure that the conditions of section (b) can be met, the grievant will place into a non-interest bearing escrow account in the Northeastern University Federal Credit Union, a sum equal to one-half of the American Arbitration Association processing fee plus one-half of one day's arbitrator's fee. Specific instructions for establishment of the escrow account are set by the Senate Agenda Committee and are available in the Faculty Senate office.

The escrow account will be controlled by the Chair of the Senate Agenda Committee. Upon completion of the arbitration, with the signature of the Agenda Committee Chair and a copy of the arbitrator's decision, the deposited funds will be returned to the grievant if the grievance is upheld, or transferred to the University if the grievance is denied. If the arbitrator reaches a split decision on a multi-element grievance, the arbitrator will determine the proportional distribution of the AAA/Arbitrator costs and the distribution of the deposited funds.

e. Miscellaneous

1) Timeliness

- a) The time limit for filing a grievance as specified in section 2.a may be extended beyond three months with written agreement of the Provost, the grievant and the Senate Agenda Committee grievance officer.
- b) It is important that grievances be processed as rapidly as possible. The number of days indicated at each step shall be considered a maximum, and every effort will be made to expedite the process. The time limits specified may, however, be extended by mutual agreement.
- c) Because it is difficult to form an *ad hoc* Mediation Committee during the summer months, the clock for Steps Two and Three will normally be suspended during Summer Quarter. However, the

filing of a grievance under Step One must still occur within three months after the grievant became aware of the grievable event(s).

- d) A grievant shall have two weeks to respond after each step. If he or she fails to respond by the end of two weeks the grievance will be considered as waived. An involuntary delay such as illness or failure of the mails to deliver shall not be construed as waiving the grievance.
- 2) If in the course of processing the grievance there is a dispute over whether a grievance has been waived, the parties will continue to follow the procedure and, if the grievant proceeds to arbitration, the arbitrator will decide whether or not the grievance has been waived.
- 3) Unless the grievance has been resolved, withdrawn or otherwise terminated, the *ad hoc* Mediation Committee shall make no formal findings or report before the end of Step Two.
- 4) Copies of the arbitration decision shall be sent to the grievant, the Provost and the Chair of the Senate Agenda Committee.
- 5) No outside counsel (for the grievant or any other party to the grievance) may be present in any of the Step Two mediation meetings. However, all parties may be represented by counsel in arbitration proceedings.

6) Documents and Confidentiality

The University shall make available to the grievant relevant materials pertaining to his or her case. However, documents developed in tenure and promotion proceedings with the understanding that they are confidential do not have to be made available to the grievant.²¹

- 7) The Agenda Committee of the Senate will, upon request, provide the grievant and/or the person whose action occasioned the grievance with the names of faculty members or others who may be of assistance in preparation and presentation of his or her case in the grievance procedure.
- 8) It is important that testimony and deliberations which take place under this procedure shall be kept confidential by the parties and by those involved in the resolution of the grievance.
- 9) If at any point the grievant determines to withdraw the grievance, s/he shall do so in writing to the Senate Agenda Committee.
- 10) If, during the course of a grievance, the grievant's University employment terminates for any reason, the grievance shall be discontinued, except that when the grievance involves non-renewal of contract the grievant may request, in writing to the Senate Agenda Committee, that the grievance be continued.

3. Early Provostial Review Option for Use in Case of Alleged Procedural Violations

²¹In an arbitration decision dated November 11, 1974, the following guideline relating to confidentiality was established: "Documents developed in the tenure procedure involving ... the understanding and expectation that they were confidential do not have to be made available to [the grievant] by the University. Included in such documents are letters of recommendation, evaluation forms, and the minutes of the Promotion and Tenure Committee ..."

- a. At the time a grievance is filed under Section I.D.2, the grievant may request this option of early review by the Provost. In this event, the timeliness provisions for further steps of the Regular Grievance Procedure are suspended until the grievant receives written notice of the results of this optional procedure.
- b. The grievant and a representative of the Senate Agenda Committee will confer with a representative of the Provost within ten workdays. If the Provost's representative recognizes merit in the grievance, he or she shall so notify the Provost. Otherwise, he or she shall inform the grievant, in writing, that the grievance is denied.
- c. If the Provost recognizes merit in the grievance, he or she shall delegate his or her representative to work with the appropriate Dean or Chair toward correcting the defective procedures. This process, which may involve any steps up to and including a full reconsideration of the original decision upon which the grievance is based, utilizing corrected procedures, should be completed within two weeks. At that time the grievant will be informed of his or her status by the Dean or Chair.
- d. Whatever the outcome of this provostial review procedure, the grievant shall still have access to the standard faculty grievance procedure.

E. Grievance Procedure for 2.7 Academic or Clinical Specialists and 2.8B or 2.8F Lecturers²²

From time to time within the University Community, disputes may arise between a Clinical or Academic Specialist or a 2.8B or 2.8F Lecturer and a Department Chairperson (or equivalent unit supervisor), Dean, Provost, or other administrator in which there are allegations of inequitable treatment or violation of University policy or procedures in some action that affects the individual. Administrators should work carefully to avoid such situations and, should they occur, make every effort to resolve them before they become formal grievances. Similarly, these individuals should understand that mediating a formal grievance will involve a major investment of their colleagues' time, and should use the procedure only to resolve important issues.

When such a dispute arises, it is important that the parties work in good faith to resolve the situation informally, as quickly as possible. The aggrieved individual should attempt to meet with the person whose action is the focus of the dispute in order to discuss and resolve the situation. If resolution is not achieved, he or she should attempt to meet first with his or her immediate supervisor and then with the Dean in order to make them aware of the situation and discuss paths to resolution. If these attempts at informal resolution are not successful, a Clinical/Academic Specialist (WICHE classifications 2.7) or a Full-Time Lecturer (WICHE classification 2.8B and F) has the right to pursue a grievance through the following procedure.

When an individual in one of these employment categories believes that he or she has been subject to a violation, misinterpretation, or inequitable application of the provisions of the *Faculty Handbook* or *Academic Operations Manual* or other applicable published University, College, or unit regulations or has otherwise been treated unfairly or inequitably, after discussing the matter with his or her immediate supervisor and with the College Dean, if the individual is not satisfied with the outcome of these discussions, he or she may file a written grievance with the Office of the Provost. The grievance must be filed within three months of the individual becoming aware of the grievable event. The grievance should state the nature of the complaint, the name of the person against whom it is directed, and a proposed remedy. If the grievance involves an allegation of sexual harassment or of discrimination prohibited by law or by University policy, the grievance shall be investigated by the Office of Affirmative Action prior to the

²²Promulgated by the Provost and reviewed by the Faculty Senate Agenda Committee, April, 1992.

creation of the Mediation Committee described below. Following the resolution of any such sexual harassment/discrimination issues, any remaining grievable issues shall be addressed in the manner described below except that neither the Mediation Committee nor the Provost shall have the authority to overturn or modify the findings or remedies ordered at the end of the Affirmative Action investigation.

Within ten (10) working days of the receipt of the grievance by the Provost's Office, the Provost (or his or her designee) will select, by rotation, a three-person Mediation Committee to investigate the grievance and to make recommendations to the Provost for its resolution. The three individuals shall be chosen from pools of Teaching Faculty, and Clinical/Academic Specialists, or Full-Time Lecturers depending on the job classification of the grievant. These pools shall be established by the Provost in consultation with the Senate Agenda Committee at the beginning of each academic year. The Faculty pools shall contain the names of at least five individuals from the appropriate job category chosen in the same manner and willing to serve if called upon. Each Mediation Committee shall consist of two Teaching Faculty members and one individual chosen from the pool of persons in the same job classification as the grievant. However, in no instance shall an individual be selected who is involved with the grievance, with the circumstances surrounding it, or who would tangibly benefit from a particular outcome. If the establishment of a Mediation Committee follows an investigation by the Office of Affirmative Action (see above), a member of the Affirmative Action Office staff shall also serve as a member, *ex officio*, of the Mediation Committee to insure that its recommendations are in accord with any Affirmative Action findings/orders that may have resulted from its the Affirmative Action investigation.

The Mediation Committee shall elect a chairperson from among its members, meet with the parties, consider relevant documents, hear witnesses, and conduct whatever investigation it deems appropriate. If asked to meet with the Mediation Committee, the grievant may be accompanied by a member of the Northeastern University community. No outside counsel (for the grievant or any other party to the grievance) may be present at any of the Mediation Committee hearings. At no time shall the Committee be bound by rules of evidence, but shall, at all times, conduct itself in accordance with principles of justice and fair play. It may attempt to mediate between the parties or to propose informal resolutions for the consideration of the parties. If the Committee fails to secure a settlement agreeable to the parties, it shall conclude its business by submitting to the Provost a formal written report of its activities and a recommended resolution. If the Provost is the person against whom the grievance is initially filed, the University President shall receive the report and recommendation from the Mediation Committee and perform the duties stated in the next paragraph.

The Provost shall, within ten (10) working days of this report, resolve the grievance and transmit this conclusion in writing to the involved parties, to the unit supervisor, the Dean of the College, and to the Mediation Committee chairperson. The Provost may, but is not required to accept the Mediation Committee's recommendation. The Provost's determination shall be binding on the parties and shall close the grievance. No further grievance or appeal on the issues thus resolved may be pursued by either party once this procedure has been completed.

If, during the course of a grievance, the grievant's University employment terminates for any reason, the grievance shall be discontinued, except that when the grievance involves non-renewal of contract, the grievant may request, in a writing to the Provost, that the grievance be continued.

II. Faculty Appointments, Promotion and Tenure²³

The purpose of academic tenure is to insure academic freedom for the faculty member — the right to teach, study, and engage in research free from restrictions and pressures which otherwise might inhibit independence of thought and expression. A college or university is a marketplace of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States Supreme Court, "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding: otherwise our civilization will stagnate and die." Academic freedom and tenure imply collective duties as well as rights. The college or university teacher has a special position in the community which imposes special obligations. He or she should remember that the public may judge his profession and his institution by his utterances. He or she should at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that he or she is not an institutional spokesperson²⁴.

A. Appointments

1. Types and Terms

The terms and conditions of every appointment to the faculty shall be confirmed in writing, and a copy supplied to the faculty member.

Tenure at the University, unless otherwise specifically defined in any individual contract between the University and a faculty member, means the continuing right of a faculty member to receive annual employment contracts on a thirty-nine week basis consistent with employment conditions as reflected in the *Faculty Handbook* in force at the time of the commencement of the annual contract and subject to the University's right to terminate such faculty member by reason of adequate cause, financial exigency, or *bona fide* discontinuance of a program or department of instruction²⁵.

With the exception of appointments clearly limited to a brief association with the institution, and reappointments of retired faculty members under special conditions, all full-time²⁶ appointments to the rank of instructor or higher are of two kinds: (1) probationary appointments; and (2) appointments with continuous tenure. Except for faculty members who have tenure status, every person with a full-time

²³Approved by Faculty Senate, March 12, 1979. Amended May 29, 1980; June 2, 1980; June 7, 1980; Voted by Board of Trustees December 17, 1980. This policy applies to Teaching Faculty (2.1-2.4) only.

²⁴This paragraph is based largely on the "1940 Statement of Principles of Academic Freedom and Academic Tenure," issued by the Association of American Colleges and the American Association of University Professors, commonly referred to in the profession as the "1940 Statement of Principles" and on the "1968 Recommended Institutional Regulations on Academic Freedom and Tenure" issued by the American Association of University Professors (*AAUP Bulletin* 54, 448-452, December 3, 1968).

²⁵Approved by the Board of Trustees, June 18, 1982.

²⁶Full-time shall mean an academic appointment which includes teaching and/or research in a faculty rank for more than two quarters in an academic year or not less than a full assignment for the academic year or any portion thereof. Without limiting other sections of this *Handbook* with respect to Conflicts of Commitment and Interest (section III D., below) it is understood that full-time faculty are prohibited from holding full-time faculty or teaching appointments at other educational institutions. When a personal, professional, or other leave results in a delay of tenure consideration from the year specified in the appointment letter, the letter granting that leave shall include, among its terms and conditions, whether or to what extent the expectation of scholarly productivity during a future tenure consideration will be affected by the extended probationary period. If no such statement appears, it shall not be assumed that scholarship will continue during the year in which the leave occurs. For a description of the positions covered by the term full-time, see V.B.2 in this *Handbook*.

teaching or research appointment shall be informed each year in writing of his or her appointment, the number of probationary years remaining and the year of tenure consideration.

Regardless of the stated term or other provisions of any appointments, written notice that an appointment is not to be renewed shall be given to the faculty member in advance of the expiration of his or her appointment, as follows:

- a. Not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or if a one-year appointment ends during the academic year, at least three months before the end of that year.
- b. Not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or if an initial two-year appointment terminates during an academic year, at least six months before the end of that year.
- c. At least twelve months before the expiration of an appointment after a period of service exceeding two years²⁷.

2. Termination

Termination of an appointment with tenure may be effected by the institution only for adequate cause, financial exigency, or *bona fide* discontinuance of a program or department of instruction. Termination of a special or probationary appointment before the end of a contract period (to be distinguished from the probationary period) may be effected by the institution only for adequate cause or financial exigency. Adequate cause for dismissal will be gross personal misconduct, gross neglect of duty, or the unfitness of the faculty member in his or her professional capacity as a teacher or a researcher. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens. In order to provide adequate due process protection, dismissal procedures shall be followed. These are contained in I.B of the *Faculty Handbook*.

B. Tenure

Tenure is granted to Northeastern faculty after an initial probationary period of employment. The probationary period is defined as the period between the initial appointment at Northeastern and the end of the academic year during which the decision regarding tenure is reached. The probationary period will not exceed a total of six full-time years of employment²⁸ in the rank of Instructor, Assistant Professor, Associate Professor, or Professor at Northeastern. Part-time service, and full-time service in any other capacity, including administrative work, will not in general be credited toward the probationary period. In exceptional circumstances, partial credit toward tenure may be counted, at the discretion of the tenure committee of the relevant academic department.

In appropriate cases, faculty members may be granted credit toward the probationary period based on service elsewhere. To qualify for credit, such service must have been either in a similar full-time capacity with faculty status at an institution of higher learning, or other relevant professional service which the Provost deems acceptable for this purpose. At the time of the initial appointment at Northeastern, the faculty member will be informed in writing of the exact number of years comprising the maximum probation period in his or her case. If the number of years of service credited is less than three, the case will be treated as if

²⁷Where deadlines on notification concerning denial of tenure or with respect to the issuance of a terminal contract have been missed by reason of inadvertence, mistake, or misunderstanding, the institution shall provide to the faculty member involved a contract extension equal to the time between the missed deadline and the appropriate notification or the issuance of the corrected contract, whichever the case may be. (Approved by the Board of Trustees, June 18, 1982).

²⁸For regulations regarding early tenure consideration, see II.B.7 below.

the probationary service had been at Northeastern. If the faculty member is credited with three or more years of service elsewhere, the probationary period will not exceed three years at Northeastern. The Provost may require up to three years of probationary service at Northeastern even though this will have the effect of extending the person's total probationary service in the academic profession beyond the normal length.

If an affirmative decision with respect to the granting of tenure is made, the tenure appointment shall become effective on the July 1 following the notification, except where notification is delayed because of a successful grievance or appeal (see Section 2.b and Section 3 below). Except through inadvertence, retention in faculty rank for more than one year of full-time service beyond the probationary period shall automatically confer tenure.

1. Criteria

Evaluative criteria for acquisition of tenure shall include, in addition to those listed for promotion, the candidate's promise for future professional development and the long range need of the University.*

2. Procedures

a. Recommendations on tenure for faculty members shall be submitted to the Dean of the College by a Tenure Committee²⁹. The Tenure Committee shall normally be composed of not less than three tenured members of the candidate's department. Its decisions shall be based on an evaluation of academic and professional qualifications and the long range needs of the program or department, and not on considerations administrative or financial in nature. Committee size and membership shall be determined by annual vote by the tenured department members and elected by the tenured department members, except that the department Chair shall be an *ex officio* member. If, in the opinion of the Provost, expertise is needed from outside the department, the Tenure Committee may be expanded to meet this need. The additional members shall be chosen by the Provost. During this process, the candidate's suggestions shall be sought by the Provost; however, such suggestions shall not be binding on the Provost. If a department has fewer than three tenured members and chooses not to form a joint committee (see below), the Dean of the College shall, in consultation with the tenured members of the department, choose the necessary additional members from the ranks of tenured faculty in allied disciplines. During this process, the candidate's suggestions shall be sought by the Dean; however, such suggestions shall not be binding on the Dean. The membership of such a committee shall be subject to review by the Provost.

In any College where the division into departments does not result in units appropriate for tenure consideration or where a department has fewer than three tenured members, two or more departments may

departments and colleges in which [he/she] never taught might possibly be able to use [his or her] services."

^{*} In an arbitration decision dated August 22, 1983, the following guideline relating to the arena within which "the long range need of the University" is to be considered in tenure review cases was established: "it [is] hardly unreasonable...in the tenure review process to consider [the] department's and college's long range needs in considering whether [a particular candidate] should be retained, as distinguished from considering whether other

²⁹"Tenure Committee" refers to the standing department committee, a joint committee of two or more departments, or a single college committee, whichever is applicable and appropriate under the particular circumstances. Where the tenure and promotion of a candidate are considered concurrently (defined as during the same academic year), the Tenure procedures described in this Section are followed exclusively in the consideration of both tenure and promotion (see II.C.2.d, below), except that where tenure is granted, but a positive Tenure Committee promotion recommendation is denied, the procedure set forth in Section II.C.2.f, below shall be the only available mechanism through which the promotion recommendation or decision may be appealed. In such case, the Tenure Committee shall act as the Promotion Committee for the purpose of determining whether or not the appeal shall be instituted. Similarly, if tenure is granted, but promotion denied and a grievance arises from the promotion denial, the Grievance Procedure set forth in Section I.D shall be utilized to resolve the grievance, rather than that described in Section 3, below which is reserved solely for Tenure cases. Where Tenure is denied, a simultaneous denial of promotion may not be separately appealed or grieved, but may be reviewed only in the manner set forth in the Tenure regulations.

form a joint committee, with the approval of a majority of the tenured members in each department involved in the merger.

In those cases where a well-defined department structure does not exist, the College may be considered a merged single department for the purposes of this Section.³⁰ The composition of this committee shall be determined by majority vote of the tenured members of the College.

The recommendations of the Tenure Committee shall reflect the best professional judgment of the Committee as to the candidate's merit. 31

Prior to the Tenure Committee's vote, the chairperson of the department or comparable unit shall write and submit to the Tenure Committee a report focusing on matters related to the candidate's performance as a faculty member, promise for future development, and the long-range need of the University. The report shall become a part of the candidate's dossier to which the candidate has access, and a copy of the report shall be made available to the candidate.

It is expected that whenever the Committee considers it relevant, it will seek out confirming professional opinions of academic experts outside the institution, and that it will review relevant opinions of students, alumni and administrators in trying to establish the best possible base for effective evaluation. Each Committee may establish any formal mechanism for gathering evaluative data which it deems appropriate. The following procedures shall apply in all cases:

- 1) In the spring quarter preceding the projected tenure consideration, the candidate shall be advised by the department (or equivalent unit) that he or she will be considered for tenure in the following fall quarter.³² This shall be in the form of a letter to the prospective candidate, outlining, among other things, the following:
 - a) Departmental procedures with respect to tenure consideration,³³ voting regulations and the required vote for a positive decision;
 - b) The considerations or criteria that are used in departmental evaluations of candidates;
 - c) The class of materials the candidate should prepare for his or her dossier and what actions the department will take to develop his or her dossier;
 - d) Whatever rights the candidate has to appear, to have faculty advocacy, to make response, etc., (if such rights exist) during the course of the deliberations; and
 - e) A statement that the candidate shall have access to his or her dossier both before and after the departmental vote, except for documents used or "developed in the tenure procedure involving the understanding and expectation that they were confidential."³⁴
- 2) All considerations of the Tenure Committee shall be based on the material in the dossier. The dossier shall include the curriculum vitae of the candidate, previous annual, third/fourth year pre-

³⁰As of June 2000, the non-departmentalized college units are College of Business Administration, College of Computer Science, College of Criminal Justice, and School of Law.

³¹This judgment shall include relevant student input.

³²This timing does not apply to candidates who request early tenure consideration under Section II.B.7.b below.

³³Each department or equivalent unit shall develop and maintain written procedures with respect to tenure consideration. These procedures shall be approved by vote of probationary and tenured unit faculty and must be approved by the Dean and Provost prior to their implementation.

³⁴Arbitration Decision, November 11, 1974 [see footnote 21for a more complete definition of confidential material].

tenure, and merit evaluations, the chair's report focusing on matters related to the candidate's performance as a faculty member, promise for future development, and the long-range need of the University, reports of special subcommittees set up to evaluate the candidate's teaching and scholarship, reference letters,** and any other materials deemed relevant by either the candidate or Tenure Committee.

If, during deliberations of the Tenure Committee, new materials other than those defined as confidential are introduced into the dossier, the candidate shall have access to them.³⁵ If the Tenure Committee does not include all tenured members of the department, its official report shall be circulated among all tenured members. A written report summarizing the deliberations, approved by the Tenure Committee, including the numerical tally of its vote on the candidate's application, shall be attached to the dossier and also given to the candidate. In addition to the recommendation of the Tenure Committee and the reasons for it, the report may also include dissenting opinions. While protecting the confidentiality of individuals and sources, the candidate shall be given access to the final report of the Tenure Committee before it is submitted to the College Dean (or to the College Advisory Committee where one exists). The candidate shall have the right to append a response to the report if he or she deems it desirable. If such a response is generated, the candidate may request the Tenure Committee to meet again and consider the response and vote again before the recommendation is submitted.³⁶

3) The dossier, including the report of the Tenure Committee, shall be forwarded to a College Advisory Committee³⁷ whenever such a committee has been established. The College Advisory Committee shall operate according to explicitly defined procedures that have been approved by the College faculty, and have been provided to both the candidate and the Tenure Committee. Any member of the College Advisory Committee from a unit whose faculty member is being considered for tenure by that committee may not participate in any College Advisory Committee discussion regarding that candidate and must abstain from voting. Any additions to the dossier, aside from confidential material, shall be made available to the candidate and the Tenure Committee.³⁸ The vote of the College Advisory Committee and a report of its considerations shall be attached to the dossier and forwarded to the Dean

^{***} The names of referees shall be kept confidential and use of referees' comments in the report shall be without attribution.

³⁵Evaluations, recommendations, or petitions regarding faculty candidates for tenure and/or promotion that have not been solicited by the appropriate faculty Tenure or Promotion Committee (the "committee") shall be immediately forwarded to the Chairperson of the committee before consideration by the committee. Such evaluations, recommendations, or petitions shall not be included in the candidate's dossier or considered by the committee unless and until the author(s) of the evaluation, recommendation, or petition agree(s) in writing to the Chairperson of the committee to permit the candidate to review the document and the candidate is given the opportunity to respond to it. If the author(s)--or, in the case of a petition, its submitter(s)--refuse(s) to permit such review, the evaluation, recommendation, or petition shall be returned to the author(s) and shall not be considered by the committee or made part of the candidate's dossier. If the author(s) agree(s) to this review, the document shall be placed into that part of the dossier available for the candidate's review, in a section entitled "Unsolicited Documents." The candidate shall then be informed that an unsolicited evaluation, recommendation, or petition has been inserted into his or her dossier, that he or she has a right to respond to it, and that it, along with any candidate-generated response to it, will be considered by the committee in the course of the committee's deliberations. Any unsolicited document(s) received after the committee has submitted its written report regarding the candidate will be returned to its author(s) and will not be reviewed or considered. This policy applies only to unsolicited evaluations, and in no way alters existing University policies on the confidentiality of materials solicited by an evaluation committee. (This policy approved by vote of the Faculty Senate, November 29, 1993. Approved by the President, December 3, 1993).

³⁶In current practice when a revote is taken pursuant to a candidate's request or to correct a procedural error, only the final report and vote are forwarded to the next level.

³⁷"Advisory Committee" refers to a standing College or intercollege Committee whose function is to review the actions of Tenure Committees and make recommendations to the Dean and the Provost.

³⁸The dossier is considered complete when it is transmitted from the Tenure Committee, and is considered closed to further additions when it is transmitted from the Dean to the Provost.

of the College for his or her recommendation to the Provost. The report, vote, and recommendation of the Dean shall also be made available to the candidate and the Tenure Committee.³⁹ The College Advisory Committee, on its own initiative or at the request of the candidate, may rule that a case has not been properly processed by the Tenure Committee and, at its discretion, may send the case back for reconsideration by the Tenure Committee.

- 4) Where no College Advisory Committee has been established, the dossier, including the report of the Tenure Committee and its vote, shall be transmitted to the Dean of the College for his or her recommendation to the Provost.³⁷ A copy of this recommendation shall be furnished to the candidate and to the Tenure Committee.
- 5) The ultimate responsibility for assuring proper processing of tenure case, including maintenance and return of dossiers, ⁴⁰ shall lie with the Office of the Provost. In any case where the appropriate peer review committee has failed or refused within a reasonable period of time to accord fair consideration or reconsideration, the Provost shall adopt such procedures as he/she deems fair, reasonable, and appropriate to ensure fair consideration.

Any individual or group who feels a procedural malfunction has occurred during the tenure consideration may consult with the Provost's Office (see also section 3 below.)⁴¹

b. The Provost, after reviewing the dossier and its accompanying recommendations, will decide whether or not to recommend the candidate for tenure. In all cases in which the Provost has decided to make a positive recommendation for tenure, the Provost will communicate his/her decision, in writing, to the candidate and the President simultaneously. In any case in which the Provost has decided to make a negative tenure recommendation, the provost will communicate his/her decision in writing, including the grounds for the negative recommendation, to the candidate only. If within five working days of the date of the Provost's written communication of a negative tenure recommendation, the candidate does not provide the Provost with additional pertinent information to consider regarding his/her tenure candidacy or request that the Provost reconsider his/her decision, as prescribed below, the provost will communicate his/her negative tenure recommendation to the President.⁴²

3. Tenure Appeals⁴³

The Faculty Grievance Procedure and definitions (section I.D of this *Faculty Handbook*) does not apply to the tenure process. In lieu of that grievance procedure, the University Standing Appeals Committee on Tenure, "the Committee", has been established to consider tenure appeals immediately prior to the Provost transmitting his/her recommendation to the President and Board of Trustees. The Committee will review each appeal with respect to the substantive and procedural issues raised by the candidate. Because peer review of an appeal occurs at this stage, the right of arbitration is limited as described below (section 3.d).

³⁹The Provost, in a May 1996 memorandum to the Deans, required that the report and vote of the Advisory Committee, and the Dean's report and recommendation shall become part of the dossier transmitted to the Provost, and that a copy of these documents shall be provided to the candidate.

⁴⁰The maintenance and return of tenure dossiers is governed by the Faculty Personnel Records Policy, promulgated by the Provost and distributed to Deans in July 1996. Copies of this policy may be obtained from the Office of the Provost and questions regarding return of dossier materials may also be directed to the Provost's Office.

⁴¹ Communications regarding alleged procedural malfunctions shall be made to the Executive Vice Provost or other representative specifically designated by the Provost.

⁴²This section approved by vote of the Faculty Senate, June 13, 1994; presidential approval authorized by Board of Trustees, June 10, 1994; approved by the President, July 7, 1994.

⁴³Approved by vote of the Faculty Senate, November 2, 1992. Approved by the Board of Trustees, June 11, 1993.

Any formal claim of discriminatory acts prohibited by law or by University policy shall not be considered by the University Standing Appeals Committee on Tenure. Such claim shall be submitted by the candidate through the Office of Affirmative Action which shall investigate and issue findings according to its procedures. A candidate should consult with the Office of Affirmative Action at any time that s/he becomes aware of prohibited discrimination. In order to minimize the potential impact of the discriminatory act(s) on those making recommendations regarding the candidate's tenure application, it is incumbent on a candidate to raise any allegation of prohibited discrimination with the Affirmative Action Office as soon as a candidate believes that a discriminatory act may have occurred. During the tenure process, if a candidate brings such a claim to the attention of a committee or an administrator, but not to the Affirmative Action Office, the administrator or committee must forward the claim of discrimination to the Affirmative Action Office, which shall follow its normal investigative procedures. The Director of the Office of Affirmative Action, or his/her representative, shall notify the Provost in writing within five working days of receiving a complaint of discrimination from any tenure candidate. The Office of Affirmative Action may request the Provost to exercise his/her powers (see section 4.a, below) to stay further consideration of the tenure case until the Affirmative Action procedure is complete.

If an appeal is instituted, the consideration of non-discrimination related appeal issues will be stayed until the Affirmative Action procedure has been completed. No such complaint relating to a candidate's tenure case may be presented more than five working days following the date which appears on the candidate's written notice to the Provost that he/she will appeal the Provost's negative tenure recommendation. In any event, the internal review and action with respect to discrimination will be completed by the Office of Affirmative Action before the Provost's recommendation is transmitted to the President and Board of Trustees (see also section 4.c). The Affirmative Action determination shall be added to the dossier and noted by the Provost or Appeals Committee which will then consider the tenure case. If the Affirmative Action Office concludes that no prohibited discrimination occurred, the discrimination issue will be dismissed from the Provost's or Appeals Committee consideration and the non-discrimination based appeal issues will be considered as described below.

a. Any candidate who receives a negative tenure recommendation from the Provost will have five working days from the date which appears on the Provost's written recommendation to submit to the Provost, in writing, any additional pertinent information regarding his/her tenure candidacy which he/she wishes the Provost to consider, or to request that the Provost reconsider his/her recommendation.

If, after reviewing the candidate's additional information and/or reconsidering his/her decision, the Provost still intends to proceed with a negative recommendation, he/she shall notify the candidate of his/her intent, in writing. If the candidate wishes to appeal the Provost's decision, the candidate must, within five working days of the date of the Provost's communication, notify the Provost, in writing, that he/she wishes to appeal and state the grounds for the appeal. The Provost shall then forward to the University Standing Appeals Committee on Tenure his/her recommendation, together with the candidate's additional information, if any, submitted with the statement of grounds for appeal. If, however, the Provost reverses his/her decision, he/she shall immediately forward his/her positive tenure recommendation to the President, with a copy to the candidate.

b. A recommendation which is under appeal shall not be transmitted to the President until the Provost has received the recommendation of the University Standing Appeals Committee on Tenure.

⁴⁴ Grievants should be aware that federal and state agencies normally require that a formal, written complaint be filed within a limited time period of the occurrence of the alleged discrimination. The length of this time limit may vary, depending upon the agency contacted. If a complaint is not resolved within the University to the satisfaction of the Grievant, this time limitation may bar the Grievant from pursuing a remedy with an external agency. To preserve that remedy, a Grievant may choose to file with a government agency and request that the complaint not be activated until the University grievance procedure has been concluded.

c. The University Standing Appeals Committee on Tenure shall be composed of thirteen tenured members of the University faculty. Each College and the School of Law shall elect one representative to the committee; the remainder of the members shall be appointed by the Senate Agenda Committee in consultation with the Provost.

Members shall serve two-year terms on a staggered basis. Each year the committee shall choose its chairperson. To facilitate its considerations, the committee may establish subcommittees to prepare cases and recommendations for the full committee's final consideration. Any member of the University Standing Appeals Committee who has already voted on a candidate's tenure application at the department or College level, or who served as the candidate's advocate before any tenure or advisory committee may not be present for or participate in any Appeals Committee discussion of the case and is required to abstain from any vote taken by the Appeals Committee on that candidate. Committee members are expected to be present whenever the full committee discusses a case. Any member who has not been present for a significant portion of the substantive discussion may not be present or participate in the vote on the final recommendation on that case. The quorum requirement for a meeting to discuss a case is seven members of those eligible to vote. A majority of the members eligible to vote is required to make a recommendation for or against tenure.

- 1) In considering an appeal, the committee shall review the entire record of the tenure case 45 and may or may not seek and obtain additional information related to the appeal, as it sees fit. The Appeals Committee may not engage in comparisons with specific tenure candidates 46 at Northeastern University or elsewhere.
- 2) The candidate and the Provost shall each be afforded the opportunity to meet with the committee, before it completes its review, to present their views on the issues underlying the appeal. When s/he appears, the candidate may bring another Northeastern University faculty member as a non-participating observer.
- 3) The committee shall reach an independent recommendation as to whether or not tenure ought to be granted, and shall transmit this recommendation, with a statement of rationale, to the Provost, with a copy to the candidate.
- d. Upon receipt of the recommendation of the University Standing Appeals Committee on Tenure, the Provost shall consider it and prepare a final recommendation to the President.
 - 1) If at this point the recommendations of the Provost and the Appeals Committee concur, the Provost shall report his/her recommendation to the President, together with the full record of the case, including the recommendation of the Appeals Committee. In this event, the candidate has no further avenues of appeal within the procedure.
 - 2) If the Provost recommends against tenure although the Appeals Committee has recommended that tenure be granted, s/he shall communicate this to the candidate before sending the recommendations of the Committee and of the Provost to the President. Only in this event does the candidate have the right to submit procedural issues⁴⁷ to binding arbitration. If arbitration goes forward, the recommendations

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⁴⁵For this purpose the "record" of a tenure case consists of the dossier and any additions to it [see sections 2.a.2) and 2.a.3)], the reports of the chairperson of the department or comparable unit, the Tenure Committee and the College Advisory Committee (where such committee exists), the record of the recommending vote of each of these committees, the recommendation of the dean, the initial recommendation of the Provost, and any responses to them.

⁴⁶Comparisons are prohibited as to both current and/or past tenure candidates.

⁴⁷It is important that a candidate raise alleged procedural malfunctions regarding his/her tenure process as early as possible after they occur. A candidate may not, through arbitration, raise a procedural issue which was not previously

of the Provost and of the Committee shall not be transmitted to the President prior to the outcome of the arbitration proceedings.

- a) A request by the candidate for arbitration must be presented in writing to the Provost (or his/her designee) within ten calendar days of the date of the Provost's written communication of his/her recommendation in opposition to a positive Appeals Committee recommendation. As soon as possible thereafter, the Provost (or his/her designee) shall meet with the candidate for the purpose of explaining the process of filing a demand for arbitration with the American Arbitration Association.
- b) The arbitrator shall be chosen from a list of arbitrators maintained by the American Arbitration Association. The arbitrator must be qualified for academic arbitration by virtue of current or previous service as a faculty member or academic administrator of a college or university. The conduct of the proceedings shall be governed by the rules of the American Arbitration Association.
- c) The decision of the arbitrator, within the scope of his or her jurisdiction, shall be final and binding on the parties to the dispute and the University; however, the arbitrator shall be without power to:
 - (1) make a decision which requires the commission of an act prohibited by law or by University policy or practice,
 - (2) add to, subtract from, or modify provisions of the *Faculty Handbook*, the *Academic Operations Manual*, or other relevant University documents, or
 - (3) substitute his or her judgment on the professional qualifications of a faculty member for the judgment of any academic committee or official, or
 - (4) engage in a comparative review of the candidate's merits with those of other candidates, or
 - (5) grant or deny tenure.
- If, however, in the adjudication of the case, the arbitrator is convinced that the Provost's decision is not reasonably supported by the record, he or she may bind the Provost to transmit, to the President, the Standing Appeals Committee's positive recommendation in lieu of the Provost's own
- d) The costs of the services of the American Arbitration Association and the arbitrator shall be borne as follows.
 - (1) If the arbitrator finds no material procedural error which led to denial of the candidate's application for tenure, the candidate will pay 1/3 of the fees of the American Arbitration Association and its arbitrator, and the University shall bear the remainder of such costs.
 - (2) If the arbitrator rules otherwise, the costs of the American Arbitration Association and its arbitrator will be borne by the University.
 - (3) Regardless of the outcome, each party will pay for its own expenses, services and fees other than the costs of the American Arbitration Association and the arbitrator.

brought to the attention of the Provost's Office or the University Standing Appeals Committee on Tenure unless the candidate can prove that he or she had no prior knowledge of the alleged procedural malfunction.

(4) To assure that the conditions of section (2) can be met, the candidate will place into a non-interest-bearing escrow account in the Northeastern University Federal Credit Union, a sum equal to one-half of the American Arbitration Association processing fee plus one-half of one day's arbitrator's fee. The University must file the demand for arbitration with the American Arbitration Association within five days after the University Counsel receives notice that the escrow deposit has been made.⁴⁸

The escrow account will be controlled by the Chair of the Senate Agenda Committee. Upon completion of the arbitration, with the signature of the Agenda Committee Chair and a copy of the arbitrator's decision, the deposited funds will be returned to the candidate if the arbitrator rules in his or her favor, or transferred to the University if the arbitrator rules against the candidate. If the remainder of the candidate's share of the AAA and arbitrator fees exceeds the amount placed in escrow, the candidate is responsible to pay the balance to the University within 30 days of the arbitrator's award.

e. No formal appeal or request for arbitration may be presented after the Provost's recommendation and accompanying Standing Appeals Committee recommendation, if any, have been properly transmitted to the President.

4. Miscellaneous Procedural Rules

- a. In the interest of expedition and economy of effort, at any time prior to arbitration, the Provost or the President may agree with the candidate to remand any issue for consideration or reconsideration by an appropriate body without resort to formal appeal procedures, and may resort to any other mutually acceptable device for the resolution of disputes.
- b. When an appeal has been properly initiated, the University shall make available to the candidate all relevant documents pertaining to his or her case. However, "documents developed in the tenure proceeding involving . . . the understanding and expectation that they were confidential do not have to be made available." These include, but are not limited to, such documents as letters of recommendation, minutes of tenure and promotion committee meetings, personal notes, and documents specifically deemed confidential in published tenure procedures.
- c. A candidate shall be deemed to have received notice of intention not to grant tenure within the time limits designated in Section II.B if such notice is delayed beyond the probationary period as the result of a pending appeal or pending discrimination investigation. In such cases, the candidate shall not be eligible for back pay awards. If the candidate's terminal year ends, and the candidate's employment terminates before a tenure arbitration is adjudicated, the arbitration shall continue to its conclusion.

5. Final Approval and Award of Tenure

The President of the University has overall responsibility for maintaining high academic and professional standards, ensuring the financial well-being of the institution, and determining an appropriate allocation of tenured positions according to the probable long-term staffing requirements of the several schools, colleges and programs at the University. The President will forward his recommendations for tenure conferral, together with a list of all faculty members eligible for tenure and the recommendations at each level with

⁴⁸If the candidate has not met the escrow requirement within 30 days of the request for arbitration, the arbitration request will be deemed to have been withdrawn. The Provost shall then transmit his or her recommendation to the President together with the recommendation of the Appeals Committee.

 $^{^{49}}$ See footnote 21 regarding the arbitration decision from which this policy arose.

respect thereto, to the Board of Trustees for final action. Where the President has not recommended tenure for a candidate recommended by the Provost, the candidate may request the reasons for that decision either orally or in writing. In all cases, the candidate shall be notified of the Board's action. If conferral of tenure is approved by the Board of Trustees, who, in considering such recommendations, may consult with the committees or Deans participating in the process, the President will offer the faculty member an appointment with continuous tenure.

6. Policy Statement Regarding Rights of Tenured Faculty Under Conditions of Financial Exigency or Program Reorientation⁵⁰

Tenure is granted to faculty members who, during a probationary period, have demonstrated superior academic ability and give promise of effective long-term service to the University. Tenure is also conferred with the expectation that the University will continue to have available appropriate professional assignments in the individual's area of expertise. Where these conditions apply, the faculty member on tenure can generally expect to continue in University service until retirement.

There is currently no reason to expect that Northeastern will be faced with a need for any reduction of tenured positions in the near future, but it is clear that the period of rapid University expansion is over. It seems likely that enrollments of college-age students throughout the nation may suffer a decline, and the falling enrollments or changing market and educational conditions may require reorientation, reduction or termination of some programs, possibly, in the process, eliminating some tenured positions. It is hoped that such a situation will never develop, but it is clearly wise to consider the matter objectively and carefully long before any serious problem arises, and to ensure that if such a reorientation or retrenchment is ever necessary at Northeastern, it will be accomplished with maximum equity and in a manner which will protect academic standards. Should such reductions ever prove necessary, the following guidelines shall apply:

a. In any case where financial exigency or program reorientation leads to elimination of one or more tenured positions, the administration will make every reasonable effort to accomplish a reassignment of the individuals affected to other appropriate professional work at the University which is mutually acceptable.

b. The preferred and presumptive priority of termination in retrenchment shall be that part-time faculty shall be terminated first, then non-tenured faculty and then tenured faculty, each classification to be in reverse order of seniority. The University is also mindful of the importance of maintaining representation of women and minorities in accordance with the goals of its Affirmative Action Program. The University's paramount objective, however, must and will be to maintain the highest possible level of academic excellence and the academic viability and goals of its programs within realistic financial constraints. Thus, to the extent that strict adherence to the described priority schedule and affirmative action considerations would interfere with the attainment of this paramount objective, exceptions may be made by the President upon advice by the Provost. Where faculty of equal seniority are competing to be retained, rank and/or seniority in rank shall be used as a determining factor. For purposes of this document, seniority is to be determined by the number of completed academic years (including sabbatical leaves and leaves of absence) of full-time service to the institution in all Teaching Faculty ranks; in making this calculation, any tenured faculty member shall be awarded six years of seniority plus the number of years of tenured service regardless of the actual length of the probationary period.

c. During the three-year period following termination, if and when financial circumstances permit and current needs of the University require, every reasonable effort shall be made to re-hire a terminated tenured faculty member. No one shall be replaced in the position from which such tenured faculty member was terminated within the three-year period unless the position is offered first to the person who has been released on such terms and conditions as seem appropriate under existing conditions. If the position is, or

⁵⁰Promulgated by the Board of Trustees, June 18, 1982.

becomes, full-time such re-hired tenured faculty member shall be reinstated with tenure, with the rank held when terminated and at a salary level commensurate with that then being offered for that position. At the time of re-hiring, the seniority of the tenured faculty member shall be exactly that held at the time of termination.

d. If a tenured faculty member to be released is nearing retirement age, he or she should be encouraged to retire early in accordance with existing early retirement policies.

The President will continue to enforce appropriate rigorous academic standards in any future tenure recommendations and report annually to the Board of Trustees concerning enrollment trends, probable long-term teaching requirements of the University, and the percentages of faculty on tenure in the several schools and colleges, relative to the full-time faculty-equivalent teaching requirements of units.

7. Probationary Faculty Review and Early Tenure Consideration⁵¹

- a. At the time of employment, each full-time faculty member shall receive an appointment letter that includes a statement indicating the academic year in which his or her mandated tenure consideration shall take place. It shall also include a statement which specifies the 'lateral entry' credits to which the faculty member and the University have agreed, if such credit has been given.
- b. Each department or comparable unit shall provide an annual review of progress for its probationary faculty by tenured faculty on specified tenure criteria.
- c. A probationary faculty member may request once that early tenure consideration occur in an academic year prior to the tenure consideration academic year identified in his/her letter of appointment.
 - 1) The request shall be submitted to the department chairperson (or equivalent unit head) by the beginning of the spring quarter prior to the academic year in which the candidate wishes to be considered for tenure. The department chairperson, after consulting with the tenured faculty of the unit, shall notify the candidate whether or not early tenure consideration will be permitted by the department. If the department agrees to such early consideration, the candidate will prepare a dossier and it will be processed according to the requirements outlined in Section II.B.2.
 - 2) If the Dean, the Provost, or the President, following his/her review of the candidate's dossier, makes a negative recommendation the early consideration is terminated.
 - 3) If the early tenure consideration proceeds and the Board of Trustees awards tenure, the probationary candidate shall be issued a tenured faculty contract.
 - 4) If the Dean, the Provost, or the President terminates the candidate's early tenure consideration or if the Board of Trustees makes a negative tenure recommendation, the probationary candidate shall be notified immediately. Subsequently, in the spring quarter preceding the tenure consideration academic year identified in his/her letter of appointment, the probationary candidate shall be notified regarding regular tenure consideration. He/she will be considered for tenure according to the procedures outlined in section II.B.2. All materials obtained for inclusion in the second tenure dossier shall be timely and up-to-date.

Notwithstanding any other provision of the *Faculty Handbook* to the contrary, no decision made pursuant to II.B.7.c shall be grievable or appealable pursuant to the terms of the *Faculty Handbook* since the candidate may reapply for tenure consideration in the academic year identified in his/her letter of appointment.

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⁵¹Approved by the President, May 1982, revised by the Faculty Senate, October 19, 1992; revisions approved by the Board of Trustees, November 20, 1992.

8. Special Regulations Regarding Tenure for Faculty Members Holding Interdisciplinary or Joint Appointments 52

- a. In the appointment letters sent to faculty whose assignment falls into this category, a 'locus of tenure' and of tenure consideration will be specified as one of the following pathways:
 - 1) A single existing College (and department, where applicable);
 - 2) A single existing College (and department, where applicable) augmented by evaluators from specified other units and/or fields;
 - 3) Several existing Colleges (and/or departments, where applicable) whose tenured faculty shall:
 - a) Consider the question of tenure on a unit by unit basis;
 - b) Elect or select representatives to a combined Tenure Committee whose recommendation shall represent that of all the involved units; or
 - 4) For other defined interdisciplinary academic units one of the following bodies shall be utilized for tenure evaluation:
 - a) Its own tenured faculty or their representatives;
 - b) An interdisciplinary committee of tenured University faculty from related fields selected by the Provost; or
 - c) A committee, appointed by the Provost, consisting of tenured University faculty members from related fields and experts from outside the University.
- b. The Tenure Evaluation Committee specified in the letter of appointment shall be constituted at an appropriate time during the academic year prior to the actual tenure consideration. This Committee shall prepare for approval by the Provost, a set of tenure regulations which are consistent with the criteria specified in the *Faculty Handbook*. Such approved regulations shall be transmitted to the candidate by the end of the Spring quarter prior to tenure consideration. Where the 'locus of tenure' and tenure consideration is other than a single existing College (and department, where applicable), with or without augmented representation as described in II.B.8.a.1) and 2) above, these regulations must contain the approval path the Tenure Committee's recommendation will follow *en route* to the Provost, President, and Board of Trustees.
- c. The approved regulations generated in this manner shall be used to evaluate the candidate in accordance with the University regulations set forth in the main body of II.A and B.

C. Promotion⁵³

1. Criteria

a. Promotion by change in academic rank of a faculty member results from recognition by the University of superior professional achievement and the expectation that this level of attainment will be sustained or ex-

⁵²Promulgated by the Provost, August 1982.

⁵³Adopted by the Senate, June 13, 1977; amended March 13, 1978; accepted by the President, May 19, 1978. This policy applies only to members of the Teaching Faculty (2.1-2.4).

ceeded in the future. The primary consideration in evaluating the record of achievement shall always be the degree to which this achievement improves the academic quality of the University.

- b. The two most significant criteria for evaluating relevant achievement are teaching effectiveness, and scholarly or creative productivity.
 - 1) Good teaching assumes the teacher's dedication to students and subject matter and includes (as applicable to a college and/or to a department) the following indications of teaching effectiveness:
 - a) Clearly stated course objectives, along with explicit evidence that appropriate teaching/learning methods were employed to assist students in meeting course objectives;
 - b) Quality presentation in the classroom or other learning environment, including effective communication and adjustment of teaching techniques to the particular subject area and to the students involved;
 - c) Appropriateness of subject matter and approach and evaluation methods;
 - d) Course or program counseling of students to make the learning experience a meaningful one;
 - e) Evidence of superior teaching not included in the above; and
 - f) Creative development and implementation of courses or programs in the standard academic program or in the area of cooperative and experiential education, when deemed appropriate by the unit, or creative application of technology to achieve improved educational outcome or to reach new audiences.
 - 2) Evidence of productive scholarship includes (as applicable):
 - a) Original research or scholarly review, either published or otherwise disseminated;
 - b) Creative productivity such as fiction, drama, poetry, painting, musical compositions, exhibitions, and/or performances;
 - c) Recognition in the faculty member's scholarly field, including, when appropriate, the receipt of prizes, grants, or contracts awarded through a peer review process;⁵⁴ and
 - d) Technical, procedural, or practical innovations, made clinically or professionally.
- c. Supporting criteria, such as effective professional activities and University and community service which substantially contribute to educational and/or communal policies, and/or programs, and/or improve the professional standing of the individual or contribute to the stature of the University in the community shall be used in evaluating the individual faculty member's record of achievement.
 - 1) Professional activities include (as applicable):
 - a) Participation in professional organizations, seminars, and colloquia that are relevant to the educational process at the University and/or to the individual's academic interests; and
 - b) Leadership in recognized professional organizations (i.e., effectively holding office, including that of committee chairperson).
 - 2) University service includes (as applicable):

⁵⁴ Approved by the Faculty Senate, May 28, 1999. Approved by the Board of Trustees, June 9, 1999.

- a) Administrative duties (as part of the faculty member's normal program);
- b) Committee work;
- c) Development and presentation of new ideas related to University functions; and
- d) Advising students and student organizations.
- 3) Community service might include (as applicable):
 - a) Service on boards and commissions, elected bodies, and/or charitable organizations; and
 - b) Other contributions of the faculty member's special competence.
- d. The University recognizes that every faculty member offers a unique combination of accomplishments relative to the criteria listed above, depending on academic field, specialized scholarly interests, varying professional opportunities, and contracted responsibilities for teaching, laboratory and field work, and research. Consequently, when a judgment is made of the total contribution of a faculty member, the criteria shall be weighted according to primary assignments during the period under consideration. Whenever possible, it is preferable that the specific criteria be established by mutual agreement.

2. Procedures

- a. Specific applications and/or amplifications of the criteria and procedures for evaluation for promotion set forth in this Section (II.C) of the Faculty Handbook shall be formulated by each department or comparable unit. These criteria shall be subject to the approval of the Provost or his or her designee. Recommendations for promotion based on those applications and/or amplifications shall be primarily the responsibility of the department or comparable unit.
- b. The Promotion Committee⁵⁵ shall be composed of not less than three members of the candidate's department or comparable unit. The membership may consist of anyone holding the rank of Associate Professor or above. Unless a department or comparable unit decides to have only full Professors on the Committee (especially in the case of promotion to full Professor), the majority shall be of a rank above that of the candidate.
 - 1) Committee size and membership shall be determined by periodic vote by the department members or comparable group. Membership can be for one or two years, as determined by the department or comparable unit. In the case of a department, the department Chair shall be a nonvoting *ex officio* member. A candidate for promotion may serve on the Committee, except during those particular sessions when his or her candidacy is being considered.
 - 2) If a department or comparable unit has fewer than three members of appropriate rank and chooses not to form a joint committee (see below), the Dean of the College shall, in consultation with the tenured members of the department or comparable unit, choose the necessary additional members from the faculty holding the appropriate ranks in allied disciplines. During this process the candidate's suggestions shall be sought by the Dean; however, such suggestions shall not be binding on the Dean. The membership of such a Committee shall be subject to review by the Provost.
 - 3) It is understood that there may be some Colleges or other kinds of units (such as the Department of Cooperative Education) within the University where the division into departments may not be suited to the purposes of this Section or where a well-defined department structure may not exist. In the former

⁵⁵"Promotion Committee" refers to the standing department committee, a joint committee of two or more departments, or a single college committee, whichever is applicable and appropriate under the particular circumstances.

case, departments may form a joint committee with the approval of a majority of the members of each department involved in the merger. In the latter case, upon an affirmative vote by a majority of the members within the College or comparable unit, the College or comparable unit may be considered a merged single department for the purposes of this Section.

- c. The Promotion Committee shall review the status of each faculty member in any year when he or she so requests with respect to promotion.
 - 1) The Promotion Committee shall evaluate all appropriate evidence, including an interview with each candidate concerning his or her qualifications and including a written evaluation by the departmental Chair, which will become part of the candidate's dossier.
 - 2) The Committee shall prepare a written majority report, which shall be submitted first to the candidate and then, after the candidate has had a reasonable chance to reply, to the Advisory Committee⁵⁶ where one has been established and/or the Dean of the College (or, in the case of Faculty Coordinators in the Department of Cooperative Education, to the Dean of Cooperative Education) together with minority reports. The recommendations of the Promotion Committee shall reflect the best professional judgment of the Committee as to the candidate's merit in accordance with criteria already stated, regardless of financial or purely administrative factors.
 - 3) The candidate shall have the right to have his or her response appended to the documents sent to the Advisory Committee where one has been established and/or to the Dean.
 - 4) If the recommendation by the department or comparable unit is negative, it is incumbent upon that unit to propose developmental actions that would better suit the candidate for promotion at a future date.
- d. Where separate tenure and promotion committees exist and where the tenure and promotion of a candidate are to be decided concurrently, the tenure committee shall assume jurisdiction for both tenure and promotion, paying due attention to any differing criteria which may exist for each action.⁵⁷
- e. The Promotion Committee's recommendations, whether favorable or unfavorable to the candidate, shall be considered in turn by the department Chair, the Advisory Committee where one has been established, the Dean of the appropriate College (or department as in the case of Cooperative Education), the Provost, and the President.
 - 1) The decision in each instance shall be communicated, in writing, to the individual candidate, giving him or her a reasonable amount of time to respond before it is sent on to the next level; the last decision to be communicated by the Provost not later than March 31.
 - 2) If the Promotion Committee's recommendation, whether positive or negative, is contradicted by the action of the Advisory Committee or by any administrator, that action shall be explained, in writing, to the Promotion Committee's Chair, as well as to the candidate.
- f. The Promotion Committee, acting on a two-thirds vote from those faculty members eligible to serve on the Promotion Committee in the department or comparable unit, may appeal any promotion decision which goes against its recommendation.

⁵⁶"Advisory Committee" refers to a standing College or intercollege committee whose function is to review the actions of the promotion committees and to make recommendations to the Dean and the Provost.

⁵⁷The legislative intent of this paragraph is that in such cases, the steps, regulations, and due process rights enumerated in the Tenure Policy (Section II.B, above), rather than those set forth in this Section, shall be followed for the entire consideration.

- 1) In such cases, the Provost must refer the decision to an *ad hoc* committee of scholars composed of members not affiliated with the University who are specialists in the candidate's field.
- 2) The committee shall be composed of not less than three nor more than seven scholars jointly agreed to by the Provost and the Promotion Committee. The *ad hoc* committee's decision shall be accepted as binding on the Provost.
- g. Individual faculty members who feel that a procedural violation has occurred in connection with their consideration for promotion may initiate grievances in accordance with currently applicable procedures (see I.D.) .

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III. Faculty Rights in Teaching, Research and Scholarship

A. Academic Freedom

Northeastern University subscribes to the statement on academic freedom adopted by the American Association of University Professors⁵⁸. The essential features of this policy may be summarized as follows:

- 1. The Board of Trustees of the University will place no restraint upon the extramural pursuits of any member of the faculty unless the time devoted thereto unduly interferes with the duties of his or her primary employment at the University.
- 2. The Board of Trustees will not impose any limitations upon the freedom of a member of the faculty in the exposition of the subject which he or she teaches, either in the classroom or elsewhere, but it is expected that such faculty member shall exercise appropriate discretion and good judgment. Similarly, the teacher is entitled to full freedom in research and the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- 3. No member of the faculty may claim as his or her right the privilege of discussing in the classroom controversial matters outside his or her own particular field of study. Such member shall consider himself or herself morally bound not to take advantage of his or her position by introducing in the classroom a provocative discussion of matters not within the field of study for which he or she is employed.
- 4. The Board of Trustees recognizes that a faculty member, in expressing himself or herself at places beyond the confines of the University upon a subject not within the scope of the field in which he or she teaches, is entitled to the same freedom and subject to the same responsibility as attaches to any other American citizen.

Should a faculty member's extramural statements cause the President to believe that adequate cause for dismissal of that faculty member exists, the President may commence dismissal proceedings pursuant to I.B.

5. The Board of Trustees assumes no responsibility for the extramural statements of members of the faculty, and every such member shall, in an appropriate case, make it clear that his or her statements so expressed are personal with him or her and are not sponsored or approved by the faculty or by the Board of Trustees.

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⁵⁸"1940 Statement of Principles of Academic Freedom and Academic Tenure," issued by the AAUP and the Association of American Colleges, as amended in 1970. This policy applies to all individuals insofar as they are involved in teaching or scholarship at the University.

B. Patent and Copyright

1. University Patent Policy⁵⁹

a. Introduction

It is the policy of the University to encourage the development of inventions, and where its resources permit, to reduce these inventions to practice and develop their full potential to the point of practical application. The University is a nonprofit educational institution devoted to teaching, research, and other scholarly activities in the public interest. The University's faculty, staff, and students, as part of their normally assigned duties and scholarly activities, carry on research which may be supported in part, or in whole, by the University from its own resources, or by grants or contracts with outside sponsors. The respective rights and obligations of the University, its sponsors, and its inventors relative to inventions resulting from research at the University are defined by this policy.

b. Objectives

The principal objectives of this policy are:

- 1) to encourage creative research, innovative scholarship, and a spirit of inquiry leading to the generation of new knowledge;
- 2) to facilitate the transfer of University-developed research results to commerce and industry, and to encourage the broadest utilization of the findings of scientific investigation to provide the maximum benefit to the public;
- 3) to provide an orderly procedure for determining the potential economic significance of discoveries so that commercially valuable inventions may be brought to the point of public utilization;
- 4) to establish principles for determining the rights and obligations of the University, inventors, and research sponsors with respect to inventions, and to define the equitable disposition of interests therein;
- 5) to provide incentives to inventors in the form of professional recognition, continuing research support, and direct financial compensation;
- 6) to fulfill the terms of research grants and contracts;
- 7) to safeguard the intellectual property of both the inventor and the University until appropriate patent protection is achieved; and
- 8) to facilitate institutional invention and patent agreements with parties external to the University.
- c. Inventions: Definition and Reporting
 - 1) Covered Inventions

The term "invention" as used herein is an invention which is conceived or reduced to practice under the following circumstances:

⁵⁹Approved by the Faculty Senate, April 24, 1995, by President Curry on May 23, 1995, and by the Board of Trustees on November 10, 1995.

- a) where the invention involves any use of funds. space, facilities, equipment, materials, or other resources of, or administered by, the University, including sponsored research projects; or
- b) where the invention arises out of the sponsored research project or is relevant to the subject matter of an agreement between the University and another party with which the inventors have been associated; or
- c) where charges relating to the invention were made to a sponsored research project or other activity involving agreement between the University and another party; or
- d) where, although not falling within any of the foregoing categories, the inventor desires to make a disclosure of the invention to the University in order either to request a release as provided below or to interest the University in taking steps to commercialize the invention.

2) Invention Reporting

To protect the rights of the inventor and the University, timely invention reporting is required. Any inventor who is a faculty member, staff member or student, shall make a timely disclosure of his/her invention in writing to the Chair of the Patent Committee. Inventions should be reported as soon after conception as possible to permit prompt evaluation and to avoid unnecessary delays in publication.

3) Failure to Make Timely Disclosure

- a) If the inventor fails to make a timely disclosure of an invention to the Chair of the Patent Committee, the University may require that an assignment of the invention be made to the University and any benefits that have accrued prior to the assignment shall be promptly paid to the University; and the inventor shall be obligated to comply with this requirement. Thereafter, unless the University shall otherwise agree in writing, all rights shall belong to the University.
- b) A disclosure of any invention shall not be considered timely if it causes the University to lose domestic or foreign rights or business opportunities in an invention. Those acts which shall be considered untimely, shall include, without limitation, publication before patent application filing, filing a patent application prior to notifying the University, unauthorized prior filing in a foreign country, failure to disclose a business arrangement with a party other than the University which in any way involves the invention, provision of information which is later determined to be false or misleading in any material respect, and failure to disclose material facts or documentation relative to an invention.

d. Ownership and Disposition

The rights and obligations of the University, faculty, staff, and students are categorized as follows:

1) University-sponsored Inventions

Inventions resulting from research which has involved significant use of funds, facilities, space, equipment, materials, or other resources of, or administered by, the University (i) shall belong to the University; (ii) shall be promptly evaluated by a University evaluation committee or outside organization designated by the University; and (iii) shall either be accepted for patenting and commercialization, or, if not accepted for patenting and commercialization, may be released to the inventor upon written request. If an invention is accepted for patenting and commercialization, such invention shall be assigned to the University as provided hereinafter and the inventor agrees to be compensated in accordance with the applicable provisions of this patent policy.

2) Externally-sponsored, Non-government-related Inventions

The ownership, disposition, and obligations respecting inventions resulting from research wholly or partially financed under contracts, grants, or written agreements by industrial, philanthropic or other organizations, or by individuals, are governed by the provisions of such contracts, grants or agreements. Inventions which are not required to be dedicated to the public or to be assigned to other parties by the provisions of such contracts, grants, or agreements shall belong to the University and shall be processed as University-sponsored inventions. If, when evaluated for patenting and commercialization by the University Patent Committee, an externally-sponsored invention is not accepted for patenting and commercialization, such invention shall be released to the sponsor or, if permitted by the sponsor, may be released to the inventor.

3) Externally-sponsored, Government-related Inventions

The ownership, disposition, and obligations respecting inventions resulting from research which has had any financial support from an agency of the Government (Local, State or Federal) are governed by the terms of the applicable agreement. Such inventions, if required by the applicable agreement, shall be promptly reported to the appropriate government agency for determination of the Government's rights and interests.

If reporting to the Government is not required by the applicable agreement, or if the Government does not retain or require all right, title, and interest in a government-sponsored invention, the University will have the invention evaluated as a University-sponsored invention.

For inventions released to the University by the Government, in the event the University evaluation with regard to patenting and commercialization is negative, the University may release the invention to the inventor if permitted to do so by the Government Agency. Because the Government retains a license and certain other rights under any patent based on work it has sponsored, the inventor shall convey to the University such rights as the University may need in order to fulfill its obligations to the Government.

4) Inventor-retained Inventions

Inventions resulting from research conducted without any use of funds, space, facilities, equipment, materials, or other resources of, or administered by, the University and not falling within (2) or (3) above, are the property of the inventor and are not reportable under this policy. If such inventions involve any, but not significant use of funds, space, facilities, equipment, materials, or other resources of, or administered by the University, they are reportable but are the property of the inventor. At the option of the inventor, such inventions may be submitted for processing as University-sponsored inventions.

5) Significant Use of University Funds, Facilities, Space, Equipment, or Other Resources.

The University will not normally construe the payment of salary from unrestricted funds nor the provision of office and library facilities as constituting significant use of funds, facilities, space, equipment, materials, or other resources of, or administered by, the University. Substantial advice or assistance from one or more faculty or staff members to an inventor specifically pertaining to the invention constitutes significant use of University resources. Use of laboratory and/or computer facilities will be considered on a case-by-case basis.

e. Assignments of Inventions

1) Faculty, Staff, and Students

Any member of the faculty or staff or any student who makes, as sole or joint inventor, an invention which involved significant use of funds, space, facilities, equipment, materials, or other resources of, or administered by, the University or which is subject to terms of a sponsored research or other agreement between the University and another party shall assign this invention and all associated applications and patents to the University or its designee unless the invention has been released to the inventor in accordance with the applicable provisions of the patent policy. Any member of the faculty, staff, or any student, whether before or after terminating his or her association with the University, shall do whatever is necessary to enable the University or its designee to take out patents in any and all countries on such invention. The cost and expense of making such assignments and procuring such patents shall be borne by the University or its designee.

2) When a student makes an invention which has not involved significant use of funds, space, facilities, equipment, materials, or other resources of, or administered by the University, and which is not subject to the terms of a sponsored research project or other agreement between the University and another party, the University will waive its rights and the invention will be the exclusive property of the student, provided the student's rights in the invention are not altered by the terms of any financial aid received, including external sponsorship, scholarships, fellowships, traineeships, thesis expenses, or other assistance, whether or not administered by the University.

f. Administration of Intellectual Property Matters

1) Responsibilities

The Provost or his or her designee is responsible for the administration of intellectual property matters relating to inventions, patents, trade secrets, trademarks, copyrights, and publications. The Provost or his or her designee shall represent the University in all matters relating to intellectual property which affect the University's relations with government, industry, and the public. The Patent Committee is responsible for advising and making recommendations to the Provost or his or her designee concerning intellectual property matters which arise from activities of faculty, staff, and students, including inventorship, the determination of rights between inventors, the determination of rights between the inventor and the University, and the disposition of patent rights which the University does not wish to exercise. The Patent Committee shall make recommendations regarding those inventions on which patent applications will be filed and the disposition of patent rights involved, shall recommend arrangements for prosecutions of patents and commercialization of inventions, and shall consider and make recommendations on special patent, trade secret, trademark, copyright, and publication matters submitted to it for resolution.

The University may obtain services from one or a combination of the following sources to aid in the processing and/or commercialization of patents:

- a) Marketing organization(s);
- b) University Patent Counsel or other designated patent organization(s); and/or
- c) University personnel.

University inventors shall cooperate with representatives of the University and/or representatives of other organizations designated by the University to assist in the processing and commercialization of University-sponsored inventions.

2) Membership of the University Patent Committee

The membership of the committee shall, at a minimum, include a total of eight faculty and/or staff representatives, at least one of whom has knowledge of technology transfer and commercialization, and the Patent Officer. The Patent Officer, a representative of the Division of Research Management, (DRM), will administer the Patent Committee and report to the director of DRM, who is the Patent Official. The Patent Officer is appointed by, and serves as the designee of, the Patent Official. The Patent Officer is responsible for the day to day operations of the Patent Committee. Normally, patent counsel will be invited to attend committee meetings in a non-voting capacity. Non-voting guests may be invited to attend meetings as needed to provide additional expertise regarding such matters as the technical aspects of a proposed invention or concerning patent processing.

The Patent Committee faculty/staff appointment process begins with the Patent Official's soliciting faculty/staff nominees from the College Deans. These nominees are presented to the Senate Agenda Committee and to the University Research Council for their recommendations, which may include the suggestions of additional and/or alternative nominees. After considering the recommendations of the Agenda Committee, the University Research Council and the Patent Official, the Provost will make the appointments. The appointed faculty members will serve three-year staggered terms. Should any Patent Committee member have an interest in any matter coming before the committee, that member shall recuse him/herself both from participating in deliberations concerning and from voting on any such matter(s).

Collectively, faculty/staff representatives should have multi-disciplinary backgrounds, knowledge related to important patent areas at Northeastern University, institutional diversity, and involvement with external sponsors. A quorum of the committee must be present during deliberations and voting.

If any committee member resigns or fails to complete his or her appointment to the Committee or is otherwise removed, a replacement shall be selected by the Provost or his designee to fill the vacancy during the balance of the appointment. This Committee shall meet at regular intervals and at other times upon request of the Chair.

g. Procedures

1) Processing

Inventors shall transmit disclosures of inventions to the Chair of the Patent Committee on disclosure forms provided for that purpose by the Division of Research Management. The Chair shall place the disclosure on the agenda of the next Patent Committee meeting. Each reported invention shall be evaluated by the Patent Committee within six months of submission to determine if it is "releasable," as defined below, or if any other patent action will be taken. Any indicated patent action will be taken expeditiously so as to protect the rights of the inventor and the University and to further any contemplated publication. The Patent Committee shall recommend a consultant, agent or other organization(s) to evaluate a) the invention's suitability for patenting, and b) the commercial value of the invention.

If the Patent Committee concludes that an invention is suitable for patenting and commercial value, it may be accepted for commercialization on a best efforts basis. The University shall determine at what point, after the filing of a patent application, commercialization efforts shall begin, what mechanisms will be employed, and to what extent funds, facilities, space, equipment or other resources of, or administered by the University will be utilized.

If the Patent Committee concludes that an invention is suitable for patenting and has commercial value, it may be accepted for patenting and commercialization efforts. If accepted for patenting, the invention shall also be accepted for commercialization on a best efforts basis. The University shall determine at what point, after the filing of a patent application, commercialization efforts shall begin, what

mechanisms will be employed, and to what extent funds, facilities, space, equipment or other resources of, or administered by, the University will be utilized.

If the Patent Committee concludes that the invention has little or no current commercial value, a patent application may be filed at the University's expense by the University if it is satisfied that justification has been provided to the Patent Committee to establish potential future commercial value.

2) Releases

Inventions resulting from research conducted without use of significant funds, space, facilities, equipment, materials, or resources of, or administered by, the University and not subject to any conflicting provisions of any externally sponsored research contract, grant, or agreement shall be deemed "releasable" and shall be released to the inventor upon the submission of a written request for such release. Initial findings regarding significant use of funds, space, facilities, equipment, materials. or resources of, or administered by, the University shall be made by the Patent Committee and shall be communicated to and reviewed by the Patent Official. Releases shall be executed by the Provost upon recommendation of the Patent Official or his or her designee. At the option of the inventor, released inventions may be submitted for processing as University-sponsored inventions.

For inventions other than those categorized as "releasable" as defined above, the inventor may request a release. The invention is automatically released to the inventor one year after the Patent Committee has approved it for release, should the University fail to act further on the invention during this period.

Whenever the University determines that it has no further interest in an invention, the University shall release such invention to the inventor.

Upon the grant of any release, the inventor shall agree: a) not to use funds, facilities, space, equipment, materials, or other resources of, or administered by, the University, or the University's name in the exploitation of such invention; b) that the University may retain a non-exclusive, royalty-free license for University purposes if University and/or other sponsorship was involved; and c) that the inventor will convey to the University such rights as are necessary to fulfill any obligations that the University may have to other parties.

3) Disputes and Appeals

Disputes involving invention and patent matters other than those which are entrusted by this document to any other person or entity shall be referred to the Patent Committee. The Committee shall make a written advisory recommendation to the Provost or his or her designee, who shall render a final and binding decision in any such dispute.

4) Consulting Agreements

Any faculty or staff member who is engaged in consulting work or in business is responsible for ensuring that clauses in his or her agreements do not conflict with the patent policies of the University or with University commitments. Upon request, the Division of Research Management will provide assistance in this respect. The University's rights and the individual's employment obligations to the University shall in no way be abrogated or limited by the terms of such agreements. Faculty and staff members should clearly communicate their University obligations to those with whom they make independent agreements, and they should ensure that other parties to the agreement are provided with a current statement of the University Patent Policy.

h. Royalty Income and Incentive Awards

1) Division of Licensing Fees and Royalty Income

Gross Licensing Fees and Royalty Revenues, hereafter referred to as "royalty," subject to any deductions as follows, derived from University-sponsored inventions and paid to the University, shall be distributed as follows:

- a) 30% directly to the Inventor;
- b) 30% but not in excess of \$100,000, divided equally between direct support to the inventor for his or her research and the inventor's unit to foster research in the unit. If distribution of this 30% is greater than \$100,000 per year, the inventor and involved unit head shall negotiate with the Provost or his or her designee regarding the distribution of amounts in excess of \$100,000/year between support of the inventor's research and the unit; and
- c) 40% to the Provost's Office and the University's General Fund.

If the invention is joint, then the direct 30% royalty distribution designated for an inventor shall be to the joint inventors as a group, to be divided equally between the inventors, unless the inventors provide the University with an alternative royalty distribution agreed upon by them. If the inventors are associated with different units, the royalty distribution to the units shall be to the units jointly to be divided equally, unless the University is provided with an alternative royalty distribution agreed upon by the heads of the respective units and the Office of the Provost.

If the inventor's employment with the University terminates, the inventor's share of the distribution for direct support of his or her research shall be redistributed, 5% to his or her unit and 10% to the Provost's Office and the University's General Fund.

In the event a unit ceases to exist, the distribution of the unit's funds shall be determined by the Vice President/Treasurer upon recommendation of the Provost of his or her designee.

The term "unit" as used herein shall include, without limitation, college, department, administrative unit, group, center or institute, the functions of which are separately budgeted.

Prior to any distribution under this Section, the University reserves the right to deduct from gross royalty revenues, at its discretion, at such times and in such amounts as it deems appropriate under the circumstances, costs and expenses associated with litigation and other activities which may be incurred either in obtaining rights to inventions, in marketing inventions, or in enforcing or defending patents filed as a result of University-sponsored inventions.

If the University has entered into an agreement with a third party concerning the disposition of rights to any invention arising from research financially supported by such party, the distribution of royalty income received from any patent(s) based on said research will be governed by the terms of that agreement.

With respect to distributions of royalties made by the University, the University shall make royalty distributions in accordance with this patent policy unless directed otherwise by a court order, and the University shall be held harmless against good faith payment of royalties made in accordance with this patent policy.

i. Licensing and Royalty Income

1) License and Royalty Income balances in excess of \$50,000, after distributions required by the University Patent Policy, shall be disbursed at the close of the University's fiscal year.

2. Interim Copyright Policy⁶⁰

a. Policy Objectives

The objective of this policy and the associated administrative procedures is to enable Northeastern University to continue to foster the free and creative expression and exchange of ideas and comment; to preserve traditional University practices and privileges with respect to the publication of scholarly, instructional or artistic works; to establish principles and procedures for equitably sharing income derived from works of authorship produced at or for the University; and to protect the University's rights and assets.

b. Copyrightable Material

- 1) Under the Copyright Act of 1976, 17 U.S.C. sec. 102, federal statutory copyright exists in "original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." These works include:
 - a) written or printed works such as books, journal articles, poems, manuals, memoranda, syllabi, bibliographies, tests, computer programs, computer-driven displays, programmed instructional material and databases;
 - b) musical works, including any accompanying words;
 - c) dramatic works, including any accompanying music;
 - d) lectures, presentations and live video or audio broadcasts;
 - e) pantomimes and choreographic works;
 - f) pictorial, graphic, and sculptural works, including photographs, diagrams and sketches;
 - g) films, filmstrips, charts, transparencies and other visual aids;

⁶⁰Approved by the Board of Trustees, September 17, 1982. This policy applies to all University employees, and to students insofar as they are engaged in the activities described herein.

⁶¹Common Law copyright protection of a work exists in very limited circumstances before it is fixed in tangible form, and trade secret protection is available for any material that provides a business advantage not generally known to the public.

- h) motion pictures and other audiovisual works such as videotapes, audio tapes, videodiscs and cassettes; and
- i) sound recordings.
- 2) Upon publication of any works of authorship, certain formalities of notice are required to prevent loss of copyright protection in the work. See III.B.2.f.2).

c. Scope of Copyright Protection

- 1) The scope of copyright protection is a matter of federal law governed by the Copyright Act of 1976, 17 U.S.C. secs. 101 *et seq*. This section (III.B.2.c) is provided to identify selected copyright principles and is not intended to constitute a full description of the applicable law. Inquiries in specific cases should be directed to the Provost's Office.
- 2) Copyright protection for an original work of authorship extends only to the expression which constitutes the work and not to any idea, principle or discovery embodied in the work. For example, a written description of a manufacturing process is copyrightable, but the copyright only prevents unauthorized copying of the description; the process described may be freely copied by a patent. Copyright protection only prevents copying of the copyrighted work, and does not control an independently produced similar work. Moreover, ownership of copyright is distinct from the ownership of any material object in which the work is embodied. Transfer of the ownership of any object does not of itself convey any rights in the copyrighted work embodied in that object. For example, if one purchases a videotape, one does not automatically obtain any copyright interest in the work on the tape, such as the right to make a public performance of the recorded work. Furthermore, in the absence of an agreement, transfer of the ownership of a copyright does not convey property rights in any material object.
- 3) The rights of the copyright owner vary with the nature of the work. These rights include the exclusive right to: a) reproduce the copyrighted work; b) prepare derivative works based on the copyrighted work; and c) distribute copies by sale or otherwise. For some works, the rights include the exclusive right to display or perform the work. The rights of copyright are subject to certain defined limitations and exceptions, including, but not limited to, the right of others to make 'fair use,' as defined by the Act, of a copyrighted work. 'Fair use' includes the reproduction of portions of the copyrighted work for purposes such as criticism, comment, news reporting, teaching, scholarship or research. Fair use should not be relied upon without the advice of counsel.

d. Ownership and Disposition of Copyrightable Material

- 1) The initial ownership of a work depends on how it is created, and may reside in either the author(s) or a sponsoring entity. The term 'author' shall be defined for purposes of this policy to mean the individual(s) responsible for the creation of a work. Where there is a question concerning the identity of the author(s) of a work, the Provost or his or her designee shall make a good faith determination of authorship, which shall be final and binding on all parties. In making this determination, the deciding party is to be guided by applicable law.
- 2) In the case of any work which is created or developed in the course of or pursuant to an agreement for sponsored research or pursuant to any other written agreement, including an agreement between an author(s) and the University, copyright ownership shall be determined in accordance with the terms of such agreement. In the absence of such terms, the ownership of copyright in such work shall be determined by reference to paragraphs 3), 4), 5), and 6) of this Section. It is anticipated that such written agreements may contain other restrictions or obligations affecting material provided or developed pursuant to the agreement. In such cases, persons using or developing such materials shall abide by such restrictions and obligations.

- 3) All works created or developed by University faculty, staff or other employee within the scope of his or her employment shall be considered a 'work made for hire' within the meaning of the Copyright Act and copyright ownership thereof shall reside in the University. Notwithstanding the foregoing, works created by faculty for use in courses in the University may be used by such faculty as a contribution to other works provided that appropriate notice and acknowledgment of the University's ownership of copyright is included in any such other work.
- 4) Copyright ownership of any work which is created or developed by any person, including, but not limited to faculty, staff, employees and students, with the significant use of funds, facilities, space, equipment, materials or other resources of, or administered by, the University shall reside in the University. Except as provided in paragraph 3) of this Section, the University will not normally construe the payment of salary from unrestricted funds nor the provision of office and library facilities as constituting significant use of funds, space, facilities, equipment, materials, or other resources of, or administered by, the University. Use of laboratory and/or computer facilities or assistance from one or more faculty or staff to an author specifically pertaining to the work constitutes significant use of University resources. In all cases the Provost or his or her designee shall make a good faith determination concerning significant use, which shall be final and binding on all parties.
- 5) Copyright ownership in any work, other than in a thesis⁶², which is not within the provisions of paragraphs 2) 3) and 4) of this Section shall reside in the author. Copyright ownership in theses shall be determined as provided in paragraph 6) of this Section.
- 6) Notwithstanding any provision herein to the contrary, in the case of a thesis generated by research performed in whole or in part by a student in the course of or pursuant to an agreement for sponsored research or other written agreement, including an agreement between an author(s) and the University, or utilizing equipment or facilities provided to the University under conditions that impose copyright restrictions, copyright ownership or control shall be determined in accordance with such agreement or restrictions. In the absence of such agreement or restrictions, copyright ownership in such a thesis shall reside in the student; however, the student, as a condition of a degree award, must grant the University the royalty-free right to reproduce and publicly distribute copies of the thesis for limited and non-commercial purposes.
- 7) Where necessary to secure to the University an ownership of copyright in accordance with paragraphs 2) 3) and 4) of this Section or the rights of reproduction and distribution in accordance with paragraph 6) of this Section, all faculty, staff, employees, students, consultants, and others authorizing works for or on behalf of the University shall assign such person's rights of copyright, or grant the specified rights of reproduction and distribution, to the University. The University reserves the right to use, at its discretion, the materials or portions of any work created or developed in the course of an author(s)'s relationship with the University, or otherwise covered by this policy, for promotional, professional, or non-commercial purposes on a royalty-free basis.

e. Copyright Revenues

1) Except as may be provided in any other controlling document, revenues received by the University through fees or royalties for use of works in which the University has acquired rights under paragraphs 2), 3), 4), and 6) of Section d, will be apportioned in accordance with paragraph 4) of this Section

⁶²A 'thesis' shall be defined herein as a student work representing significant original or independent research and for which the student receives a very substantial amount of credit toward a degree or certificate. Where there is a question concerning whether or not a student work is a thesis, the Provost or his or her designee shall make a good faith determination concerning this issue, which shall be final and binding on all parties.

among the author(s), the University, and the unit (if one exists) within the University where the works originated. The term 'unit' as used herein shall include, without limitation, department, administrative unit, group or institute, and functions of which are separately budgeted.

- 2) Prior to any distribution under paragraphs 3), 4), or 5) of this Section, the University reserves the right at its discretion to deduct from gross revenues all or any portion of: a) litigation and other expenses reasonably incurred in enforcing or defending the copyright against third parties; b) costs involved in licensing the copyrightable work; c) fees and expenses for registering the copyright; and d) the University's production and development costs.
- 3) The author(s) and the University are authorized to conclude a written agreement concerning the distribution of revenues. The author(s), a representative of the unit and the Provost or his or her designee may negotiate such a written agreement, to be executed by the author(s) and the Provost or his or her designee, encompassing the following:
 - a) the distribution of revenues;
 - b) the schedule for revenue distribution; and
 - c) where applicable (especially to encourage the creation and development of non-print materials), advances against royalties.
- 4) Where no written agreement with respect to revenue distribution exists, the following distribution shall apply:
 - a) to the University, 60%;
 - b) to the author(s), a total of: (i) 35% of the first \$50,000 in gross revenues; (ii) 25% of the next \$50,000 in gross revenues; and (iii) 15% of the gross revenues thereafter; and
 - c) to the unit, a total of: (i) 5% of the first \$50,000 in gross revenues; (ii) 15% of the next \$50,000 in gross revenues; and (iii) 25% of the gross revenues thereafter.
- 5) For purposes of paragraph 4) above, in the case of joint authors, the direct royalty distribution designated for an author shall be to the joint authors as a group, to be divided equally between the authors, unless the authors provide the University with an alternative royalty distribution schedule agreed upon by them. If the authors are associated with different units, the royalty distribution to the units shall be to the units jointly to be divided equally, unless the University is provided with an alternative royalty distribution schedule agreed upon by the heads of the respective units and the Provost or his or her designee. In the event a unit ceases to exist, the distribution of the unit's funds shall be determined by the Vice President/Treasurer upon recommendation of the Provost or his or her designee.
- 6) Except as may be prohibited by law or any other controlling document, the University reserves the exclusive right at its discretion to contract with third parties for the exercise of any of its rights of copyright. Revenues accruing from such agreements shall be considered part of the revenues of the copyrightable works and shall be distributed in accordance with the provisions set forth in this Section.

f. Copyright Procedure

1) Where the University has determined that it is in its best interests to protect works in which it owns or is entitled by agreement or operation of law to own any rights of copyright, it may at its discretion register its claim to copyright. The author(s) of the work shall fully and promptly cooperate with the University and take such actions and execute such documents, including, but not limited to, assignments and applications for registration, which shall, in the opinion of the Provost or his or her designee, be reasonably necessary to perfect and confirm the University's rights of copyright.

- 2) In all cases where the University chooses to publish 63 a work, it shall include a copyright notice in the required form and position. The notice must contain three elements:
 - a) the symbol \mathbb{C} [(P) for sound recordings];
 - b) the name of the copyright owner: NORTHEASTERN UNIVERSITY; and
 - c) the year of first publication. This is the year in which copies of the work were first placed on sale, sold, or publicly exhibited or distributed.

Advice of counsel should be obtained regarding the proper use of copyright notice.

- g. Policy on Trade Secrets and Protection of Computerware
 - 1) Except where provided to the contrary in other controlling documents, ownership of computer databases, software and firmware produced at the University, along with any rights of copyright pertaining thereto, shall reside in the University wherever such materials are created a) by employees as works made for hire; b) under contract by or for the University; or c) with significant use of funds, space, facilities, equipment, materials, or other resources of, or administered by, the University, as described in Section d above. It should be noted that sponsored research agreements usually contain clauses affecting the ownership and disposition of computer software, firmware and databases, providing in some cases that the sponsor or the University is the owner. The Provost's office should be consulted to determine the meaning and scope of any such clauses.
 - 2) Copyright protection alone may be inadequate for computerware and certain other materials. For this reason, computer software, firmware and databases owned or controlled by the University shall be maintained as trade secrets of the University until released by the Senior Vice President/Treasurer upon recommendation of the Provost or his or her designee. In addition, the Provost or his or her designee may identify other materials or classes of materials to be treated as trade secrets. Where any material is to be treated as a trade secret, the following steps shall be taken to protect such status.
 - a) The material and any copies thereof shall be physically secured against access by unauthorized individuals.
 - b) Access to the material and any copies thereof shall be limited to designated individuals who shall be as few as possible and who shall be instructed and obligated to protect any such trade secret status.
 - c) The material and any copies thereof shall bear a notice as follows: "This material is confidential and proprietary to Northeastern University. Access to this material is limited to authorized individuals. Use, reproduction or disclosure is prohibited unless authorized in writing by the University."
 - 3) Initial findings with respect to the release of trade secrets of the University shall be made by the University Patent Committee and shall be communicated to and reviewed by the Provost or his or her designee. If release is authorized, the principal investigator or other faculty member directing the research in the course of which computer databases, software, firmware or other trade secrets are developed may permit their distribution subject to conditions which protect their commercial value and are consistent with any grants or contracts under which such works are developed. Databases so released

⁶³'Publication,' under the Copyright Act, includes the distribution of copies of a work to the public by sale or other transfer of ownership, or by rental, lease or lending, or the offer to distribute copies to a group of persons for further distribution or public display or performance. A public performance or display of a work does not in itself constitute publication.

may be publicly accessed (except in cases where confidential information or privacy considerations are involved, such as student, personnel, and patient records) so long as substantial copying is prevented.

4) It should be noted that software, firmware, databases and other trade secrets may be provided to the University from outside sources under conditions restricting their use or disclosure. Individuals authorized to access such materials shall treat them as required by the terms under which they are provided to the University.

h. Miscellaneous Provisions

1) Employment Agreements

The University may require faculty, staff or students to sign agreements implementing this policy as a condition of employment or as a condition of participation in a sponsored project, as may be necessary to comply with the terms of grants and contracts, or to establish record title in certain materials in the University. The University may hold legally responsible and/or impose sanctions upon employees responsible for significant violations of the terms of this policy, including but not limited to actions such as the publication other than under University copyright of materials with respect to which the University is the copyright owner under the law or the provisions of this policy.

2) Copying of Works Owned by Others.

Members of the University community are warned to observe the rights of other copyright owners. Policies pertaining to copying for classroom use or library purposes are set forth in "Use of Copyrighted Material in Classes," 64 are posted at appropriate University locations and are available from the University Publishing Group.

3) General Advice and Assistance

Designated personnel in the Provost's Office are available to advise on questions arising under this policy and to assist with the negotiation and interpretation of the provisions of proposed formal agreements with third parties. All determinations or interpretations to be made under this policy by the Provost or his or her designee [see III.B.2.b.2); and III.B.2.d.3) and 4)] shall be made in substantial conformity with the Copyright Act and controlling case law thereunder, where applicable. Questions regarding the specific terms and conditions of individual contracts and grants, or regarding rules, regulations, and statutes applicable to the various government agencies, may be addressed to the Provost's Office.

C. Instructional Media⁶⁵

- 1. The decision to use instructional media in any form resides with the individual faculty member responsible for the instructional sequences under consideration and his or her department.
- 2. The objectives and content of instructional media courses and programs are the responsibility of the faculty member developing the instructional sequences and his or her department. Suggestions, criticisms, and major revisions may be proposed by the instructional media specialist, but only in an advisory capacity.

⁶⁴See Academic Operations Manual.

⁶⁵Endorsed by Faculty Senate, November 20, 1969. Adopted as University Policy by Board of Trustees, January 9, 1970. This policy applies to any University employee engaged in these activities.

- 3. The University may withhold or, after reasonable notice, withdraw its support from the development, production, or implementation of an instructional method, device, or system whose design its authorized officials considers inadequate to achieve the proposed objectives or to carry the proposed content.
- 4. Decisions concerning the award of academic credit (how much, if any) for courses offered by means of various instructional media are the responsibility of the faculty of the College in which the students are enrolled.
- 5. Appropriate authorship or other credits should be given to any faculty or staff member who substantially assists the development or production of instructional media.
- 6. Any faculty member is free to develop instructional media entirely on his or her own time and without formally involving the University. In such cases, the faculty member has full ownership of the media so developed.
- 7. When instructional media are being developed with the assistance of the University, a written agreement should be executed between the University and the cooperating faculty. The purpose of such agreements should be to facilitate the free flow of ideas and information and the maximum utilization of instructional media. The agreement should address the following where relevant:
 - a. the portion of the normal academic load of the faculty member to be committed to the project;
 - b. authorship or other credits;
 - c. arrangements for the sale, lease and gratuitous lending of the media;
 - d. royalty payments from net income derived from the marketing of the media;
 - e. provisions for subsequent use, revision, or withdrawal of the media; and
 - f. provisions for arbitration of unresolved issues.
- 8. Full ownership of instructional media developed in the manner described above is vested in Northeastern University, unless otherwise provided by written contract.

D. Conflict of Commitment and Interest⁶⁶

This statement contains Northeastern's policy and procedures regarding conflict of commitment and conflict of interest as they apply to all members of Northeastern's faculty and research staff (hereinafter referred to as the University Faculty), including faculty members serving as University officers. College Deans are the primary individuals responsible for ensuring implementation of this policy. The Vice Provost for Research and Graduate Education (hereinafter referred to as the "Vice Provost") is responsible for interpretation and overall coordination of the policy. Violation of any part of this Policy causes a faculty member to be

⁶⁶Approved by the Faculty Senate May 8, 1995, approved by the President July 6, 1995, approved by the Board of Trustees on July 9, 1995, and transmitted to appropriate government agencies to ensure compliance with applicable federal regulations. In part, this policy statement is based on one approved by the faculty at Stanford University in April, 1994. For purposes of this policy the word "Faculty" applies to anyone engaged in these activities under the auspices of Northeastern University.

subject to sanctions.⁶⁷ This policy will be modified as necessary to remain in compliance with the regulations of external agencies.

Conflict of Commitment: Northeastern's faculty members owe their primary professional allegiance to the University, and their primary commitment of time and intellectual energies should be to the educational, research and scholarship programs of the institution. The specific responsibilities and professional activities that constitute an appropriate and primary commitment will differ across colleges and departments, but they should be based on a general understanding between the faculty member and his or her unit chair and college Dean or equivalent administrator (hereinafter referred to as "the Dean").

Even with such understandings in place, however, faculty attempts to balance University responsibilities with external activities - such as consulting, public service or pro bono work - can result in conflicts regarding allocation of time and energies. Conflicts of commitment usually involve issues of time allocation. Whenever an individual's outside consulting activities (as defined in Northeastern's policy on "Faculty Outside Professional Activity")⁶⁸ exceed the permitted limits (normally one day per week), or whenever a full-time faculty member's primary professional loyalty is not to Northeastern, a conflict of commitment exists.

Conflict of Interest: A conflict of interest occurs when there is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the individual.

Conflicts of interest are common and practically unavoidable in a modern research university. At Northeastern, conflicts of interest can arise out of the fact that a primary mission of the University is to promote public good by fostering the transfer of knowledge gained through University research and scholarship to the private sector. Two important means of accomplishing this mission include faculty consulting and the commercialization of technologies derived from faculty research. It is appropriate that faculty be rewarded for their participation in these activities through consulting fees and sharing in royalties (as set forth in the Northeastern University Patent and Copyright Policies)⁶⁹ resulting from the commercialization of their work. It is wrong, however, for actions taken or decisions made in the course of an individual's University activities to be influenced or determined by considerations of personal financial gain. Such behavior calls into question the individual's professional objectivity and ethics, and it also reflects negatively on the University. Northeastern University is an institution of public trust; faculty must respect that status and conduct their affairs in ways that will not compromise the integrity of the University.

Faculty members should conduct their affairs so as to avoid conflicts of interest, and must respond appropriately when conflicts of interest arise. To that end, the purposes of this policy are to educate faculty about situations that generate conflicts of interest, to provide ways for faculty and the University to manage conflicts of interest, to promote the best interests of students and others whose work depends on faculty direction, and to describe conflict situations that are prohibited. Every Northeastern University faculty member has an obligation to become familiar with, and abide by, the provisions of this policy. If a situation

 $^{^{67}}$ See above, Section I.C., for the Disciplinary Policies that apply to Faculty. Information concerning the progressive discipline policy that applies to all others is available from Human Resources Management.

⁶⁸ Section IV.D.3, below.

 $^{^{69}}$ See above, Section III.B.

raising questions of conflict of commitment or interest arises, faculty are urged to discuss the situation with the unit chair, college Dean, or the Vice Provost.

SUMMARY

Below is a summary of the key provisions of this Policy. However, faculty are urged to read the document in its entirety to fully understand the spirit of these provisions, the bona fide exceptions, and the requirements for compliance.

- As prescribed in the Faculty Handbook, faculty must maintain a significant presence on campus throughout each quarter they are on active duty. ⁷⁰
- Faculty must not allow other professional activities to detract from their primary allegiance to Northeastern. For example, a faculty member on full-time active duty must not have significant outside managerial responsibilities nor, under normal circumstances, act as a principal investigator on sponsored projects that could be conducted at Northeastern University but instead are submitted and managed through another entity.
- 3. Faculty must foster an atmosphere of academic freedom by promoting the open and timely exchange of results of scholarly activities, ensuring that their advising of students and postdoctoral scholars is independent of personal commercial interests, and informing students and colleagues about outside obligations that might influence the free exchange of scholarly information between them and the faculty member.
- 4. Faculty may not use University resources, including facilities, personnel, or equipment, except in a purely incidental way, as part of their outside consulting activities or for any purposes that are unrelated to the education, research, scholarship, and public service missions of the University. Faculty may not use information confidential to the University in any way beyond the scope of their University duties without the express consent of the University Officer responsible for that information.
- 5. Faculty must disclose on a timely basis the creation or discovery of all potentially patentable inventions created or discovered in the course of their University activities or with more than incidental use of University resources. Ownership of such inventions must be assigned to the University regardless of the source of funding. The inventor will share in any royalties earned.
- 6. Faculty must disclose to the University whether they (or members of their immediate family, as defined below) have consulting arrangements, significant financial interests (also defined below), or employment in an outside entity before the University will approve the following proposed arrangements between such entities and Northeastern: a) gifts; b) sponsored projects; c) technology licensing arrangements; and d) procurements. In such cases, formal University approval will be required prior to entering into each proposed arrangement.
- 7. The goal of this policy is to permit faculty to undertake research in the freest possible atmosphere consistent with their obligations to the University and to outside funding agencies. In order to minimize interference with research, the University encourages faculty to utilize the following informal procedure when questions concerning potential conflict arise. A faculty member with such questions may contact his or her unit head or Dean for informal and confidential discussion of the facts which give rise to the potential conflict. The results of that discussion will be reduced to a memorandum by the academic administrator involved as evidence of the faculty member's good faith compliance with this policy. Should the faculty

 $^{70\}mathrm{See}$ below (IV.D.2) the University Policy on "Presence at the University."

member disagree with the terms of this memorandum, the issues shall be presented to the Vice Provost as described below.

- 8. In situations in which the objectivity of a faculty member could reasonably be questioned, the Dean may establish an independent oversight committee to review the appropriateness of the proposed research to be conducted at Northeastern, oversee the conduct of the research, and ensure open and timely dissemination of the research results. Such oversight committees will be required for all clinical trials raising questions of conflict of interest.
- 9. On an annual basis all faculty members must certify to their Deans (or supervisors, in the case of faculty holding administrative positions or staff not affiliated with a College) their compliance with Northeastern's policies relating to conflict of interest and commitment. They must also disclose information about their (and, as described below, their immediate family members') financial relationships with outside organizations that are sponsors or potential sponsors of their teaching or research programs or are otherwise involved in commercial relationships with the University that involve the faculty member. In addition, on an ad hoc basis, faculty must disclose to the unit chair or Dean current or prospective situations which may raise questions of conflict of commitment or interest, as soon as such situations become known to the faculty member.
- 10. Deans shall review and may approve exceptions to this policy. Deans shall establish procedures to ensure timely review of their faculty's annual and ad hoc disclosures of potential or apparent conflicts. Such procedures shall involve representatives from the school's faculty as part of the reviewing body. Deans will file their own annual disclosures and certifications of compliance with the Vice Provost.
- 11. The Vice Provost must also approve all special cases outlined in Section 6 above. The Vice Provost shall approve each college Dean's plans for implementing this policy, interpret policy provisions, respond to faculty wishing to appeal a college Dean's decisions (see Section 7, above), and annually report to the University Research Council on the status of this policy and its implementation.
- 12. Should a faculty member wish, on grounds specified below, to appeal a decision made by the Vice Provost, he or she may present the appeal to the Provost, who will consider the case.

POLICY

1. Limitations on Outside Professional Activities

Northeastern encourages faculty to become involved in the transfer of knowledge from the University into the commercial marketplace. It is appropriate for the University to facilitate the transfer of the knowledge gained through academic research to applications which can benefit the general population. Moreover, experience gained by faculty in the course of outside professional activities can enhance their teaching and research or scholarship within the University. But the process of technology transfer can create the potential for conflicts of commitment and/or interest, particularly when there is opportunity for personal gain on the part of the faculty. The intent of this provision of the policy is to minimize potential conflicts and to provide means of managing them when they arise. An implicit assumption underlying the University's "Policy on Faculty Outside Professional Activities" is that such outside professional activities are a privilege and not a right and must not detract from a faculty member's full-time obligation to his or her University duties. When any outside activity detracts from the conduct of University duties, a conflict of commitment will result. Even activities such as pro bono work, government service in the public interest, and any outside employment unrelated to the faculty member's University responsibilities should be managed so they do not take precedence over a faculty member's primary commitment to the University. Outside professional activities can also generate conflicts of interest regardless of the time involved. For

example, direction of a program of research or scholarship at another institution that could be conducted appropriately at Northeastern as part of the faculty member's normal duties can deprive Northeastern students and colleagues of the benefits of the faculty member's primary intellectual energies and valuable educational opportunities. Another example is submitting research proposals through channels other than Northeastern to support work that could be performed at Northeastern. First, the use of Northeastern resources in the course of that work is practically unavoidable. Second, it becomes difficult, if not impossible, for the University to review and reward the contributions of its faculty, staff, and students for work managed and/or conducted elsewhere. Third, the action can result in situations that place students and staff in conflicts of interest. On the other hand, the University does not intend to limit faculty from participating in multi-site training or research programs. Nor does it intend to limit the ability of faculty to do research that requires access to facilities not available at Northeastern. Weighing these considerations, normally Northeastern faculty members on active duty are prohibited from serving as principal investigators on sponsored projects submitted and managed through other institutions.

Significant management roles (those that involve supervision of the work of others and/or day-to-day responsibility for operating decisions) in private business typically are demanding both in terms of time and energy. It is unlikely that such roles can be fulfilled by the manager working only one day per week⁷¹, the maximum time permitted for full-time faculty to engage in outside consulting activities. Because full-time faculty are expected to devote their primary energies and professional interests to their University obligations, they may not accept significant managerial responsibilities as part of their outside consulting activities.

Whenever faculty members are involved in research as part of their outside consulting or business activities, they must establish clear boundaries that separate their University and outside obligations, so as to avoid questions about their appropriate use of resources and attributions of the products of their work.

2. Free and Open Exchange of Research Results

The integrity of the University as a community of scholars requires the free and open exchange of ideas and communication of the results of scholarly activities. Faculty are obligated to maintain an atmosphere free from unwarranted external influences. Students and collaborators must be able to pursue topics of interest, have access to available information and facilities, and communicate the results of their work to other scholars and the public. Therefore, faculty must ensure that:

- a. the results of research or scholarship undertaken at Northeastern are disseminated on an open and timely basis to the broader scholarly community and public in keeping with Northeastern's "Security Manual";⁷²
- b. the activities of students and post doctoral scholars are free from the personal commercial interests of the faculty member; and
- c. the work of students, staff, post-doctoral scholars and collaborators is not exploited in the course of a faculty member's outside obligations. To this end, faculty members should be open about their involvement with and obligations to outside third parties who could benefit from the work or ideas of their students, staff, and colleagues. Similarly, students, associates, and staff should have access to information about the sources of funds that support their research.

 $⁷¹_{\mbox{\footnotesize See}}$ below (III.D.a) policy on "Time Limitations on Compensated Outside Activities."

 $^{^{72}\}mathrm{Copies}$ may be obtained from the Division of Research Management.

3. Appropriate Use of University Resources, Including Facilities, Personnel, Seal, Logos and Letterhead, Equipment, and Information

Faculty may not use University resources, including funds, facilities, personnel, equipment, or marks of its official endorsement such as the University seal, logo, or letterhead except in a purely incidental way as part of their outside consulting activities or for any other non-University purposes.

Inappropriate use of University resources includes the following:

- a. Assigning the faculty member's students, staff, post-doctoral scholars, or other faculty under his or her supervision tasks for purposes of potential or real financial gain of the faculty member rather than the achievement of Institutional objectives, the advancement of the scholarly field, or the fulfillment of students' educational needs.
- b. Involvement of the faculty member's students (whether as Coops, interns, volunteers, or full or part-time employees), staff, or other faculty under his or her supervision in his or her outside consulting or business activities without prior approval of the unit chair or Dean with respect to the fact, the nature, and the scope of the student's involvement:
- c. Granting external entities access to Northeastern resources or services for purposes outside the University's missions, providing external entities confidential information for any reason without the express consent of the University Officer responsible for that information, or offering inappropriate favors to outside entities in an attempt to unduly influence them in their dealings with the University.
- d. Use for personal gain, or granting unauthorized access to others, of confidential information acquired through conduct of University business or research activities. Confidential information includes, but is not limited to medical, personnel, student, or security records of individuals; proprietary knowledge about anticipated corporate material requirements, budgets, or price actions; proprietary knowledge of possible new sites for government operations; and information about forthcoming programs or selection of contractors or subcontractors in advance of official announcements;
- e. For personal financial gain, providing an outside entity preferential access, to research results, materials or products generated from University teaching or research activities. (This would not preclude appropriate licensing arrangements for inventions, or consulting on the basis of sponsored project results where there is significant additional work or expertise involved);
- f. Disposing of University property to third parties without the explicit authorization of the Senior Vice President/Treasurer;
- g. Using the University seal, its logos, letterhead, or other official University symbols in activities unrelated to the faculty member's University responsibilities or implying University endorsement for activities or entities not officially recognized by the University.

4. Disclosure and Ownership of Intellectual Property

Northeastern wishes to encourage faculty members to be involved in technology transfer as part of their University duties without raising questions as to their motives. However, for faculty members to determine ownership of intellectual property based on outside sources of support when they stand to gain financially from such decisions constitutes a serious conflict of interest. Additionally, for faculty members to claim ownership of an invention resulting from their University activities calls into question whether they are using University resources for personal financial gain. Finally, the opportunity for a faculty member to assume ownership of an invention and then grant exclusive access to it to a sponsor or potential sponsor of his or her University research creates an incentive for inappropriate relationships. Faculty are expected to exercise objectivity in the conduct of research and guidance of students and associates. To the extent that

the financial interests of a faculty member and a corporate sponsor become intermingled, the objectivity of the faculty member can be called into question. The relationship between the individual researcher/scholar, the University, and research sponsors is more fully detailed in the University Patent and Copyright Policies contained in the current Faculty Handbook.

5. Faculty Involvement in Outside Entities Which Have Relations with Northeastern

Gifts, procurements, sponsored projects, or technology licensing arrangements between Northeastern and outside entities in which the involved faculty member (or members of the immediate family, which includes the faculty member's spouse or dependent children as determined by the Internal Revenue Service, or a domestic partner) has significant financial interests, or any employment or consulting roles, raise particular questions of potential or apparent conflicts of interest which require special ad hoc disclosures, review and approval.

- a. For this purpose "significant financial interests" includes the following:
 - 1) A "financial interest" in the sponsor of research, defined as:
 - a) A direct or indirect investment in the sponsor worth more than \$5,000;
 - b) A position as director, officer, partner, trustee, employee of or any other position of management in the sponsor;
 - c) Income from the sponsor, including income from intellectual property rights, consulting income and gifts aggregating \$5,000 or more in value, received by or promised to the faculty member within 12 months prior to the time the award is made. (For the purposes of this policy, "income" is further defined as in Gov. Code, Section 82030.)
 - 2) "Indirect Investment" or "Indirect Financial Interest," including situations in which:
 - a) The spouse or dependent child of a faculty member has a financial interest (as defined in "A" above) in the sponsor;
 - b) The faculty member, his or her spouse, or dependent child own directly, indirectly or beneficially a 5 percent interest or greater (or \$10,000 worth of ownership interests) in any business entity or trust which has a financial interest in the sponsor of the research.
 - c) "Equity (Ownership) Interest" defined as an investment of more than \$10,000 in the sponsor by the faculty member, his or her spouse, or dependent children. Additionally, faculty members seeking funding from an external sponsor must ensure compliance with that sponsor's disclosure requirements.
- b. Prior to the University entering into any of the following arrangements, the involved faculty member (following informal consultation, if he or she deems it beneficial) must submit to the Dean a complete written disclosure of his or her current or pending relationship with the outside entity, the relationship of the proposed University activity to the entity, and the means by which the faculty member will ensure separation of his or her University role from the faculty member's (or family members, as described above) role or interests in the entity:
 - 1) gifts to Northeastern of cash or property which will be under the control of, or will directly support the teaching or research activities of a faculty member, from an entity in which that faculty member (or members of the immediate family as described above) has an employment or consulting arrangement and/or (a) significant financial interest(s) (as defined above);
 - 2) sponsored project proposals in which any of the involved investigators (or members of their immediate families as described above) have employment or consulting arrangements with and/or significant financial interests in the proposed sponsor, or with proposed subcontractors, vendors, or collaborators;

- 3) University technology licensing arrangements with companies in which the faculty inventor (or members of the immediate family as described above) has an employment or consulting arrangement and/or a significant financial interest; and
- 4) procurement of materials or services from an outside entity in which the faculty member (or members of the immediate family as described above) has an employment or consulting arrangement and/or a significant financial interest.
- 5) disposal of University resources or property to an outside entity in which the faculty member (or members of the immediate family as described above) has an employment or consulting arrangement and/or a significant financial interest.

Common sense must prevail in the interpretation of these provisions. That is, if a reasonable person would question the relationship, it should be disclosed and approval should be sought for the proposed arrangement.

c. If such proposed arrangements are approved by the Dean, the faculty member's disclosure and the Dean's findings and recommendations shall be submitted to the Vice Provost for approval. The Vice Provost may convene an ad hoc committee to advise him or her on any such proposed arrangements. Decisions made by the Vice Provost on these matters are not grievable under the Faculty Grievance Procedure.

6. Situations Raising Questions of Scientific Objectivity

In cases where the University has approved arrangements as described in Section 5 above, or in Clinical Technology Assessment Agreements (clinical trials) in which the investigators have personal financial interests, the objectivity of the faculty member's decisions and/or activities may be questioned by reasonable people. To address these situations, oversight committees may be established by the college Dean to review the appropriateness of the proposed activity, to monitor the conduct of the activity (including use of students and post-doctoral scholars), and to ensure the open and timely dissemination of research results.

Clinical trials involve particularly sensitive issues in those cases where the investigator has personal financial interests in the outcomes. The demand for therapeutics requires that new agents be developed and The processes that must be followed in the testing and development of therapeutics raise an inherently contradictory situation for faculty, because frequently the inventors of therapies or medical devices are those who do research on the disease in question, are the leaders in the field, and are the most qualified to carry out pre-clinical and clinical testing. Also, the most qualified laboratories and individuals to conduct trials may receive, or be candidates to receive, research support from external organizations. In neither case could the faculty member be disinterested with respect to the outcome of the trials. Therefore, the faculty member must take appropriate steps to guarantee objective evaluation of the agent or device, especially for advanced clinical trials (FDA phase II and phase III). Testing might involve other members of the unit or college, but if the faculty member is a unit chair or center director, the referral to another faculty member (particularly to a junior faculty member) for testing the therapy/device may carry implied coercion. Integrity should be protected by an independent oversight group assigned to evaluate and monitor the research: (e.g., to an ad hoc committee appointment by the Dean) whenever (a) a faculty member is involved in clinical trials of his or her inventions; (b) a company licensed to use a faculty member's invention is sponsoring the trial; (c) there may exist a reason to question a faculty member's objectivity, (d) the outcome of the trial could be seen as influencing existing or potential research support, or (e) such testing is referred to other members of the faculty member's unit or center.

7. Certification of Compliance

On an annual basis all faculty members must certify to their Dean their compliance with Northeastern's policies related to conflict of interest and commitment, and disclose their prior academic year's consulting activities for and/or significant financial interests in outside organizations that support their University teaching or research program. Faculty members must also disclose other arrangements with outside organizations with which they are involved as described above in Section 5. In addition, faculty must disclose if they have served as principal investigators or managers of outside research or business activities

in their professional fields, or if they have involved their students or staff in their outside consulting or business activities. When conditions described in Section 5 pertain, faculty members must also provide similar information about employment, outside consulting activities and/or financial interests of members of the immediate family (as described above). Faculty members supply this information for confidential review by the University; in colleges where the established review mechanism includes the unit chair and/or a faculty committee, faculty members may request that the certification and disclosures be reviewed by the Dean instead.

A blank "certification form" is available at each college Dean's Office or at the Division of Research Management. Disclosures must include the information found on the sample "certification form". Individual colleges of the University may add questions requiring more information to the end of the form, but may not alter the form itself or omit any of the questions.

In addition, faculty members must disclose to the unit chair or Dean on an ad hoc basis current or prospective situations which may raise questions of conflict of commitment or interest, as soon as such situations become known to the faculty member.

8. Responsibilities of Deans

Each Dean is responsible for the timely collection and review of annual certifications as well as ad hoc disclosure reports. The Dean should use his or her discretion and knowledge of local conditions to set up a system that works well for the college. Each college's plans for distribution, receipt, processing, and review of disclosure forms shall be submitted to and approved by the Vice Provost. The review body in each college must include representatives of the faculty. However, if for reasons of confidentiality, a faculty member wishes to have his or her disclosure reviewed personally and exclusively by the Dean, that option must be made available. Individual colleges may have more, but not less restrictive internal policies than those set forth by the University. The Dean is responsible for reviewing and granting exceptions to many of the provisions of this policy, but he or she must report all such exceptions to the Vice Provost.

Deans will file their own annual disclosures and certifications of compliance with the Vice Provost for Research and Graduate Education.

9. Responsibilities of the Vice Provost for Research and Graduate Education

The Vice Provost is the University officer responsible for interpreting and coordinating implementation of and compliance with this Policy. He or she is responsible for reviewing and approving each college's mechanisms for implementing this Policy and shall report annually to the University Research Council on the effectiveness of the Policy throughout the University. In addition, the Vice Provost shall adjudicate situations in which faculty wish to appeal a Dean's decision. The Vice Provost shall approve arrangements for situations discussed in Section 5, or may delegate this authority to the Deans. In any case, however, the Vice Provost is expected to ensure that this policy is implemented with reasonable consistency across the University. To this end he or she will monitor only exceptions to this policy granted by Deans.

10. Appeals of Decisions Made by the Vice Provost for Research and Graduate Education

A faculty member may appeal a decision of the Vice Provost to the Provost only if it is based on a claim that the Vice Provost's decision was discriminatory, arbitrary, or capricious.

11. Primacy of this Policy

In the event of a conflict or ambiguity between the terms of this policy and others referenced here in, the terms of this policy will take precedence.

IV. Faculty Personnel Policies and Benefits⁷³

A. Equal Opportunity Employment

Northeastern University is an equal opportunity employer. It is institutional policy that there shall be no discrimination against any employee or applicant for employment because of race, color, religion, sex, sexual preference, age, national origin, veteran status, or on the basis of being a handicapped, but otherwise qualified, individual.

Northeastern does not discriminate against employees regarding upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training.

In conducting searches, all faculty members and other individuals involved with the search must comply with the University's affirmative action and equal opportunity policies and procedures.

Inquiries concerning our equal opportunity policies may be referred to the University Title IX Coordinator/Compliance Officer for Section 504 of the Rehabilitation Act of 1973, Affirmative Action Office.

Northeastern is committed to providing equal access to its services, facilities and employment opportunities. To achieve this objective, the University continually seeks to create a barrier-free environment and to provide reasonable accommodation to permit disabled individuals to participate as fully as possible in its community. In so doing it complies with relevant federal and state laws and local ordinances. These include the 1972 Amendments to Title IX of the Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Compliance-related questions with respect to equal access should be directed to the University's Dean and Director of Affirmative Action. The University's Disability Resource Center provides a variety of support services as well as general assistance to all of Northeastern's disabled students and employees who seek its help.

Northeastern University does not discriminate on the basis of race, color, religion, sex, sexual preference, age, national origin, disability or veteran status in admission to, access to, treatment in, or employment in its programs and activities. In addition, Northeastern University will not condone any form of sexual harassment. Handbooks containing the University's nondiscrimination policies and its grievance procedures are available in the Office of Affirmative Action, 175 Richards Hall. Inquiries regarding the University's nondiscrimination policies may be directed to: Dean/Director, Office of Affirmative Action, 175 Richards Hall, Northeastern University, Boston, Massachusetts 02109-4557.

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, United States Department of Education, J. W. McCormack Building, Post Office Court House, Room 222, Boston, Massachusetts 02109-4557.

B. Policy for Cases involving Allegations of Sexual Harassment⁷⁴

⁷³For more information, consult the University publication, *Handbook of Benefits and Services*.

⁷⁴A procedure for dealing with cases of alleged sexual harassment by any member of the University community was promulgated by the President on March 24, 1982 and amended on September 9, 1986 and thereafter. Copies of this procedure can be obtained from the University Affirmative Action Office.

No agent, supervisory personnel, or faculty member shall exercise his or her responsibilities or authority in such manner as to make submission to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature an explicit or implicit term or condition of evaluation, employment, admission, advancement, or reward within the University. Neither shall any agent, supervisory personnel, or faculty member make submission to or rejection of such conduct the basis for employment or academic decisions affecting any employee or student. Neither shall any agent, supervisory personnel, or faculty member conduct himself or herself with respect to verbal or physical behavior of a sexual nature where such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or classroom environment.

Furthermore, no faculty or staff member involved romantically or sexually with a student may teach or supervise that person either individually or as part of a group in any activity connected to the University. In addition, no supervisor may evaluate an employee's job performance if he or she is romantically or sexually involved with that employee.

Any student, teaching assistant, employee or faculty member who feels that (s)he has been the victim of sexual harassment in employment or other University-related activity should bring the complaint to the attention of her/her immediate supervisor/instructor/dean/department head, or to a member of the Sexual Harassment Network, or to the Director of the Affirmative Action Office, 175 Richards Hall, Ext. 2133. The employee or student should inform the above individual of the complaint within a reasonable period of time.

There is no deadline for filing a complaint of sexual harassment and all complaints will be investigated on a case-by-case basis. However, to ensure that memories are relatively fresh and to provide an adequate opportunity for rebuttal, a complaint should be reported as soon as possible after an incident has occurred or a pattern of harassment has become apparent.

C. Anti-Nepotism Policy

It is the goal of Northeastern University that all staff and faculty appointments and advancements be made on the basis of merit. Thus, it is inappropriate to bar from University employment someone with meritorious qualities simply because a close relative of the individual happens to be in the employ of the University. It is similarly contrary to University policy that individuals should be appointed because of a close family relationship with some member of the University faculty or administration.

In order to guarantee that individuals will be considered solely on the basis of individual merit, the following regulations are enforced.

- 1. No member of the University administration or faculty shall participate in any final decision or recommendation relating to the appointment, promotion, retention, tenure, or other condition of employment at Northeastern University of a close relative such as a parent, child, spouse, sibling, parent-in-law, child-in-law, or stepchild.
- 2. In instances when it is proposed that close relatives be employed in the same department, the Affirmative Action Officer will ensure that the anti-nepotism policy has not been violated.

D. Assignment Policies

1. Loads⁷⁵

All full-time members of the University faculty participate in the total program of instructional, research, and extracurricular activities that have been established to encourage the general development of Northeastern students. Advisory responsibilities, whether academic or associated with officially recognized student organizations, are important to the attainment of its overall educational objectives and are taken into consideration when faculty assignments are determined.

All faculty assignments are made by the appropriate academic Deans and/or Department Chairs under authority delegated by the Provost. It is expected that members of the faculty will discharge their nonteaching assignments with the same sense of responsibility which they bring to their classroom obligations.

2. Presence at the University⁷⁶

a. Each Dean may require any member of the unit faculty to report one week before classes begin in the fall quarter and to be in actual attendance until all required grades have been properly submitted, except when an individual faculty contract provides for a specified exception. Temporary absence for faculty members during the period when their contract requires them to be in attendance shall be arranged in accordance with regulations of the unit. Each faculty member is responsible for the conduct of assigned courses and is required to meet such classes and make such assignments as will fulfill the intent of the course.

b. Regular Evening Assignments

Members of the full-time faculty of the University will be expected to teach evening courses that are part of the programs leading to the bachelor's degrees offered by the Colleges, or to advanced degrees in the Graduate School, as an integral part of their service load for the University. Appropriate consideration, where possible, will be given to the schedules of faculty members who are to teach both day and evening so that the total load is a reasonable one. Faculty members will be consulted in the assignment of courses and may be excused from evening teaching by the Dean of the College if circumstances warrant. The schedule maker will make every attempt not to assign early morning classes to faculty members who have taught late evening classes on the preceding night. Any faculty member assigned a Saturday class will, if possible, be given the following Monday as a day off, but in any event, guaranteed a day off during the week.

3. Policy on Faculty Outside Professional Activities⁷⁷

Outside professional activities can be valuable to both the faculty member and the University. For these reasons, the University encourages faculty so desiring to engage in these activities and attempts, without obligation, to arrange schedules so as to allow the equivalent of one day away from campus during the regular five-day week of the faculty member's contract period. However, it is important to emphasize that en-

⁷⁵Though the specific wording of this policy applies to members of the Teaching Faculty, the same expectation of full participation in the total program of the University exists for Co-op Coordinators, Clinical and Academic Specialists, and full-time or benefits-eligible Lecturers as well. The array of specific areas in which these individuals are expected to participate is determined by their particular job descriptions and letters of appointment.

⁷⁶Promulgated by the Provost, November 27, 1979. This policy applies to all teaching employees.

⁷⁷Adopted by the Faculty Senate, June 11, 1984. Approved by the President, October 5, 1984. The preamble and sections a and c of this policy apply only to Teaching Faculty (2.1-2.4). Section b refers to all University employees. For the detailed policy on Conflict of Commitment and Interest, see section III.D.

gagement in outside professional activities by a faculty member does not imply a reduction in his or her University workload.

Judgments concerning faculty performance, whether they be related to over- or under-involvement in outside professional activities, or to any other cause, are part of the usual merit evaluation system and are best handled in that manner. However, certain guidelines and absolute limitations must be stated in order to handle the few cases in which these activities may become excessive, to avoid conflicts of interest, and (perhaps most importantly) to provide faculty with guidance in these matters.

a. Time Limitations on Compensated Outside Activities

The amount of time spent on compensated outside professional activities must not exceed the equivalent of one day (e.g., two half-days) during the usual five-day week of the faculty member's contract period. Some averaging over the academic year is possible, but in any event these activities should not conflict or interfere with the faculty member's schedule of assignments and responsibilities at the University.

b. Conflicts of Interest

The main safeguards in avoiding conflicts of interest are the high ethical standards which each faculty member imposes on himself or herself. However, in certain situations judgments may differ and individuals may inadvertently place themselves in situations where potential conflicts exist. Certainly, faculty members should not engage in outside professional activities which conflict with the proper discharge of University responsibilities. Nor should a faculty member make direct use of the University's name, seal, facilities, personnel, equipment, or confidential and/or proprietary information without prior approval and/or agreement to reimburse the University.

Under certain circumstances, potential for conflict may exist, e.g., a faculty member who teaches a course (other than a short course or seminar) at another institution during his or her academic year contract period, or a faculty member who owns or operates a substantial business which engages in professional activities. In those, or other situations in which the potential for conflict exists, it is the responsibility of the faculty member to report these activities to his or her Dean and Department Chair. Should questions concerning the suitability of certain outside activities arise, it is the responsibility of the Dean and Department Chair to discuss these issues with the faculty member involved.

c. Nature of the Outside Professional Activities 78

Because there is so much variation in the types of outside professional activities, the following is intended to provide faculty with general guidance; each College or Department may have more specific guidelines. Ideally, the professional level of those activities should be sufficiently high that it is worthy of recognition during the faculty member's merit evaluation as well as making a significant contribution to his or her ongoing professional development. It is clear that any engagement in outside professional activities involves a personal judgment between gains and losses and the decision can be a difficult one. For example, any time which is spent on consulting might be said to detract from the time that one could spend in direct service to the University. However, the implication of abstaining from consulting could be to isolate the faculty member from developments in his field and, hence, in the long term, to make him or her less effective in those services provided to the University. In any event, should a faculty member have doubts concerning the advisability of undertaking certain outside professional activities, he or she is strongly encouraged to seek the advice of his or her Dean and Department Chair.

⁷⁸See also "Conflict of Committment and Interest, sections III.D.1 and III.D.5-6.

4. Tutoring by Faculty for Fees⁷⁹

No faculty member or teaching assistant may tutor for fees in any discipline in which he or she is teaching. This practice is prohibited because it interferes with the goal of encouraging students to consult with teachers about their work and because the student's tuition payment entitles him or her to reasonable instructional assistance free from additional personal fees. Any exception to this rule must be made, in writing, by the Dean of the College concerned.

E. Salary and Vacation Policies⁸⁰

1. Salary Arrangements

Full-time Teaching Faculty are employed either on a 3- or 3 1/2-quarter basis.

a. Those who are employed on a 3 1/2-quarter basis are committed to be at the University for 45 weeks of service annually. Where mutually agreed, a person on a 3 1/2-quarter contract may teach 3 quarters in one year and 4 quarters in the next, while receiving salary for 45 weeks of service each year. They are free of college duties for seven weeks each summer. These members of the teaching staff are paid in 24 equal semi-monthly installments from July through June.

Members of the Teaching Faculty employed on a 3 1/2-quarter basis who desire to be released from teaching in the summer term receive a reduction of pay equal to 1/7th of their annual salary.

b. Those members of the Teaching Faculty who are employed on a 3-quarter basis are committed to 39 weeks of service to the University. They are free of college duties for one quarter each year. Each teacher normally receives his or her salary in 20 equal semi-monthly installments from September through June. Other arrangements are possible with the approval of the Dean of the College. If members of this group accept appointment for an additional six weeks they receive an extra payment of up to a maximum of 1/6 of their base salary. If employment is for the full summer term, the payment is equal to 1/3 of base salary. No faculty member, however, can be employed to teach for four academic quarters in successive years, except under extraordinary circumstances, and then only if such employment is approved in advance by the Provost.

Members of the tenured faculty who are employed on a 3-quarter basis may opt to receive their salaries in 24 equal semi-monthly installments from July through June of the University's fiscal year.

Overpayments: should a situation arise in which a faculty member receives an overpayment, the faculty member will be required to reimburse the University in full.

Checks will be available on the 15th and last day of the month. When a payday comes on a Saturday, Sunday or holiday, paychecks will be available the last business day preceding such date.

2. Basis of Pay and Minimum Compensation

Employment contracts for faculty have a standard format throughout the University for incorporating personnel classification, rank and title, tenure status, salary, and fringe benefits.

a. Salary at the time of employment shall be established by negotiation between the individual faculty member and the University. Such factors as educational achievement, prior experience, the level at which the individual is to be hired, prevailing salaries in the individual's specialty, the type of activity expected,

⁷⁹This policy applies to all teaching personnel.

⁸⁰These policies apply to Teaching Faculty only, except as indicated in the policies themselves.

and the resources available within the unit and University shall be considered in determining the appropriate salary level.

b. Subsequent salary increases at the University are made on the basis of merit in the areas of teaching, scholarship and service,⁸¹ though other nondiscriminatory factors, such as the cost of living, may be taken into account.

1) Process for Determining Merit Criteria⁸²

In the faculty area, the criteria for merit, and the method by which merit evaluation results are applied to the determination of individual salary increases, are determined by the Teaching Faculty of the department (or the relevant academic unit where departments do not exist). The department (or relevant unit) maintains written procedures for determining merit criteria and written procedures or formulas for translating each individual's merit into an annual salary increase, and these procedures have the concurrence of the Dean and Provost as to fairness and reasonableness prior to their implementation. These criteria must be consistent with other merit criteria in the unit (such as for tenure and promotion). While specific merit criteria and their weighting will vary annually and among academic units, the parameters described above represent an attempt to accommodate those differences while fairly representing the academic judgment of the faculty of a particular unit.

2) Function of Merit⁸³

A determination of merit in the areas of scholarship, teaching, and service encompasses a range from unsatisfactory performance through satisfactory performance that is diligent and reliable to performance that is truly exceptional. A particular individual may perform at different levels of merit in each of the three areas and an overall merit assessment balances these levels of performance in light of the particular assignment of duties for the period under review (see IV.E.2.c.1.d below) and the expectations that may have arisen from previous merit evaluations. However, unsatisfactory performance in any of the areas shall affect the overall evaluation as specified in IV.E.2.b.3 below. Merit evaluations offer qualitative assessments of how well individual faculty members are carrying out their contractually defined responsibilities.

Merit evaluation has two main purposes: guidance and reward. In terms of guidance, the merit report should show each faculty member where he or she is doing well and areas where improvement is needed. Since the results of merit evaluations usually appear in subsequent reappointment, tenure, or promotion considerations, these statements should reflect as accurately as possible the actual performance of the evaluated individual.

In terms of reward, merit reports should have a significant impact on salary raises. Within the constraints of the available merit pool for a particular year, the differences in the amounts of raises should be substantial so that, after several years, faculty members who have been consistently doing higher quality work will have salaries significantly better than their peers whose work is of lesser quality.

3) Process for Making Individual Merit Determinations⁸⁴

⁸¹ As defined in II.C.

⁸²Defined by the President, April 7, 1978; reaffirmed by the Provost, March 23, 1979; and revised by the President November 15, 1979 and August, 1985.

⁸³This section and the Equity section (see c. below) were approved by the President on August 25, 1992.

Since differences exist among academic units, no single process is universally mandated, but the procedure to be used by each unit must be established prior to its implementation and must have the concurrence of both the College Dean and the Provost to assure its fairness, consistency, and reasonableness. Minimally, the decision-making process must begin with some form of documentation of each faculty member's activities during the year under review. The information from individuals requested by some units for annual reports represents an example of appropriate documentation. 85

However, if an individual fails to fulfill contractual responsibilities, ⁸⁶ this failure shall be taken into account in assessing his or her overall performance notwithstanding the potentially meritorious activities reported. The effect of this shall be to reduce the award of merit salary increases to that individual. Substantial or persistent failures of this kind shall render the overall performance of the faculty member unsatisfactory and shall preclude the award of merit increases of any kind to that individual. ⁸⁷ A pattern, for two consecutive years, of failure to administer the required Teacher/Course Evaluations shall constitute a substantial failure to fulfill a contractual responsibility. ⁸⁸

The evaluation itself must involve more than one person's judgment. Each salary determination must be based on a merit evaluation of the faculty member's performance over the past year, with respect to each of the criteria. Strengths and weaknesses should be identified both with respect to the long-term promise of the individual, and the individual's performance of the assignment for the year under review, and suggestions the evaluators deem appropriate should be made. These assessments are to be reviewed with the faculty member, the discussion summarized in writing and a copy of the written summary placed on file.

After merit salary increases have been determined, the Department Chair (or equivalent unit administrator) shall provide the unit's faculty with a summary accounting of increments, in a form agreed to by the members of the unit.⁸⁹ Merit salary increases shall not be awarded until these procedures are complied with. Where the appropriate unit or committee has failed or refused within a reasonable period of time to conform to these procedures, the Provost shall adopt such procedures as he or she deems fair, reasonable, and appropriate to evaluate the merit and/or distribute the salary

⁸⁴For determining merit salary increments beginning in 1985-86.

⁸⁵For non-tenured faculty, adequate, good faith teaching evaluation procedures will include annual evaluation by two or more means, one of which must include student teaching evaluations of every course section every quarter (the SGA evaluations). The other means may include: (a) peer classroom visits; (b) peer evaluations of class materials; (c) teaching portfolios; (d) evaluations by earlier graduates of the program; (e) other means appropriate to the discipline. For tenured faculty, adequate good-faith teaching evaluations will include the student teaching evaluations of every course section every quarter and, at least every 3 to 5 years, evaluations by one or more additional means. This policy approved by the Faculty Senate, May 23, 1994, and approved by the President, June 1, 1994.

⁸⁶Such responsibilities are normally set forth in such documents as individual appointment letters, appointment renewals, salary confirmations, faculty development plans, and this *Faculty Handbook*.

⁸⁷Such reduction or withholding of merit shall not foreclose the imposition of other disciplinary sanctions in appropriate cases.

⁸⁸Such a pattern shall be defined as two or more failures to be evaluated in a single year. If the Dean or Department Chair determines that such a pattern exists, he or she shall give written warning to the instructor and retain a copy of the warning. The warning shall include the information that if this pattern persists into the next academic year the faculty member will not be eligible for a merit raise. If the pattern of failure persists for two years in a row, the instructor will be ineligible for a merit raise at the next merit raise cycle and until the pattern ceases. This policy approved by the Faculty Senate, April 22, 1996, and approved by the President, May 28, 1996.

⁸⁹However, such disclosure must remain consistent with the University's policy of maintaining the confidentiality of individual salaries.

increases. Any individual or group who feels that a procedural malfunction has occurred during the merit consideration may consult with the Provost's Office.

c. Equity

1) Equity Considerations

Faculty should be considered for equity raises when:

- a) an individual's salary places him or her below peers of comparable accomplishment in an individual unit;
- b) merit pools or procedures have failed over time to provide just rewards for faculty performance;
- c) matters beyond the scope of merit procedures (such as long-term trends in the job market) have brought salaries seriously out of line within a unit or in comparison with salaries in similar units in comparable institutions.

Normally, equity raises will not be granted to make up for the salary effects of poor performance.

2) Equity and Merit Policies

Should it be determined by the Provost that the need for equity for a particular individual is the result of policies or procedures adopted by the unit which fail to reward merit adequately, then

- a) the cost of such equity increases may be deducted from the merit pool allocated to the unit or college:
- b) the unit will be directed to reward merit in the future in a manner consistent with section IV.E.2.b.1.

If the deduction of equity raises from the merit pool as specified in (a) would cause undue hardship on other faculty in the unit, the Provost has the discretion to phase in such a deduction over a period of up to three years.

3) Priorities in Awarding Equity

Equity may be distributed both to individuals and to groups. Priority in distributing equity funds should go to elimination of wage differentials based on race, ethnic origin, gender, or other forms of discrimination that are illegal under state or federal law or impermissible under University policies. The following are other areas that should be included in the consideration of distribution of equity funds:

- a) provision of raises to equalize salaries of faculty of comparable accomplishment in the same discipline;
- b) provision of raises to reduce salary compression between faculty of different levels of accomplishment in the same discipline;
- c) elevation of salaries to those of similar units in comparable institutions;
- d) promotion of other strategic planning priorities of the University.

4) Process for Awarding Equity

When equity funds have been allocated, a request for equity adjustment may be made by a Dean, a Department Chair, or a faculty member. Individual faculty members or groups should submit requests for equity in writing through the relevant unit and/or college and should state the grounds for equity

based on the considerations of sections 1, 2, and 3 above. Deans shall forward all equity requests, along with their written recommendations, to the Provost for final disposition.

5) Rights to Information

Faculty members have the right to information that does not reveal individual salaries (such as average salaries within the unit) that will help them decide upon and formulate an equity case.

Equity cases can be made based on comparisons of individual or unit salaries to those in matchmate units or institutions. The units and institutions chosen as matchmates should be made by the Provost's Office in consultation with the appropriate faculty, unit head, and Dean.

- d. Ranges of Academic Salary (WICHE GROUP 2) by Rank:
 - 1) Faculty Salary Scale (39-week/3-quarter Faculty)⁹⁰

Rank	Range (Fall 1999)
Assistant Professor	\$34,851 - \$86,975
Associate Professor	\$44,000 - \$121,975
Professor	\$42,175 - \$153,750

- 2) Payment for Additional Periods (39-week/3-quarter Faculty)
 - a) Summer Teaching: maximum taught is 1/2 the regular load of an academic quarter. Maximum compensation for above is 1/6 base pay. Compensation for less than above is equal to the appropriate proportion of base pay.
 - b) Summer Research: may be up to 1/3 extra compensation except where restricted by regulations of the funding agency.

3. Vacation Policy

Members of the faculty in teaching and/or research including Co-op Coordinators (2.9), Clinical or Academic Specialists (2.7), or Full-Time Lecturers (2.8F) who hold appointments on a twelve-month basis are entitled to an annual vacation to be accumulative at the rate of two workdays per month.

Faculty, including Coordinators, Specialists, or Lecturers who are employed on a 3 1/2-quarter or less basis and are paid an annual salary do not accrue vacation during the periods when they are in service at the University.

F. Benefits

For full and up to date information on the following topics, please refer to the *Handbook of Benefits and Services* issued by the Office of Human Resources Management.

⁹⁰This scale serves as a general University guideline for all faculty salary contracts. Exceptions to the scale may be made only with the prior approval of the Provost and the President.

- 1. Health and Dental Insurance
- 2. Life Insurance and Death Benefits
- 3. Sick Leave and Interim Disability
- 4. Long Term Disability
- 5. Certain Leaves of Absence
- 6. Retirement Plan
- 7. Tuition Remission Program
- 8. Travel Accident Insurance
- 9. Dependent Care and Medical Reimbursement Accounts
- 10. Other Benefits and Services:
 - a. Academic regalia rental
 - b. Bookstore
 - c. Cafeterias
 - d. Chapel service and religious activities
 - e. Check cashing
 - f. Computer Store/Computer Services
 - g. Counseling services
 - h. Credit Union
 - i. Cultural programs
 - j. Day care facilities
 - k. Emergency closing of the University
 - 1. Emergency loan fund
 - m. Faculty Center
 - n. Function planning
 - o. Health services available on campus
 - p. International visitors
 - q. Legal services
 - r. Libraries
 - s. Lost and found
 - t. MBTA Passes/Ride Sharing
 - u. Mail services
 - v. Marine Science Center
 - w. Notaries Public
 - x. Parking
 - y. Police
 - z. Publicity
 - aa Publishing services
 - bb. Recreational facilities and programs
 - cc. Salary checks/salary advance
 - dd. Travel allowances
 - ee. Unemployment Insurance
 - ff. Visitor Information Center
 - gg. Use of University facilities
 - hh. Warren Center

G. Policy on Sabbatical Leaves⁹¹

1. Purpose

The purpose of the sabbatical leave program is twofold.

⁹¹Adopted by the Senate April 24, 1974; amended February 23, 1976. This policy applies to Tenured Teaching Faculty only.

- a. It should aim toward the professional growth of the faculty.
- b. It should promote the faculty's academic contribution to the University.

Thus any faculty member desirous of securing a sabbatical leave must have a planned program of activities in mind before such leave can be given. This program should aid in the fulfillment of the above stated purpose of sabbatical leaves.

2. Eligibility

- a. Faculty members shall be eligible for sabbatical leave if they have tenure, hold the rank of Assistant Professor or above, and have served at least six years as a full-time faculty member of Northeastern University.
- b. In every academic year faculty eligible for sabbatical leave shall be notified of their eligibility by the College Dean. At the same time, they shall be provided with a report indicating, by College, the following pertinent information relative to the previous year's sabbatical program:
 - 1) The number of faculty who had been eligible;
 - 2) The number who actually applied; and
 - 3) The number of leaves granted.

They shall also be apprised of the number and names of eligible faculty in their College for the year in which they may apply.

c. Once having received a sabbatical leave, a faculty member shall become eligible again for such a leave only after having served six academic years as a full-time faculty member at Northeastern University, dating from the end of the previous sabbatical leave. If a leave that has been proposed is postponed or deferred for the administrative convenience of the department or College but is subsequently granted, the six-academic-year eligibility period for subsequent leave shall commence at the time when the postponed or deferred leave would have ended.

3. Sabbatical Leave Plan

There are three types of sabbatical leaves open to all eligible faculty members. In making an application, faculty members must specify which plan they wish to follow. The three plans are: 1) a sabbatical leave for three quarters at 50 percent of the salary for three quarters; 2) a sabbatical leave for two quarters at 75 percent of the salary for two quarters; and 3) a sabbatical leave for one and 1/2 quarters at 100 percent of the salary for one and 1/2 quarters.

4. College Sabbatical Committee

Each College or professional school has a Sabbatical Committee which is responsible for evaluating all proposals for leave prepared in the College and making recommendations for leaves to the Dean of the College. The College Committee shall be composed of four full-time tenured members and one full-time nontenured member of the College faculty. In addition, the Dean of the College shall serve *ex officio*. In the event that a College does not have four tenured full-time faculty, the vacancies will be filled by nontenured faculty on the basis of highest academic rank. When there are more equally ranked nontenured faculty than there are vacancies, the selection should be based upon the longest service in the University, as well as rank. Membership on this Committee will be based on faculty election with two-year terms of office staggered so that there will be two or three holdover members from year to year. Committee Chairs shall be elected from

holdover members. Membership on the Committee should be as widely based as possible. Each member of the Committee should be elected from a different department within the College as long as the number of departments is equal to, or exceeds, five.

5. Evaluation Criteria

The criteria used to evaluate sabbatical leave proposals will be specified and circulated two months in advance of the submittal deadline by each individual College Sabbatical Committee. These criteria must be consistent with the purposes of the program as specified in paragraph 1 above.

6. Procedure for Applying for Sabbatical Leaves

a. The Application

An applicant for sabbatical leave must submit a proposal that clearly outlines the following:

- 1) A plan describing in detail the objectives to be achieved, the activities to be engaged in, the location where the work will be carried out, and a timetable including the beginning and ending dates of the leave;
- 2) A statement indicating how the proposed leave meets the criteria specified by the College Sabbatical Committee;
- 3) A statement identifying sources of funds in cases where funds, in addition to the University contribution, are to be received; and
- 4) A statement concerning arrangements, where the applicant will be a visitor to a nonacademic organization.

b. Submittal Process

The proposal should be submitted to the College Sabbatical Committee for evaluation. Based on the evaluation, a recommendation will be made to the Dean of the College. The Dean of the College, in turn, will forward the Committee's recommendations ⁹² to the Provost. The Provost's recommendations are submitted to the President for final action.

Proposals for sabbatical leave may be submitted at any time up to October 15 of the year preceding the academic year in which the proposed leave is to be taken. Those proposals submitted not later than April 1 preceding that October deadline will be acted upon according to the following schedule:

April 1	Proposal submitted by faculty members to College Sabbatical Committee (17 months
	prior to a September starting date);

May 1 Recommendations of College Sabbatical Committee submitted to Dean of College;

May 15 Recommendations of Dean of College to Provost;

June 1 Recommendations of Provost to President; and

July 1 Candidate notified of decision.

⁹²Including the Dean's own recommendation.

Those proposals submitted after April 1, but not later than October 15, will be acted upon according to a similar schedule, with the five dates given above replaced, respectively, by:

October 15 Proposal submitted by faculty members to College Sabbatical Committee (11 months prior to a September starting date);

November 15 Recommendations of College Sabbatical Committee submitted to Dean of College;

December 1 Recommendations of Dean of College to Provost;

December 15 Recommendations of Provost to President; and

January 15 Candidate notified of decision.

Applicants in this second group will be at no disadvantage relative to the first group, since each proposal will be evaluated on its own merits, regardless of the number of sabbaticals already approved. The necessary funding will be provided for all those proposals judged to be meritorious.

7. Compensation

In those instances where the faculty member receives compensation from other organizations or institutions for the purposes of supporting the sabbatical leave, the University contribution should be limited so that the sum of the compensation provided by these other organizations or institutions for the leave plus the University contribution will not exceed the faculty member's normal University salary for the period of the leave, plus travel and extraordinary living expenses.

The amount of outside consulting work, as distinguished from the outside compensation described in the sabbatical plan, should not exceed the equivalent of one workday per week.

8. Written Report

Upon returning to Northeastern University after his or her sabbatical leave, a faculty member must submit a written report of his or her activities during this leave to his or her department Chair, the College Sabbatical Committee, and the Dean of the College.

9. Obligation to Northeastern University

In addition to the above-mentioned obligations of the faculty member to Northeastern University, he or she shall be expected to resume his or her usual duties at the University for at least one academic year following the completion of his or her leave.

10. Definition

Wherever 'Provost' appears in this Section it is understood to refer to the Chief Academic Officer of the University, regardless of title.

11. Fringe Benefits During Sabbatical Leaves

- a. Medical insurance and dental insurance, provided it is not duplicated by a temporary employer;
- b. Life insurance, provided it is not duplicated by a temporary employer;
- c. Disability insurance, provided it is not duplicated by a temporary employer;

- d. Group medical plan, provided the faculty member continues regular contributions, either on a monthly or prepaid basis for the leave period (Faculty members who would be temporarily relocated outside the Greater Boston area should contact the Benefits Office to make necessary arrangements to receive benefits while residing outside the benefit area.);
- e. For faculty members participating in the Retirement Program, the University will match up to 10 percent of either the individual's last basic contract salary or the reduced sabbatical salary, at his or her option, provided he or she contributes a minimum of 5 percent of the selected salary;
- f. Tuition remission benefits for family; and
- g. Dependent care assistance plan, if the faculty member will be paid through Northeastern University for the duration of his or her leave.

H. Leaves of Absence

In all cases involving leaves of absence, the following conditions must be set forth in writing prior to approval of the leave request: the duration of the leave and its purposes, the extent to which salary (including merit evaluation during the absence) and fringe benefits will be affected, whether or not (if the date on which the leave is to end is stipulated in advance) the time of the leave will be considered toward tenure or toward promotion (where time in rank is a consideration) and sabbatical eligibility, and, if the leave is to delay such consideration, the extent to which the expectation of scholarly productivity in future evaluations will be affected by the additional preparatory time the leave permits.

When any of the leaves of absence listed below, if the effect of the leave on the tenure year was not determined when the leave was approved or, as is often the case with sick leaves, the return date was unknown or only estimated when the leave commenced, result in less than full-time service (see footnote 26 in II.A, above) for at least one academic quarter (defined as a 13-consecutive-week period during which a faculty member is assigned teaching, scholarship and/or service responsibilities under his or her basic contract), a probationary faculty member may petition the Provost to delay tenure consideration by one year. Such petition must be filed within 90 days of the faculty member's return to full-time service. If the petition is approved, the approval shall include a statement indicating the extent to which the expectation of scholarly productivity in future merit, progress toward tenure, and tenure evaluations will be affected by the additional preparatory time the leave permits.

1. Professional Leaves of Absence

Requests for professional leaves will be considered when faculty initiate or are invited to take part in career-related activities which the University determines are in its interest to encourage. Such leaves are normally granted for up to two years, upon approval of the College Dean and the Provost. The specific conditions of such leaves are determined on an individual basis. The time on such leaves does not normally count toward tenure in the case of nontenured faculty, but exceptions can be made by recommendation of the College Dean and Provost to the President. Probationary faculty should refer to the Section of this *Faculty Handbook* on Faculty Appointments, Promotion, and Tenure (II.A and B above) concerning the full-time service requirement prior to tenure consideration.

2. Leaves of Absence for Academic Study

a. Purpose: To enable faculty members to be free of University responsibilities in order to do advanced study in their fields, leading to a terminal degree.

- b. Eligibility: A faculty member shall be eligible for this leave, provided he or she has served at least three years as a full-time faculty member of Northeastern University.
- c. Time Limit: It is expected that leaves of absence for academic study will normally not exceed one year.
- d. Method of Application: A faculty member applies, in writing, for such leave to his or her department Chair describing fully the program of study he or she would pursue if he or she were granted the leave. If the Dean of his or her College and the department Chair approve, the request is forwarded to the Provost for final approval.
- e. Faculty members are considered employees of Northeastern University while they are on such leave, and the period of leave is credited as service for purposes of retirement.

While the faculty member would receive no salary from the University during this period, the following regulations would continue in force during the leave:

- 1) The Faculty member is allowed to continue at his or her own expense in any of the University's health plans.
- 2) Northeastern University continues his or her Major Medical and life insurance coverage.
- 3) Tuition remission benefits continue (including those for family members).
- 4) The University will make special arrangements for the Retirement Program with the faculty member when on a leave of absence for academic study.
- 5) The time on leave for academic study does not count toward tenure.
- 6) It is expected that faculty members receiving such leaves would return to Northeastern for at least one academic year unless some other mutually satisfactory arrangement is made.

3. Other Leaves

Other types of leave include Maternity/Adoption Leave, Family Leave, Sick Leave, and Leaves for Military Training/Service and Jury Duty.

Beyond the conditions outlined above for all faculty leaves, the policies and regulations regarding these other leaves may be found in the *Benefits and Services Handbook*.

I. Retirement

1. Time of Retirement

There is currently no mandatory retirement age for employees of Northeastern University. Any faculty member may opt for an early retirement program, the details of which are set forth in the current *Handbook of Benefits and Services*.

2. Reemployment of a Retired Tenured Faculty Member 93

By special authorization of the President, any retired and formerly tenured faculty member may be reemployed for definite periods of time not to exceed one year each. Contributions to the retirement plan for such faculty member will not be continued during such periods of reemployment.

3. Emeritus Status⁹⁴

All tenured faculty members shall be granted *emeritus* recognition upon retirement from the University. Persons who were tenured faculty members and had a combination of administrative and teaching responsibilities while in service at the University may, upon retirement, with the approval of the President, have the designation *emeritus* added to their senior administrative title. On a case-by-case basis to be decided by the President, other senior administrators may be considered for the *emeritus* designation.

⁹³Promulgated by the Executive Council of the University, March, 1979, revised May 4, 1982.

⁹⁴Promulgated by the Executive Council of the University, April 20, 1977. For a list of the benefits carried with emeritus status, consult the *Handbook of Benefits and Services*.

V. Academic Organization

A. Provost

The Provost is the chief academic officer of the University, reporting directly to the President as the Senior Vice President for Academic Affairs. The Provost is responsible for all academic programs offered by the University and for personnel engaged in carrying out that function. The Provost provides leadership in curricular, instructional, and faculty development matters and governs the budgeting, administering, evaluating, and planning of the academic aspects of University life.

Within the Provost's Office there are currently four Vice Provosts: an Executive Vice Provost for faculty affairs, including minority and affirmative action policies; a Vice Provost responsible for research and graduate education; a Vice Provost responsible for undergraduate education (and undergraduate student academic issues); and a Vice Provost for Adult and Continuing Education and Dean of University College. In addition, there are special assistants with responsibilities for specific areas designated by the Provost. In order to coordinate the entire educational experience within the University and to ensure its continuing integration, the Admissions Office, the Registrar, the University Libraries, the Office of Student Affairs, the University Press, the Reserve Officers Training Corps, the various research and graduate-training institutes, and the Divisions of Cooperative Education, Continuing Education, and Research Management report through the Office of the Provost.

Finally, the Provost serves as Vice Chair of the President's Cabinet⁹⁵, which with the President as Chair allows for broad participation by Vice Presidents and Deans in planning and decision-making. He or she also serves *ex officio* as Chair of the Faculty Senate (see Section I.A).

The chart on the following page indicates the principal areas of responsibility under the aegis of the Provost/Senior Vice President for Academic Affairs. For information on specific departments or programs within the various colleges on this chart, Section V.C of this *Handbook* should be consulted. Individuals responsible for other administrative areas within the University are identified in the chart that appears in the *Academic Operations Manual*.

⁹⁵The successor to the University Council.

Provost Organization Chart

September 1996

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B. The General University Faculty and Bylaws

1. The General University Faculty

The general University faculty, comprising both the Teaching Faculty and other faculty, as defined below, is the senior faculty advisory body at Northeastern University, and is properly concerned with all matters affecting the welfare of the University. It makes available its aid and counsel to the President and Board of Trustees. Under ordinary circumstances, the faculty expresses its opinion through the various College faculties or through the Faculty Senate. There may be occasions, however, when it is necessary to convene a meeting of either the Teaching Faculty or the general University faculty to deal with matters that cannot effectively be delegated to a smaller group. Bylaws governing such meetings are given below.

2. Bylaws Defining the General University Faculty

a. Membership

The members of the general University faculty comprise two voting groups, the Teaching Faculty and the Other Voting Faculty, and one non-voting group, the Nonvoting Faculty. These three groups are defined as follows:

- 1) The Teaching Faculty consist of:
 - a) Regular, full-time teaching and/or research personnel with the academic ranks of Instructor, Assistant Professor, Associate Professor, or Professor; 96
 - b) Academic Deans of the Colleges and Department of Cooperative Education;

⁹⁶This group comprises those in categories 2.1-2.4 of the University Personnel Classification System:

^{2.1} Professor

^{2.2} Associate Professor

^{2.3} Assistant Professor

^{2.4} Instructor (may not be used without explicit permission of the Provost) (with suffixes R = Regular, probationary faculty or T = Tenured faculty). It is to these individuals that the policies, procedures, responsibilities and benefits reserved to full-time regular (tenured and probationary) faculty in this $Faculty\ Handbook$ and in the $Academic\ Operations\ Manual\ apply$.

This group does not include those with the Group Letter Suffixes A (Adjunct Faculty), E (Emeritus), L (Clinical Faculty), M (Military Science Faculty), P (Part-Time Faculty), V (Visiting), or those in the groups:

^{2.5} Scientist or Scholar

^{2.6} Part-time Lecturer (only in University College, Lowell Institute at Northeastern University, Center for Continuing Education, Graduate Engineering)
2.7 Academic or Clinical Specialist holding the ranks of Assistant Academic/Clinical Specialist, Associate Academic/Clinical Specialist, and Senior Academic/Clinical Specialist

^{2.8} Lecturer (2.8F = full-time, 2.8P = part-time, 2.8B = benefits-eligible)

^{2.9} Cooperative Education Coordinator holding the ranks of Assistant Cooperative Education Coordinator, Associate Cooperative Education Coordinator, or Senior Cooperative Education Coordinator.

c) Associate Deans and other administrators who hold academic appointments with the ranks of Instructor through Professor in the Deans' offices of the Colleges, the Department of Cooperative Education, the Division of Continuing Education, University College, and the professional and graduate schools.

2) Other Voting Faculty consist of:

- a) The President, the Provost, Vice Provosts, and Associate Provosts;
- b) The Chancellor, Presidents Emeriti, and Vice Presidents (not included under V.B.2.a.1);
- c) Deans, Associate Deans, Assistant Deans and other administrators (not included under V.B.2.a.1);
- d) Directors, Associate and Assistant Directors, Coordinators and Managers of principal administrative offices and departments;
- e) Professional Counselors, Coaches and full-time professional-level staff of academic units and of academic support departments;
- f) University Registrar, Associate and Assistant Registrars and the Director of Scheduling (who are not included in V.B.2.a.1);
- g) Academic program directors (not included under V.B.2.a.1)
- h) The Chair of the Department of Military Science;
- i) Cooperative Education Assistant, Associate, or Senior Coordinators;
- j) Research Associates and other Research Scientists and Scholars with full-time appointments;⁹⁷
- k) Research Institute or Center Directors, Associate Directors, and Assistant Directors (not included under V.B.2.a.1);
- 1) Assistant, Associate, or Senior Clinical or Academic Specialists. 98

3) Nonvoting Faculty consist of:

- a) Members of the Department of Military Science, with or without professional rank, and Reserve Officers' Training Corps Staff, consisting of commissioned and noncommissioned officers of the Department of Military Science loaned to the University by the Department of the Army; or other Military Services, whose primary responsibilities are at Northeastern.
- b) Temporary faculty (teachers with appointments for less than 39 weeks of the year; such appointments are generally made in the rank of Instructor or Lecturer);

⁹⁷Research Associate, Senior Research Associate, Post Doctoral Research Fellows, Staff Scientist, Assistant Research Scientist, Associate Research Scientist, Scientist, Scientist, Scientist, and Principal Research Scientist (and parallel Research Scholar positions) are full-time professional staff employed by the University to perform research.

⁹⁸See section V.C below.

- c) Persons who are appointed to carry less than a full load in teaching, research, or administration, whether for part or all of the academic year;
- d) Lecturers;⁹⁹
- e) Adjunct Professors; 100
- f) Clinical Instructors, Clinical Assistant Professors, Clinical Associate Professors, and Clinical Professors; 101
- g) Graduate students at Northeastern University who hold regular appointments as Stipended Graduate Assistants.

The body comprising the Teaching Faculty and the other voting faculty shall be referred to as the general voting faculty. Titles may be added to the list of other voting faculty upon the concurrence of the President, the Provost and the Senate Agenda Committee. Titles may be added to, or deleted from, the list of nonvoting faculty at the discretion of the President.

b. Conduct of Meetings

1) Convening a Meeting

A meeting of either the Teaching Faculty or the general University faculty may be called at the initiative of:

- a) The President or the Provost;
- b) Fifty percent of the membership of the Faculty Senate; or
- c) Twenty-five percent of the members of the relevant body through a signed petition in which the proposed agenda has been specified.

A meeting called under option a) will be convened and chaired by the caller of the meeting. A meeting called under either of the other two options will be convened and chaired by the Chair of the Senate Agenda Committee.

2) Agenda

⁹⁹Personnel classifications 2.5 and 2.8.

¹⁰⁰Adjunct defined as a category of academic staff with the academic rank signifying that the appointee, because of special talents or expertise has a special, normally part-time relationship with the University. Adjunct Professors participate in privileges and responsibilities of the academic community except those (such as tenure or the voting of degrees) reserved specifically to full-time Teaching Faculty.

¹⁰¹Clinical appointments will normally be limited to practitioners who are assigned regular and continuing responsibilities in the clinical laboratory, or other experiential settings. Clinical appointments will normally be given to participants in institutions with a formal affiliate relationship to one or more of our regular academic programs though persons supervising students in such degree-related activities inside the University may also receive them. Appointments will be made without the privilege of vote on faculty matters and will be at a rank consistent with the academic and professional achievements of the individual appointee. Appointments will be made by the Provost upon recommendation of the Dean of the college, school, or division responsible for the program for which the appointment is made.

The agenda for a meeting will be established by the party who called the meeting. Once a meeting has been convened, the agenda may be modified by a two-thirds vote of the voting members of the appropriate body who are present. The agenda and related documents will be distributed to the members at least two weeks prior to the meeting, unless emergency circumstances make this impossible. In any event, the announcement of a meeting will be accompanied by the agenda of the meeting.

3) Quorum

A quorum to conduct business will consist of 50 percent of the voting members of the appropriate body. In the absence of a quorum, one-third of the voting membership may recess by majority vote in order to seek a quorum. If a quorum is not present after two consecutive recesses, the meeting will be considered adjourned.

4) Conduct

Robert's *Rules of Order* (Revised or Newly Revised) will be the parliamentary guide, unless it conflicts with these bylaws. The Chair will appoint a parliamentarian for the meeting.

5) Attendance and Participation

Any member of the general University faculty may normally attend meetings of either the Teaching Faculty or the general University faculty. In order to facilitate the conduct of the meeting, those who will not vote at the meeting will be asked to sit in a designated area. Further, nonvoting members may be afforded the right to speak at a meeting by a majority vote of the members of the appropriate body. This right may be withdrawn by majority vote of the voting members. A motion to confer or withdraw speaking privileges will be subject to limited debate with no more than three people speaking for the motion and no more than three speaking against the motion. These procedural motions shall always be in order. When the participation privilege has been voted, the floor may be granted to a nonvoting member by the Chair or by a voting member who yields his or her position.

The voting members of the appropriate body at any meeting may go into, or out of, executive session at any time by a majority vote of the voting members present. When in the executive session, only voting members of the appropriate body and persons invited by the Chair may be present. A motion to move into executive session is always in order, and is nondebatable.

Motions at a meeting may be initiated only by voting members of the appropriate body.

6) Visitors

A visitor is anyone who is not a member of the general University faculty. Visitors are not normally permitted to attend or to participate in faculty meetings. However, designated groups of visitors may be admitted to a particular meeting, as spectators, by a two-thirds vote of the voting members present. Visitors, once present, may be asked to leave by a majority vote of the voting members present. A motion to admit or expel visitors will be subject to limited debate, with no more than two members arguing for, and two members against, the motion. The Chair may invite persons required by the business of the meeting. Such persons might be invited because of their expertise (e.g., a parliamentarian or a lawyer), or because of the service they will render (e.g., a stenographer), nor will the proceedings be broadcast outside of the meeting room.

7) Identification of Speakers

Each speaker will identify himself or herself by name and title.

8) Minutes

Minutes will be kept by a secretary appointed by the Chair, and will be distributed to all members of the appropriate body within seven calendar days.

c. Revisions to Bylaws

Proposed changes to the bylaws may originate in the Faculty Senate by a vote of 60 percent of its membership, or by petition of 25 percent of the general voting faculty. Proposed changes must be distributed to the members of the general voting faculty at least two weeks before they are to be acted upon.

Revisions of the bylaws will be ratified by approval of two-thirds of those members of the general voting faculty casting ballots in a mail balloting process supervised by the Faculty Senate. Ballots for consideration of bylaw changes will be cast following College Faculty Meetings.

C. Clinical or Academic Specialists

Clinical or Academic Specialist (2.7) is a title conferred on individuals who have special skills, education and/or work experience which qualify them to fulfill highly specialized teaching and/or supervisory roles in a particular academic unit. Neither Clinical nor Academic Specialists are eligible for tenure. They are given term appointments which may be renewed depending upon the quality of job performance, University need and available funding. Clinical and Academic Specialists are employed in and may seek promotion to one of the following ranks: Assistant Clinical or Academic Specialist; Associate Clinical or Academic Specialist; or Senior Clinical or Academic Specialist. The specialist's maintenance of professional qualification (where applicable) and quality of performance are the major factors in annual evaluation and retention decisions. The Specialist's quality and level of performance and length of service are the major factors in promotion considerations.

D. The College Faculties

1. The several College faculties comprise faculty members who are primarily concerned with teaching and/or research in one of the instructional units listed in Section D.2 which follows ¹⁰².

The faculty of the Department of Cooperative Education are assigned to the various college faculties according to their curricular responsibilities. College faculties are presided over by the Deans of the Colleges, and minutes of meetings are prepared and circulated to all concerned.

Each College faculty has specific responsibility for the following matters, subject to review and approval by the President:

¹⁰² Except for the Department of Military Science (ROTC) which is an independent department of the University responsible for its own administrative functions. The staff is assigned by the Department of the Army, subject to University approval. The Department operates within the framework of policies and procedures established by the University and within the guidelines established by Army regulations. Individual courses are open to all students, while those students who desire to participate in the full program must meet established qualifications. The courses are presented concurrent with, and in conjunction with, the student's normal academic schedule. Air Force and Navy ROTC Programs are offered to Northeastern students on the Boston University campus.

- a. The programs of study offered by the College;
- b. The entrance requirements of the College;
- c. The academic standards of the College;
- d. Recommending candidates for baccalaureate degrees in the College and for advanced degrees earned in the graduate programs;
- e. Approval of all educational programs offered in other divisions of the University such as University College and the School of Engineering Technology which are related to the subject-matter field of the College.
- 2. The Colleges are the academic units with full-time faculty and degree-granting authority 103 as follows:
- a. The College of Arts and Sciences includes the Departments of African-American Studies, Art and Architecture, Biology, Chemistry, Communication Studies, Economics, Education, English, Geology, History, Mathematics, Modern Languages, Music, Philosophy and Religion, Physics, Political Science, Psychology, Sociology and Anthropology, and Theatre, the School of Journalism and the Center for the Arts. Other interdisciplinary programs including American Sign Language, Human Services, and Linguistics are also administered by the College.
- b. Bouvé College of Health Sciences is organized into three schools. The School of Health Professions includes the Departments of Cardiopulmonary Sciences, Counseling and Applied Educational Psychology, Physical Therapy, and Speech-Language Pathology and Audiology; and Programs in Athletic Training, Medical Laboratory Science, and Physician Assistant. The School of Nursing is a single, non-departmentalized unit. The School of Pharmacy includes the Departments of Pharmaceutical Sciences and Pharmacy Practice.
 - c. The College of Business Administration is organized into the following Groups: Accounting, Finance and Insurance, General Management, Human Resources, Management Science, and Marketing. It includes the Graduate School of Professional Accounting.
- d. The College of Computer Science is a single unit, not organized into departments or groups.
- e. The College of Criminal Justice is a single unit, not organized into departments or groups.
- f. The College of Engineering includes the Departments of Chemical Engineering; Civil and Environmental Engineering; Electrical and Computer Engineering; Mechanical, Industrial and Manufacturing Engineering; and Biomedical Engineering. It includes the School of Engineering Technology.
- g. The School of Law is a single unit, not organized into departments or groups.

Graduate programs are offered in many fields and are administered by the Graduate School affiliated with the appropriate College.

¹⁰³Under the academic aegis of a number of the Colleges, part-time day and/or evening programs are offered through University College and the Lowell Institute School at Northeastern, a division of the School of Engineering Technology. For more information, consult the current catalogues of University College and the Lowell Institute School at Northeastern and the *Schedule Guide for Part-Time Programs*.

- 3. Although instructional departments are assigned for administrative convenience to one of the colleges, each instructional department is responsible for offering the courses in its field that may be needed by students in any of the colleges.
- 4. The college faculties may adopt rules and regulations for their own operation not inconsistent with the bylaws of the University, the faculty bylaws set forth herein, and policies established by the Board of Trustees, the President, the Provost, and the Faculty Senate.

E. The Division of Cooperative Education

1. Organization

The Vice President for Cooperative Education, who reports to the Provost, oversees the Division of Cooperative Education which consists of the following units:

- a. The Department of Cooperative Education;
- b. The Department of Career Services;
- c. The Department of International Cooperative Education;
- 2. The Department of Cooperative Education is responsible for all undergraduate cooperative programs in the Colleges and for some graduate co-op programs. Personnel in this Department may be appointed as faculty members (with ranks, rights and responsibilities as members of the Teaching Faculty), or as Cooperative Education faculty coordinators (WICHE 2.9). These Department members are responsible for guiding students enrolled in the several curricula of the Colleges through the experiential learning component of their education. They facilitate this process by developing a range of opportunities for appropriate work experiences and assisting the students to integrate the academic and experiential elements of their education.

Since cooperative education is a basic element in the educational philosophy of Northeastern University, any change or modification of the cooperative education program in any part of the University must be approved by the President's Cabinet and the President. Whenever a change or modification is recommended by an academic dean, a committee of a college, a college faculty, or any other individual or group of individuals, it shall be transmitted, after review by the Council of Deans, to the Vice President for Cooperative Education by the academic dean or other appropriate official. The Vice President for Cooperative Education and the Provost shall present the recommendation to the President and the President's Cabinet for final action.

3. The Department of Career Services offers career guidance, counseling and placement assistance to all students and alumni/ae of the University. The Career Resource Center contains occupational information, resume and interviewing resources, job search guides and directories of employers and graduate schools. The department maintains a Job Bank of current local, national and international job opportunities and internships. In addition, the Department offers seminars on a variety of topics, as well as credit-bearing elective courses for undergraduates. All graduating students may participate in the department's on-campus recruiting program and resume matching services.

¹⁰⁴The School of Law and the Graduate School of Business provide career services to their students and graduates within the respective units.

4. The Department of International Cooperative Education offers a variety of services to both international students and U. S. citizens. Through the International Exchange Program, undergraduate students have the opportunity to be placed abroad for cooperative work experience. International students may receive assistance with issues pertaining to co-op employment. Departmental staff members teach a course designed to prepare international students for co-op.

VI. University Administrative Structure

A. The Corporation

The senior body of Northeastern University governance is the Northeastern University Corporation. It has no required number of members, but has approximately 270. The Corporation is composed of outstanding citizens, many of them alumni, who have four-year terms of office. The Corporation meets annually in May to elect its officers, who also serve as officers of the Board of Trustees, which is the University's governing body. At its annual meeting the Corporation elects new members to the Corporation and to the Board of Overseers, and fills vacancies on the Board of Trustees.

B. The Board of Trustees and Board of Overseers

1. The Board of Trustees

Members of the Board of Trustees are elected from the Corporation. The Board is organized in four classes of eleven members each. Members serve for four-year staggered terms. The President is a member of the Board of Trustees *ex officio*.

The University bylaws, the governing instrument of the Corporation and Board of Trustees, provide for the creation of standing committees, members of which are elected by the Board. At the present time there are thirteen Board of Trustees standing committees, namely the (a) Executive Committee(b) Committee on Academic Affairs; (c) Committee on Student Affairs; (d) Committee on Facilities; (e) Committee on Development; (f) Committee on Long-range Planning; (g) Nominating Committee; (h) Committee on Finance; (i) Committee on Budget; (j) Committee on Governance; (k) Committee on Compensation; (l) Committee on Commencement; and (m) Committee on Audit.

The Committee on Academic Affairs provides communication between the faculty and the full Board. It meets from time to time with the Agenda Committee of the Faculty Senate to be informed of faculty concerns and proposals.

2. Board of Overseers

The Board of Overseers consists of not more than forty-eight members elected from the membership of the Northeastern University Corporation. Members are elected based upon their exceptional interest in and support of the University. Each member is invited to serve on one of the standing committees of the Board of Trustees or on one of the visiting committees to the various colleges of the University. Members of the Board of Overseers may from time to time be invited to serve on various University committees or to act as consultants to University departments.

C. Officers of the University

The University bylaws specify that the Board of Trustees shall elect the President, Vice Presidents, Chancellor, Provost, and Treasurer. All are general officers of the University.

The President, as chief executive officer of the University, generally supervises and directs all schools and departments. He or she serves as the official medium of communication between the Corporation or Board of Trustees and the officers of administration, the faculty, and students.

The duties and responsibilities of the Chancellor are designated by the Board of Trustees while those of the several Vice Presidents are specified by the President or the Board of Trustees. The Provost has responsibility for the overall supervision of educational programs offered and conducted in the name of the University. The President or Board of Trustees may also assign other duties and responsibilities to the $\frac{105}{105}$

D. Procedural Guidelines in the Appointment of University Administrators¹⁰⁶

1. Selection of Key Academic Administrators

a. Formal selection committees will be constituted with the assistance of the Faculty Senate Agenda Committee when administrative vacancies develop in any of the following positions:

Provost
Vice President for Cooperative Education
Dean of the Department of Cooperative Education
Academic Dean of a School or College of the University
Chair of an Academic Department in one of the Colleges 107
Dean of University Libraries
Director, Division of Research Management
Director, Division of Academic Computing.

- b. Upon expectation of a vacancy in one of the above-listed positions, the President or a Vice President acting as his or her representative, will, as soon as possible, meet with the Faculty Senate Agenda Committee to agree upon the most reasonable course to be followed in filling the vacant post. Normally, the Faculty Senate Agenda Committee will then create an *ad hoc* Faculty Selection Committee, composed as indicated in the guidelines below, to assist the in evaluation of candidates for the vacant position.
- c. The *ad hoc* Faculty Selection Committee will meet with the President or his or her representative and receive specific information as to the kind of selection process to be undertaken. Usually one of the following three alternatives applies.
 - 1) Conduct a broad search both inside and outside the University for the best candidates available within the financial guidelines indicated by the President. This process will normally be followed when a genuine budgeted vacancy exists.
 - 2) In the absence of a budgeted vacancy, conduct a search for the best available internal candidate.
 - 3) Make a candid evaluation of the qualifications and potential of a specific candidate who is being considered by the President, surveying opinions of other faculty members and contrasting the named candidate with any other internal candidates whom the committee feels should be considered.

In the cases of 1) and 2) above, the Committee will be expected to develop a list of candidates which, at the discretion of the Committee, may be ranked in order of preference. In 3) the Committee will report its evaluation of a single candidate.

¹⁰⁵For an organizational chart of the University, See the *Academic Operations Manual*.

¹⁰⁶Promulgated by the President, May 19, 1973.

¹⁰⁷ Or equivalent position.

- d. The Selection Committee charged with seeking out candidates for an administrative vacancy will normally develop, within a period of two months, a list of potential candidates, drawing on suggestions from all sources, including the President of the institution. After screening, the most promising candidates will be interviewed separately by the Committee, the President, and any other administrative officers directly concerned with the appointment.
- e. Following the interviews, the Selection Committee will develop a final report presenting to the President a final list of recommended nominees. At its discretion, the committee may rank the nominees in order of preference.
- f. The President will give careful consideration to the nominees proposed by the Committee and may, of course, also consider for appointment well-qualified candidates referred to him or her from other sources. After completing further negotiations with any preferred candidates relative to salary, responsibilities or other matters of common concern, the President will meet with the Selection Committee to discuss his or her final action.
- g. After the President's decision has been made, the Selection Committee will issue a final report to the Senate summarizing its activities, and, if a general search was conducted, indicating whether or not the appointee selected was on the Committee's final list of nominees.
- h. The Selection Committee will continue to function until a selection is made or until it is relieved by the Faculty Senate Agenda Committee.

2. Composition of Faculty Selection Committees 108

- a. For University-wide academic offices, and for newly created academic deanships, the Faculty Senate Agenda Committee should constitute an ad hoc Faculty Selection Committee usually comprising not more than nine persons. Two of these voting members shall be students, one an undergraduate nominated by the Student Government Association, the other a graduate student nominated by the Graduate and Professional Student Association.
 - b. With respect to vacancies which occur in the administrative staff in the existing colleges (including the Chairs of newly created departments) the Faculty Senate Agenda Committee should constitute a Selection Committee consisting of any four members of the College concerned, elected at large by the College faculty, and three additional members appointed by the Faculty Senate Agenda Committee of which one should be a senior faculty member from another college. No more than one member may be elected or appointed from one department until every department in the College has one representative. There shall be two additional nonvoting student members, one an undergraduate nominated by the Student Government Association, the other a graduate student nominated by the Graduate and Professional Student Association.
 - c. With respect to vacancies in the position of Chair in existing departments, the Faculty Senate Agenda Committee should constitute a Selection Committee of which, where practicable, at least one-half of the members should be elected by the faculty of the department concerned, and the remainder appointed by the Senate Agenda Committee as outlined in (2.b) above. Each Chair Selection Committee shall develop appropriate mechanisms to assure meaningful student input regarding candidates. The committee shall inform the Senate Agenda Committee of the mechanism(s) it has established.

¹⁰⁸In conducting searches, all faculty members must comply with the University's affirmative action and equal opportunity policies and procedures.

d. The Faculty Senate Agenda Committee should consult with the Provost before constituting any of the above-mentioned Selection Committees. In addition, close liaison with the Provost should be maintained throughout the period of Committee operation. Normally, the Provost will designate an additional nonvoting member of each Selection Committee to provide coordination, and make available budgetary and administrative support for the Committee's operations.

3. Other Administrative Positions

Selection of administrators for positions other than those listed in VI.D.1 above will usually not involve establishment of a formal Selection Committee, although in some instances this may be desirable. In instances where Selection Committees seem advantageous, they will be constituted by the President , and may include, in addition to faculty, other administrators, students, alumni or professional persons outside the University, according to the special circumstances in each case.

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