



# FACULTY CODE

JULY 1, 2024



**HOOD**  
**COLLEGE**  
FREDERICK, MARYLAND

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# 1 INTRODUCTION

This document is the Faculty Code ("Code"), which consists of policies, procedures, academic performance expectations, committee structures, and Faculty and College rights, responsibilities, and obligations. The Code is not a contract and is subject to change at the College's discretion. The preceding Faculty Code, the practices and traditions of the College and the policies of the American Association of University professors (1995) have been significant guides in the formation of the present version.

## 1.1 Statement of Shared Governance

Shared governance in an academic institution will take a variety of forms appropriate to the kinds of situations encountered. In some cases, an initial exploration or recommendation will be made by the President with consideration by the faculty at a later stage; in other instances, a first and essentially definitive recommendation will be made by the faculty, subject to the endorsement of the President and Board of Trustees; in still others, a substantive contribution can be made when student leaders are responsibly involved in the process. Although the variety of such approaches may be wide, at least two general conclusions regarding joint effort seem clearly warranted:

1. Important areas of action involve at one time or another the initiating capacity and decision-making participation of all the institutional groups, and
2. Difference in the weight of each voice should be determined by reference to the responsibility of each constituency for the particular matter at hand.

The Code supersedes all other College policies relating to Faculty to the extent they are inconsistent with the Code. Except as otherwise provided, any amendments to the provisions of the Code shall take effect at the beginning of the academic year following adoption. In the case of revisions to the Code that result in changes in policy that were in effect when a faculty contract was originally issued, the most current edition of the Code shall govern, unless the Code specifically provides otherwise. Any such terms and conditions that conflict with or are not covered by the Code shall be included in the contract in consultation with the Provost and the department chair or representative.

## 1.2 Abbreviations and Definitions

The following abbreviations and usages occur in the Code:

FBR	Faculty Board of Review
FPC	Faculty Personnel Committee
FEC	Faculty Executive Committee
PBAC	Planning, Budgeting and Assessment Committee
AC	Faculty on Annual Contract
Board	Board of Trustees or a committee of the Board, as determined in the Board of Trustees. When the term "Board of Trustees" is used, it refers to the full Board.
Faculty Code	When "Faculty Code" or "Code" is used, it refers to this document
They and Their	Throughout this document, gender neutral language shall be used: the plural shall be deemed to include the singular when applicable.

## 1.3 Establishing the Text of the Faculty Code

Whenever the Code is amended, the FEC, in consultation with the Provost will establish an updated version of the Code at the end of each academic year. The Code is a digital document that can remain up-to-date, searchable, and archived in order to track changes over time.

## 1.4 Amendments to the Faculty Code Initiated by the Faculty

Any member of the faculty with faculty voting privileges, in consultation with the Provost, may initiate procedures to amend the Code by placing the proposed amendment in written form on the agenda of the Faculty Meeting. A vote will not be taken on the proposed amendment until the Faculty Meeting of the following month. If a three-fifths majority of the faculty, present and entitled to vote, approves the proposed amendment, the Provost will discuss it with the President. Should the President, in consultation with the Provost, agree with the change, it will be added to the Faculty Code. In the case where the President is not in agreement with the change, refer to section 1.7 Reconciliation Procedures.

## 1.5 Amendments to the Faculty Code Initiated by the President

Amendments to the Code initiated by the President, in consultation with the Provost, must be submitted in writing to the Faculty for review and approval (as described in 1.4).

## 1.6 Amendments to the Faculty Code Initiated by the Board of Trustees

Under extraordinary circumstances, when the Board of Trustees concludes that an amendment to the Code is immediately required to protect the well-being of the College, the Board of Trustees may amend the Code without faculty approval. However, in the spirit of shared governance held by the Hood community, the Board of Trustees shall first seek and consider the views of the Faculty by consulting with the FEC, and the full faculty with respect to the proposed amendment.

## 1.7 Reconciliation Procedures

Should there be a disagreement between the Faculty and the President on a proposed amendment to the Code or if the faculty does not approve an amendment proposed by the President, the President will consult with FEC in an earnest effort to reach an acceptable compromise. In the event of a compromise, the new language will be presented to the full faculty for a vote. In the absence of that compromise, the President and the chair of FEC will forward the proposed amendments, along with rationale from both sides, to the Board of Trustees for final review and decision.

## 1.8 Interpretation

The Code does not anticipate all situations that could conceivably arise. From time to time, situations may arise that are not anticipated and may require exceptions to or interpretation of existing policy and procedures. Should this situation arise, either a member of the administration or faculty may request clarification from the Provost. The Provost, in consultation with the FEC, should attempt to reach an agreement on the proper interpretation or need for an exception. If the FEC and Provost are unable to resolve the issue, the issue will be referred to the President for further evaluation. The final interpretation or need for exception will be made by the President.

## 2 DEFINITIONS OF FACULTY APPOINTMENT, RANKS, AND STATUS

### 2.1 Faculty Appointments

#### 2.1.1 Terms and conditions of employment for AC faculty

Terms and conditions of employment are contained in the Code and in annual appointment letters from the President or the President's appointed delegate, which are issued during the Spring Term of each year to returning faculty for the following academic year. In the case of new faculty authorized by the President, contracts will be issued as soon as is practicable after the time of hiring. A signed written contract stating the terms and conditions of the appointment, including but not limited to salary, rank, tenure track status, and length of appointment, and referencing all applicable policies and procedures must be in the possession of both the President and the appointee before the contract becomes legally binding.

Contracts for returning faculty are generally issued on or before March 15 and should be returned to the College within one month. If the signed contract is not returned within 30 calendar days of issuance, the College reserves the right to withdraw its offer.

In accepting the appointment, each full-time tenured/tenure track and AC (full or part-time) faculty member agrees to the following applicable conditions:

1. that they will devote full time and effort to the performance of their specified duties as outlined in further detail in the Faculty Handbook, Section 4;
2. that they will not accept or engage in any other employment except by mutual agreement with the Provost, which agreement by the Provost shall not be withheld unless such employment interferes with the faculty member's contractual obligations;
3. that they will teach such subjects in which they are qualified as assigned by the College, will engage in scholarship and service, and will perform other appropriate duties and services as mutually agreed upon by the faculty member and the Provost;
4. that they will be accessible and available to support and advise students;
5. that their contract spans for a total of ten or twelve months beginning on August 1 (as specified in the contract letter) with active duties beginning one week before the beginning of the fall semester through the conclusion of spring semester or year-round (in the case of twelve month contracts);
6. that faculty on a twelve month contract will work with the Department Chair/Program Director and Provost to jointly determine designated and reasonable breaks from College duties;
7. that they agree to the provisions of this Code and Faculty Handbook (see Section 4, Faculty Responsibilities), as applicable to their position;
8. that they are made aware of all applicable employment benefits as outlined in the Faculty Handbook (see Section Three, VII).

#### 2.1.2 Full-time tenure-track appointment

Appointments to tenure track positions may be for one year, or for other stated periods, subject to renewal. Unless otherwise required by law, the total period of full-time service prior to permanent tenure will not exceed seven years at the College.

#### 2.1.3 Full-time tenured appointment

Tenured appointments may be terminated only under conditions noted in Sections 4.2 through 4.5 (regarding Termination of Appointment) with the burden of proof resting upon the College.



Tenured faculty may request a temporary or permanent reduction in their full-time tenured appointment to a reduced services (fractional) tenured appointment through written agreement with the College (Section 2.3, Voluntary Reduction in Services or Change in AC Status).

#### 2.1.4 Part-time faculty on annual contract

Part-time AC faculty are appointed on a pro rata basis as approved by the Provost. Their teaching load and all other additional duties are commensurate with that pro-rated fraction and are determined by the department chair or program director in consultation with the Provost. For example, an individual with a .25 appointment will be assigned a teaching load and other duties at the equivalent of one quarter of a full-time load.

Such faculty members may be considered for promotion according to the schedule outlined in Section 3.4.1.4 (Initiation of review for promotion and tenure), but are not eligible for tenure while serving in a part-time AC role. Part-time AC faculty members must follow the performance review schedule outlined in Section 3.4.1.1 (Initiation of the review for part-time and full-time reappointment).

A part-time AC faculty member at Hood College may receive retroactive and prorated credit toward the probationary period if they are subsequently appointed to tenure-track status as explained in Section 3.2 (Receiving Credit toward Completion of the Probationary Period). The prorated credit will be calculated by the Provost's office in consultation with the department chair and AC faculty member.

#### 2.1.5 Part-time faculty on per-course contract (adjunct faculty)

All part-time per-course faculty ordinarily hold the academic rank of Lecturer, defined in Section 2.4 (Academic Ranks and Titles). Part-time per-course faculty ordinarily carry a course load of one to three courses during a regular academic semester, have no additional duties, and are paid according to the current course-contract rates for undergraduate or graduate courses, as stated in the contract of each individual Lecturer. Part-time per-course faculty may not be contracted for more than nine (9) credit hours per semester or the prevailing federal limit for non-benefitted part-time employees.

#### 2.1.6 Visiting AC faculty

Visiting AC faculty appointments are made for a specific purpose and, except as otherwise specifically required by the terms of a grant, are limited to a brief association with the College: for example, to replace someone on sabbatical, to offer special courses under a grant, to meet temporary needs of a department, etc. A visiting AC faculty member who is non-tenure-track may receive retroactive credit toward the probationary period if they are subsequently appointed to tenure-track status as explained in Section 3.2 (Receiving Credit toward Completion of the Probationary Period). As such, all visiting full and part-time faculty will be reviewed annually by the department chair and the Provost. They will not be reviewed by the Faculty Personnel Committee.

Visiting non-tenure-track .5 or above AC faculty are important to the College. They may attend, participate in, and vote at Faculty Meetings and other activities in consultation with the department chair.

#### 2.1.7 Departmental Instructors

Departmental Instructors primarily teach foundation courses of the core curriculum, though they can teach other courses as needed. They may be full-time or part-time appointments. Full-time appointments teach 24 credits annually.

Instruction, as well as assessment of instruction, are the primary responsibilities of these non-tenure track positions. Departmental Instructors are strongly encouraged to participate in professional development opportunities and may be asked to serve on specialized committees related to curricular matters. An



appointee to this rank shall have, at a minimum, the Master's degree or the equivalent in appropriate professional experience, in addition to the Baccalaureate degree. Departmental instructors 0.5 or above may attend, participate in, and vote at Faculty Meetings and other activities.

Departmental Instructors will be reviewed for reappointment annually by the department chair and the Provost annually, no later than June 30, on the basis of their Faculty Annual Reports, student evaluations, and submission of reports for curricular student learning outcomes. They will not be reviewed by the Faculty Personnel Committee.

## 2.2 Selection and Appointment Procedures

The President approves the terms of each new position, such as salary, rank, degree requirements and length of association with the College. The department, in consultation with the Provost and the President, determines the academic expertise within the specific discipline that will be required for the position.

All AC and tenured or tenure-track faculty (with the exception of those completing a terminal degree) shall hold an earned doctorate, an approved terminal degree, or equivalent professional experience in an appropriate area of specialization. In those instances when the terminal degree is not an earned doctorate, the academic department (as part of its request for a new position) must provide documentation that the terminal degree is in accordance with nationally recognized standards for hiring, tenure, and promotion in the discipline. If the terminal degree is not completed at the time of appointment, the contract will stipulate requirements for degree completion within a restricted timeline and the candidate may be appointed at the Instructor rank until the terminal degree is completed. The Provost, in consultation with the department, must approve all exceptions to the earned doctorate. Tenure shall not be conferred at hire except with FPC consideration and approval and only in extraordinary circumstances. FPC's consideration will be based on the totality of teaching, scholarship, and service consistent with the criteria outlined in Section 3.1, as well as rank and tenure previously earned by the faculty member at prior institutions.

All searches must follow the hiring guidelines and search requirements described in the Faculty Handbook.

### 2.2.1 Preliminary selection and appointment procedures of AC and tenure-track faculty

General search guidelines are outlined in the Faculty Handbook and align with procedures and compliance standards approved by Human Resources.

#### 2.2.1.1 The process for initial AC and tenure-track appointments

Faculty appointments are made by the President, upon the recommendation of the search committee chair and the Provost, and when appropriate, the Dean of the Graduate School. The Provost reports the appointments to the Board as a matter of information.

Tenure-track positions, as well as visiting and non-visiting AC positions, follow search guidelines outlined in the Faculty Handbook. The President may make an exception when the department requests such an exception, and the Provost agrees.

Regarding the process for initial faculty appointments, further details may be found in the Faculty Handbook, Section 3.1.D, Hiring Procedures.

In all cases, the appointed candidate must complete at least one probationary year before being considered for tenure. No initial AC faculty appointments shall confer tenure without FPC consideration and approval as defined above.

## 2.2.2 Selection and appointment procedures for part-time per-course (adjunct) faculty

The chair, in consultation with the AC members of the department, screens applicants and arranges for interviews of candidates.

In consultation with the AC members of the department, the chair recommends the candidate for appointment to the Provost and, when appropriate, to the Dean of the Graduate School. At the President's discretion, the President or their appointed representative may interview candidates for appointment.

Part-time, per course faculty provide services in accordance with their individual contracts. Appointments are normally made for an academic term.

## 2.3 Voluntary Reduction in Services or Change in AC Status

A full-time faculty member (AC, tenured or tenure-track) may request a reduction in AC status from full-time to part-time either permanently or temporarily, but this request must be by mutual agreement of the faculty member, the academic department(s) involved (represented by the department chair), the Provost, the Dean of the Graduate School, when appropriate, and the President. No one other than the faculty member may initiate a change in status. A change in AC status will not affect tenure, rank, or eligibility for benefit plan participation, except in conformity with applicable law and the provisions of the College's employee benefit plans.

After obtaining the consent of the department chair, the faculty member seeking a change in status will propose the change in salary and services to the Provost. Following a positive outcome of this negotiation, the Provost will present the proposal to the President for approval. The Provost or the President may veto the change in status.

## 2.4 Academic Ranks and Titles

**Lecturer** - The rank of Lecturer is conferred upon course-contract faculty members whose experience and education would qualify them for one of the other academic ranks if they were to hold an AC appointment. It may refer to long-term part-time faculty, including those at the graduate level.

**Instructor** - An appointee to this rank shall have a master's degree or its clear equivalent in scholarly or creative achievement or appropriate professional experience, in addition to the baccalaureate degree. This rank is awarded on appointment of all-but-dissertation (ABD) faculty until they earn the terminal degree within the timeframe approved.

**Assistant Professor** - Appointment to this rank is limited to those who possess an earned doctorate or the normal terminal degree expected in the discipline or its clear equivalent in scholarly, professional or creative achievement (see Section 3.1.2, Scholarly, creative and professional development).

**Associate Professor** - In addition to the requirements for Assistant Professor, the appointee must give evidence of continued excellence in teaching (or the potential for excellence in teaching in the case of a distinguished professional who has not taught), of scholarly achievement, and of substantial service to the College. (See Section 3.1, Criteria for Promotion, Tenure, and Reappointment).

**Professor** - The rank of Professor is a distinguished goal and is not attained by mere years of service. In addition to the requirements for Associate Professor, the appointee must give evidence of outstanding

achievement in teaching, scholarship, and service to the College. Professors assume major responsibility in academic matters and leadership at both the departmental and College level.

Professor Emeritus - The department chair, or their designee, submits to the Provost and President a letter, one to two pages in length, summarizing the retiring faculty member's qualifications for emeritus status. The President, in consultation with the department and the FPC, may then award the honorary title, Professor Emeritus, to a retiring faculty member. Normally, twelve years of service at the College are required for consideration. The President will notify the retiring faculty member of this distinction.

The criteria for awarding this title should be the same as those established for tenure and promotion: excellence in teaching, scholarship, and service. The title is confirmation of the individual's extended commitment to the College. Emeritus faculty are entitled to participate in social and ceremonial functions of the College, to use the facilities of the College, and to serve on committees as advisers without vote, when requested by the College.

The College may invite an emeritus faculty to return to teaching on a full-time or part-time basis; that faculty member will then be accorded all the rights of active faculty, except tenure.

## 2.5 Non-Teaching Faculty Status and Participation in Faculty Meetings

The President, in conjunction with the FPC and the Provost and, when appropriate, the relevant academic department, may award faculty voice/no-vote status to non-teaching members of the Hood College professional staff. Such status allows for participation (without vote) in Faculty Meetings; however, as an honorary distinction, it excludes the possibility of tenure or promotion. In all other cases, faculty status and rank is determined by the procedures established in this Code

Those professional staff members include, but are not limited to: director of library, professional librarians, and academic deans.

## 2.6 Membership in the Faculty Senate

The Faculty Senate consists of all teaching faculty who are classified as .5 FTE AC Faculty and above. The Faculty Senate has no governance authority. Consult the Faculty Handbook for a distinction between Faculty Senate and Faculty Meeting.

# 3 PROMOTION, TENURE, REAPPOINTMENT

## 3.1 Criteria for Promotion, Tenure and Reappointment

The successful pursuit of promotion and tenure requires clear evidence of excellence in teaching, professional scholarship/research and service, together with notable accomplishment in a wide range of activities. Faculty members should make long-range plans to ensure that they meet the appropriate criteria.

The candidate must submit a dossier to represent the best possible case for promotion, tenure, or reappointment (See Section 3.4.2.1 for more detailed information on dossier preparation). What follows is not a checklist of accomplishments required for promotion and tenure, but specific examples of activities that would support a case for promotion and/or tenure.

### Schedule for Faculty Reviews

Deadline for individual annual reports	May 30
Deadline for Local Reviews	August 31*
Deadline for notification from Provost's office of unscheduled major review	September 10
Deadline for notification from Provost's office of scheduled major review	September 15
Provost notifies FPC of entire year's reviews (scheduled and unscheduled)	September 15
Dossier due date to Department chair for scheduled review	November 16
Dossier due date to Provost for scheduled review	December 7
Deadline for notification to candidate of results of review (from FPC and President)	25 days prior to March BOT meeting
Dossier due date to Department chair for spring scheduled major review	March 1
Dossier due date to Provost for spring scheduled major review	March 23
Deadline for notification to candidate of results of spring review (from FPC and President)	25 days prior to June BOT meeting
AC Faculty reappointment letters due	March 15
AC Faculty signed contracts due to Provost	April 15

\*Local reviews that result in an unscheduled major review by FPC will follow the same timeline and schedule as spring scheduled reviews.

#### 3.1.1 Teaching Effectiveness

Teaching effectiveness is above all else essential to the work of a Hood College faculty member.

It is the responsibility of faculty members to present clear and persuasive evidence of their teaching effectiveness. Effective teaching involves:

- The development of courses appropriate to a faculty member's field of expertise, or to the general education program of the College;
- Conscientious preparation for classes, including course syllabi and assignments that contain clearly defined academic objectives, expectations, and standards;
- Intellectual stimulation and challenging learning experiences both within and outside the confines of the classroom;
- Clearly defined and appropriate means of assessing and reporting student learning;
- Exploration/testing/adoption of new pedagogies;
- Being available and accessible to students, providing timely and conscientious feedback on their work, showing a demonstrable commitment to learning assessment and continuous improvement, and supporting student success efforts.

There are several ways that faculty can demonstrate teaching effectiveness. Subject to the candidate's ownership of the dossier, the general forms of this evidence must include, but are not limited to:

- Peer review assessment from Hood faculty both within and outside the discipline, as assigned by the Provost in consultation with the department chair. The assessment should be provided to the candidate and the chair, and Provost's office upon its conclusion for discussion and for long-range planning for peer assessment of teaching. All assigned reviewer letters must be included in the dossier;
- Course materials such as syllabi, study guides, examinations, graded student work that illustrates faculty feedback and assessment of student learning, etc.;

- All student evaluations since time of last FPC review, as provided by OIRA (summarizing student evaluation data in graphical or tabular format may be helpful);
- All grade distributions since time of last FPC review, as provided by OIRA (summarizing grade distribution data in graphical or tabular format may be helpful);

Additional evidence of teaching effectiveness may include:

- Unsolicited alumni evaluations that demonstrate the effects of excellent teaching;
- Evidence of pedagogical research and reflection, including participation in teaching workshops and conferences;
- Evidence of continuous improvement of teaching, which may include attending CTL workshops or other relevant professional workshops; or purposeful reflection on student/peer feedback.

### 3.1.2 Scholarly, creative, and professional development

Consistent with the mission of the College, scholarly activity is broadly defined; so that it may be evaluated fairly and effectively, it should be specifically demonstrated.

Some purposes for pursuing scholarship, in the context of Hood's mission, are:

- Contributing to new knowledge and understanding in a discipline or field, including its pedagogy;
- Developing greater expertise in one's discipline or in a related field of study;
- Providing new insights into the connections between the disciplines and into the historical and/or philosophical underpinnings of one's area of expertise.

It is the responsibility of the faculty member to present clear evidence of scholarly performance and achievement. Each department or discipline will annually update a list of activities that constitute evidence of scholarship, creative, and professional activity within their particular field. This list must be endorsed by the department and sent to FPC, the Provost, and the Secretary of FEC (to be uploaded to the Faculty Senate Blackboard site), and the President.

The general forms of this evidence of scholarly, creative, and professional development may include, but are not limited to (candidates should check their specific department's expectations, as submitted to FPC):

- Peer-reviewed publication of scholarship in the form of books, articles, reviews, and reports;
- Non peer-reviewed publication of scholarship in the form of books, articles, reviews, and reports;
- The presentation of academic papers, lectures or posters;
- Creative achievement in the arts, e.g., public performance, gallery exhibits, published works of literature;
- The Department Chair, Provost, and candidate shall create by mutual agreement a list of scholars and/or professional practitioners from whom to solicit letters that address the scholarly or professional achievement of the candidate. The Provost shall solicit these external letters. The solicitation shall include the general expectations for scholarship at Hood College, the scholarship expectations defined by the candidate's department, the candidate's teaching load, the candidate's service commitments, and funding opportunities for scholarship at Hood College. All letters received from these scholars and/or professional practitioners shall be included in the candidate's dossier. The candidate may also solicit additional external and internal letters to include in the dossier.
- Awards for scholarly achievement;
- Grant funding for scholarship;

- Acceptance to competitive, structured programs of post-graduate study beyond that required for the terminal degree in one's field;
- Activities related to professional practice where the faculty member's expertise or contribution can be evaluated. (These activities should represent the acquisition of significant knowledge or originality in the application of knowledge. Professional papers and/or reports, published or unpublished, which result from or describe consultancies would be one way of providing evidence of this; as would serving as a consultant or member of a professional and/or community advisory board.);
- Service to the profession such as serving on boards of national professional organizations;
- Participation in professional meetings, panels, collaborative projects, study groups, or workshops;
- Editorial work;
- Curatorial and museum work;
- Typescripts of scholarly work-in-progress;
- Supervising research-based graduate theses or doctoral dissertations;
- Undergraduate research.

### 3.1.3 Service to the College

Service to the College can be voluntary, elected, or appointed. It is the responsibility of faculty to present clear evidence of their service to the College through their general participation in the work of the institution, cooperation with their colleagues, and contribution to the full development of their students. Each department chair, in consultation with the full department, and consistent with the list below, will provide clear guidance to faculty about what constitutes service to help faculty make informed decisions.

Evidence of service includes, but is not limited to:

- Participation in the governance of the College and in the individual departments and programs;
- Advising of students;
- Participation on both standing and ad hoc committees of the faculty;
- Participation on non-faculty committees (e.g. faculty representative on Trustee committees, involvement with search committees, renovation/design committees, etc.)
- Participation in activities (inside or outside the College) which foster intellectual community, institutional identity, or interdisciplinary collaboration (speakers, symposia, etc.);
- Advising and mentoring of new faculty;
- Fostering of formal and informal student activities, including advising student organizations;
- Service to the community in the faculty member's professional capacity;
- Supporting College activities including recruitment activities, administrative and staff searches, task forces, etc.

## 3.2 Receiving Credit toward Completion of the Probationary Period

The faculty member seeking tenure has the right to request credit toward completion of the probationary period for a maximum of three years of full-time service completed at another accredited institution of higher learning, in a full-time position following the completion of a terminal degree. Visiting Assistant Professors, who then are awarded a full-time tenure track position, may request credit for their previous years at the College. The final decision regarding the amount of such service to be credited is at the discretion of the Provost in consultation with the chair and faculty member. If granted, prior service does not count toward sabbatical eligibility. The faculty member must inform the department chair and the Provost of the amount of such credited service to be requested towards the probationary period before the end of their first year of full-

time appointment to receive credit for three years, before the end of their third year of full-time appointment to receive credit for two years, and before the end of their fourth year of full-time appointment to receive credit for one year.

If it is determined that the faculty member will receive credit for three years of service elsewhere, they must undergo a major review for reappointment in their second year of full-time service at Hood; and they will be reviewed for tenure and promotion in their third year.

If the faculty member chooses to receive credit for two years of service elsewhere, they will be reviewed (as scheduled in 3.4.1.1, Initiation of the review for part-time and full-time reappointment) in their third year; and they will be reviewed for tenure and promotion in their fourth year.

If the faculty member chooses to receive credit for one year of service elsewhere, they will be reviewed (as scheduled in 3.4.1.1, Initiation of the review for part-time and full-time reappointment) in their third year; and they will be reviewed for tenure and promotion in their fifth year.

The schedule outlined above also applies to visiting full-time faculty in the rank of Assistant Professor or above at Hood College.

Full-time Instructors at Hood College who have been appointed to Assistant Professor and have earned their terminal degree may count up to three years of their Instructor service post-terminal degree toward the probationary period. The faculty member must inform the department chair and the Provost as to how much time will be credited toward the probationary period according to the following schedule: before the end of their second year of full-time appointment as Assistant Professor to receive credit for three years; before the end of their third year of full-time appointment to receive credit for two years; and before the end of their fourth year of full-time appointment to receive credit for one year (see Section 2.1.6, Visiting AC Faculty).

Part-time non tenure-track AC faculty members at Hood College, who have been appointed as tenure-track, full-time Assistant Professors or higher, may count their part-time service at the Instructor level rank or higher by crediting part-time service on a pro rata basis for up to three years toward the probationary period. The faculty member must inform the department chair and the Provost as to how much time will be credited toward the probationary period according to the following schedule: before the end of their second year of full-time appointment to receive credit for three years; before the end of their third year of full-time appointment to receive credit for two years; and before the end of their fourth year of full-time appointment to receive credit for one year.

Ordinarily, leaves of absence will not count as part of the probationary period, unless the faculty member and the Provost agree in writing to an exception to this provision at the time the leave is granted (see Section 5.3.1, Time on leave as it relates to the probationary period for tenure).

Once a final determination about application of prior service has been made, the Office of the Provost will issue a letter confirming the faculty member's promotion/tenure review timeline and this agreement is irrevocable.

Full-time employees of the College who hold joint faculty/administrative appointments are not eligible for tenure. If a full-time non-tenured faculty member accepts a joint faculty-administrative appointment, the years in such an appointment will not count in the probationary period for tenure.

Time spent as a part-time AC faculty member at another institution of higher learning may be counted on a pro rata basis for up to three years toward the tenure probationary period.



### 3.3 Local Reviews for Reappointment

The purpose of a local review is to provide clear guidance and mentoring to probationary faculty before major reviews. Local reviews must occur annually, no later than August 31st, in consultation between the chair and the full department. In a year in which a major review does not occur, a recommendation for reappointment of a non-tenured full-time or AC part-time faculty member will be based on a local departmental review initiated by the chair, or by the Provost in the case of reappointment of a non-tenured chair. The candidate will not be required to prepare a dossier, but they should submit evidence such as Faculty Annual Reports and teaching evaluations to the chair. The chair will base their recommendation on these documents as well as on the judgment of all AC faculty members in the department.

The chair must communicate the recommendation to the Provost and the candidate in writing; this letter should be submitted by August 31st. If, prior to (or as a result of) a local departmental review, the chair believes a more thorough consideration of the evidence is necessary to determine the appropriateness of a recommendation to reappoint (or possibly a recommendation not to reappoint), then they will request that a major review be carried out at the earliest possible time consistent with the provisions of this Code (see Section 3.4.1.2, Initiation of an unscheduled review for reappointment).

The Provost will prepare a list of faculty members recommended for reappointment and forward it along with all pertinent information to the FPC no later than September 15th. For those candidates not undergoing major review, the FPC will normally be expected to concur with the departmental recommendation to reappoint.

If the Provost disagrees with the recommendation to reappoint a candidate undergoing a local review, the Provost will request that a major review be carried out at the earliest possible time consistent with the provisions of this Code as per Section 3.4.1.2 (Initiation of an unscheduled review for reappointment).

### 3.4 Major Reviews of Faculty

#### 3.4.1 Initiation of the major review

The Provost is responsible for reviewing the status of every faculty member annually. The Provost will provide to department chairs a list of faculty members who must undergo a major review. Depending on the circumstances outlined below, a review may be initiated by the Provost, the FPC, or the candidate.

##### 3.4.1.1 Initiation of the review for part-time and full-time reappointment

The Provost initiates the review for reappointment of full-time faculty at the beginning of the third year of employment.

If the faculty member receives credit for three years of service elsewhere, they must undergo a major review for reappointment in their second year of full-time service at Hood.

The Provost initiates the review for part-time faculty at the beginning of the third, sixth, and ninth years of employment. If the ninth-year review results in a recommendation for reappointment, the candidate shall undergo a local review for reappointment every six years thereafter.

Since AC faculty members teaching primarily in the graduate school advise graduate students, supervise theses, and compose and evaluate comprehensive examinations, these activities should receive particular mention by the chair in review recommendations, and candidates should obtain and present evidence of their effectiveness in carrying out these responsibilities. Major reviews of part-time AC faculty members teaching primarily in the graduate school shall be conducted according to the schedule above for other part-time AC

faculty; however, it is recognized that service may be weighted toward off-campus activities which have a positive effect on the College.

#### 3.4.1.2 Initiation of an unscheduled review for reappointment

The candidate, the department chair (in consultation with the department), the FPC, or the Provost may initiate an unscheduled major review. In the case of a candidate who is the department chair, the Provost, after consultation with each tenured and AC member (serving at .5 effort or greater) of the department, will initiate an unscheduled major review. If a major review is initiated in a year in which such a review is not mandated, the party making the request will submit the rationale for such a review to the candidate, the candidate's chair, the FPC and the Provost by June 15 of the same year.

In the extraordinary case of a candidate in the first year who is to undergo a major review, that candidate must be notified no later than November 1; this review will follow all procedures for a major review.

If the outcome of this review leads to non-reappointment, terminal salary or notice according to the standards in 4.8, Terminal Notice, will apply.

#### 3.4.1.3 The third-year review

The purpose of the third-year review is to create a dossier (see Section 3.4.2.1, Candidate's dossier) based in part on information from all previous local reviews and present the case for a faculty member's reappointment to FPC, the Provost, and the President. The possible outcomes of the third-year review are reappointment, an unscheduled review which would occur in the next academic year, or terminal contract (See Section 4.8, Terminal Notice). After the decision is rendered, all candidates will receive two letters from FPC: one stating the recommendation and the other briefly summarizing their deliberations. The written recommendation of FPC will be sent to the candidate, the candidate's department chair, the Provost, and the President (see Section 3.4.2.7, Communication of review decision); the President does not receive the brief summary of deliberations. Every candidate for the 3rd year review must meet with two FPC representatives, the department chair, and the Provost to discuss this review. If there is a recommendation for denial of reappointment, then the candidate can pursue actions of appeal per Code section 6.1. Beyond notification from FPC, no additional documentation will be submitted and no meeting with FPC representatives, chair or Provost will take place.

#### 3.4.1.4 Initiation of the review for promotion and tenure

The candidate for promotion must meet the qualifications for the academic rank to which they are aspiring (see Section 2.4, Academic Ranks and Titles). Ordinarily, the Provost initiates the review for the decision on tenure and promotion at the beginning of the sixth year of full-time employment. If the faculty member holds the rank of Assistant Professor, then the tenure review will also serve as a promotion review. If tenure is granted, it will be concurrent with the promotion to Associate Professor, which will take effect at the beginning of the next academic semester.

The faculty member may decline to be reviewed for tenure; this decision must be in written form and submitted to the Provost and to the department chair by November 16. This statement of intent will constitute resignation effective at the end of the following academic year (see Section 4.8, Terminal Notice).

#### 3.4.1.5 The tenure probationary period

The probationary period prior to tenure is six years. If the decision is favorable, the faculty member is granted tenure at the completion of this probationary period. The probationary period begins with appointment to full-

time service at the rank of Assistant Professor or above but does not include any subsequent years in which the faculty member holds a part-time appointment.

If the decision is unfavorable, the full-time faculty member will receive a terminal contract for the next academic year (see Section 4.8, Terminal Notice).

No full-time tenure-track faculty member may remain on the faculty of the College after the seventh year, without receiving an affirmative tenure decision.

#### 3.4.1.6 Notification of Non-Renewal

Written notice that a probationary appointment is not to be renewed shall be given to the faculty member in advance of the expiration of their appointment, as follows:

1. Not later than March 15 of the first academic year of service, if the appointment expires at the end of that academic year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that academic year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;
3. At least 12 months before the expiration of an appointment after two or more years of service at the College.

The faculty member's salary at the time such notice is given shall remain in effect until termination.

#### 3.4.1.7 Initiation of review for full professor

Promotion to Professor for full-time faculty is the highest honor awarded. Unlike previous reviews that are scheduled, this review is initiated only by the candidate and is not mandatory. As with other reviews, the candidate must inform the Provost, in writing, of their decision to be reviewed for promotion by September 10. The candidate for promotion must meet the qualifications for the academic rank of Professor (see Section 2.4, Academic Ranks and Titles).

#### 3.4.1.8 Length of service prior to initiation of review for promotion

The candidate must meet the following guidelines concerning length of service:

Promotion to Assistant Professor occurs when evidence is presented to the Provost of the completion of the terminal degree; a letter from the candidate's graduate school dean stating that the candidate has met all degree requirements will suffice.

Promotion to Associate Professor for full-time faculty normally requires a minimum of six years full-time teaching at the rank of Assistant Professor, at least three of which must be at Hood.

Promotion to Full Professor for full-time faculty normally requires a minimum of six years full-time teaching at the rank of Associate Professor, post tenure. Time spent in a college-approved sabbatical will count in the six-year period. Promotion to Professor for faculty hired prior to September 1, 2019 will be grandfathered in such that promotion to Professor normally requires a minimum of five years of full-time teaching at the rank of Associate Professor, at least two of which must be at Hood.

The President, in consultation with the FPC and Provost, reserves the right to reduce or waive the above requirement in certain cases, where the best interests of the College are served.

## 3.4.2 Procedures for Major Reviews

### 3.4.2.1 Candidate's dossier

The Provost's office will send a letter to the candidate by September 15, which will include the FPC guidelines for dossier preparation. It is the responsibility of the candidate to prepare the dossier consistent with these guidelines. The dossier should be prepared with the candidate presenting persuasive evidence in support of their candidacy. The **primary** components of the dossier should be no more than 15 pages, excluding course evaluation summaries, Faculty Annual Reports, publications or other scholarly works and appendices.

The Faculty Personnel Committee has developed these guidelines for determining what information should be made a part of the dossier:

1. The dossier must include the following:
  - a. A table of contents
  - b. Chair's letter
  - c. A current curriculum vitae
  - d. A narrative explaining in detail how the candidate meets the criteria outlined in the Code. This narrative should include all necessary explanations of course evaluations, etc. Presentation of information, e.g., committee service, in tabular form is helpful. The candidate should provide rebuttal and/or context for any materials in the dossier that they wish to address (The narrative should not exceed four pages.)
  - e. Evidence of effective teaching, as outlined in Code (see Section 3.1.1, Teaching effectiveness)
  - f. Evidence of scholarly, creative, or professional activity, as outlined in Code (see Section 3.1.2, Scholarly, creative and professional development). Offprints, links to, or photocopies of all publications listed on the curriculum vitae in evidence of professional activity and development
  - g. Evidence of service, as outlined in Code (see Section 3.1.3, Service to the College)
  - h. Copies of all Faculty Annual Reports since the last review, together with an update of summer and current semester activities
  - i. At least one internal and one external letter of reference for 3<sup>rd</sup> year reviews, and at least two internal and one external letter of reference for reviews for tenure and promotion to associate or full professor. Candidates should ask that letters of reference be sent to the department chair. The required number of internal and external letters, including the chair's letter, (see Section 3.4.3.3, Departmental review of candidate) must be included in the dossier. All letters from reviewers outside the College, solicited through the process outlined in 3.1.2 must be included in the dossier.
  
2. Faculty members may also wish to include some or all of the following as appendices to the dossier:
  - a. Typescripts of conference papers, scholarly lectures, or other presentations
  - b. Reviews of published work, exhibitions, or performances
  - c. Summaries or typescripts of scholarly or professional work-in-progress
  - d. Grant applications submitted
  - e. Letters of recommendation on file in the Office of the Provost from previous years. A list of such letters, together with a statement that the candidate has obtained permission to use the letters again, should be submitted in writing to the Provost.
  - f. Any other information that the candidate considers relevant.

3. When the candidate has prepared the dossier, they will submit it to the department chairperson to add a letter of departmental evaluation.

The candidate will submit a dossier to the chair at least two weeks before the deadline for the review in question. If the faculty member is a chair, then the candidate will submit the dossier to a senior member of the department chosen by the Provost in consultation with the department. In the case of a faculty member who is the only member of a department, the Provost will designate a senior member of the faculty (other than the Provost) to head the review. That senior faculty member then submits the dossier for review.

#### 3.4.2.2 Departmental review of the candidate

Ordinarily, the chair of the department heads the departmental review. The person heading the review will be referred to as “the chair.”

After reviewing and circulating the faculty member’s dossier, the chair consults with each AC member of the department prior to writing their recommendation. Each department member must have the opportunity to respond individually and privately to the chair. Also, each department member may contribute a written evaluation of the candidate. The chair will summarize the results of these consultations and collect all these written responses within the final letter, as well as contributing their own position and rationale to this letter. The chair’s letter will include a vote tally and an explanation of how the vote was determined. A chair’s letter template is available in the Provost’s office to serve as a guide.

At least three business days in advance of submitting the dossier, as a point of information, the chair will give a copy of the chair’s recommendation to the faculty member under review and to every voting member of the department. The candidate will be responsible for submitting the dossier to the Provost’s office on or before the deadline for the review in question. Once the dossier is submitted to the Provost, no changes may be made, unless information relevant to the criteria for tenure and promotion becomes known after submission of the dossier and prior to the FPC deliberations. Such material might include: manuscripts accepted for publication or receiving a revise and resubmit status, newly available student evaluations or grade distributions, etc. Any information added to the dossier following departmental review must be shared with the department chair or the person responsible for writing the chair’s letter. In an extraordinary circumstance, a candidate may submit to FPC a response to the chair’s letter; however, this must be done by the specified deadline for dossiers to be submitted to the Provost.

If the candidate believes there is a procedural error in the preparation of the chair’s letter, the candidate must inform the chair of FBR in writing or electronically that the candidate wishes to file an appeal. The chair of FBR will notify FPC in writing or electronically about the appeal, and FPC will suspend its deliberations until the appeal is adjudicated (see also Section 6, Grievance Procedures). If a department member believes there is a procedural error in the preparation of the chair’s letter, the department member must inform the chair of FBR in writing or electronically. The chair of FBR will notify FPC in writing or electronically that a potential procedural error has occurred, and FPC will suspend its deliberations. FBR will notify the candidate, determine whether the candidate wishes to file an appeal, adjudicate (if needed), and notify FPC accordingly. The role of FBR is also outlined in the Faculty Handbook, Section III.C.6.

#### 3.4.2.3 Faculty Personnel Committee (FPC) review

The FPC consists of five tenured members of the faculty, none of whom currently serves on the FBR or is under consideration for promotion during their term on the committee. At least one member must be a full professor. At least one alternate shall be selected and shall participate in deliberations if a member of the FPC is unable to participate or if there is a significant conflict of interest which warrants recusal. The committee

members select a chair by September 1st. All votes on matters of reappointment, promotion, and/or tenure must take place with five voting members present.

A member of the FPC must abstain from the deliberations of the committee when a member of their department or a person to whom they are connected by blood, marriage, or housing arrangement is being considered for reappointment, promotion and/or tenure. Regardless of the reason, a member of the FPC should abstain from the deliberations if there is a perceived conflict of interest. This decision will be made by the FPC chair in consultation with the Provost. In the event that the conflict of interest involves the chair, an acting chair for this case will be elected.

By September 15 of each year, the Provost will present a list of cases (reappointment, tenure, and promotion) for the current academic year to the FPC. At the following Faculty Meeting, an alternate will be elected. The alternate will participate in FPC deliberations as needed.

If for any reason a member of the FPC is unable to participate in the deliberations on a particular case, the previously selected alternate shall participate. In the event that no alternate is available or able to participate, the chair of the FPC will request that the FEC hold a special election at the next Faculty Meeting. The faculty will elect an alternate or alternates from previous membership (preferably the most recent former chair) to participate in the deliberations for that one case.

The deliberations of the FPC are confidential. It is the responsibility of all members of the committee to ensure that confidentiality is maintained.

Summary minutes of the FPC recommendations, including a vote tally, shall be submitted by the chair of the FPC to the Provost's Office and maintained for three years from the date of the final decision.

In considering a candidate's application for promotion or tenure, the FPC will review information as presented by the candidate and the department chair in the dossier.

No material should be included in the dossier without the knowledge of the candidate, and beyond the required materials, no additional materials should be included without the consent of the candidate. The candidate has the opportunity to respond to any material entered into the dossier. The FPC, after reviewing the dossier and the departmental recommendation, will arrive at its own recommendation by majority vote. The FPC will meet concurrently with the Provost and the President to communicate their decision.

#### 3.4.2.4 Provost's review

The Provost reviews the candidate's dossier independently of the President and the FPC. Then the Provost will consult with the Dean of the Graduate School when appropriate (in which case the Dean will also have access to the candidate's dossier).

#### 3.4.2.5 President's review

The President will review the candidate's dossier independently of the Provost and the FPC, and then will consult with the Provost. This consultation between the Provost and the President will occur prior to their meeting with FPC.

After their consultation, the President and the Provost will meet with FPC concurrently in deciding whether to recommend promotion and/or tenure, and reappointment, to the Board. Any member of FPC may request a meeting for further deliberation following this meeting with the President and Provost, which may necessitate a second and final meeting with the President and Provost.

The President or their delegate will present the President's recommendations to grant tenure or promotion, along with the recommendations of FPC, to the Board. Recommendations against tenure or promotion are not presented to the Board.

If the President decides not to recommend tenure or promotion, it is the right of the faculty member to initiate an appeal (see Section 3.4.2.8, Request for FBR review, and Section 6.1, Grievances Related to Matters such as Promotion, Non-Reappointment, Tenure and Salary).

A conclusion not to recommend promotion does not exclude the possibility of a candidate initiating promotion procedures in future years.

### 3.4.2.6 The decision of the Board of Trustees

The decision to promote, and/or grant tenure to, a faculty member is made by the Board upon the recommendation of the President. The Provost will provide the Board with a report that will include the President's recommendation.

Two members of the FPC will be present when the recommendation is presented to the Board.

If promotion and/or tenure is denied by the Board, and if the candidate requests in writing reasons for the denial, the Board will give the candidate a summary of reasons for the decision in terms of the criteria set forth in the Code, Section 3.1 (Criteria for Promotion, Tenure and Reappointment).

Decisions of the Board of Trustees are not subject to appeal or to review by the FBR. However, a faculty member may petition the Board of Trustees for reconsideration. The Board reserves the right to decide if there are grounds for such reconsideration. Such grounds will relate fundamentally to evidence of procedural error.

### 3.4.2.7 Communication of review decision

The candidate will receive three separate letters: one from FPC and one from the President concurrently, and the final one from the President, after the Board meeting, reporting the Board of Trustees' decision. The President's and FPC's letters must be sent at least 25 days prior to the next Board meeting.

Whenever the President intends to recommend against granting tenure and/or promotion to a candidate, the President shall give notice to the candidate at least twelve months prior to the completion of the probationary period. Failure on the part of the College to meet this time schedule shall not be construed as evidence of intent on the part of the College to grant tenure and/or promotion and shall not constitute conferral of tenure and/or promotion.

Within the academic year of the review, the office of the Provost shall schedule a summary meeting with the candidate, Provost, the department chair, and two representatives of the FPC. The summary meeting provides an opportunity for the candidate and the candidate's department chair to receive verbal feedback from the FPC and Provost. If the recommendation is to not award tenure/promotion, then no meeting will take place and the candidate may follow the appeal process as noted in Code section 6.1.

If promotion in rank is denied, then a faculty member may resubmit their dossier for reconsideration in a later year per the process and timeline noted in Section 3.1. A candidate denied promotion may request a summary meeting with the Provost, the department chair, and two representatives of the FPC within the academic year of the review.



### 3.4.2.8 Request for FBR review

The faculty member shall have the right to request review by the Faculty Board of Review (under Section 6) of a recommendation by the President against tenure, promotion or reappointment. It is the responsibility of the petitioner to notify the President and the Provost that a petition has been filed (see Section 6.1.1.1, Notification of the president in matters requiring action by the Board of Trustees). The candidate must submit the petition to FBR and must notify the President within 21 days of the date of the President's letter.

## 3.5 Professional Review of Tenured Faculty

Review after tenure helps to support and enhance faculty development by focusing on the individual faculty member's goals and success in achieving them. The review after the tenure decision is not intended to be used as a substitute for the procedures to revoke or modify tenure. Nor can it be used as a justification to change contract status or position, including dismissal for cause; or decrease salary or rank.

### 3.5.1 Nature of the review

Tenured faculty review reflects the nature of the faculty member's discipline. The review will be based upon the criteria set forth in Section 3.1, Criteria for Promotion, Tenure and Reappointment. The faculty member will submit their Faculty Annual Report to their chair, who upon review will forward it to the Provost. Every six years after receiving tenure, the faculty member will submit to the Provost and their chair a one-page (maximum) executive summary of their Faculty Annual Reports. The executive summary is due with the Faculty Annual Report. The faculty member will review their ongoing professional goals and activities with the Provost and their chair every six years; this meeting must take place no later than the end of the fall semester following the sixth post-tenure year.

The Provost's office will send notifications to faculty members needing to schedule review meetings at the beginning of the fall semester in which they are required and notifications of the years in which executive summaries are required at the beginning of the spring semester. If the faculty member is a chair at the time that the executive summary is due, then the chair will submit the executive summary to the Provost and to a senior member of the department chosen by the Provost in consultation with the department. That person will participate in the following fall meeting with the chair and the Provost. In the case of a faculty member who is the only member of a department, the Provost will designate a senior member of the faculty (other than the Provost) to receive the executive summary in addition to the Provost. That person will participate in the following fall meeting with that person and the Provost.

## 4 SEPARATION

### 4.1 Resignation

Faculty members who resign their appointment are expected to complete the academic year defined in their appointment contract. They must give notice in writing of their intention to resign as soon as possible, but not later than thirty (30) days after receiving the contract for the coming year or by April 15, whichever occurs later. If the annual contract is not signed and returned to the Provost within the period specified on the contract, resignation is assumed and the College reserves the right to withdraw its offer of appointment.

## 4.2 Termination of an Appointment because of Financial Exigency

The Board of Trustees ultimately makes the decision to terminate an appointment with tenure, or of a probationary appointment, or at least .5 AC faculty, because of financial exigency. Financial exigency is defined as existing financial circumstances creating an immediate need to restructure the nature and magnitude of the College's financial obligations in order to protect the College's ability to carry out its educational mission. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in circumstances where a serious distortion of the academic program would otherwise result.

### 4.2.1 Procedures for termination of an appointment due to financial exigency

Upon the declaration of the President, in consultation with or as directed by the Board of Trustees, that financial exigency exists, the Restructuring Committee elected by the Faculty will make recommendations to the President consistent with their charge (see Faculty Handbook). The issues addressed by the Restructuring Committee shall include determining the following and issuing recommendations related thereto:

- confirming whether financial exigency exists, based upon review of all pertinent financial records shared by the Board of Trustees' Finance Committee and the College's Chief Financial Officer;
- whether all feasible alternatives to termination of faculty have been considered;
- whether such alternatives have been implemented to the extent reasonable and practical;
- the educational considerations involved in the selection of appointments to be terminated;
- the criteria used in identifying the individuals whose appointments are to be terminated.

The Restructuring Committee will consult with appropriate administrators, such as the Chief Financial Officer, committees (including the Planning, Budget and Assessment Committee), programs, and departments in arriving at its recommendations to the President. The President will then notify any individuals whose appointments are to be terminated.

### 4.2.2 The right to request review of termination on the grounds of financial exigency

If the President issues notice to a faculty member of an intention to terminate their appointment because of financial exigency, the faculty member shall have the right to request review before the FBR (see Section 6.3, Cases Involving Financial Exigency). The issues may include:

- whether the decision that the College is faced with financial exigency was made in good faith. The burden (clear and convincing) will rest on the College to prove the existence and extent of the condition;
- whether the educational judgments and the criteria for identification for termination are valid. The recommendations of the Restructuring Committee and the President on these matters will be considered presumptively valid;
- whether the criteria are being applied in good faith in the individual case.

### 4.2.3 Notification of termination on the grounds of financial exigency

The President must notify the candidate of an intent to recommend termination of an appointment at least 21 days prior to the meeting of the Board at which such a recommendation will be considered by the Board of Trustees. The faculty member has the right to request that the FBR review the President's decision to

recommend non-reappointment within 21 days of notification (see Section 6.3, Cases Involving Financial Exigency).

#### 4.2.4 The decision of the Board of Trustees

Both the President's and the Restructuring Committee's recommendations for termination of appointment(s) will be presented to the Board of Trustees for review and decision. Decisions of the Board of Trustees are not subject to appeal or to review by the FBR. However, a faculty member may petition the Board for reconsideration. The Board reserves the right to decide if there are grounds for such reconsideration.

#### 4.2.5 Hiring policy following the termination of appointments because of financial exigency

If the College, because of financial exigency, terminates appointments, it will not at the same time make new .5 AC and above appointments except in circumstances where a serious distortion in the academic program would otherwise result, or where the administration of the College, in consultation with the Restructuring Committee, has determined that it is necessary to implement a new or expand an existing academic program as an important step in improving the College's financial stability. Before implementing a new academic program when financial exigency exists, the President and the Provost will consult with the FEC, Restructuring Committee, and the Planning, Budgeting, and Assessment Committee. The new program must also be approved by a majority vote of the faculty.

In all cases of termination of appointment because of financial exigency, the College will not hire a new faculty member to teach the same or similar course materials as those taught by the faculty member being terminated. The position of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and reasonable time in which to accept or decline.

#### 4.2.6 Internal placement for faculty who would otherwise receive a terminal notice and who were not dismissed with cause

Before the College terminates an appointment because of financial exigency, it will make a good faith effort to place the faculty member concerned in another suitable position, which will carry with it the faculty member's same rank, tenure status (if applicable) and salary unless such perquisites are inappropriate to the substitute position. If the new position is a faculty position, such placement must be with the concurrence of the departments involved, and the individual shall retain the same salary, rank, and tenure status.

#### 4.2.7 Severance assistance

In cases of termination of appointment because of financial exigency, the College shall give the faculty member notice or severance salary consistent with that prescribed in Section 4.7, Terminal Notice.

### 4.3 Termination of an Appointment because of the Discontinuance of a Program or Department Not Mandated by Financial Exigency

The Board of Trustees makes the decision to terminate a tenured or tenure-track appointment, or an appointment at the .5 AC level, as a result of the discontinuance of a program or department of instruction. The Board of Trustees' decision to discontinue a program or department of instruction will be based essentially on educational considerations, as determined by the administration with the advice of the Restructuring Committee and the faculty as a whole subsequent to the Academic Program Review.

### 4.3.1 Initiation of procedures for termination of an appointment due to the discontinuance of a program or department

Upon the advice of the President, that conditions exist that may necessitate the discontinuance of programs or departments, the Restructuring Committee will be engaged. Consistent with their charge (see Faculty Handbook) the Restructuring Committee will make recommendations to the President regarding the educational considerations involved in the discontinuation of the program or department and the termination of faculty appointments due to such a discontinuance. The issues addressed by the Restructuring Committee and recommendations related thereto may include:

- whether all feasible alternatives to termination have been considered;
- whether such alternatives have been implemented to the extent reasonable and practical;
- the criteria used in identifying the individuals whose appointments are to be terminated as a result of the discontinuance of programs or departments.

The Restructuring Committee will consult with appropriate committees, programs, and departments in arriving at its recommendations. The Restructuring Committee will make its recommendations to the President and to the Board of Trustees.

### 4.3.2 The president's recommendation to terminate an appointment

The President will consult with the Provost in deciding whether to recommend to the Board that the discontinuance of a program or department requires that tenured, tenure-track, and at least .5 AC appointments must be terminated. Both the President's and the Restructuring Committee's recommendations will be presented to the Board.

### 4.3.3 Notification of the President's intention to recommend termination of an appointment

Notice of the President's intention to recommend termination of an appointment shall be given in writing according to the standards identified in Section 4.2.3, Notification on the Grounds of Financial Exigency. Such notification must be provided so that it affords the faculty member the opportunity to request review of the President's intention to terminate an appointment.

### 4.3.4 The faculty member's right to request review of the President's recommendation

If the President issues notice to a particular faculty member of an intention to recommend that the Board of Trustees terminate their appointment or that the faculty member must be relocated in the College because of the discontinuance of programs or departments of instruction, the faculty member will have the right to request review by the FBR. See Section 6.4, Cases Involving the Discontinuance of a Department or a Program Not Mandated by Financial Exigency. The issues may include:

- whether the decision that the College is faced with bona fide educational considerations that necessitate the termination of appointments was made in good faith;
- whether the educational judgments and the criteria for identification for termination are valid;
- whether termination of an appointment was primarily for the purpose of circumventing tenure;
- whether the criteria are being applied in good faith in the individual case.

In circumstances in which more than one faculty member has been given notice of termination and in which the FBR has determined that a hearing is justified, the FBR will hear the pertinent matters being considered by it in such manner as to avoid the need for multiple hearings on the same issues.

#### 4.3.5 The decision of the Board of Trustees

Decisions of the Board of Trustees are not subject to appeal or to review by the FBR. However, a faculty member may petition the Board for reconsideration. The Board reserves the right to decide if there are grounds for such reconsideration. Legitimate grounds will be based largely on procedural error.

#### 4.3.6 Hiring policy following the termination of an appointment because of the discontinuance of a department or program

In all cases of termination of appointment because of the discontinuance of a department or program, a new faculty member will not be hired for the same position within a period of three years, unless the released faculty member has been offered reinstatement and reasonable time in which to accept or decline. If substantive changes have been made to a position following termination of a faculty member due to discontinuance of a department or program, the College may offer the position to any individual deemed qualified (whether a former faculty member or not). Particular consideration should be given to faculty terminated as a result of the discontinuance where, in the discretion of the College, the individual is qualified to fill the position.

#### 4.3.7 Internal placement of a faculty member whose appointment is about to be terminated because of the discontinuance of departments or programs

Before the College terminates an appointment because of the discontinuance of a program or department of instruction, it will make every reasonable effort to place the faculty member concerned in another suitable position. If the new position is an administrative or staff role, the position will not carry with it the faculty member's same rank and tenure status if such prerequisites are inappropriate for the substitute position, and will not necessarily carry with it the faculty member's same salary. If the new position is a faculty position, such placement must be with the concurrence of the departments involved and the individual shall retain the same salary, rank, and tenure status.

In the case of tenured faculty, if placement in another position in the College would be facilitated by a reasonable period of retraining, then reasonable financial and other support for such training will be proffered. If no suitable position is available within the College, with or without reasonable retraining, the faculty member's appointment may be terminated.

#### 4.3.8 Severance assistance

In all cases of termination of appointment because of the discontinuance of departments or programs, the College will give the faculty member concerned notice or severance salary not less than that prescribed in Section 4.7, "Terminal notice."

### 4.4 Termination for Medical Reasons

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, due to absence resulting from a serious medical condition, will be based upon clear and convincing evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. Where appropriate, the College will consider reasonable accommodations that might enable the faculty member to perform her/his duties, in accordance with applicable law. The decision to terminate

will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position to the President or her designee and to respond to the evidence. In the spirit of this policy, the faculty member may be given severance salary in lieu of the notice period prescribed in Section 4.9, "Terminal notice." In a case where the faculty member is receiving income-replacement benefits, severance would be limited to keeping the faculty member's salary whole.

## 4.5 Dismissal for Cause

The President makes the final decision to terminate an appointment with tenure, or a probationary appointment, or at least a .5 AC appointment, upon the recommendation of the Provost and only for adequate cause except for cases of Title IX violations involving accusations against faculty members. The President will consult with the Provost, the department chair, the FPC, and other appropriate standing committees before issuing a decision to dismiss for cause. In cases of Title IX violations, the faculty member will be subject to all procedures of the College's Title IX policy.

### 4.5.1 Definition of cause for dismissal

Dismissal for cause shall be related directly and substantially to the fitness and the competence of faculty members in the performance of their duties as embodied in the criteria set forth in Section 3.1, Criteria for Promotion, Tenure and Reappointment. In addition, conviction of a felony violation of state or federal law, or a College policy with respect to sexual harassment, assault, or discrimination may constitute adequate cause.

Procedures for dismissal will not be used to restrain faculty members in their exercise of academic freedom as defined in section 7.

### 4.5.2 Preliminaries to dismissal for cause

Dismissal of a faculty member with tenure, or with a probationary or at least .5 AC appointment, shall be preceded by: (1) discussions between the faculty member and appropriate administrative officers looking toward a mutual resolution; (2) informal inquiry by the FPC (see Section 4.5.2.1, FPC informal inquiry) which may, failing to reach a mutual resolution, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President or the President's delegate; and, (4) a hearing by the FBR, except in cases where the faculty member waives the right.

The Provost will notify the faculty member and the FBR of the intent to recommend dismissal for cause to the President.

#### 4.5.2.1 FPC informal inquiry

The Provost will inform the faculty member that an informal inquiry has been initiated as described under Code Sections 4.5, Dismissal for Cause and 4.6, Sanctions. The Provost will provide a written statement to the FPC and the faculty member who is the subject of the inquiry outlining the issues and circumstances that call for the inquiry.

The FPC will ask the faculty member to provide a written statement to FPC outlining their understanding of the situation. This written statement will be shared with the Provost.

Each FPC member will separately generate questions based on their review of the written statements. Committee members will then meet as a body to identify key questions the FPC will ask during in-person meetings. If needed, additional people may be contacted for written statements.

The FPC will meet with the faculty member, their chair, and the Provost separately to discuss the situation and address any questions. If needed, additional people may be contacted for a meeting or a follow-up meeting may be requested.

The FPC will formulate a written recommendation for the Provost and President, as well as for the faculty member, as to whether dismissal proceedings should be undertaken or whether the faculty member's conduct is sufficiently grave to justify imposition of a sanction. In consultation with the FPC and Provost, the President will determine whether dismissal proceedings shall be undertaken or whether the faculty member's conduct is sufficiently grave to warrant sanctions.

The FPC will be apprised of the President's final decision.

#### 4.5.2.2 Suspension of duties pending the decision regarding dismissal

Pending a decision regarding dismissal for cause or if the safety of the campus community is at issue, the faculty member may be suspended, or assigned to other duties in lieu of suspension. Before suspending a faculty member, pending an ultimate determination of the faculty member's status under the College's procedures, the administration will consult with FPC concerning the propriety, the length, and the other conditions of the suspension.

Salary will continue during the period of the suspension.

#### 4.5.3 Hearing by the Faculty Board of Review in cases of dismissal for cause

The FBR will give notice of its formal inquiry to the faculty member, with specific charges in writing, at least 21 days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the FBR will evaluate all available evidence and make its recommendation based upon the evidence in the record.

See Handbook, Section Two, III, 6, C. for further hearing procedures.

#### 4.5.4 Recommendation of the Faculty Board of Review

The FBR will conclude that adequate cause of dismissal has, or has not, been established by the evidence in the record, and will so report to the President or, in cases involving Title IX violations, the Provost. If the FBR concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

#### 4.5.5 The President's decision

If the President rejects the recommendation of the FBR, they will state the reasons for the rejection in writing to the FBR and to the faculty member, and provide the opportunity for response within 21 days.

#### 4.5.6 Sanctions for cause

A complaint about a faculty member may be made to the Provost by any member of the College. The Provost will consult with the faculty member and attempt to reach resolution. If this attempt at resolution is unsuccessful, the Provost will consult with the President, who will in turn request an informal inquiry by FPC (see Section 4.5.2.1, FPC informal inquiry). Pending the conclusion of the informal inquiry, While the FPC's



findings will be communicated to the President. While FPC's findings are not binding upon the President, in good faith will take into consideration FPC's recommendations regarding appropriate sanctions. The President will determine sanctions, in consultation with FPC and the Provost, and will document those sanctions in writing to the faculty member and FPC.

The imposition of a sanction shall be related directly and substantially to the fitness and competence of faculty members in the performance of their duties as embodied in the criteria set forth in Section 3, Promotion, Tenure, and Reappointment. Among other things, violation of state or federal law, or College policy, with particular respect to sexual harassment, assault, or discrimination shall constitute adequate cause for sanctions. Sanctions will not be used to restrain faculty members in their exercise of academic freedom.

In cases involving Title IX violations where a faculty member is the accused, the procedures outlined in the college's Title IX policy will be followed.

Sanctions must be preceded by a statement of reasons, and the individual concerned will have the right to be heard through the grievance procedure of filing an appeal to FBR as outlined in the Code in Section 6, Grievance Procedures.

Sanctions may include, but are not limited to: letters of warning or concern, censure, mandated counseling, denial or limitation of sabbatical, denial, deferral or modification of pay increase, and suspension. Additional actions may also be required, including disclosure of all course evaluations, unscheduled peer and/or Provost review of classes, etc.

## 4.6 Procedures Involving Alleged Harassment and Discrimination

Any member of the College community who believes that they have been the victim of harassment or discrimination should refer to Title IX Policy: Prevention and Resolution of Discrimination and Harassment at Hood College.

## 4.7 Terminal Notice (Including Non-reappointment)

Other than in cases of dismissal for cause, if the College terminates an appointment or elects not to reappoint a faculty member (tenure-track or part-time AC at the .5 or above level), the faculty member will receive terminal notice, in accordance with the following standards:

- at least three months if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service;
- at least six months if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service;
- at least one year if the decision is reached after eighteen months of probationary service or if the faculty member has tenure.

### 4.7.1 Severance

Except in cases of dismissal for cause, the College may elect, in its discretion, to provide corresponding amounts of salary in lieu of the notice periods provided above.

## 5 LEAVES OF ABSENCE

### 5.1 Definitions of Leave

#### 5.1.1 Sabbatical leave

The purpose of a sabbatical leave is to provide an opportunity for professional development that will contribute to the effectiveness of the faculty member as a teacher and scholar.

A full-time tenured or AC faculty member (.5 AC and above) is eligible to apply for sabbatical leave after the seventh year of service (fourteen consecutive semesters) to the College (or after receiving tenure). Faculty will be eligible for additional sabbatical leave every seventh year (fourteen semesters) following the initial leave.

A faculty member applies for sabbatical leave in consultation with the department chair and the Provost. The application should provide a detailed plan for the faculty member's projected research, study, writing, or other creative work, including current status, expected progress during the leave, and anticipated completion date. It will be judged on the degree to which it will contribute to the professional growth of the faculty member, or to the intellectual life of the College.

The faculty member should forward the application to the Faculty Development Committee (FDC) with the department chair's signature/approval. The FDC will forward the application to the Provost together with its own recommendation. The Provost will then forward this recommendation to the President of the College along with their own recommendation. The President reserves the right to grant the leave (or not) depending on the academic merit of the application and/or the financial resources of the College.

Sabbatical leave may be for a semester at full salary or two consecutive semesters at one-half salary. A faculty member who elects a two-semester sabbatical also may supplement the basic stipend as follows:

The College will offer a grant equal to one-quarter salary for the period of the leave; this supplement is contingent on the return of the faculty member for at least three years of service following sabbatical leave. If the faculty member does not return to the College, the grant must be repaid in three years. If the faculty member elects not to return to the College for the full three years, repayment will be made in proportion to the years of service not rendered. If the College does not reappoint the faculty member, no repayment is required.

A faculty member must return for at least one year of college service post-sabbatical.

Following the completion of the sabbatical, a brief (no longer than one page) report of the accomplishments will be submitted to the Provost no later than the end of September of the following academic year.

#### 5.1.2 Leave without College assistance

The College may offer an unpaid leave of absence to any AC member of the faculty for any purpose approved by the President (in consultation with the department chair, the Provost and Office of Human Resources). Such leaves are usually no longer than one year, and may involve a visiting professorship, familial obligations, or civic responsibilities.

## 5.2 Provisions for Leaves of Absence

### 5.2.1 Granting the leave

With the exception of leaves that may be required by law, e.g. disability, FMLA, sick leave, the granting of leaves is the responsibility of the President; the President will consult the Provost, and relevant individuals or committees as outlined below.

### 5.2.2 Benefits during leave

Fringe benefits may continue during a leave of absence if approved by Human Resources in consultation with the Provost. The faculty member may be required to bear the full expense of such continuation, except as provided by law.

## 5.3 Time on Leave as it Relates to Tenure and Rank

### 5.3.1 Time on leave as it relates to the probationary period for tenure

Ordinarily, time spent on leave will not count in the six-year probationary period for tenure. In the case of an academic fellowship or grant, the faculty member requesting leave may petition the Provost to allow the leave to count as part of the probationary period for tenure. The Provost will consult the FPC and the department chair before returning a decision. The College's decision to grant leave, or to count leave time toward tenure probation, should not be construed as an intent to grant tenure.

### 5.3.2 Time on leave as it relates to the tenure contract

In the case of a non-tenured faculty member who requests leave without pay for a one-year contract period and subsequently requests, and is granted, an extension of leave of an additional year or in the case of a tenured faculty member who is unable to resume normal duties after an absence of one year, the College reserves the right to decide for reasons of departmental and College well-being to recruit a potentially permanent replacement. This provision does not preclude hiring a temporary replacement during the leave.

In such circumstances, the faculty member should be aware that their inability to resume faculty tasks after the initial period of leave may be regarded by the College as breaking any contract that may have been issued in expectation of the faculty member's return to active service and would relieve the College of any obligation to notify faculty by a specified date of intent not to renew a contract or of termination of a tenured contract.

### 5.3.3 Time on leave as it relates to rank

Time spent on sabbatical leave or on leave granted for professional development will count as time in rank. This designation of time in rank will apply in determining future salary and eligibility for promotion. Time spent on leave for reasons other than professional development (e.g., familial or political obligations) will not be designated as time in rank.

## 5.4 Sick Leave

All faculty are entitled to sick leave, earned annually. Refer to Faculty Handbook, Section VII A, "Sick Leave"; as well as Sections 709, and 710 of the [Staff Manual](#).

## 5.5 Family Leave

Family leave is available under the College's policies and as provided by law. Refer to Faculty Handbook Section 3. VII A. 6; and Section 710 of the [Staff Manual](#).

AC faculty seeking parental leave should consult with their department chair and/or program director and Provost in order to confirm the disposition and reallocation of teaching assignments while on leave. In some cases, faculty workload can be shifted to accommodate such leave requests.

## 6 GRIEVANCE PROCEDURES

### 6.1 Grievances Related to Matters such as Promotion, Non-Reappointment, Tenure, and Salary

If a full-time or part-time AC faculty member believes that they have cause for grievance in matters such as salary, promotion, non-reappointment, tenure, assignment of teaching duties, assignment of space, or other matters as provided in this Code, they may petition the Faculty Board of Review for review.

#### 6.1.1 The petition

The submission of the petition begins with a brief letter of intent that provides general details and evidence of alleged violations of the Faculty Code and/or College policies. This letter of intent is submitted by the faculty member to the Chair of the Faculty Board of Review in advance of the formal petition. The petition must be filed within 14 calendar days following the letter of intent. The petition will set forth in detail the nature of the grievance and will state against whom the grievance is directed. The petition will contain all information which the petitioner deems pertinent to the case. If the faculty member desires a hearing, the petition will so state.

##### 6.1.1.1 Notification of the President in matters requiring action by the Board of Trustees

In cases in which a faculty member appeals a recommendation by the President that requires action by the Board of Trustees, the faculty member must initiate the grievance, in writing, to the FBR within 21 calendar days of receiving notification from the President. Although a letter of intent to file a grievance initiates the grievance process, a complete petition must follow the original letter within 14 calendar days from the letter of intent. It is the responsibility of the petitioner to notify the President and the Provost that a petition has been filed. The President's recommendation will not be forwarded to the Board of Trustees until the FBR has considered the petition, prepared its report, and communicated its recommendation to the President.

#### 6.1.2 The Faculty Board of Review's deliberation on the merit of the petition

The FBR will have the right to decide whether or not the facts merit an investigation. Submission of a petition will not automatically lead to an investigation or a hearing. The FBR will notify the petitioner, other parties to the case, and the President where applicable (see Section 6.1.1.1, Notification of the President in matters requiring action by the Board of Trustees), within 28 calendar days of the submission of the petition whether an investigation will be conducted.

#### 6.1.3 The nature of the Faculty Board of Review's judgement

The FBR will determine whether or not the decision being appealed was the result of adequate consideration. The term "adequate consideration" refers to material issues of procedure rather than to substantive matters. The FBR will address questions of the following nature:

- Was all evidence presented bearing on the relevant performance of the candidate considered?
- Was there adequate deliberation at all appropriate levels over the import of the evidence in light of relevant standards?
- Were irrelevant and improper standards excluded from consideration?

- Was the decision reached conscientiously?
- Was the decision a *bona fide* exercise of professional academic judgment?
- Were administrative policies fairly and consistently applied?
- Were there material errors in the carrying out of administrative policies?

## 6.2 Cases Involving Financial Exigency

If the President issues notice to a faculty member of an intention to terminate their appointment because of financial exigency, the faculty member will have the right to request a hearing before the FBR in accordance with Section 6.1, Grievances Related to Matters such as Promotion, Non-Reappointment, Tenure and Salary. The faculty member must initiate the request within the time-frame set forth in Section 6.1.1.1, Notification of the President in matters requiring action by the Board of Trustees.

## 6.3 Cases Involving the Discontinuance of a Department or a Program Not Mandated by Financial Exigency

If the President issues notice to a faculty member of an intention to terminate their appointment or to relocate the faculty member in the College because of the discontinuance of a program or a department of instruction, the faculty member will have the right to request a review before the FBR in accordance with Section 6.1 through 6.1.3. The faculty member must initiate the review request within the time-frame set forth in Section 6.1.1.1, Notification of the President in matters requiring action by the Board of Trustees.

## 6.4 Cases Involving Dismissal for Cause or Sanctions for Cause

See Section 4.5, Dismissal for Cause, Section 4.5.3, Hearing by the Faculty Board of Review in Cases of Dismissal for Cause and Section 4.6.1, Sanctions for Cause.

## 6.5 Actions as a Result of an Investigation by the Faculty Board of Review

As a result of the investigation, the FBR may decide that a hearing is not warranted and that the FBR has completed its charge. In other cases, the FBR may attempt to mediate a resolution between the parties to the grievance. If a resolution satisfactory to all parties is not possible, the FBR will decide whether or not a hearing is necessary.

## 6.6 Report by the Faculty Board of Review

The Faculty Board of Review will report its findings and recommendations in writing to the petitioner, to the parties to the complaint, and to the appropriate committee and/or administrative officer.

## 6.7 Response to the Faculty Board of Review

The Faculty Board of Review will be informed by those taking the action of any action taken based on its report.

## 6.8 Faculty Rights and Responsibilities

The requirements of academic responsibility and the protection of academic freedom apply not only to full-time probationary as well as to tenured faculty, but also to all others who exercise teaching responsibilities at the College.

## 6.9 Academic Freedom

Hood College endorses full academic freedom. Academic freedom and freedom of expression are essential to an academic community. Therefore, Hood College endorses the following principle: the faculty may write about and discuss freely any subject of intellectual inquiry and shall not be subject to censorship, discipline, or intimidation. Further, faculty members are entitled to full freedom in research and in the publication of results.

If a faculty member believes they have been adversely impacted by a decision or outcome based significantly on considerations violative of academic freedom, College policies, or otherwise inconsistent with equal opportunity policies and procedures, those allegations will be given preliminary consideration by the FBR, which will seek to settle the matter by informal methods. The allegation will be accompanied by a statement that the faculty member agrees to the presentation of such reasons and evidence as the College may allege in support of its decision. If the issue is unresolved and if the FBR so recommends, the matter will be heard in the manner set forth in Section 4.5.3, Hearing by the Faculty Board of Review.

### 6.9.1 Academic freedom and the classroom

Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching extraneous and/or controversial matter that has no relation to their subject. The intent of this statement is not to discourage what is controversial. Controversy is at the heart of the free academic inquiry, which the institution is designed to foster.

### 6.9.2 Academic freedom and civic responsibility

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

## 6.10 Intellectual Property

Intellectual property is defined as any new and useful process, machine, composition of matter, life form, article of manufacture, software, copyrighted work or tangible property.

In general, the College has the right to obtain title to intellectual property developed as a result of support either directly from, or channeled through, the College. See Section 6.11, Copyright and Revenue from Intellectual Property, for Conditions.

## 6.11 Copyright and Revenue from Intellectual Property

Copyright to, and royalty from, literary or scholarly works in tangible or electronic form (e.g. textbooks and other curricular materials, reference works, journal articles, novels, music, photographs, etc.) produced by faculty as part of their usual teaching, service, and research activities, and which do not result directly as a

specified deliverable from projects funded in whole or in part by the College shall belong to the faculty member who prepared such works and may be assigned or retained by them.

When the College funds faculty projects, in whole or in part (with the exception of sabbatical leaves and leaves with College grant; Secs. 5.1.1 and 5.1.2), the Provost may indicate in writing that the College intends to claim title to the intellectual property, which directly results from that project as a specified deliverable. This written statement must accompany or precede the awarding of funds. If the Provost does not provide a written statement indicating the College's claim to title, all copyright to, and royalty from that funded project shall belong to the faculty member who prepared such work.