

# ST. MARY'S UNIVERSITY



## **Mission Statement**

*St. Mary's University, as a Catholic Marianist University, fosters the formation of people in faith and educates leaders for the common good through community, integrated liberal arts and professional education, and academic excellence.*

# FACULTY HANDBOOK

## **APPROVED BY THE BOARD OF TRUSTEES**

Approved: April 7, 1995  
Revised: May 24, 1999  
Revised: November 4, 2005  
Revised: April 3, 2009  
Revised: April 1, 2011  
Revised: April 10, 2015  
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Revised: September 26, 2018  
Revised: August 21, 2019  
Revised: April 24, 2020  
Revised: November 11, 2020  
Revised: May 5, 2021  
Revised: March 15, 2022

**OFFICE OF THE PROVOST AND  
VICE PRESIDENT FOR ACADEMIC AFFAIRS**

## REVISIONS AND ADDITIONS

The following is a listing of approved revisions and additions made to the *Faculty Handbook*. They will appear in *italic text* and **bolded** in the body of the *Handbook*.

### Approved by Executive Council on March 15, 2022

1.7.3.5 Core Curriculum Education Committee Pg. 26

### Approved by Academic Council on May 5, 2021

Standards of Scholarship – Sociology w/Addendum for Public Health APPENDIX A-2-11 – Pg. 174, 175

### Approved by Academic Council on November 11, 2020

Standards of Scholarship – English Literature and Language APPENDIX A-2-2 – Pg. 163

Standards of Scholarship – Communication Studies APPENDIX A-2-3 – Pg. 165

### Approved by Board of Trustees on April 24, 2020

Section 2.0 General Statement (added 2<sup>nd</sup> paragraph)  
Resolution of April 24, 2020 Pg. 33 and APPENDIX J - Pg. 242

### Approved by Academic Council on August 21, 2019

Standards of Scholarship – Public History APPENDIX A-2-14 – Pg. 178

### Approved by the Board of Trustees on February 8, 2019

2.7 New Tenure Process APPENDIX I – Pg. 237-241

### Revised November 28, 2018

2.7.1.2 Untenured Librarians Hired Prior to June 1 (Removed)

### Revised September 26, 2018

1.7.3.18 University Research Council (Added) Pg. 30

1.8.2 Proposed Amendments Pg. 30

1.8.3 Processing of Proposals Pg. 31

### Revised January 12, 2018

1.7.2.10 Honors Council Pg. 23, 24

1.7.3.8 University Faculty Development Committee Pg. 27

### Approved by Academic Council on October 31, 2017

1.7.3.6 Intellectual Property Committee Pg. 26

(Appendix G) 6.3 Intellectual Property Committee Membership, Qualifications, and Selection Pg. 217

### Approved by the Board of Trustees on September 8, 2017

2.7.2.2 Promotion to Rank of Professor and the Granting of Tenure in School of Law Pg. 61, 62

### Approved by the Board of Trustees on April 1, 2016

2.5.5 Senior Faculty Review (Removed) Pg. 36

2.1.3.6.2 Clinical Professors (Revised due to SFR Removal) Pg. 36

Appendices A-1, A-2, A2-7, A2-8 (References to SFR Removed) Pgs. 153, 154, 156, 167, 168

2.1.3.5.2 Distinguished Visiting Professor in Law (New) Pg. 36

2.1.3.5.3 Research Professor in Law (New) Pg. 36

2.1.3.5.4 Service Professor in Law (New) Pg. 36

2.2.7 Practicing Faculty in the School of Law (New) Pg. 41

2.2.7.1 Subsequent Appointments for Practicing Faculty in Law (New) Pg. 41

2.2.7.2 Termination of Appointments for Practicing Faculty in Law (New) Pg. 42

### Approved by the Board of Trustees on April 10, 2015

2.1.3.1 Professor Emeritus/a (Revised) Pg. 35

2.1.3.5.1 Senior Professor (New) Pg. 35

2.9.3 Equal Opportunity, Nondiscrimination,  
Sexual and Other Forms of Harassment Policy Pg. 71 and Appendix H-1 Pg. 222  
(Revised)

2.9.3.1 Equity Discrimination Resolution Process Pg. 71 and Appendix H-2 Pg. 227  
(Revised)

Approved by the Board of Trustees on March 30, 2012

2.7 Tenure (Revised) Pg. 59

Approved by the Board of Trustees on September 14, 2012

2.7.2.3 Tenure Pause Policy (New) Pg. 62

Approved by the Board of Trustees on April 1, 2011

2.12.8 Intellectual Property Policy Pg. 91 and Appendix G – Pg. 200

Approved by the Board of Trustees on April 3, 2009

2.1.3.6.2 Clinical Professors (Revised) Pg. 36

2.2.3.2 Clinical Assistant Professors of Law (New) Pg. 40

2.2.4.1 Presumptively Renewable Contracts (New) Pg. 40

2.3.1.3.1 Recruitment and Appointment of Tenured, Tenure-Track, and  
Clinical Faculty (Revised) Pg. 42

2.5.1.3.1 Types of Scholarship (Revised) Pg. 50

2.5.5 Senior Faculty Review (Revised) REMOVED

2.5.5.1 Clinical Professor of Law (Revised) REMOVED

2.5.7.2 Development and Evaluation School of Law (Revised) Pg. 54

2.6.1 Promotion in Rank: Criteria (Revised) Pg. 54

2.6.6.2 Promotion to the Rank of Clinical Associate Professor of Law (New) Pg. 57

2.6.6.3 Promotion to the Rank of Clinical Professor of Law (New) Pg. 58

2.8 Separation (Revised) Pg. 64

2.10 Sabbatical Leave (Revised) Pg. 73

Approved by the Board of Trustees on April 7, 2006

1.2 A Statement of Mission for St. Mary's University Pg. 1

Approved by the Board of Trustees on November 4, 2005

1.4.3.3.1 Academic Library Agreements (New) Pg. 7

1.7.3.12 International Education Committee (New) Pg. 28

1.8.4 Administrative Approval (Handbook Change Process) Pg. 31

1.8.5 Board of Trustees Approval Pg. 31

1.8.6 Emergency Procedures Pg. 31

2.1.1 Ranked Faculty – All Schools Except Law  
(Subsections 2.1.1.1 – 2.1.1.4) Pg. 33

2.1.3.5 Faculty in Residence Pg. 35

2.1.3.8 Administrators with Faculty Rank and Tenure Pg. 37

2.1.4 Graduate Faculty Membership Pg. 38

2.3.1.1. Ranked Faculty in Undergraduate and Graduate Schools Pg. 42

2.3.5.2 Committee Composition and Charge Pg. 44

2.5.5 Senior Faculty Review (Revisions to First Paragraph) REMOVED

2.5.5 Senior Faculty Review (Second Paragraph) REMOVED

2.5.5 Senior Faculty Review (New paragraph) REMOVED

2.6.3.2 Procedures (for Promotions) Pg. 55

2.6.4 Promotion of Librarians (First Paragraph) Pg. 56

2.7.2 Procedures for Tenure in All Schools Pg. 60

2.12.2.1 Human Subjects - Statement of Policy (Revised Policy) Pg. 79

2.12.2.2 Human Subjects Committee (Revised) Pg. 79

3.2.8 Retention of Materials Relating to Exams & Grades (New) Pg. 122

## TABLE OF CONTENTS

### I. UNIVERSITY ORGANIZATION AND GOVERNANCE

1.1 History of St. Mary's University .....	1
1.2 Mission Statement.....	1
1.3 Corporation of St. Mary's University .....	2
1.3.1 Board of Trustees.....	2
1.4 Administrative Structure of the University .....	2
1.4.1 Chancellor.....	2
1.4.2 President .....	2
1.4.3 Provost and Vice President for Academic Affairs .....	3
1.4.3.0 Associate Provost for Faculty, Assessment and Accreditation .....	3
1.4.3.1 Academic Deans .....	4
1.4.3.1.1 Appointment or Reappointment of Deans .....	4
1.4.3.1.2 Evaluation of Deans .....	5
1.4.3.1.3 Removal of Academic Dean or Academic Administrator .....	5
1.4.3.1.4 Associate and Assistant Dean .....	5
1.4.3.2 Department Chairs.....	5
1.4.3.2.1 Evaluation of Department Chairs and Academic Administrators .....	6
1.4.3.2.2 Removal of Department Chair .....	6
1.4.3.3 Louis J. Blume Library and Charles L. Cotrell Learning Commons .....	6
1.4.3.3.1 Academic Library Agreements .....	7
1.4.3.3.2 Executive Director of Louis J. Blume Library .....	7
1.4.3.3.3 Learning Assistance Center Director .....	7
1.4.3.4 Sarita Kenedy East Law Library .....	8
1.4.3.4.1 Director of Law Library .....	8
1.4.3.5 Registrar .....	8
1.4.3.6 Director of Institutional Effectiveness.....	8
1.4.3.7 Director of Writing Across the Curriculum.....	9
1.4.3.8 Director of Academic Advising.....	9
1.4.3.9 Director of Honors Program.....	9
1.4.3.10 Director of Critical Studies.....	9
1.4.3.11 Director Continuing Studies and Professional Development .....	9
1.4.3.12 Executive Director of Academic Research and Sponsored Projects.....	9
1.4.3.13 Director of Upward Bound Program .....	9
1.4.3.14 Director of Communications & Development School of Law .....	10
1.4.4 Vice President for Administration and Finance .....	10
1.4.5 Vice President for Student Development.....	10
1.4.5.1 Dean of Students .....	10
1.4.6 Vice President for Enrollment Management.....	11
1.4.6.1 Assistant Vice President for Retention Management.....	11
1.4.7 Vice President for University Advancement .....	11
1.4.8 Vice President for Mission and Identity .....	11
1.5 Organizational Chart.....	11
1.6 Governance of St. Mary's University .....	12
1.6.1 General Statement on Governance.....	12
1.6.2 St. Mary's as an Academic Institution: Joint Effort.....	12
1.6.3 Exercise of Legitimate Authority .....	13
1.6.4 Concern for the Common Good.....	13
1.6.5 Qualities of Good Governance .....	13
1.6.6 A Willingness to Engage in Dialogue.....	13
1.6.7 Acceptance of Co-Responsibility .....	14

1.6.8	Commitment to Participation.....	14
1.6.9	Respect for Subsidiarity.....	15
1.6.10	Sense of Accountability.....	15
1.6.11	Structures of Governance.....	15
1.6.11.1	The Faculty.....	15
1.6.11.2	Professional Staff and Support Personnel.....	16
1.6.11.3	Students.....	16
1.6.12	Conclusion.....	16
1.7	Governing and Advising Bodies of St. Mary's University.....	16
1.7.1	Board of Trustees Committees.....	16
1.7.1.1	Executive Committee.....	16
1.7.1.2	Standing Committees.....	17
1.7.2	Administrative Councils.....	17
1.7.2.1	Executive Council.....	17
1.7.2.2	Academic Council.....	17
1.7.2.3	Graduate Council.....	18
1.7.2.4	Faculty Senate.....	18
1.7.2.4.1	Constitution of Faculty Senate.....	19
1.7.2.4.2	By Laws of the Faculty Senate.....	21
1.7.2.5	Student Government Association.....	22
1.7.2.6	Human Resources Advisory Council.....	22
1.7.2.7	Academic Development Council.....	23
1.7.2.8	Administrative Council.....	23
1.7.2.9	Student Development Council.....	23
1.7.2.10	Honors Council.....	23
1.7.2.11	Athletic Council.....	24
1.7.3	Institutional Committees.....	24
1.7.3.0	Academic Assessment Committee.....	24
1.7.3.1	Academic Review Board.....	24
1.7.3.2	Arts Committee.....	25
1.7.3.3	Campus Facilities Master Planning Committee.....	25
1.7.3.4	Computing Policies Committee.....	26
1.7.3.5	Core Curriculum Education Committee.....	26
1.7.3.6	Intellectual Property Committee.....	26
1.7.3.7	Faculty Committee on Teacher Education.....	27
1.7.3.8	University Faculty Development Committee.....	27
1.7.3.9	Faculty Review (Grievance) Committee.....	28
1.7.3.10	Human Subjects Committee - IRB.....	28
1.7.3.11	Institutional Animal Care and Use Committee.....	28
1.7.3.12	International Education Committee.....	28
1.7.3.13	Premedical and Dental Committee.....	29
1.7.3.14	Safety Committee.....	29
1.7.3.15	Student Judicial Committee.....	29
1.7.3.16	Tenure Procedure Review Committee.....	29
1.7.3.17	Tuition Rebate Review Committee.....	30
1.7.3.18	University Research Council.....	30
1.7.4	Faculty Senate Committees.....	30
1.7.5	School Governance.....	30
1.8	Revision of <u>Faculty Handbook</u> .....	30
1.8.1	Procedures for Revision of the <u>Faculty Handbook</u> .....	30
1.8.2	Proposed Amendments.....	30
1.8.3	Processing of Proposals.....	30
1.8.4	Administrative Approval.....	31
1.8.5	Board of Trustee Approval.....	31
1.8.6	Emergency Procedure.....	31
1.8.7	General Rules of Implementation.....	32

## II. THE FACULTY

2.0 General Contract Statement .....	33
2.1 Academic Ranks and Titles.....	33
2.1.1 Ranked Faculty - All Schools Except Law .....	33
2.1.1.1 Instructor: Notice Tenure Track Contract .....	33
2.1.1.2 Assistant Professor .....	33
2.1.1.3 Associate Professor .....	33
2.1.1.4 Professor.....	33
2.1.1.5 Pro Rata Faculty .....	33
2.1.1.6 Placement of Faculty in Rank.....	34
2.1.2 Per Course Faculty.....	34
2.1.2.1 Lecturer .....	34
2.1.2.2 Senior Lecturer .....	34
2.1.2.3 Adjunct Professor by Rank.....	34
2.1.3 Special Appointment Faculty.....	35
2.1.3.1 Professor Emeritus/a.....	35
2.1.3.2 University Professor .....	35
2.1.3.3 Visiting Professor .....	35
2.1.3.4 Replacement Faculty .....	35
2.1.3.5 Faculty in Residence .....	35
2.1.3.5.1 Senior Professor.....	35
2.1.3.5.2 Distinguished Visiting Professor in Law .....	36
2.1.3.5.3 Research Professor in Law .....	36
2.1.3.5.4 Service Professor in Law .....	36
2.1.3.6 Instructors and Clinical Professors of Law.....	36
2.1.3.6.1 Instructors.....	36
2.1.3.6.2 Clinical Professors .....	36
2.1.3.6.3 Credit toward Promotion and Tenure .....	37
2.1.3.7 Academic Support Staff .....	37
2.1.3.8 Administrators with Faculty Rank and Tenure.....	37
2.1.3.9 Special Status Administrative Positions .....	37
2.1.3.10 Endowed Chairs .....	38
2.1.4 Graduate Faculty Membership.....	38
2.1.4.1 Graduate Faculty Requirements .....	38
2.1.4.2 Associate Graduate Faculty Requirements .....	39
2.1.4.3 Procedure for Appointment .....	39
2.2 Types of Contracts and Contract Definition Policies .....	39
2.2.1 Term Contracts .....	39
2.2.2 Tenure Track Notice Contracts.....	40
2.2.3 Non-Tenure Track Notice Contracts.....	40
2.2.3.1 Instructors.....	40
2.2.3.2 Clinical Assistant Professors of Law .....	40
2.2.4 Continuous Contracts (Tenured Positions) .....	40
2.2.4.1 Presumptively Renewable Contracts .....	40
2.2.5 Locus of Appointments.....	41
2.2.6 Issuance and Receipt of Contracts .....	41
2.2.7 Practicing Faculty in the School of Law .....	41
2.2.7.1 Subsequent Appointments for Practicing Faculty in Law.....	41
2.2.7.2 Termination of Appointments for Practicing Faculty in Law .....	42
2.3 Search, Appointments, and Orientation .....	42
2.3.1 Faculty Appointments.....	42
2.3.1.1 Ranked Faculty in Undergraduate and Graduate Schools .....	42
2.3.1.2 Unranked Faculty in Undergraduate and Graduate Schools.....	42

2.3.1.3	School of Law Recruitment and Appointment .....	42
2.3.1.3.1	Recruitment and Appointment of Tenured and Tenure Track Faculty .....	42
2.3.1.4	Summer Faculty .....	43
2.3.3	Employment Conflict of Interest .....	43
2.3.4	Immigration Employment Requirement .....	43
2.3.5	Search Procedures.....	43
2.3.5.1	Records.....	43
2.3.5.2	Committee Composition and Charge .....	44
2.3.6	New Employee Orientation .....	44
2.3.6.1	Faculty Orientation.....	44
2.3.6.1.1	Orientation, Per Course Faculty .....	45
2.3.6.2	Orientation Role of Director of Human Resources .....	45
2.3.6.3	New Employee Training.....	45
2.4	Personnel Records.....	46
2.4.1	Official Academic Personnel File/Evaluation File .....	46
2.4.2	Personnel Files for Part-time Per Course and Special Appointment Faculty.....	46
2.4.2.1	Personnel Files and Credit Information Requests.....	46
2.4.3	Human Resources Office.....	47
2.5	Faculty Evaluation .....	47
2.5.1	Criteria for Faculty Evaluation .....	47
2.5.1.1	Teaching and Advising.....	47
2.5.1.1.1	Effectiveness of Librarians with Faculty Status .....	48
2.5.1.2	Service to the University and Community.....	49
2.5.1.3	Scholarship .....	49
2.5.1.3.1	Types of Scholarship.....	50
2.5.1.3.2	Assessment of Scholarship.....	51
2.5.1.3.3	Standards Interpreting the Scholarship Requirements.....	52
2.5.2	Faculty Growth and Development Plan.....	53
2.5.3	Evaluation of Teaching by Students .....	53
2.5.4	Pre-Tenure Evaluation by Peers .....	53
2.5.6	Evaluation of Per Course Faculty .....	54
2.5.7	Development and Evaluation - School of Law .....	54
2.5.7.1	Tenure-Track Faculty Members .....	54
2.5.7.2	Clinical Professors of Law .....	54
2.5.7.2.1	Review During Initial Contract Term .....	54
2.6	Promotion in Rank .....	54
2.6.1	Criteria.....	54
2.6.2	General Procedures.....	55
2.6.3	Promotion in Undergraduate and Graduate Schools.....	55
2.6.3.1	Eligibility.....	55
2.6.3.2	Procedures .....	55
2.6.4	Promotion of Librarians.....	56
2.6.5	Promotion of Academic Administrators .....	56
2.6.6	Promotion in the School of Law .....	57
2.6.6.1	Promotion to the Rank of Associate Professor, School of Law .....	57
2.6.6.2	Promotion to the Rank of Clinical Associate Professor of Law .....	57
2.6.6.3	Promotion to the Rank of Clinical Professor of Law.....	58
2.7	Tenure .....	59
2.7.1	Eligibility for Tenure .....	59
2.7.1.1	Undergraduate and Graduate Faculty and Tenure Track Librarians Hired Prior to June 1, 1995 .....	59
2.7.1.2	Undergraduate and Graduate Faculty Hired On or After June 1, 1995 .....	60
2.7.2	Procedures for Tenure in All Schools .....	60
2.7.2.1	Additional Procedures in Undergraduate and Graduate Schools.....	61

2.7.2.2	Promotion to Rank of Professor and the Granting of Tenure in School of Law .....	61
2.7.2.3	Tenure Clock Extension .....	62
2.7.3	Review of Tenure Procedures .....	63
2.7.4	Granting Tenure .....	63
2.7.5	No Appeal .....	63
2.8	Separation .....	64
2.8.1	Resignation .....	64
2.8.2	Retirement .....	64
2.8.3	Non-Reappointment .....	64
2.8.3.1	Notice Standards .....	65
2.8.4	Prolonged Mental or Physical Illness .....	65
2.8.5	Layoff Before Expiration of Current Contract .....	66
2.8.5.1	Major Changes in Curricular Requirement, Academic Programs or Departments .....	66
2.8.5.2	Enrollment Emergency .....	66
2.8.5.3	Financial Exigency .....	66
2.8.5.4	General Procedures Regarding Layoff .....	67
2.8.5.5	Specific Procedures on Layoff .....	67
2.8.5.5.1	Order of Layoff Within a Department or Program .....	68
2.8.6	Dismissal for Cause .....	68
2.8.7	Action Short of Dismissal .....	69
2.8.8	Progressive Discipline of Faculty Members .....	70
2.8.9	Exit Interview .....	70
2.9	Faculty Rights and Responsibilities .....	70
2.9.1	Academic Freedom .....	70
2.9.1.1	Academic Freedom for Librarians .....	71
2.9.2	Professional Ethics .....	71
2.9.2.1	Conflicts of Interest .....	71
2.9.3	Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy .....	71
2.9.3.1	Equity Discrimination Resolution Process .....	71
2.9.4	Duties Related to Teaching .....	72
2.9.4.1	Non-Teaching Load .....	72
2.9.5	Political Activity .....	73
2.10	Faculty Development .....	73
2.10.1	Sabbatical Leave .....	73
2.10.2	Conventions .....	74
2.10.3	Tuition Rebates for Faculty .....	75
2.10.4	The Academy of St. Mary's University .....	75
2.10.5	Distinguished Faculty Awards .....	75
2.11	Workload .....	76
2.11.1	Teaching Load .....	76
2.11.2	Advising Students .....	76
2.11.3	Workload in the Department of Counseling and Human Services .....	77
2.11.4	Workload for Professional Librarians .....	77
2.11.5	Definition of "Year" .....	77
2.11.6	Conflicts Between Obligations to the University and Outside Activities .....	77
2.11.6.1	Primary Responsibility of Full-Time Faculty Members .....	77
2.11.6.2	"Unrelated Outside Activities" and "Outside Professional Activities" .....	77
2.11.6.3	Time Restriction on Outside Activities .....	78
2.11.6.4	Use of University Facilities/Services .....	78
2.11.6.5	University Not Responsible for Outside Activities .....	78
2.11.6.6	Avoidance of Conflicts; Compliance .....	78
2.11.7	Use of the University Name and Seal .....	78
2.11.8	Attribution of Quoted Materials .....	79



2.12 Working Conditions and General St. Mary's University Policies Which Faculty Have as	
Conditions of Employment.....	79
2.12.1 Academic Apparel .....	79
2.12.2 Human Subjects Research Policy .....	79
2.12.2.1 Statement of Policy .....	79
2.12.2.2 Human Subjects Committee .....	79
2.12.3 Safety Policy.....	80
2.12.4 STMU Smoking Policy.....	82
2.12.5 Drug-Free Workplace Policy .....	82
2.12.6 Policy Controlling Exposure to Blood borne Pathogens.....	82
2.12.6.1 Methods of Compliance .....	83
2.12.6.1.1 Engineering and Work Practice Controls .....	83
2.12.6.1.2 Hepatitis B Vaccination .....	88
2.12.6.2 Post-Exposure Evaluation and Follow-up .....	88
2.12.6.3 Bio-Hazard Labeling .....	90
2.12.6.4 Education and Training .....	90
2.12.6.5 Record Keeping.....	90
2.12.6.6 Employee Responsibilities .....	91
2.12.6.7 Forms.....	91
2.12.7 Copyright Policy .....	91
2.12.8 Intellectual Property Policy .....	91, APPENDIX G
2.12.8.1 Policy Revisions .....	91
2.12.9 Sale of Employee Created Materials to University Students .....	92
2.12.10 Policy Statement on Partisan Activity .....	92
2.12.11 Solicitations and Gifts.....	92
2.12.12 Personal Appearance and Courtesy .....	92
2.12.13 Personal Use of University Property.....	92
2.12.14 Fund-Raising Policy .....	92
2.12.15 Emergency Procedures and Closures.....	93
2.12.16 Campus Security and Traffic Control.....	93
2.12.17 Policy on AIDS and Communicable Diseases .....	93
2.12.18 Policy on Humane Care and Use of Laboratory Animals.....	93
2.12.18.1 Institutional Animal Care and Use Committee.....	93
2.13 Leaves.....	97
2.13.1 Paid Leaves.....	97
2.13.1.1 Holidays .....	97
2.13.1.2 Vacation for Librarians on Twelve Month Contracts .....	97
2.13.1.3 Civil Duty Leave .....	97
2.13.1.4 Short Term Disability Leave .....	97
2.13.1.5 Bereavement Leave .....	98
2.13.2 Leave Without Pay .....	98
2.13.2.1 Professional Leave of Absence.....	98
2.13.2.2 Family and Medical Leave Act .....	98
2.13.2.3 Military Leave .....	100
2.14 Fringe Benefits.....	100
2.14.1 Mandatory Benefits .....	100
2.14.1.1 Social Security Taxes .....	100
2.14.1.2 Unemployment Compensation .....	100
2.14.1.3 Workers' Compensation.....	100
2.14.1.4 COBRA Statement .....	100
2.14.2 Carrier Benefits.....	103
2.14.2.1 Health Insurance.....	103
2.14.2.2 Dental Insurance.....	103
2.14.2.3 Disability Insurance .....	103
2.14.2.4 Life Insurance, Accidental Death and Dismemberment Insurance.....	103
2.14.2.5 Retirement .....	104
2.14.2.6 Flexible Cafeteria Benefits Plan .....	104

2.14.2.7	Liability Insurance.....	104
2.14.3	Institutional Benefits.....	105
2.14.3.1	Employee Assistance Program .....	105
2.14.3.2	Tuition Rebate Policy .....	105
2.14.3.2.1	General Policy .....	105
2.14.3.2.2	Employees .....	105
2.14.3.2.3	Dependent Children .....	106
2.14.3.2.4	Spouses.....	107
2.14.3.2.5	Marianist .....	107
2.14.3.2.6	Death/Retirement .....	107
2.14.3.2.7	Review Process .....	108
2.14.3.2.8	Tuition Rebate Exceptions .....	108
2.14.3.2.9	Tuition Rebate Procedures .....	108
2.14.3.2.10	Change in Tuition Rebate Policy.....	109
2.14.3.3	Parking .....	109
2.14.3.4	Recreational Facilities .....	109
2.14.3.5	Cafeteria .....	109
2.14.3.6	University Programs.....	109
2.15	Compensation .....	109
2.15.1	Salary Philosophy .....	109
2.15.2	Professional Advancement Increases.....	109
2.15.3	Promotion Increments.....	109
2.15.4	Overload Compensation .....	109
2.15.5	Summer Course Compensation .....	110
2.15.6	Payroll Procedures .....	110
2.16	Review and Grievance Procedure .....	110
2.16.1	Intent.....	110
2.16.2	Definition.....	110
2.16.2.1	Faculty Review Committee .....	110
2.16.3	Duties of the Faculty Review Committee .....	111
2.16.4	Procedures for Handling Grievances .....	111
2.16.4.1	Intent.....	111
2.16.4.2	Filing of Grievance.....	111
2.16.4.3	Convening and Informal Attempt at Settlement .....	111
2.16.4.4	Formal Hearing.....	111
2.16.4.5	Hearing Advisory .....	112
2.16.4.6	Presidential Review and Decision .....	112
2.16.4.7	Board of Trustee Appeal .....	112
2.16.4.8	Time Constraints .....	112
2.16.5	Due Process in Proceedings.....	112
2.16.6	General Provisions.....	113
2.17	Student Academic Conduct Policies .....	113
2.17.1	Policy Statement on Academic Honesty.....	113
2.17.2	Explanation of Judicial Authority in Respect to Students of St. Mary's University .....	113
2.17.3	Violation of Law and St. Mary's University Discipline.....	114
2.17.4	Academic Charges and Hearings .....	114
2.17.4.1	Formal Inquiry by the Dean or Designated Representative.....	115
2.17.4.2	Determination of Validity of the Alleged Academic Dishonesty .....	115
2.17.4.3	Informing the Student and Accusing Party .....	115
2.17.4.4	Student's Right to Appeal .....	116
2.17.4.5	A Hearing Before the Academic Council .....	115
2.17.4.6	Final Decision and Judgement.....	115
2.17.5	Procedures for Resolving Student Complaint About Activities, Except Grade Appeals.....	115
2.17.6	Academic Sanctions.....	116
2.17.7	Grade Appeal Procedures .....	116

### **III. ACADEMIC SERVICES AND PROCEDURES**

3.1 Academic Services.....	118
3.1.1 Academic Library .....	118
3.1.1.1 Hours .....	118
3.1.1.2 Book Loans .....	118
3.1.1.3 Bibliographic Instruction.....	118
3.1.1.4 Book Purchases .....	118
3.1.2 Audio/Visual Depository .....	118
3.1.3 Academic Imaging and Media Center .....	118
3.1.4 Learning Assistance Center .....	119
3.1.5 Law Library .....	119
3.1.6 Faculty Lounge .....	119
3.1.7 Bookstore.....	119
3.1.7.1 Textbooks .....	119
3.1.8 I.D. Cards.....	120
3.2 Academic Procedures.....	120
3.2.1 Add-Drop.....	120
3.2.2 Class Attendance .....	120
3.2.3 Class Rosters.....	121
3.2.4 Classrooms.....	121
3.2.5 Examinations .....	121
3.2.5.1 "No Examination Week" .....	121
3.2.5.2 Grading.....	121
3.2.6 Syllabi.....	121
3.2.6.1 Graduate School Syllabi Review .....	122
3.2.7 Transcripts .....	122
3.2.8 Retention of Materials Relating to Examinations & Grades.....	122
3.3 Process for Curriculum Revision .....	122
3.3.1 Procedures for Graduate Program Curriculum Review .....	123

### **IV. GENERAL UNIVERSITY POLICIES, SERVICES, AND PROCEDURES**

4.1 General University Services.....	124
4.1.1 Campus Security and Traffic Control.....	124
4.1.2 Duplicating Center.....	124
4.1.3 Mail Service.....	124
4.1.4 Electronic Facsimile Machine (FAX).....	124
4.1.5 U.S. Air Express .....	124
4.1.6 Federal Express.....	124
4.1.7 Fiscal Matters .....	124
4.1.8 Notary Public.....	125
4.1.9 Parking.....	125
4.1.10 Purchasing Supplies and Equipment.....	125
4.1.11 Emergencies.....	125
4.2 General University Policies and Procedures .....	125
4.2.1 Fire Alarm Response Policy for Academic and Administrative Buildings.....	125
4.2.1.1 System Operation .....	125
4.2.1.2 Response to Alarms .....	126
4.2.1.3 Alarm Reporting.....	126
4.2.2 St. Mary's University Alcohol Policy.....	126
4.2.2.1 Personal and University Liability .....	126
4.2.2.2 Policies for Events Where Alcohol is Served.....	127

### **V. STUDENT AFFAIRS POLICIES OF INTEREST TO FACULTY**

5.1 Student Handbook.....	128
5.2 Student Code of Conduct .....	128
5.3 Buckley Amendment (Family Educational Rights and Privacy Act - FERPA) .....	128
5.3.1 Rights of Inspection.....	128
5.3.2 Education Records: Definition.....	128
5.3.3 Request for Review.....	129
5.3.4 Limitations of Student Rights .....	129
5.3.5 Waiver of Student Rights.....	129
5.3.6 Consent Provisions .....	130
5.3.7 Institutional Record of Disclosure .....	130
5.3.8 Disclosure of Education Record Information .....	131
5.3.9 Directory Information.....	131
5.3.10 Challenge of Contents of Education Records .....	131
5.3.11 Destruction of Records .....	132
5.4 Rights and Responsibilities.....	132
5.5 Sponsorship of Student Organizations/Other .....	132
5.6 Other Student Development Services Provided to Support Faculty .....	132
5.6.1 University Ministry.....	132
5.6.2 Civic Engagement and Career Development Center .....	132
5.6.3 Student Psychological and Testing Services Center.....	132
5.6.4 Health Services .....	132
5.6.5 Services for Student with Disabilities.....	132
5.6.6 Student Conduct Issues.....	133
5.6.7 Victims Assistance .....	133

## **VI. EXTERNAL RELATIONS POLICIES OF INTEREST TO FACULTY**

6.1 University Advancement Office .....	134
6.2 Directories.....	134
6.3 Publications Policy.....	134
6.3.1 Policy Objectives.....	134
6.3.2 Duties of Director of Publications .....	134
6.3.3 Policy .....	135
6.3.4 Procedures .....	135
6.4 Policy Statement for School and Departmental Brochures and Advertising.....	136
6.5 Policies for Sponsored Projects, Grants and Contracts .....	136
6.5.1 Definition of Grants, Sponsored Projects, and Contracts .....	137
6.5.1.1 Role of University Advancement Office .....	137
6.5.1.2 Role of the Academic Research and Sponsored Grants Office .....	137
6.5.1.3 Role of the Law Alumni Relations and Development Office.....	137
6.5.1.4 Role of Financial Administration .....	137
6.5.2 Signatures Required.....	137
6.5.2.1 Authority Conferred by Board of Trustees .....	137
6.5.2.2 Grant Proposal Submission.....	138
6.5.2.3 Grant Acceptance.....	138
6.6 Procedures for Sponsored Projects, Grants, and Contracts .....	138
6.6.1 Procedures .....	138
6.6.1.1 Obtaining University Approval to Submit a Proposal .....	138

6.6.1.2	Preparing a Proposal for External Funding .....	139
6.6.1.3	Obtaining Final Approval .....	141
6.6.1.4	Accepting Awards and Contracts .....	141
6.6.1.5	Managing Awards .....	142
6.7	The Ethical and Legal Use of Computing at St. Mary's University .....	142
6.7.1	Access, Rights, Responsibilities, and Regulations .....	143
6.7.1.1	Access.....	143
6.7.1.2	Rights .....	143
6.7.1.3	Responsibilities .....	143
6.7.1.4	Regulations.....	144
6.7.2	Intellectual Freedom, Copyrights and Intellectual Property, and Electronic Files.....	144
6.7.2.1	Intellectual Freedom.....	144
6.7.2.2	Copyrights and Intellectual Property .....	145
6.7.2.3	Electronic Files.....	145
6.7.2.3.1	Ownership .....	145
6.7.2.3.2	Privacy .....	145
6.7.3	Electronic Communications.....	145
6.7.3.1	Electronic Mail (e-mail) .....	145
6.7.3.2	Definitions .....	146
6.7.4	Web Pages .....	147
6.7.5	Abuse or Misuse of the INTERNET.....	147
6.7.6	Computer Use.....	147
6.7.6.1	Priorities for Computer Use.....	147
6.7.6.2	Hardware .....	148
6.7.6.3	Networks .....	148
6.7.6.4	Software .....	148
6.7.7	Electronic Access to Records .....	149
6.7.7.1	Student Education and Academic Records.....	149
6.7.7.2	Employee Records.....	150
6.7.8	Publication, Implementation, and Education .....	151
6.7.8.1	Publication.....	151
6.7.8.2	Implementation.....	151
6.7.8.3	Education.....	151
Appendix A	- Standards Interpreting Scholarship Requirement by School, Department and Academic Libraries.....	152-191
Appendix B	- Sabbatical Leave: Application Form .....	192
Appendix C	- Sabbatical Leave: Checklist and Timetable .....	193
Appendix D	- Notice of Intent to Submit a Proposal for Institutional Grant .....	194-195
Appendix E	- St. Mary's Health Center Incident Report .....	196-197
Appendix F	- No Contact Agreement .....	198
Appendix G	- Intellectual Property Policy .....	199-217
Appendix H-1	Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy .....	221-225
Appendix H-2	Equity Discrimination Resolution Process.....	226-235
Appendix I	New Tenure Process .....	236-240
Appendix J	Resolution Approved by the Board of Trustees.....	241

## I. UNIVERSITY ORGANIZATION AND GOVERNANCE

### 1.1 HISTORY OF ST. MARY'S UNIVERSITY

St. Mary's University traces its origins to a school founded in 1852 by four members of the Society of Mary, who in the following year established St. Mary's College on the banks of the San Antonio River. That building at 112 College Street continued to serve as an educational institution for more than a century. In 1894, the present campus was acquired and a second Marianist school, St. Louis College, was established.

This school became St. Mary's University of San Antonio in 1926 when a School of Arts and Sciences, and a School of Business and Administration were established. The School of Law began in 1927 and joined St. Mary's University in 1934. The Graduate School was established in 1936. Evening coeducational classes at the downtown campus and summer coeducational classes at the Woodlawn campus were added in the academic year 1927-1928; all classes became coeducational in 1963.

Enrollment expanded rapidly during the 1950s, and between 1952 and 1967 a massive construction program was undertaken which added a new Academic Library, classroom, residence and service buildings, as well as the Law Center. In the 1980s four new residence halls, the Albert B. Alkek Building for the School of Business and Administration, and the Sarita Kennedy East Law Library were added. In 1984, the School of Arts and Sciences was divided into two Schools: the School of Humanities and Social Sciences and the School of Science, Engineering and Technology, which also incorporated into it the former Division of Engineering. The new University Center marked its official opening in 1992.

While St. Mary's has always been and continues to be a Catholic and a Marianist University, it serves people of all faiths in San Antonio, South Texas, and other parts of the nation and the world. Along with other American institutions of higher education, it is engaged in many fields of instruction, research, and public service.

### 1.2 A STATEMENT OF MISSION FOR ST. MARY'S UNIVERSITY (*Adopted April 7, 2006*)

***St. Mary's University, as a Catholic Marianist University, fosters the formation of people in faith and educates leaders for the common good through community, integrated liberal arts and professional education, and academic excellence.***

Our mission statement is a reflection of the Characteristics of Marianist Universities. There are five elements that characterize the Marianist approach to education:

- \* Educate for formation in faith
- \* Provide an integral quality education
- \* Educate in the family spirit
- \* Educate for service, justice and peace
- \* Educate for adaptation and change

The three Marianist universities have published a book, *Characteristics of Marianist Universities*, to better describe the Marianist approach to education at the university level.

### **1.3 THE CORPORATION OF ST. MARY'S UNIVERSITY**

The Corporation of St. Mary's University has five members: the Provincial Superior and the Assistant Provincial of the Society of Mary, Province of St. Louis; two Provincial Assistants of the Society of Mary, Province of St. Louis (designated by the Provincial Superior); and the President of St. Mary's University. Each member has one vote. The Provincial Superior is the ex officio Chairman of the Members of the Corporation, and the Assistant Provincial is the ex officio Secretary. The Members meet in April each year, and more often if necessary.

The Members of the Corporation are empowered to approve changes to the Bylaws of the University recommended by the Board of Trustees; to approve the sale or transfer of any substantial part of the physical property of the University; and to elect or dismiss, by at least a two-thirds vote, the members of the Board of Trustees. In the event the University is dissolved, the Members of the Corporation shall determine the distribution of its assets.

#### **1.3.1 The Board of Trustees**

The Board of Trustees appoints the President and the Vice Presidents of the University. The Board of Trustees determines policies of the University, ordinarily upon the recommendation of the President, through whom the policy recommendations of constituent councils, including the Faculty Senate, are channeled to the Board; approves the annual budget; and has final responsibility for the governance of the University.

The composition, structure, and operation of the Board of Trustees is discussed in the Related Articles of Incorporation for St. Mary's University of San Antonio, Texas, which are available to faculty in the office of the Provost and Academic Vice President, the Academic Library, and the Law Library.

### **1.4 ADMINISTRATIVE STRUCTURE OF THE UNIVERSITY**

#### **1.4.1 Chancellor of the University**

The Provincial Superior of the Society of Mary, Province of St. Louis, is the ex officio Chancellor of the University for consecutive terms of three years until he is no longer the Provincial Superior. The duties of the Chancellor are: to ensure and enhance the Marianist presence at the University; to be ex officio a member of the Board of Trustees; to maintain official relationships with the Roman Catholic ecclesiastical hierarchy; and to preside at appropriate University functions.

#### **1.4.2 President**

The President is the chief administrative and executive officer of the University. The President is a member of, and responsible to, the Board of Trustees for the execution of its policies, and performs the duties and exercises the powers that are delegated by the Board of Trustees. The President appoints Deans; grants tenure; and approves promotion of faculty upon the recommendation of the Provost and Vice President for Academic Affairs. The President serves for a three year term which is renewable.

The President is aided by the Chief of Staff, and is assisted by Vice Presidents to whom the President delegates the academic, student development, business, enrollment management, university advancement, and alumni functions. The President is the Chair of the Executive Council of the University, whose members are the Provost and Vice Presidents. The Chief of Staff serves as a non-voting member on the Executive Council.

The President is responsible for the internal administration of the institution and the maintenance of unity of purpose among the officers and teaching staff. The President interprets the policies and purposes of the University to the faculty, students, alumni, and general public.

The President keeps the Board of Trustees informed on the state of the University, its plans, and anticipated developments, as well as trends and problems in higher education. The President appraises the Board of the current and future financial needs of the institution, and secures the approval of the Board of Trustees on all major policy statements.

The President serves as an ex officio member of the Board of Trustees' Standing Committees and is a member of the Corporation of St. Mary's University.

#### **1.4.3 Provost and Vice President for Academic Affairs**

The Provost and Vice President for Academic Affairs is appointed by the Board of Trustees for a term of three years renewable, on the recommendation of the President; is the chief academic officer of the University; and is the first among equal Vice Presidents in the absence of the President. The Provost and Vice President for Academic Affairs' primary concern is with the educational program, with whatever may lead to the increased effectiveness and improvement of this program, and with promoting among the various Schools a union of action based on the common objectives of the University.

The Provost and Vice President for Academic Affairs, in consultation with the academic Deans and Registrar, coordinates the regular instructional offerings and the academic calendar; integrates enrollment reports made by the Registrar; coordinates future staffing and budgetary needs, in consultation with the academic Deans; and arranges the annual Commencement Ceremony with the assistance of the Registrar.

The Provost and Vice President for Academic Affairs maintains a personnel file for each faculty member; arranges academic convocations and general faculty meetings; participates in the evaluation of faculty in regard to promotion, tenure, and salary increases; has the final decision on all Faculty Employment Agreements as well as Academic Development Staff Agreements, except those concerning the Deans, whose contracts are approved and signed by the President; is responsible for the Faculty Handbook in which University philosophy, policies, and procedures are outlined as they concern the faculty; and appoints department chairs, in consultation with the Deans.

The Provost and Vice President for Academic Affairs has responsibility for the ultimate direction of those services which are auxiliary or common to the programs of the individual schools. Thus, in addition to the Deans of the Schools, the following administrative officers report to the Provost and Vice President for Academic Affairs: the Associate Provost, Executive Director of the Louis J. Blume Library and Charles L. Cotrell Learning Commons, the Registrar, the Director of Institutional Effectiveness, the Director of the Critical Studies Program, the Director of Academic Advising, the Director of the Honors Program, the Director of International Educational Programs, the Director of Continuing Studies and Professional Development, the Executive Director of Academic Research and Sponsored Projects, the Director of the Learning Assistance Center, and the Director of Upward Bound Program.

In fulfilling these functions, the Provost and Vice President for Academic Affairs has the assistance of the Academic Council, which is an advisory body composed of the Deans of the five Schools, the Executive Director of the Louis J. Blume Library and the Vice President for Enrollment Management. The Provost and Vice President for Academic Affairs presides at the regular meetings of the Academic Council and transmits all important decisions to the Executive Council for ratification or final decision. The Provost and Vice President for Academic Affairs acts as Secretary of the Academic Affairs Committee of the Board of Trustees.

The Provost and Vice President for Academic Affairs works with and benefits from the contacts and resources of the other Vice Presidents, attempting to contribute to and benefit from various forms of inter-institutional cooperation, especially with area institutions and school districts -- particularly University of the Incarnate Word, Oblate School of Theology, and Our Lady of the Lake University.

##### **1.4.3.0 Associate Provost for Faculty, Assessment and Accreditation**

The Associate Provost reports directly to the Provost and Vice President for Academic Affairs and supports the mission and responsibilities of the Provost's Office. The Associate Provost will assist the Provost in monitoring and improving institutional effectiveness of the University by coordinating and directing assessment efforts at St. Mary's, overseeing academic initiatives to enhance teaching and learning, and facilitating accreditation processes.



#### **1.4.3.1 Academic Deans**

St. Mary's University is comprised of Schools. Each of these Schools is under the immediate direction of a Dean who is directly responsible to the Provost and Vice President for Academic Affairs for all academic matters. Deans are appointed by the President for three-year terms, which are renewable after consultation with the Provost and Vice President for Academic Affairs and a representative group of faculty members of their particular Schools.

Deans assist in the formulation of general education policies of the University by serving on the Academic Council.

Within their own Schools, the Deans are responsible for applying University policy to specific situations, encouraging innovative educational planning, supervising Departments, coordinating academic activities, and preparing and administering budgets.

A teaching load of a Dean is reduced in proportion to assigned administrative responsibilities.

It is the responsibility of the Deans:

- a.** to work closely with the Provost and Vice President for Academic Affairs on matters that concern their respective Schools;
- b.** to serve on the Academic Council of the University;
- c.** to establish a representative faculty advisory council within their Schools from which to seek advice regularly concerning academic matters;
- d.** to work closely with Department Chairs within their Schools, supervising their performance of their responsibilities, and planning with them the course offerings and time schedules for each semester;
- e.** to evaluate the curricula and teaching methods within their Schools and to encourage the development of new programs, innovative teaching methods, faculty formation and interdepartmental cooperation;
- f.** to approve or disapprove changes or exceptions to students' program of studies;
- g.** to make salary recommendations to the Provost and Vice President for Academic Affairs;
- h.** to oversee for the official University Catalog or similar publications the instructional information relating to their Schools;
- i.** to establish, where advisable, and with approval of the Provost and Vice President for Academic Affairs, Advisory Councils of members of the civic community to assist in supporting the work of their Schools;
- j.** to work in collaboration with the Admissions Office of the University in helping to recruit qualified students for their Schools; and
- k.** to work in collaboration with the University Development Office in helping to raise funds for their Schools.

##### **1.4.3.1.1 Appointment or Reappointment of Deans**

During the last year of a Dean's term of office, a consultation process, determined by and under the direction of the President, must first ascertain whether it is appropriate to reappoint the incumbent. At the conclusion of the consultation, the President decides whether to reappoint the incumbent or to form a search committee to recommend a new Dean.

#### **1.4.3.1.2 Evaluation of Deans**

Deans and other academic administrators are evaluated annually through a process which affords faculty members the opportunity to comment on their Dean's job performance.

#### **1.4.3.1.3 Removal of an Academic Dean or an Academic Administrator**

At any time during the term of appointment, the President, on the recommendation of the Provost and Vice President for Academic Affairs, can relieve an Academic Dean of administrative duties, if there is a clear indication of the necessity for such action. The decision to relieve a dean must include a written consultation of the full-time faculty members of the dean's school and an opportunity for the dean to respond to the proposed action. Being relieved of administrative duties does not affect the individual's status as a faculty member.

#### **1.4.3.1.4 Associate and Assistant Dean**

The Provost and Vice President for Academic Affairs, upon the recommendation of a Dean of a School, may appoint an Associate or Assistant Dean of a School for an indefinite term. The Associate or Assistant Dean shall be responsible for a specific area of responsibility within the School.

Evaluation of Associate and Assistant Deans is conducted on an annual basis within each School.

#### **1.4.3.2 Department Chairs**

Department Chairs are appointed by the Provost and Vice President for Academic Affairs for a two-year term which is renewable on recommendation of the Dean, after consultation with members of the Department. Chairs are directly responsible to the Dean of the School.

Department Chairs are responsible for administering their departments efficiently, in accordance with established University policy and directives issued by the Deans. They have the responsibility to build Departments that are strong in teaching and in scholarship. Chairs of larger Departments, because of greater administrative duties, may receive a reduction of their teaching loads, if this is deemed advisable by the Dean. Chairs who have a normal teaching load receive a stipend for their administrative work.

It is the responsibility of Department Chairs:

- a.** to meet periodically with the Dean to discuss departmental concerns; to evaluate the quality of instruction in the Department; and to serve on committees and councils of the Dean;
- b.** to schedule, prepare the agenda, and preside over regular departmental meetings;
- c.** to coordinate academic counseling for majors in the Department; process requests for advanced placement credit and independent study credit; approve, either personally or through a delegate, the course schedules for majors in the Department;
- d.** to plan with members of the Department innovative curriculum changes and teaching methods; supervise changes of textbooks and departmental descriptions in the official university catalogs/bulletins; and assist in marketing and public relations;
- e.** to participate in the formulation of Faculty Development and Growth Plans as discussed in Section 2.5.2.
- f.** to submit to the Dean, each semester, after consultation with the members of the Department, a proposed course schedule for the following semester;
- g.** to propose the annual Departmental budget, in consultation with the full-time members of the Department, and to supervise the implementation of the budget;

- h.** to consult with the Dean in recommending part-time instructors for the Department, and in case of a need for a full-time member of the Department, to help in the search;
- i.** to recommend to the Graduate Council a Graduate Adviser, if graduate courses are offered in the Department;
- j.** to acquaint new faculty members with University and Departmental policies and procedures;
- k.** to maintain Department records;
- l.** to write letters of recommendation for students;
- m.** to participate in the resolution of grade appeals and academic conduct issues;
- n.** to supervise, either personally or through a delegate, the Departmental office staff, work-study students, and lab assistants;
- o.** to supervise Departmental activities during the summer sessions;
- p.** to encourage members of the Department to actively participate in learned societies, faculty development programs, and research activities; etc.
- q.** to handle grade appeals as provided for in Section 2.17.7;
- r.** to assist in enforcement of rules requiring academic honesty (See Section 2.17.5); and
- s.** to coordinate the assessment of student outcomes for the department and each major.

#### **1.4.3.2.1 Evaluation of Department Chairs and Academic Administrators**

Chairs and other academic administrators are evaluated annually through a process which affords faculty the opportunity to comment upon a Chair's job performance.

#### **1.4.3.2.2 Removal of a Department Chair**

At any time during the term of appointment, the Provost and Vice President for Academic Affairs, on the recommendation of a Dean, can relieve a Department Chair of administrative duties if there is a clear indication of the necessity for such action. The decision to relieve a Department Chair must include a written consultation of full-time faculty members in that department and an opportunity for the Chair to respond to the proposed action. Being relieved of administrative duties does not affect the individual's status as a faculty member.

#### **1.4.3.3 Louis J. Blume Library and Charles L. Cotrell Learning Commons**

The Louis J. Blume Library and Charles L. Cotrell Learning Commons houses various academic development services which facilitate and enhance individual and group instruction. These services have unique purposes and functions which are listed below. The Executive Director of the Louis J. Blume Library serves as the general coordinator of these instructional resources under the title, "Executive Director of the Louis J. Blume Library and Charles L. Cotrell Learning Commons."

##### **1.4.3.3.1 Academic Library Agreements (Approved by the Board of Trustees Nov. 4, 2005)**

##### **Mutually Beneficial Resource-Sharing**

***For purposes of mutually beneficial resource-sharing, the Louis J. Blume Library may enter into formal association with libraries from other institutions. These agreements to share resources must be approved by appropriate officials at both St. Mary's University and the other cooperating institutions. An exception to this occurs when a consortium***

*to which the library belongs accepts new members. For example, the Blume Library belongs to the Council of Research and Academic Libraries, to the AMIGOS Bibliographic Council and to TEXshare. All of these consortia have their own rules and regulations and accept members under predetermined guidelines.*

*The Blume Library does not enter into agreements, unless the University mission indicates an exception should be made, with institutions that do not have local libraries with which resources may be mutually shared.*

**Mission-derived agreements with other institutions**

*The university has on only one occasion permitted another institution to utilize resources of the Blume Library without that institution's having a significant library for our own students to use. The reason for that was based upon the St. Mary's University mission statement. The faculty and staff of the Mexican American Cultural Center was issued library cards entitling them to check books out of the Blume Library. Such requests must be made through appropriate offices of the university and approved by the Provost and Academic Vice President or the President of the university.*

**Independent Scholars**

*For various reasons, the Blume Library Executive Director, the Provost and Academic Vice President and the President reserve for themselves the responsibility of issuing library privileges to independent scholars or scholars from other institutions whose work could be enhanced by the use of the Blume Library. Should such scholars be from institutions in the State of Texas, they may, instead make use of a TEXshare card from their own institutions. This responsibility is rarely exercised and is consistent with library practices throughout the United States.*

**1.4.3.3.2 Executive Director of Louis J. Blume Library and Charles L. Cotrell Learning Commons**

The Executive Director is appointed by the Provost and Vice President for Academic Affairs and is responsible for the organization, operation, and development of the Academic Library services of the University in a manner consistent with its purposes and objectives.

The Executive Director consults with the Deans of the Schools and Department Chairs in order to provide for the requirements and services of the Schools; is a member of all committees dealing with the Library; attends all general faculty meetings; is available for special department meetings; advises the Deans, Department Chairs, and members of the faculty on ways of better integrating the Library with programs of instruction.

The Executive Director is responsible for developing Library policies; for long-range planning of the Library collection; for staff services; and for proposing and administering the budget.

The Executive Director is responsible to the Provost and Vice President for Academic Affairs and is a member of the Academic Council. With the approval of the Provost and Vice President for Academic Affairs, the Executive Director makes appointments to the Library staff and establishes their salary classification.

**1.4.3.3.3 Learning Assistance Center Director**

The Learning Assistance Center (LAC) provides tutorial support and instructional resources for all students, staff, and faculty in a learner-oriented environment. The LAC administers the Writing Center and the Academic Enrichment Program. The Director is appointed by the Provost and Vice President for Academic Affairs. Other LAC staff include the Associate Director and the Administrative/Technical Assistant.

**1.4.3.4 Sarita Kenedy East Law Library**

The Sarita Kenedy East Law Library is the primary research library for students and faculty of the School of Law. The Library serves the faculty and students of St. Mary's University as they engage in legal research. The Library's mission is to support legal education and scholarship by providing outstanding service and information resources.

The Library, to fulfill the University's mission and promote social justice, makes itself open and available to members of the San Antonio Bar Association, other attorneys, and community residents at large.

#### **1.4.3.4.1 Director of Sarita Kenedy East Law Library**

The Director of the Sarita Kenedy East Law Library is a tenure-track or tenured member of the full-time law faculty. The Director's primary responsibility is to administer the Sarita Kenedy East Law Library in supporting the mission of the School of Law, and his (or her) other substantive duties include teaching and committee service. The Director is appointed by the Provost and Vice President for Academic Affairs upon the recommendation of the Dean of the School of Law for an indefinite term.

The Director is responsible for developing and determining the library policies and procedures; for conducting long-range planning in the library's collections, resources, services and facilities; for proposing and managing the library's budget; for hiring and supervising the librarians and other personnel; and for administering the library's other affairs.

The Director consults with the Dean of the School of Law in setting policies and administering the library. The Director reports to the Dean for administrative duties.

#### **1.4.3.5 Registrar**

The Registrar evaluates transcripts; maintains permanent academic records; issues official transcripts and grade reports; computes the credit and grade point standing of each student; prepares academic rankings relating to suspension, probation, honors and graduation.

The Registrar maintains a record of CLEP, Advanced Placement, and other modes of non-traditional credit granted; provides information on the academic status of students to approved on-campus and off-campus persons or entities; verifies completion of all degree requirements and submits that information for approval of the academic Deans.

The Registrar is directly responsible to the Deans on academic records matters relating to the specific Schools. The Registrar is appointed by and ultimately responsible to, the Provost and Vice President for Academic Affairs.

#### **1.4.3.6 Director of Institutional Effectiveness**

The Director for Institutional Effectiveness reports directly to the Provost and Vice President for Academic Affairs of the University, and coordinates the planning and research activities that are designed to facilitate the achievement of the University's Mission. In this regard, the Director manages projects for the President, Provost, and members of the Executive Council and Academic Council.

Specifically, the Director for Institutional Effectiveness provides support for strategic and operational planning, serves as a coordinator of all external reports and other information requests, assists the university community in planning and evaluation, and provides regular communication to the university community regarding institutional facts, trends and related issues. In addition, he or she coordinates all institutional research activities of the university, ensuring uniformity of reporting. He or she consults with the vice presidents and their staffs regarding evaluation methods and research designs. Lastly, along with the Executive Director of Administrative Computing, he or she assists in the development of data management systems for the university's administrative functions.

#### **1.4.3.7 Director of Writing Across the Curriculum Program**

The Director of Writing Across the Curriculum Program is appointed by the Provost and Vice President for Academic Affairs and is responsible for oversight, maintenance, and on-going development of all university-wide writing intensive courses, for continuing education of participating faculty, and for writing assessment as may be required by the University.

#### **1.4.3.8 Director of Academic Advising**

The Director of Academic Advising is appointed by the Provost and Vice President for Academic Affairs and is responsible for identifying changes in the advising process to allow for desired student academic development with an emphasis on clarifying career goals. The Director coordinates and supervises faculty advising during student orientation and registration and all faculty training activities linking academic development with career goals.

#### **1.4.3.9 Director of the Honors Program**

The Director of the Honors Program, in consultation with the Honors Council, is responsible for recruiting and selecting high school candidates for admission into the Honors Program; scheduling Honors courses; reviewing and revising the programs curriculum; advising Honors Scholars; coordinating co-curricular activities; and administering the program budget. The director must be a member of the full-time faculty and is appointed by the Provost and Vice President for Academic Affairs after consultation with the faculty and Deans. The Director maintains the Honors Office and is Chair of the Honors Council.

#### **1.4.3.10 Director of Critical Studies Program**

The Director of the Critical Studies Program is a faculty member appointed by the Provost and Vice President for Academic Affairs and is responsible for the identification of incoming students who need to develop their academic critical thinking skills and for the placement of those students into a course specially created to work on those skills. The Director works with the Director of Academic Assessment to identify students who qualify for the course and to analyze data regarding those students' academic performance and assessments. In addition, the Director of the Critical Studies Program coordinates with the Director of the Academic Enrichment Program and the Director of the Learning Assistance Center in evaluating and refining the course and is responsible for identifying and training instructors to teach the course and for scheduling sections of the course.

#### **1.4.3.11 Director of Continuing Studies and Professional Development**

The Director of Continuing Studies and Professional Development is appointed by the Provost and Vice President for Academic Affairs and is responsible for preparing professional development programs for non-traditional students, primarily from the business community and school districts. The Director arranges course locations; recruits instructors; markets programs through personal contacts and systematic mailing procedures; prepares and awards certificates of completion; maintains student records; and manages the budget.

#### **1.4.3.12 Executive Director of Academic Research and Sponsored Projects**

The Executive Director of Academic Research and Sponsored Projects is an exempt, administrative professional position that is appointed by and reports to the Provost and Vice President for Academic Affairs. The Office of Academic Research and Sponsored Projects is the central administrative unit responsible for all externally funded sponsored projects, grants, and contracts relevant to Academic Affairs activities. The Executive Director is responsible for pre-award, some post-award, and academic-based compliance for all academic research and sponsored projects.

#### **1.4.3.13 Director of Upward Bound Program**

The Director of the Upward Bound Program is appointed by the Vice President of Academic Affairs and is responsible for designing and implementing project activities, innovations, and revisions; establishing Program goals and objectives; selecting and supervising all program staff; planning and implementing staff in-service training meetings/workshops; supervising recruitment and selection of Upward Bound participants; supervising academic placement of Upward Bound students; and supervising standardized testing, counseling, and related student services. The Director prepares and submits proposal/grant applications for continued funding and submits all required reports and documents to the U.S. Department of Education.

#### **1.4.3.14 Director of Communications and Development - School of Law**

The Provost and Vice President for Academic Affairs, upon the recommendation of the Dean of the School of Law, with the consent of the Vice President for University Advancement, may appoint a Director of Communications and Development.

#### **1.4.4 Vice President for Administration and Finance**

The Vice President for Administration and Finance is appointed by the Board of Trustees for a term of three years renewable upon the recommendation of the President. With the assistance of managers of various support programs, the Vice President has overall direction of business accounting procedures; preparation and administration of the annual budget; collection of all revenues; disbursement of all expenditures; and management of all investment funds. The Vice President oversees policies concerning purchasing, routine requisitions, payroll procedures, and supervision of stores and inventories.

Additional duties include responsibility for the bookstore, cafeteria, and risk management, and supervision of the facilities, including buildings and grounds, campus improvement, and building planning, as well as communications with and the related control of all personnel associated with these services. Charged with supervising University Police and Security, and the related control of all associated personnel, the Vice President for Administration and Finance also serves as the Affirmative Action Officer.

The Director of Human Resources, reports to the Vice President, and maintains personnel records and administers benefit programs for all employees.

The Vice President for Administration and Finance acts as secretary for the Finance Committee and the Investments Committee of the Board of Trustees.

#### **1.4.5 Vice President for Student Development**

The Vice President for Student Development is appointed by the Board of Trustees for a term of three years renewable upon the recommendation of the President. The Vice President reports directly to the President and supervises the areas of counseling and testing, career development, athletics, student leadership and orientation, judicial affairs, Greek life and student organizations, the university center, wellness programming and recreational sports, and civic engagement. The Vice President for Student Development, together with staff members, is responsible for the coordination of these functions, activities, and services.

The Vice President serves as a member of the University's Executive Council, chairs the Student Development Council, is secretary of the Student Development Committee of the Board of Trustees, chairs the Athletic Convocation Planning Committee, and serves on other campus-wide committees as appropriate.

##### **1.4.5.1 Dean of Students**

The Dean of Students serves as the primary spokesperson for campus life. In this role, the Dean is charged with developing a campus environment and community to promote spiritual, psychological, intellectual, cultural and physical development of students. The Dean reports directly to the Vice President for Student Development serves as a member of the Student Development Council and the Academic Development Council, and accepts other campus-wide committee assignments as appropriate.

#### **1.4.6 Vice President for Enrollment Management**

The Vice President for Enrollment Management is appointed by the Board of Trustees for a term of three years renewable upon the recommendation of the President. Responsible for coordinating St. Mary's admissions marketing and student retention efforts, the Vice President supervises the offices of Admissions and Financial Aid and coordinates campus activity with external programs and agencies related to college preparation, enrollment and funding.

The Vice President for Enrollment Management is directly responsible to the President; is a member of the Executive Council and the Academic Council and serves as an ex officio member of the Academic Affairs Committee of the Board of Trustees.

#### **1.4.6.1 Assistant Vice President for Retention Management**

The Assistant Vice President for Retention Management provides leadership and vision for planning, managing, and evaluating undergraduate retention activities for St. Mary's University. The Assistant Vice President works with a team of colleagues in enrollment management, and collaborates with faculty and staff across the University in promoting student success (*defined as: academic achievement; engagement in educationally purposeful activities; satisfaction; acquisition of desired knowledge, skills and competencies; persistence; educational attainment and post-college performance*) as the fundamental component of retention management. The person will assist community members in linking co-curricular with curricular enterprises in support of an integrated experience that ultimately improves student retention and success at St. Mary's.

#### **1.4.7 Vice President for University Advancement**

The Vice President for University Advancement is appointed by the Board of Trustees for a term of three years renewable upon the recommendation of the President. The Vice President reports directly to the President and supervises the divisions of alumni relations, annual fund, development, and university communications, coordinating their activities and keeping the President fully informed of the status and progress toward established goals. The Vice President is charged with the development and administration of programs and activities as designated by the President, and assumes responsibility for formulating and administering all fund-raising activities of the University's constituencies. The Vice President for University Advancement serves as a member of the University's Executive Council; as an ex officio member of the Appointments Committee of the Board of Trustees; and as secretary of the University Advancement Committee of the Board of Trustees.

#### **1.4.8 Vice President for Mission and Identity**

The Vice President for Mission and Identity is appointed by the Board of Trustees upon the recommendation of the President and the Members of the Corporation of St. Mary's University. The Vice President's primary responsibility is to promote and foster the Catholic and Marianist Identity of the University.

The Vice President will work in collaboration and consultation with vice presidents, deans, department chairs and other administrators on matters related to recruiting and hiring for mission, as well as orientation and education of trustees, faculty, staff and students regarding the University's mission and identity. As leading liaison in promoting the presence of a professed Marianist on the Executive Council of the University, the position is specifically charged with responsibilities relative to Marianist presence.

### **1.5 ORGANIZATIONAL CHART**

Current Organizational charts can be found on the University Profile's website or click on the link below:

[https://www.stmarytx.edu/wp-content/uploads/2012/11/FA12UniversityProfile-Organizational\\_Charts-Done.pdf](https://www.stmarytx.edu/wp-content/uploads/2012/11/FA12UniversityProfile-Organizational_Charts-Done.pdf)

### **1.6 Governance of St. Mary's University**

#### **1.6.1 General Statement on Governance (adopted January 14, 1998)**

##### **St. Mary's University as a Community: The Spirit of Governance**

This statement is a call to mutual understanding regarding the governance of St. Mary's University. St. Mary's University is an academic community shaped by Catholic ideals, attitudes, and principles which assist in the protection and advancement of human dignity, and by a Catholic and Marianist heritage through teaching, research, and service offered to local, national, and international communities. ("St. Mary's University Mission Statement" 1981; Ex corde ecclesiae, § 12).



It is an intentional community animated by a spirit of faith, freedom and charity, by mutual respect, sincere dialogue, and the protection of the rights of others. All its members are called to promote unity and to contribute to decisions affecting the community.

### **1.6.2 St. Mary's University as an Academic Institution: A Joint Effort**

Education is a cooperative activity in which the partial efforts of many are coordinated in order to achieve stated goals. Communities need structure and so the University community has policies, rules and processes to regulate the community life and common good (Rev. John J. Moder, S.M., "St. Mary's as a Catholic University," 16 August 1989, p. 8).

Governance is the means through which we who are united in a common cooperative effort choose freely, and with mutual trust and support, to structure the life of our community. Governance includes the methods of directing or managing the common life of the University; the mechanisms for the exercise of authority; types of accountability; and the procedures for decision-making. Governance is an exercise in leadership and participation in the ongoing life of the community. Governance requires reflection on the meaning and purpose of an institution's life. It includes planning, opening lines of communication, and maintaining lines of accountability for the life of the University. Governance, in short, provides for the full participation of all members in the life and work of the community. Thus governance must be conducted in the spirit of the institution, reflecting the values, hopes, and aspirations of the community not merely as a present reality, but as one with a past that constitutes our living tradition and with a future that holds the goals we seek to achieve (Ex corde ecclesiae, §13; Rev. John J. Moder, S.M., "The Deeper Marianist Intentions at St. Mary's University," 15 August 1995, pp. 3-4; Moder, "St. Mary's as a Catholic University," p. 8).

- Governance must reflect our educational intent as expressed in the identity, mission, and objectives of the University. (Moder, St. Mary's as a Catholic University, pp. 5, 8).

We affirm, then, that the work of governance at St. Mary's University is a joint one of trustees, administrators, faculty, professional and support staff, and students. As a Catholic university, St. Mary's attains its educational objectives not only through academic pursuits but also through establishing and maintaining a genuine human community of faith. Community cannot be separated from education, nor education from the community. Governance has as its primary concern the fostering and promotion of the University's mission. This mission includes a commitment to a Catholic educational experience and is permeated by religious and spiritual values and a commitment to service. This commitment is a distinguishing mark of education in the Catholic and Marianist tradition. (Rev. Conrad Kaczkowski, S.M.; Rev. Charles H. Miller, S.M.; & Rev. Joseph Tarrillion, S.M., "SM Mind: Marianist Mentalité," p. 2; Moder, "The Deeper Marianist Intentions at St. Mary's University," p. 2; Ex corde ecclesiae, § 12).

The governance of this University community is animated by a spirit of faith, freedom, charity, and respect for the particular character of the institution. Each member of the community helps to promote unity, and each one contributes, according to her or his role and capacity, toward decisions which affect the Catholic and Marianist character of the institution (cf. Alice Gallin, ed., American Catholic Higher Education: Essential Documents 1967-1990, "The Catholic University in the Modern World," p. 49).

### **1.6.3 Exercise of Legitimate Authority**

The University can be neither well-ordered nor prosperous unless some persons are invested with legitimate authority to lead the community in the accomplishment of its mission, to preserve the University as an institution, and to devote themselves as far as necessary to work and care for the good of all in the University community. Authority is the quality by virtue of which the University and its administrators make policies, give orders, and expect compliance (Catechism of the Catholic Church, §1897). Authority is exercised legitimately only when it seeks the common good of the community and employs morally wholesome means to attain it (Pacem in Terris, §47-48, 51).

### **1.6.4 Concern for the Common Good**

The concern for the common good describes both an awareness that the goals to be realized exceed our individual capacities and an attitude towards the conditions that must be fulfilled if we are to realize our shared intentions in the

world to which we offer our service. The common good itself, as understood in this document, is the set of institutional and personal conditions necessary to allow the University as a moral body to carry out its mission and its members as individuals to reach their fulfillment more deeply and more easily. The concern for the common good encompasses the life of all members of the University community and, in due proportion, that of the diverse publics the University serves. The Mission Statement of the University gives direction to the common good sought for this community.

Concern for the common good presupposes respect for the human person as such. All who exercise authority in the University, indeed, all members of the University community, are bound to respect the fundamental dignity of each person. Concern for the common good calls for prudence from each member of the community, and even more from those who exercise the powers of office (Gaudium et Spes, 26 §1).

The common good of the University as such is directed toward the education of students, towards scholarly productivity, and towards service to society. But it also includes the social well-being and development of the University as a whole as well as its constituent interest groups: faculty, professional and support staff, students, and, in due proportion, the University's diverse publics. An essential function of governance is to moderate and arbitrate among interests in order to promote and coordinate collaboration which produces the common good.

The common good requires peace; that is, the stability of a just and fair socio-economic order within the institution. We affirm that the University's life should be guided by a commitment to social justice. (Gallin, American Catholic Higher Education, "Catholic Higher Education and the Pastoral Ministry of the Church," p. 143).

- We acknowledge that the common good is always oriented towards the progress of persons: "The order of things must be subordinate to the order of persons, and not the other way around." This order is founded on the virtue of truthfulness and is built up in justice and animated by love (Gaudium et Spes, 26 §3).

#### **1.6.5 Qualities of Good Governance**

The exercise of authority for the sake of the common good at all levels is a service characterized by a willingness to engage in dialogue, by an acceptance of co-responsibility, by commitment to participation, by respect for subsidiarity, and by a sense of accountability ( Cf. Rule of Life, Society of Mary, §7.2).

These characteristics express both the interior qualities to which we aspire and the social order we wish to realize in the community. Governance structures are interpreted in light of a presumed personal commitment to the values expressed in these characteristics.

#### **1.6.6 A Willingness to Engage in Dialogue**

The University is a community of dialogue. The phrase "dialogic community" expresses well an essential characteristic of a Catholic and Marianist University. Dialogic community does not mean that we do or think the same things, but it does mean that we share common core experiences and understandings and that we work to make our differences complementary rather than contradictory. Common understanding can be achieved only through a sharing of meanings and values during some form of dialogue. Complementarity demands that we understand and value the specific contribution that each person makes to our common project; and this mutual support can be achieved only through our sharing what we are doing and what it means to us and to the larger enterprise. Dialogue is facilitated by open and clearly defined channels of communication, especially between the administration and all members of the community. The dialogic community moves toward this common meaning and appreciation through a sharing of our lives and works (Rev. John J. Moder, S.M., "Dialogic Community as the Instrument of Marianist Education Mission," p. 1).

- Our challenge is to become a model of dialogue, guided by the pursuit of truth, which is compelling for all that seek the truth. (Moder, "St. Mary's as a Catholic University," pp.3, 5).

### **1.6.7 Acceptance of Co-responsibility**

St. Mary's University constitutes a community of persons. All who belong to this community, whether considered as individuals or as members of academic bodies, accept responsibility -- according to each one's situation -- both for the common good and for the Catholic identity of the University. This means that we shall cooperate diligently in our efforts to assist the University to attain its goals (Moder, "St. Mary's as a Catholic University," p. 7). Co-responsibility also implies mutual accountability within a dialogic community.

To encourage this sense of co-responsibility, all involved in the University should be animated by the same spirit of love, and should share reciprocally in a sincere dialogue that characterizes the act of governance ("A Statement of Management Philosophy for St. Mary's University," p. 1; Kaczkowski, Miller, & Tarrillion, SM Mind, p. 2).

The members of the University community exercise co-responsibility by membership in the councils and committees of the University, through appropriate consultation of other members of the University community, and by the creation of suitable University associations.

### **1.6.8 Commitment to Participation**

The ideal governance in a university is participative or collegial governance. By participation we mean the voluntary and generous engagement of persons in social interchange in furtherance of the University's mission. It is necessary that all participate in promoting the common good, each according to his/her position and role (Catechism of the Catholic Church § 1913). Each person is challenged to move continually beyond exclusively personal interests, beyond preoccupations of everyday work, and beyond departmental perceptions, consciously to accept responsibility for the whole of the Institution, to behavior in keeping with its identity, and to the realization of the ideals upon which the University is founded. Self-transcending behavior on the part of all is integral to the realization of the educational mission of St. Mary's University ("A Statement of Management Philosophy," p. 3).

Participation in the educational venture of the University is achieved first of all by taking charge of the areas for which one assumes personal responsibility: e.g., the management of the classroom, the development of teaching strategies in particular courses, etc. Participation includes active involvement in the work and deliberation of departmental, School, and University business. Participation also presupposes a commitment to continuing professional, personal, moral, spiritual, and intellectual development.

Participation in a spirit of co-responsibility should permeate the culture of the University. This means that the University opens and maintains lines of dialogue and communication in the life of the University with all parts of the University community. Colloquia, convocations, and other meetings of the community are indispensable avenues of discourse for the mutual exchange of ideas and commitments. Participation occurs through formal consultation, advisory relationships, and inclusion in policy-determining bodies. Those to be affected by a decision should be consulted in the decision-making process. When participation takes the form of inclusion in the decision-making process, those participating in the decision-making process must abide by the principle of subsidiarity.

- Participative governance at St. Mary's aims at collaborative and consultative dialogue that seeks institutional unity.

### **1.6.9 Respect for Subsidiarity**

The principle of subsidiarity is a well-established principle of the Catholic ethos of governance (Quadragesimo Anno, §79-80; Mater et Magistra, §53; The Rule of Life, Society of Mary, §7.5; "A Statement of Management Philosophy," p. 1). Subsidiarity means that decisions should be made at the level of the lowest possible body with authority to determine action and to act. Decisions that ought to be made by one body should not be given or returned to a higher body for decision. Correspondingly higher bodies should not take for themselves the authority to decide issues which belong to a lower body (Rule of Life, Society of Mary, §7.5). Every effort is made to locate the decision-making process as close as possible to those who will be required to carry out or act on the decision.

- Exercising the capacity to deliberate, decide and act is not a privilege accorded by authority; it is a human right that is essential to complete human development.

#### **1.6.10 Sense of Accountability**

Just as subsidiarity places decision-making closest to the level of implementation, accountability to higher authority assures that decisions and actions taken genuinely contribute to the mission of the institution. Supervisors at each level, along with their respective advisory councils, are charged with directing the units and persons under their authority towards institutional goals and with guiding them in a concern for the common good of the University community. The sense of accountability characteristic of Marianist institutions is the personal acknowledgment by the individual that one is engaged in a community endeavor that transcends the self, that one's contributions to the mission of the University must be evaluated and acknowledged in turn by the University community through its administrative structures. This sense of accountability, through appropriate instruments and dialogue with supervisors, seeks to assure that creative initiatives be undertaken in harmony with the mission and Strategic Plan of the University, that teaching and other work be assessed and evaluated for the sake of improving future efforts. The sense of accountability also leads supervisors to welcome the reflections of the University community upon their performance of their duties in caring for the common good and the mission of the institution.

#### **1.6.11 Structures of Governance**

The Faculty Handbook elsewhere describes the administrative structure and the functions of the governing and advising bodies of St. Mary's University.

##### **1.6.11.1 The Faculty**

The faculty is the most important resource of the institution, competent not only in the discharge of instructional and scholarly obligations within the various disciplines, but also in the execution of other duties within the total community of St. Mary's. To faculty belong especially care and concern for general educational policy and for the academic program of the University. Faculty therefore have a primary role to play in the governance of matters relating to the academic program of the University.

The faculty's role in setting educational policies gives it primary responsibility for the setting of degree requirements for courses of study approved by the Board of Trustees; the general oversight of the curriculum and of academic regulations regarding such matters as class attendance, examinations, and grades; and the supervision of special studies programs. Consistent with the principles of governance set forth in this Statement, faculty also participate in decision-making regarding scholarships; library policy; research; admissions; athletics; computing; the quality of community life; the special needs of minorities, women, and others; budgetary matters; student conduct; and faculty personnel policies.

The Faculty Senate is one of the faculty's principal means for participation in University governance. In implementing the principles of governance set forth in this Statement, the Board of Trustees and the administration of the University rely on the Faculty Senate to ensure the full and active participation of the faculty in the governance of the University. The Faculty Senate is charged with representing faculty interests within the total life of the University and participates with the administration and Board of Trustees in the formation and development of University policy.

- It is the duty of each member of the faculty to take an active interest in the government of the University and to discharge the particular duties of his or her appointment subject to the arrangements of the faculty.

##### **1.6.11.2 Professional Staff and Support Personnel**

Professional staff and support personnel are an integral part of the University community and make an indispensable contribution to the life of the community. Their competence, understanding of, and dedication to the objectives of the University are important factors in achieving those objectives (*Ex corde ecclesiae*, § 24). Therefore, the governance or management exercised by the professional staff and support personnel ought to be characterized by the same spirit of governance that characterizes the academic sector of the community. Specifically, all professional staff and support

personnel are charged with promoting and implementing the values contained in the University mission with concern for the common good, with the willingness to engage in dialogue, with the acceptance of co-responsibility, with the commitment to participation, and with the respect for subsidiarity that are the hallmarks of Catholic community life. Professional staff and support personnel are represented by the Human Resources Advisory Council, a body elected from each Vice Presidential area.

### **1.6.11.3 Students**

We recognize that a student's education consists of more than what happens in classrooms, libraries, and laboratories. Therefore, student campus life ought to model the principles of authentic community. The ordering of student life ought to be consistent with the principles by which the life of the University community is governed. Special concern is paid to providing different opportunities for participation in student life, such opportunities being undergirded by a commitment to service. Students are actively encouraged to be involved in campus and community service.

- In light of these commitments to students and their whole education, we affirm that the structures of student government must also reflect the mission and commitments of the University as a community.

### **1.6.12 Conclusion**

The community of St. Mary's University is governed by ideals, attitudes and principles that express a commitment to human dignity through our Catholic and Marianist heritage. We are united in a cooperative educational activity within structures of governance that foster in all a concern for the common good. Qualities expected at all levels in the exercise of governance include a willingness to engage in dialogue, an acceptance of co-responsibility, a commitment to participation, a respect for subsidiarity, and a sense of accountability. It is through the personal efforts of each member of the community to develop within him/herself these qualities that we most effectively and authentically contribute to the goals of the Mission of St. Mary's University.

## **1.7 Governing and Advising Bodies of St. Mary's University**

### **1.7.1 Board of Trustees Committees**

#### **1.7.1.1 Executive Committee**

The Executive Committee of the Board of Trustees has the authority of the Board in the management of the business and affairs of the University, consistent with the policies of the Board and with exceptions specified in Article I, Section 5.2 of the By Laws of St. Mary's University of San Antonio, Texas, Revised: February 13, 1987. The Executive Committee acts only during the intervals between Board meetings and reports directly to the Board.

The Executive Committee is composed of (9) members of the Board of Trustees elected by a majority of the Board. Additionally, the following members are ex officio members of the Executive Committee:

- a. Chair of the Board of Trustees, who acts as Chair of the Executive Committee;
- b. Vice Chair of the Board of Trustees, who acts as Vice Chair;
- c. the President of the University;
- d. the Secretary of the Board of Trustees, who acts as Secretary, and
- e. Chairs of the Standing Committees of the Board of Trustees, who are full members of the Executive Committee.

### **1.7.1.2 Standing Committees**

The Board of Trustees shall have the power to appoint both standing and special committees from among its membership to aid the accomplishment of its functions. It may include non-Board members in such committees; however, each committee shall have at least two members of the Board of Trustees. Such committee membership will in no way be construed to impart Board of Trustees status to such committee members who are not validly elected Trustees. These committees shall have no legislative or executive powers of their own beyond what is conferred upon them by their charge from the Board of Trustees. Such committees may serve until completion of their assigned tasks or until adjournment of the next annual meeting of the Board of Trustees, unless otherwise specified by the Board of Trustees through the Chair, and shall be empowered to act only when and to the extent to which they are formally adopted by the Board of Trustees. One member of each committee shall be appointed chair by the Board of Trustees.

The following are the Standing Committees of the Board of Trustees:

- a.** Academic Affairs
- b.** Appointments
- c.** Finance
- d.** Investments
- e.** Student Development
- f.** University Advancement

Included in the membership of the Academic Affairs Committee are the Provost and Vice President for Academic Affairs, who serves as Secretary, the President of the Faculty Senate, and two other members elected at-large by the faculty for a two-year term.

## **1.7.2 Administrative Councils**

### **1.7.2.1 Executive Council**

Chaired by the President, the Executive Council is composed of the Vice Presidents for Academic Affairs, Student Development, Administration and Finance, Enrollment Management, University Advancement, and the Assistant to the President for Planning and Institutional Research.

This Council considers and advises the President on internal and external policy matters pertaining to the University.

### **1.7.2.2 Academic Council**

Chaired by the Provost and Vice President for Academic Affairs, the Academic Council is composed of the Deans of the five Schools, the Vice President for Enrollment Management, and the Director of the Academic Library.

This Council considers and advises the Provost and Vice President for Academic Affairs on academic matters and programs.

### **1.7.2.3 Graduate Council**

The Graduate Council is the policy-making and legislative body of the Graduate School. It advises the Dean of the Graduate School on problems requiring special attention, and decides academic graduate matters, including, but not limited to:

- a.** minimum (not uniform) regulations and standards for admission and retention of students, and for curricula, programs, and degree requirements;
- b.** uniform requirements, and other requirements, for graduate degrees;
- c.** policies for the authorization of courses and curricula carrying graduate credit; and

- d. standards governing the selection of professors participating in graduate work.

In addition, the Graduate Council approves or disapproves:

- e. course offerings, programs, and degrees;
- f. nominations for membership on the Graduate Council, Graduate Faculty, and the Associate Graduate Faculty;
- g. applications for admission to candidacy;
- h. recommendations of committees for theses and examinations, topics of theses, and the conferring of earned degrees under its jurisdiction; and
- i. awards of fellowships, scholarships, assistantships, tuition remissions, and other benefits and opportunities within the Graduate School.

The Graduate Council is chaired by the Dean of the Graduate School and includes Graduate faculty Program Directors representing each of the departments which offer graduate degrees and each approved interdepartmental degree. The President and the Provost and Vice President for Academic Affairs are ex officio members.

Each Graduate Program Director is nominated by the department chair after consultation with members of the department and with the approval of the Dean of the School in which the department is posited administratively and the Graduate Dean. Each Graduate Program Director of an interdepartmental degree is nominated by the Dean of the School which provides faculty for the majority of courses comprising the program, after consultation with the faculty with responsibilities for teaching in the program, and with the approval of the Graduate Dean.

Nominations are addressed to the Graduate Council. Upon approval by the Graduate Council, the Academic Vice President appoints the Graduate Program Director for a period of two years. Program Directors may be reappointed.

#### **1.7.2.4 Faculty Senate**

All faculty appointees with full-time or pro-rata status annually elect at-large a Senate of eighteen members. Representation of the various academic units of the University is provided for in the election procedures described in the Constitution of the Faculty Senate. The Senate elects its own officers, who report directly to the Provost and Vice President for Academic Affairs. The Senate meets regularly during the Fall and Spring semesters and all appointees with full-time or pro-rata faculty status may attend.

##### **1.7.2.4.1 The Constitution of the Faculty Senate of St. Mary's University**

#### **ARTICLE I    Name**

The name of this organization will be THE FACULTY SENATE OF ST. MARY'S UNIVERSITY.

#### **ARTICLE II    Objectives**

The purpose of the Faculty Senate of St. Mary's University is to serve as the primary instrument for faculty participation in University governance.

- A. To implement this objective, the Faculty Senate strives to exert effective influence by representing and serving faculty needs, views and interests, and by cooperating in an advisory capacity with the Administration and the Board of Trustees in the formation and development of University policies.

- B. The Faculty Senate serves to promote inter-school, interdepartmental and interscholastic discussion and decision on trends and developments in higher education, especially in the area of academic affairs.

### ARTICLE III Organization and Structure

- A. The Faculty Senate shall be elected by all full time appointees with faculty status as recognized by the Office of the Academic Vice President. The President of the Faculty Senate shall consult with members of the Senate at the first meeting of the newly-elected Senate in the Spring semester, and within one month of the first Senate meeting, shall appoint a part-time faculty member as a non-voting member of the Senate. This representative should have no less than two semesters teaching experience at St. Mary's University.

- B. All such full time appointees except members of the Academic Council and Executive Council are eligible to serve on the Faculty Senate.

#### C. Composition and Election of the Faculty Senate

1. The Faculty Senate will consist of eighteen members elected at-large.
2. The term of office for members of the Faculty Senate will be for staggered two year terms by school following the regular April meeting of the Senate. There will be no limitation on the eligibility of any member of the Faculty Senate to succeed her/himself.

#### 3. Election Process

- a. The election of the Faculty Senate will be held no later than April 7.
- b. Elections will be administered by the Officers of the Faculty Senate.
- c. Elections will be by secret ballot.
- d. Each voter will vote for a maximum of eighteen members.
- e. Ballots will be deposited in a place designated by the Officers of the Faculty Senate.
- f. The election will consist of one balloting at large.
- g. The top eighteen candidates will be declared elected Senators with the following provision: if any of the five schools (i.e., Humanities & Social Sciences; Business & Administration; Science, Engineering & Technology; Graduate; Law) or Library & Instruction Services is under represented among the eighteen senators elected at large, then the number will be reduced accordingly to accommodate representation from such school or unit in the following manner:

School of Humanities & Social Sciences and Graduate School .....	4
School of Science, Engineering & Technology .....	2
School of Business & Administration.....	2
School of Law.....	2
Library & Instructional Services.....	1

The top vote-getters of the under-represented school or unit will automatically become its Senator(s).

#### 4. Alternates



- a. The next two persons receiving the most votes will be alternates and may be called upon to replace Senate members unable to fill their term of office.
  - b. Alternates will be asked to attend all Faculty Senate meetings to provide continuity and will serve as voting members when completing a quorum.
  - c. The replacement of alternates may be filled by majority vote of the members of the Faculty Senate.
- 5. Attendance
  - a. Senate members who are absent more than three times (except for extenuating circumstances) during their Senate term will be replaced by an alternate with the highest number of votes.
  - b. Senate members who are unable to complete their term due to sabbaticals or other semester-long commitments will be temporarily replaced by an alternate with the highest number of votes.

#### **ARTICLE IV    Officers of the Faculty Senate**

- A.    Selection.** The officers of the Faculty Senate will be President, Vice President and the Secretary chosen by and from the membership of the Faculty Senate at the first regular meeting after the April election.
- B.    Authority.** The officers, who constitute the Executive Committee of the Faculty Senate, will:
  - 1.    call all meetings of the Faculty Senate;
  - 2.    determine the Faculty Senate's agenda, which will be published;
  - 3.    appoint all committees within the Faculty Senate;
  - 4.    gather information from the administration, the faculty, and the Board of Trustees, and communicate information to these sources;
  - 5.    disseminate information on Faculty Senate matters.

#### **ARTICLE V    Meetings**

The Faculty Senate will meet in regular sessions at least once each month during the regular academic year, the dates to be determined by the members. The first regular meeting of the newly elected Senate will be called by the retiring Executive Committee which will preside over the election and installation of officers.

All meetings of the Faculty Senate will be open to all voting faculty members. Others may attend by invitation from the Executive Committee.

#### **ARTICLE VI    Functions**

- A.** A quorum for all Faculty Senate matters will consist of a majority of the members.
- B.** The Faculty Senate will initiate proposals to, and receive, consider, and resolve requests from, the University administration and the Board of Trustees for counsel, opinions, and appropriate action.

- C. The Faculty Senate will receive, consider and resolve requests, suggestions, complaints or any form of communication from voting faculty members. It will be the express duty of the President of the Faculty Senate or of her/his appointed representative to communicate the action taken by the Faculty Senate to the faculty member or members concerned.
- D. It will be the express duty of the President of the Faculty Senate or of his/her appointed representative to present formal decisions on academic matters to the Academic Vice President. Decisions on non-academic matters will be reported to the Academic Vice President for distribution to the appropriate personnel as stated in the communication.
- E. Minutes of the meetings of the Faculty Senate may be made public in a manner determined by the Faculty Senate.

## **ARTICLE VII Amendments to the Constitution**

- A. Any voting faculty member at any Faculty Senate meeting may propose amendments to this Constitution which will be duly published at least two weeks before the next regular or special general faculty meetings.
- B. A majority of the voting members of the faculty members present at a general meeting or who vote in a general faculty election via electronic or paper ballots suffices to amend this Constitution.

### **1.7.2.4.2 By-Laws of the Faculty Senate**

- **Standing Committees**

There will be five standing committees in the Senate, each composed of three members excluding members of the Executive Committee, who, however, may serve ex-officio without vote. The standing committees shall be lettered A, B, C, D and E.

- **Procedure for Making By-Laws**

All By-Laws except those considered at the June 9, 1966 meeting of the Faculty Senate are introduced in writing at one meeting and voted on at the next meeting. The By-Laws introduced are not referred to a committee. It takes a 2/3 majority of senators present to accept them. The Secretary of the Senate in his/her notification of the time and place of the next meeting will include copies of the proposed By-Laws to the Faculty Senate members.

- **Resolutions**

Regardless of source, all resolutions must be given to the President of the Faculty Senate before a regular meeting of the Senate is called to order. Each resolution will automatically be referred to the standing committee which is due, by rotation of letters, for a resolution. This process will continue until all resolutions introduced at a meeting are assigned to committees. Resolutions determined as emergency matters by the Faculty Senate will not be referred to a standing committee.

- **Committee Procedures**

- a. The Committee will determine the time, place, and nature of all of its meetings. The Committee will hold one open hearing at which any faculty member has the right to appear and/or testify, unless it is the unanimous decision of the Committee that no open hearing is needed. In the latter case, if the majority of the Faculty Senate does not concur with the judgment of the committee, the Senate may require the Committee to hold an open hearing.

- b. A committee must report on resolutions no later than the second regular meeting of the Senate following the referral date, or the first regular meeting if the committee decides no open hearing is needed.
- c. A committee will submit a written report containing the following: (1) the exact resolution as proposed; (2) the dates of referral, open hearings, and other committee meetings; (3) the unsigned written report of the committee containing both the majority and minority report (if there is one). The reports will state the recommendation of the committee.

- **Meeting Procedures**

The fundamentals of Robert's Rules of Order will be followed except when they conflict with the Constitution and By-Laws.

- **New Business**

The order of business for each of the meetings will provide for the introduction of resolutions for the floor of the Senate.

- **Voting**

Votes will be by show of hands for routine matters except on demand of 1/5 of the senators present, in that case the vote will be by secret ballot. All votes on resolutions will be by secret ballot.

1. **Definition of Meetings**

At the end of each regular meeting the Senate will set a date for a meeting the following month which will be known as the regular meeting. The Executive Committee may call other meetings which will be known as special meetings. All meetings, regular or special, must be publicized to the general faculty in advance.

#### **1.7.2.5 Student Government Association (SGA) of St. Mary's University**

The Student Government Association (SGA) is the recognized student governing body at St. Mary's University. It is composed of officers and senators representing each class and also has representation from the various student organizations. Its Constitution and By Laws are found in the Student Handbook of St. Mary's University.

#### **1.7.2.6 Human Resources Advisory Council of St. Mary's University**

The purpose of the Human Resources Advisory Council is to serve as the advising body to the Vice President for Administration and Finance and the Director of Human Resources, who acts as chair of the Council, on all matters which concern non-faculty personnel of St. Mary's University in regard to employment conditions at the University.

The structure, Constitution and By Laws of this Council are found in the Personnel Manual of St. Mary's University.

#### **1.7.2.7 Academic Development Council**

The Academic Development Council, composed of various academic directors, considers and discusses matters of mutual concern relevant to academic affairs. This Council elects its own Chair at the beginning of each academic year and makes recommendations to the Provost and Vice President for Academic Affairs for further consideration and/or implementation.

**Membership:**

Provost and Vice President for Academic Affairs  
or designated representative, ex officio member

Director of Academic Technology Services

Executive Director of Sponsored Projects, Academic  
Research and Compliance

Executive Director of the Center for International Programs

Director of Institutional Effectiveness

Director of Learning Assistance Center

Ex. Director of Louis J. Blume Academic Library &  
Charles Cotrell Learning Commons

Director of PREP

Registrar

Director of Honors Program  
Director of Academic Advising

Director of Upward Bound  
Faculty Senate Representative

\*Membership subject to change based upon vote of Academic Development Council and approval by the Vice President for Academic Affairs and Provost.

#### **1.7.2.8 Administrative Council**

The Administrative Council functions as an open forum to discuss general University needs. Not a policy-making body, this Council serves as a communication vehicle between University administrators and directors.

"Administrators" are defined as those individuals who report directly to a member of the Executive Council. A "director" is defined as one who performs special administrative duties requiring professional training and/or experience. Meetings are called as required by the President.

#### **1.7.2.9 Student Development Council**

The Student Development Council serves at the request of the Vice Provost for Student Development in an advisory and information sharing capacity. Members of the Council advise the Vice Provost on matters that relate to the operation of various departments within Student Development and bring information about those departments to the Vice Provost and other directors. Additionally, the Vice Provost shares information from other areas of the campus with the directors.

Members of the Student Development Council are:

Vice Provost for Student Development  
Dean of Students  
Director of Athletics  
Director of University Ministry

Director of Career Services  
Director of Counseling and Testing  
Director of Health Center  
Director of Residence Life

This Council is chaired by the Vice Provost for Student Development.

#### **1.7.2.10 Honors Council (*Revised Jan. 12, 2018*)**

The Honors Council oversees the administration of the Honors Program. Its duties include program policy and planning, curricular review, and the selection of candidates for admission to the program. Members are appointed by the Provost and Vice President for Academic Affairs in consultation with the Honors Director, and are composed of four faculty representatives (two from the School of Humanities and Social Sciences; one from the School of Science, Engineering and Technology; one from the Greehey School of Business, *one from the School of Law*, one Marianist representative; one student representative; and two ex-officio members (the Honors Director and the Vice Provost for Enrollment Management).

Faculty and Marianist representatives are appointed for two-year renewable terms. The student representative is nominated by election of the Society of Honor Scholars and is appointed for a renewable one-year term.

#### **1.7.2.11 Athletic Council**

The Athletic Council serves to clarify the spirit, trends and directions of St. Mary's University concerning all athletic matters, including intercollegiate programs. In its advisory role, the Athletic Council: (1) fosters a close collaborative spirit with the academic segment of the University; (b) advises the Vice President for Student Development on athletic policies and administration; (3) serves as liaison between administration, faculty, students and alumni; and (4) provides recommendations on personnel positions.

The Athletic Council is composed of:

- a. Two faculty members recommended by the Faculty Senate and appointed by the Vice President for Student Development.
- b. Faculty Athletic Representative
- c. Student Representative, recommended by the Student Government Association and appointed by the Vice President for Student Development.
- d. Admissions Representative
- e. University Communications Representative
- f. Athletic Director
- g. Registrar's Office representative
- h. Booster Club representative
- i. Financial Assistance Office representative
- j. Director of Wellness Programming and Recreational Sports

### **1.7.3 Institutional Committees**

#### **1.7.3.0 Academic Assessment Committee**

The Academic Assessment Committee (AAC) is charged with overseeing the assessment activities in academic programs in order to foster and sustain a culture of assessment that is consistent with the mission and strategic plans of St. Mary's University and meets the requirements of accrediting bodies. The AAC makes recommendations concerning academic assessment policies and procedures and assures that academic assessment supports broader institutional effectiveness objectives. The AAC is comprised of one faculty representative from each school, a faculty representative from the Core Curriculum Committee, the Director of Institutional Effectiveness, and is chaired by the Associate Provost for Faculty, Assessment and Accreditation. Committee members work collaboratively to develop effective assessment tools and policies and serve as liaisons in communicating assessment strategies in their respective schools. The Committee reports to the Provost.

#### **1.7.3.1 Academic Review Board**

An Academic Review Board reviews academic programs that are affected by demographic changes. The review is based on information and data provided by the Director of Institutional Effectiveness. Its membership consists of the Provost and Vice President for Academic Affairs (Chair), the Academic Deans, and five full-time faculty members (three elected at large by the full-time faculty and two appointed by the Provost and Vice President for Academic Affairs). The elected members are selected for two-year terms and are to be chosen for their ability to make judgments in the light of the overall good of the University. (If any of the members are part of a department or program under review, the Provost and Vice President for Academic Affairs appoints a substitute to the Board for that particular review process.)

Review of any academic department or program will be undertaken at the discretion of the Provost and Vice President for Academic Affairs when: (a) The department or program suffers a 15% decline in enrollment over a two-year period (determined by the official class hours as recorded by the Registrar); or (b) the department or program utilizes more than 60% of its generated income for its internal costs (salaries, operational budget, etc.) two years in a row.

Review of a department or program:

- a. The Provost and Vice President for Academic Affairs prepares statistical data concerning enrollment declines and cost factors; meets with the appropriate Dean, the Department Chair, and members of the department or program in question; and calls together the members of the Academic Review Board to present the data and to report on the meeting described above.
- b. An evaluation of the department or program is made in the light of the following criteria:
  - i. Relationship of the program or department to Mission of the University or School and to the philosophy of the core curriculum.

- ii Relationship of the department or program to other programs and departments of the School.
- iii Severity of the enrollment decline and reasonable hope of reversal in the immediate future.
- iv Severity of the financial difficulties for the department or program and the effect upon other areas of the University.
- v Quality of the program or department.
- vi Length of time of the enrollment decline.
- vii Relationship of the program or department to civic and educational needs of the area.

Recommendations will be made to the Provost and Vice President for Academic Affairs by the Review Board. The Provost and Vice President for Academic Affairs may subject to review departments or programs for reasons other than those cited above, including: redirection of programs, mergers of programs, financial difficulties or severe enrollment declines, or for other reasons. The Academic Review Board makes recommendations on major changes in curriculum requirements, academic programs, or departments as provided in Section 2.8.5.1. It also provides advice on enrollment emergencies and financial exigencies (see Sections 2.8.5.2 and 2.8.5.3).

### **1.7.3.2 Arts Committee**

The purpose of the Arts Committee is to ensure an on-going series of art exhibits in the Academic Library. The Committee determines guidelines for the exhibits, schedules the exhibits, and plans opening and other events connected to the exhibit series. Permanent members of the Committee include the Coordinator of the Art Department, the Director of the Academic Library, and three other members appointed by and reports to the Provost and Vice President for Academic Affairs.

### **1.7.3.3 Campus Facilities Master Planning Committee**

The Campus Facilities Master Planning Committee reviews facilities needs and presents recommendations to the Executive Council and the Board of Trustees.

The Committee is chaired by the Vice President for University Advancement, and includes the Vice President for Administration and Finance, the Vice President for Student Development, the Assistant to the President for Planning and Institutional Research, a member of the Board of Trustees (designated by the Chair of the Board), the Director of the Physical Plant, the President of the Faculty Senate, and the President of the Student Government Association. The President of the University is an ex officio member of the Committee.

### **1.7.3.4 Computing Policies Committee**

The University Computing Policies Committee is charged with ongoing review, evaluation and coordination of the University's needs regarding computing and technology. Also, based on these activities, the committee is charged with making recommendations to the Executive Council regarding the University's response by hardware, software, policies or procedures. The scope of the committee's jurisdiction includes all issues relating to computing and instructional technology.

The committee meets regularly to respond to and evaluate recommendations made by two subordinate, independent, committees: the Administrative Computing Policies Committee and the Academic Computing Policies Committee. The committee will also respond to agenda items placed by the Academic Council, Executive Council, or the Student Government Association (by means of written resolution or request). In addition, if necessary, the chair of the committee serves to determine which of the two subordinate committees, or combination of these committees, should initially respond to issues, plans, and concerns related to computing and instructional technology.

The committee is chaired by the Assistant to the President for Planning and Institutional Research, and includes the Provost and Vice President for Academic Affairs, the Vice President for Administration and Finance, the chairs of both the Administrative and Academic Computing Policies committees, and the Director of the Computer Center.

#### **1.7.3.5 Core Curriculum Education Committee** *(Approved by the Executive Council on March 15, 2022)*

The Core Curriculum and Education Committee (CCEC) develops comprehensive strategies and educates faculty members about the intent, scope, purposes, and content of the core curriculum, taking into account the academic freedom of those who teach core courses in alignment with the University mission.

The Committee serves in an advisory capacity to the Academic Council and is not responsible for making changes to the Core. The CCEC reviews and makes recommendations to the Academic Council on the courses proposed to fulfill Core Curriculum requirements, acting on recommendations of the faculty members in the relevant disciplines. The CCEC evaluates proposed programmatic exceptions and substitutions to the Core Curriculum and provides the evaluation to the Academic Council.

The Committee coordinates the evaluation of the effectiveness of the Core Curriculum in achieving its goals in collaboration with the Office of Institutional Effectiveness and other university effectiveness and evaluation offices.

The Committee consists of six committee members who each serve for non-renewable two-year terms; each of the undergraduate College and Schools elects two members of the Committee. All members of the committee must be tenured faculty. In the first year of its establishment, one member from each School or College will receive a three-year term and one will receive a two-year term; thereafter, new members will be elected upon the expiration of the previous member's term. The Committee designates the chair who consults regularly with the Provost and Executive Vice President for Academic Affairs.

#### **1.7.3.6 Intellectual Property Committee** *(See Section 2.12.8 and Appendix G)*

The Intellectual Property Committee has responsibilities in four areas: (1) **maintaining** currency of Intellectual Property policies and procedures; (2) **reviewing** all disclosures submitted in accordance with the University's intellectual property policies; (3) **recommending** actions to ensure protection of identified intellectual property; and (4) **reporting** the activities of the IPC and the status of identified intellectual property to the VPAA and the President.

All recommendations of the IPC are subject to the approval of the VPAA and the President of the university.

The committee shall consist of seven members as follows:

- **one** full-time faculty members from the School of Science, Engineering, and Technology;
- **one** full-time faculty member from the School of Humanities and Social Sciences;
- **one** full-time faculty member from the Bill Greehey School of Business;
- **one** full-time faculty member from either the Blume or Law Library;
- **one** full-time faculty member from the School of Law;
- **the Director of Sponsored Projects, Academic Research and Compliance**

Faculty with strong research credentials are eligible for IP Committee membership, with a preference for members who have produced intellectual property or who are active researchers in fields that commonly produce intellectual property, or who have specialized experience with intellectual property issues.

The VPAA, in consultation with the president, shall appoint members for a two-year term with the exception of the first year, which shall be staggered to ensure continuity thereafter. The VPAA shall select the Chair.

#### **1.7.3.7 Faculty Committee on Teacher Education**

The Faculty Committee on Teacher Education assists the university with its responsibility to "present evidence that the preparation of teachers is a responsibility shared by all departments of the institution," particularly those departments

which prepare future teachers to master the subject matter in their proposed fields. (Tex. Admin. Code, Tit. 19, Pt. II, Ch. 137, Subch. K G137,503 (b) (3,4,6).)

The Committee:

- a. studies and approves the sequence of courses in the teaching fields recommended for future teachers;
- b. assists the Department of Education in integrating the professional education preparation of future teachers with preparation in the various fields of subject matter;
- c. advises the Department of Education on observed strengths and weaknesses in teacher preparation;
- d. assists the Department of Education in identifying and supporting students interested in teaching;
- e. facilitates cooperation between the Department of Education and faculty members involved in the counseling of future teachers;
- f. encourages Departments to coordinate course content in teaching fields with current elementary and secondary programs of study; and
- g. stimulates concern in all faculty members for continuing interest in the teaching profession and development of effective teaching techniques in teaching fields.

The Committee includes seven faculty members appointed by the Provost and Vice President for Academic Affairs for one-year, renewable terms: four from the School of Humanities and Social Sciences; two from the School of Science, Engineering and Technology; and one from the School of Business and Administration. There are three ex officio members of the Committee: the Chair of the Department of Education; the Certification Officer; and the Registrar. The Committee is chaired by the Dean of Humanities and Social Sciences, or by the Dean of Science, Engineering and Technology, as designated by the Provost and Vice President for Academic Affairs. The minutes of the Committee are sent for review to all teaching field advisors.

#### **1.7.3.8 University Faculty Development Committee (Revised Jan. 12, 2018)**

The *University* Faculty Development Committee is responsible for defining developmental strategies unique to St. Mary's University. The strategies are designed to support the emergence of a community of men and women dedicated to innovative and effective teaching, scholarly research, and a wide range of professional activities consonant with the University's dedication to community outreach.

Specifically, the *University* Faculty Development Committee shall:

- a. recommend strategies designed to *support and develop faculty members as teachers and scholars*;
- b. recommend criteria and processes for the evaluation and distribution of faculty *development grants* funded by the University;
- c. recommend methods of enhancing significantly the financial resources needed for effective support of faculty development;
- d. recommend sources for the acquisition of support needed for faculty development; and,
- e. recommend effective processes and strategies designed to *promote and sustain professional growth of the St. Mary's faculty*.

The membership of the *University* Faculty Development Committee is composed of *two (2) faculty members from HSS (one must have experience with graduate teaching),\* two (2) faculty members from SET (one must have experience with graduate teaching), one (1) faculty librarian, and one (1) faculty member each from the Greehey School of Business and Law*. Members are appointed by the Provost and Vice President for Academic Affairs, *in consultation with the deans. The Director of the office of Sponsored Projects,*



*Academic Research and Compliance (SPARC), the Director of the Undergraduate Research Office (URO), and the coordinator(s) of the Community for Teaching and Learning (CT&L) serve as ex officio members. The Vice Provost for Academic Affairs serves as the Chair of the University Faculty Development Committee. The committee serves in an advisory capacity and makes recommendations to the Provost and Vice President for Academic Affairs.*

*\*For purposes of appointment to the University Faculty Development Committee, faculty librarians from the Blume Library will be eligible to represent HSS on the committee.*

#### **1.7.3.9 Faculty Review (Grievance) Committee**

(See Section 2.16.3)

#### **1.7.3.10 Human Subjects Committee – Internal Review Board**

(See Section 2.12.2.2)

#### **1.7.3.11 Institutional Animal Care and Use Committee**

(See Section 2.12.18)

#### **1.7.3.12 International Education Committee (Revised and Approved by the Board of Trustees Nov. 4, 2005)**

*The Strategic Initiatives in International Education Committee reports to the Vice President of Academic Affairs, and is charged with ongoing review, evaluation and coordination of the University's international educational needs for faculty, appropriate staff, and students. Based on these activities, the committee is also charged with reviewing proposed international educational programs and any proposed changes to existing international educational programs, and making recommendations regarding these proposals to the Provost and Vice President for Academic Affairs and the Academic Council. The scope of the committee's jurisdiction includes all issues relating to the University's present and future international educational programs, and their approval, review and evaluation.*

*Specifically, the Strategic Initiatives in International Education Committee shall:*

- 1. recommend strategies designed to develop and strengthen the international educational focus of the University and its mission;*
- 2. recommend criteria and processes for monitoring, reviewing and evaluating existing and proposed international educational programs;*
- 3. recommend improvements in the quality and educational rigor of existing and proposed international educational programs;*
- 4. recommend sources for the acquisition of support for the development of the faculty's international expertise;*
- 5. recommend methods for developing the international expertise of the faculty; including methods for enhancing significantly the financial resources needed for effective University support of this development generally and international research support specifically;*
- 6. recommend methods for enhancing significantly the financial resources provided to students seeking to participate in the University's international educational programs; and*

7. *present an annual report to the Vice President of Academic Affairs and the Academic Council on the activities and deliberations of the Committee for the previous year.*

*The voting membership of the Strategic Initiatives in International Education Committee is composed of faculty members from each of the University's five schools, and two at-large representative of the directors of approved international educational and service programs. In addition, there are seven ex officio members of the Committee: Vice President for Enrollment Management, Director of International Education Programs, Director of International Student Services, Dean of Students, representative from Service Learning, and two students with international educational experience. The faculty members from each of the five schools are appointed by the Vice President of Academic Affairs in collaboration with the Schools' Deans and the Chair of the Committee for three-year, renewable terms with a one-year turnover (i.e., potentially, one third of the membership is replaceable every year). The Chair of the Strategic Initiatives in International Education Committee is appointed by the Provost and Vice President for Academic Affairs for a two-year, renewable term. The student members serve one-year terms.*

#### **1.7.3.13 Premedical and Dental Committee**

The Premedical and Dental Committee screens students interested in applying for admission to medical or dental schools. Members are chosen from undergraduate schools and appointed by the Deans. The Dean of Science, Engineering and Technology designates the chair. Members serve for one-year, renewable terms.

The Committee advises students on the general requirements for admission to medical and dental schools, and makes recommendations to the Dean of Science, Engineering & Technology for assisting the preparation of the students seeking entry to these professional fields.

#### **1.7.3.14 Safety Committee**

Administrative responsibility for safety and security resides with the Vice President for Administration and Finance, who is the University's Safety Administrator. The duties and responsibilities of the University Administrator are stated on page VI.6 of the Administrative Policy Manual. The role of the Safety Committee of the University is to assist the University Safety Administrator in the annual review and improvement of a safety policy for the University. The Safety Committee consists of its Chair, the Vice President for Administration and Finance, and six members: Facilities Administrator, Chief of Police, Dean of the School of Science, Engineering and Technology, and three faculty members from the School of Science, Engineering and Technology.

#### **1.7.3.15 Student Judicial Committee**

The Student Judicial Committee hears cases brought before the committee dealing with the Student Code of Conduct on non-academic matters. Cases are brought to the Committee by the Judicial Advisor and/or Dean of Students.

Membership is composed of faculty, staff, and students. Faculty are selected by appointment from the Faculty Senate on a volunteer basis; students and staff are selected by application. The Committee elects a Chair from the faculty or staff, and meets as cases arise or as called by the Chair.

#### **1.7.3.16 Tenure Procedure Review Committee**

(See Section 2.7.3)

#### **1.7.3.17 Tuition Rebate Review Committee**

The Tuition Rebate Review Committee, established in March, 1992, has the purpose of reviewing all written requests by employees concerning special circumstances and/or appeals regarding the Tuition Rebate Policy, and to make recommendations to the President for final disposition.

The TRCC Committee members are the Director of Finance, Director of Financial Assistance, and Director of Human Resources. The Committee meets on demand. (See Section 2.14.3.2.7)

### **1.7.3.18 University Research Council (Revised September 26, 2018)**

*The University Research Council (URC) promotes, encourages, and supports faculty and student research, creative work, and scholarly activities essential to the mission of the University and undergraduate and graduate education. In the context of an active learning community with regional leadership and a global perspective, the URC nourishes all research, scholarship, professional and creative activities that stimulate ideas and disseminate knowledge. The URC serves as an advisory body to the Director of Sponsored Projects, Academic Research and Compliance (SPARC) and the Director of the Undergraduate Research Office (URO).*

*The URC will be co-chaired by the Director of SPARC and the Director of the URO. The membership of the URC is composed of: two faculty members from the School of Humanities and Social Sciences; two faculty members from the School of Science, Engineering and Technology; one faculty member each from the Greehey School of Business and the School of Law; one representative from Faculty Senate; and one librarian with faculty status. Except for the Faculty Senator, members are appointed by the Provost and Vice President for Academic Affairs, in consultation with the appropriate dean, for two-year staggered terms. A representative from the Provost's Office will serve in an ex officio capacity and will be non-voting unless a vote is required to break a tie.*

### **1.7.4 Faculty Senate Committees**

Faculty Senate Committees are Standing or ad hoc. See Section 1.7.2.4.2 By Laws of the Faculty Senate, #1

### **1.7.5. School Governance**

Each School has various appointed and elected faculty committees to aid in the governance of the School. These bodies work to foster the mission and goals of each School. At the beginning of each academic year, the deans of Schools will transmit to new faculty members a copy of the School mission statement, the governing process within the School, and a list of School committees.

## **1.8 Revision of Faculty Handbook**

These policies pertain to Section II (all parts) of the Faculty Handbook, as well as Part 1.8 (and sub-parts) of Section I.

### **1.8.1 Procedure for Revision of the Faculty Handbook**

The University Administration and the Faculty Senate commit their good faith efforts to the process of achieving agreement on policy issues affecting faculty employment. That commitment shall not prejudice the responsibility and authority of the President and/or the Board of Trustees to exercise their prerogatives to govern and administer the University.

### **1.8.2 Proposed Amendments (Revised September 26, 2018)**

Proposals for revising the sections listed in 1.8 of the Handbook can be made by any member of the Board of Trustees, any University Administrator, any University council or committee, or any member of the full-time or pro-rata faculty. The proposals shall be submitted to the Provost and Vice President for Academic Affairs in collaboration with the President of the Faculty Senate in the following recommended format:

- a. proposals should be made in the form of text intended to replace, in whole or part, some current provisions of the Handbook;
- b. a brief explanation of the reason(s) for the revision should accompany the proposal.

### **1.8.3 Processing of Proposals (Revised September 26, 2018)**

- a. Proposals originated under 1.8.2 shall be considered by a Faculty Senate Committee, which chooses one of the following courses of action:
  - i the committee may receive and transmit the proposal to the Faculty Senate without change or comment;
  - ii the committee may endorse the proposal and attach its endorsement to the original proposal;
  - iii with the consent of the submitter, the committee may either alter or amend the proposal before transmitting it to the Faculty Senate;
  - iv if the submitter does not agree to committee alterations or amendments, the Committee may object to the proposal and attach its objections or amendment before sending it to the Provost and Vice President for Academic Affairs and the Faculty Senate.
- b. ***If the proposed amendment contains no more than one alteration of substance, the Faculty Senate may accept or reject the amendment by a simple majority vote of the present members. The Faculty Senate may also modify the proposal and accept the modification, or may return the proposal to the Committee for further work."***

***If the proposed amendment contains more than one alteration of substance, the Faculty Senate may only accept the amendment by a 2/3 vote of those present. The Faculty Senate may also modify the proposal and accept the modification with a 2/3 vote, or may return the proposal to the Committee for further work.***

#### ***1.8.4 Administrative Approval (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

After the Faculty Senate has endorsed a change in the Faculty Handbook, the Provost and Vice President for Academic Affairs is informed of the action taken. The Provost and Vice President for Academic Affairs submits the recommended change to the Academic Council for its consideration.

***If (when) the proposal is approved by the Academic Council and the Provost and Vice President for Academic Affairs, the Provost and Vice President for Academic Affairs shall submit the proposal to the President for the President's review. In making any decision regarding the proposal(s), the President may consult with the Executive Council and other parties as the President deems necessary. All proposals must be approved by the Board of Trustees.***

If the Academic Council, the Provost and Vice President for Academic Affairs, or the President disagree with the proposed changes, the President, the Provost and Vice President for Academic Affairs, and the Faculty Senate Executive Committee shall meet to discuss the next steps, which may include further study, modification, and/or resubmission of the proposal.

#### ***1.8.5 Board of Trustee Approval (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

- a. Before definitive action on Handbook revision proposals, the Board of Trustees may commission a Subcommittee of its members to meet with the President, the Provost and Vice President for Academic Affairs, and the Faculty Senate Executive Committee to discuss final adjustments in the revised texts.
- b. The Board of Trustees ***shall approve*** or reject the proposed revision.
- c. The Board of Trustees reserves the right, in the best interest of the University and in its fiduciary capacity, to alter the provisions of this Handbook after following the procedures in this section.

#### ***1.8.6 Emergency Procedure (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

***When the President and the Provost and Vice President for Academic Affairs, after consultation with the President of the Faculty Senate, determine that, in the best interests of the University, modification in Part I, Section 1.8 and***

*all of Part II of the Faculty Handbook is necessary to address an emergency, the President may petition the Chair of the Board of Trustees for review of a specific change at the next Board or Executive Committee meeting.* The Board of Trustees may accept or reject such a petition. The President shall communicate the decision of the Board of Trustees to the faculty. If any federal, state or local law or ordinance is in conflict with any provision of this Handbook, the Board of Trustees shall act to bring the University into compliance with such law or ordinance, and the Handbook will be amended as soon as possible.

#### **1.8.7 General Rules of Implementation**

- a. Any amendments of the provisions of the Faculty Handbook contained in Part I, Section 1.8 and all Sections in Part II will take effect and be a part of the next offer of employment extended to any faculty member by the University. For faculty on contract periods other than the academic year, the amendment shall be effective for and incorporated into any offer of employment scheduled to commence after the beginning of the academic year succeeding the academic year in which the amendment was adopted. Any grandparent provision shall be specific to a given policy and so noted. In other parts or sections not specifically addressed, changes may be effected at once by the directive of the President and/or Board of Trustees, as appropriate. Such changes, however, may not be inconsistent with Section 1.8 of Part I and all Sections of Part II.

All new members of the faculty shall receive a copy of the Faculty Handbook at the time of their initial appointment as a new faculty member. Such copy must contain Part II in the form that will apply during the offered contract term. Continuing members of the faculty will receive copies of any approved amendments with their annual reappointments during the Spring semester.

- c. A copy of the Faculty Handbook with current revisions shall be available for inspection during regular hours at the offices of the President and Vice President of Academic Affairs, the Academic Library, the Law Library, and the office of the President of the Faculty Senate.
- d. Proposals under discussion by the Board of Trustees have no status, not even a promissory one, until final action by the Board has been taken.

## **II. FACULTY EMPLOYMENT POLICIES AND PROCEDURES**

### **2.0 General Statement (Approved by the Board of Trustees on April 24, 2020)**

This part of the Handbook contains the policies and procedures of the University concerning the terms and conditions of employment of faculty. However, the contractual relationship between a faculty member and the University is defined by the terms stated in each faculty member's individual contract.

*Notwithstanding any provision of the Faculty Handbook to the contrary, the President may implement salary reductions for all faculty members covered by this Handbook. Salary reductions may take the form of uniform across the board salary reductions or tiered reductions based on salary amount, as determined by the President given the financial condition of the University and/or projected student enrollment at the time the President implements such reductions. In addition, any such salary reductions shall be similar to salary reductions imposed on the salaried staff of the University. The President may implement such salary reductions for the 2020-2021 and 2021-2022 Academic Years. Notwithstanding any provision of the Faculty Handbook to the contrary, in the event that the afore authorized salary reductions are insufficient to mitigate the issues created by this emergency, the President, in consultation with the Provost, Academic Deans, and Faculty leadership, is authorized to institute layoffs of faculty with 90 days' notice to the individual faculty members affected.*

*The Board specifically finds the foregoing is in the best interest of the University.*

## **2.1 Academic Ranks and Titles**

The faculty of St. Mary's University are the persons appointed by the University to teach one or more credit courses, or academic administrative personnel who are expressly accorded faculty status according to University policy as determined by the Executive Council.

### **2.1.1 Ranked Faculty – All Schools except Law**

A ranked faculty member is a full-time member of St. Mary's University academic staff who has been appointed to one of the four academic ranks: Instructor, Assistant Professor, Associate Professor, or Full Professor. Provisions for the School of Law are found in Section 2.6.6 and 2.7.2.2

#### ***2.1.1.1 Instructor: Notice Tenure Track Contract (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

The faculty member must have at least a master's degree from an accredited institution of higher learning or its equivalent, as well as the potential to obtain a doctorate and to fulfill the responsibilities of a faculty member *as detailed in the Faculty Handbook.*

#### ***2.1.1.2 Assistant Professor (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

The faculty member must possess an earned doctorate degree from an accredited institution of higher learning, an appropriate professional degree, or accomplishments that are considered equivalent (e.g. in the field of Fine Arts). Such a person must possess the potential for fulfilling the responsibilities of a faculty member *as detailed in the Faculty Handbook.*

#### ***2.1.1.3 Associate Professor (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

The faculty member must possess an earned doctorate *from an accredited institution of higher learning, an appropriate professional degree, or accomplishments that are considered equivalent (e.g. in the field of Fine Arts)*. Such a person must have taught full time at least six years at an accredited college or university, five of which were at the rank of Assistant Professor, and must show evidence of teaching and research effectiveness *as detailed in the Faculty Handbook.*

#### ***2.1.1.4 Professor (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

The faculty member must have an earned doctorate from an accredited institution of higher learning, an appropriate professional degree, *or accomplishments that are considered equivalent (e.g. in the field of Fine Arts)* plus at least eight years of full-time teaching at an accredited college or university, seven of which were at the rank of Associate Professor, together with evidence of teaching and research effectiveness *as detailed in the Faculty Handbook*.

#### **2.1.1.5 Pro-rata Faculty**

Pro-Rata faculty are faculty members who are ranked as defined in Section 2.1.1 and who are given a faculty appointment equivalent to half-time or more, but less than that of a full-time faculty member. They may be employed on term notice or continuance contracts. Such pro-rata faculty have contractual rights to apply for pro-rata promotion (See section 2.6.3.1) and to apply for tenure (See section 2.7.1.3). They are eligible for all faculty development opportunities and pro-rata fringe benefits and have, on a pro-rata basis, responsibilities for advising, service on committees, and all other responsibilities of full-time faculty members as detailed in the Faculty Handbook.

#### **2.1.1.6 Placement of Faculty in Rank**

The Provost and Vice President for Academic Affairs, in consultation with the Deans, may place a newly hired faculty member in a given rank and in a salary placement within the rank based upon academic experience in college and university teaching, as well as upon research, basic or applied, or upon experience gained in industry, government, public service, or educational administration.

#### **2.1.2 Per Course Faculty**

A per course faculty member is a part-time term contract faculty member who has been assigned one of the following temporary academic titles: Lecturer; Senior Lecturer; or Adjunct Assistant Professor, Adjunct Associate Professor, or Adjunct Professor.

Part-time per course faculty:

- a. have less than a half-time teaching load;
- b. have no other faculty duties and responsibilities, except those listed below or stated in Section 2.9, as appropriate;
- c. meet or exceed the criteria of the appropriate academic titles;
- d. are selected in the manner set forth in Section 2.3;
- e. receive a Term Contract (see Section 2.2.1) from the Vice President of Academic Affairs;
- f. receive no fringe benefits or tuition remissions;
- g. accrue no time towards tenure, promotion, or sabbatical.

Part-time per course faculty are expected to be available at least one and one-half hours per week for each course taught to advise students regarding their course work. This can be done before or after classes.

##### **2.1.2.1 Lecturer**

Lecturers are recommended by the Department Chair to the Dean or selected by the Dean directly, if no Chair is available. Lecturers are hired to teach specific courses on a Term Contract basis.

Selection of lecturers should be consistent with the academic standards of the University. A person assigned this title should meet or exceed the minimal requirements set forth for Instructor. In lieu of these requirements, considerable experience in an appropriate technical, artistic, or professional field may be substituted.

##### **2.1.2.2 Senior Lecturer**

This title may be assigned to a part-time per course teaching faculty member in recognition of distinguished teaching service to the University, its students, and its faculty over a period of at least five years. Assignment of this title is made

by the Vice President of Academic Affairs, upon recommendation of the Department Chair, Graduate Program Director and the Dean.

### **2.1.2.3 Adjunct Professor by Rank**

A faculty member who teaches on a part-time per course basis for the University, and who is a full-time ranked faculty member of another institution of post-secondary education, will be assigned this rank by the University. Such rank shall be equal to that at the other institution. Should the institution not use rank, the title of Adjunct Professor will be used.

Persons who have exceptional careers in the arts, business, law, public service or other appropriate fields may, on approval of the respective Chair, Graduate Program Director and Dean, be given the per course rank of Adjunct Associate Professor or Adjunct Professor.

### **2.1.3 Special Appointment Faculty**

#### **2.1.3.1 Professor Emeritus/a** *(Revised and Approved by Board of Trustees, April 10, 2015)*

A tenured associate professor or professor who retires following ten years of distinguished teaching, research, or service at St. Mary's University may be conferred the title of "Professor Emeritus" or "Professor Emerita." This title may be conferred at any time following retirement. The appointment is made by the President upon recommendation of the Provost and Vice President for Academic Affairs and the Academic Council. An academic dean may request a preliminary review by the Provost and Vice President for Academic Affairs and by the Academic Council to determine whether this recognition would be recommended to the President upon the retirement of any person who is teaching at St. Mary's University, who is engaged in good faith negotiation to retire or to enter phased retirement, and who may be eligible to be conferred this title.

#### **2.1.3.2 University Professor**

In recognition of long, devoted, outstanding, and exceptional service to St. Mary's University, the honor and title of "University Professor" may be conferred upon a full Professor at St. Mary's University by the President following nomination by the Provost and Vice President for Academic Affairs and the Academic Council.

#### **2.1.3.3 Visiting Professor**

Visiting Instructors, Visiting Assistant Professors, Visiting Associate Professors, or Visiting Professors are individuals who have held the rank of Instructor, Assistant, Associate, or Full Professor at another college or University, or have accomplishments that are judged equivalent (such as, outstanding recognition in the field of the Fine Arts, in the business community, etc.) and who are appointed to teach or to engage in other academic services for a limited period of time agreed upon in writing by the Visiting Professor and the Provost and Vice President for Academic Affairs. St. Mary's accords such individuals for the specified period of time the usual privileges as the ranked faculty. If eligible, such persons may participate in St. Mary's benefit programs. Such appointments are on term contracts. All visiting appointments are made under term contracts for a limited period of time, not to exceed two academic years (see Section 2.2.1). Rank shall be consistent with the rank the individual holds at his or her home institution, if any.

#### **2.1.3.4 Replacement Faculty**

The University may appoint a replacement faculty member on a full-time or part-time, pro-rata term contract. Service under such contracts does not count for tenure, promotion, or sabbatical leave unless such service is recognized by the Vice President of Academic Affairs at the time of offering a notice tenure track contract.

#### **2.1.3.5 Faculty in Residence** *(Revised and Approved by the Board of Trustees Nov. 4, 2005)*

The University may appoint to the faculty on term contracts of full or pro-rata status distinguished artists, attorneys, business professionals, writers or other scholars in residence. *After consultation with appropriate department(s)*, the respective Deans will recommend such appointments to the Vice President of Academic Affairs who will tender the



appointment. Such appointments shall not exceed two consecutive academic years *per appointment; however, any such appointments may be renewed.*

#### **2.1.3.5.1 Senior Professor (Approved by the Board of Trustees, April 10, 2015)**

The University may appoint to the faculty on term contracts of full or pro-rata status a member of the faculty who has fully retired from St. Mary's University or any other university, according to the terms of Faculty in Residence. Appointment as a Senior Professor is independent of a determination or conferral of any other status, and an appointment may be made of a retired professor or associate professor regardless of whether the person is designated emeritus/a.

#### **2.1.3.5.2 Distinguished Visiting Professor in Law (Approved by the Board of Trustees April 1, 2016)**

*The Provost and Vice President for Academic Affairs, in consultation with the Dean of the School of Law, may appoint a visiting professor as a Distinguished Visiting Professor according to the terms of a regular visiting professorship, if the individual to be appointed has demonstrated extraordinary scholarship, achievement, or service during a prior appointment at St. Mary's or during academic appointments, professional service, or other similar office or employment elsewhere.*

#### **2.1.3.5.3 Research Professor in Law (Approved by the Board of Trustees April 1, 2016)**

*(Including Research Instructor, Research Assistant Professor, Research Associate Professor, Research Professor, and Research Distinguished Professor)*

*A research faculty member may be appointed at any rank appropriate to the appointee's qualifications and experience, to be primarily engaged in research and whose appointment is specifically funded for the duration of one or more specific research projects. A member of the research faculty may teach courses in the university as agreed with the Dean of the School of Law as a term of employment. The appointment persists as long as the funding persists, or until the conclusion of a term or a course begun while funding persisted that has since expired. The Provost and Vice President for Academic Affairs may appoint a research professor, on the recommendation of the Dean of the School of Law, to serve for a specified term or for a described period of time as required to accomplish a specific routine of research, or for the lesser or greater of either, though no single term or period shall exceed five years.*

#### **2.1.3.5.4. Service Professor in Law (Approved by the Board of Trustees April 1, 2016)**

*(Including Service Instructor, Service Assistant Professor, Service Associate Professor, Service Professor, and Service Distinguished Professor)*

*A service faculty member may be appointed at any rank appropriate to the appointee's qualifications and experience, to be primarily engaged in service and whose appointment is specifically funded for the duration of one or more specific service projects. A member of the service faculty may teach courses in the university as agreed with the Dean of the School of Law as a term of employment. The appointment persists as long as the funding persists, or until the conclusion of a term or a course begun while funding persisted that has since expired. The Provost and Vice President for Academic Affairs may appoint a service professor, on the recommendation of the Dean of the School of Law, to serve for a specified term or for a described period of time as required to accomplish a specific service project or projects, or for the lesser or greater of either, though no single term or period shall exceed five years.*

#### **2.1.3.6 Instructors and Clinical Professors of Law (Revised and Approved by the Board of Trustees Apr. 3, 2009)**

##### **2.1.3.6.1 Instructors**

St. Mary's University offers non-tenure track notice contracts (see Section 2.2.3) to faculty members who have specialized skills in selected academic areas, but who would not otherwise qualify for promotion or tenure at St. Mary's University. Such personnel are critical to the teaching and learning process of the University. At present, instructors with this status are appointed in English, Art and Music. Faculty on this status may receive up to six one-year term appointments and in the seventh year may, after evaluation and approval by their respective Department Chair and Dean, be given a three year, renewable, non-tenure notice contract.

#### **2.1.3.6.2 Clinical Professors** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

A Clinical Assistant or Associate Professor of Law is an unranked faculty member who is employed to teach in the clinical programs of the School of Law on an untenured, non-tenure track basis, pursuant to a notice contract. A Clinical Professor of Law is a faculty member who is employed to teach in the clinical programs of the School of Law pursuant to a presumptively renewable contract. Clinical Faculty shall be voting members of the law faculty, except that they shall not participate, through voting or committee service, in decisions related to the hiring, retention, promotion, tenure, or in decisions related to the criteria or procedures for such personnel matters.

#### **2.1.3.6.3 Credit Toward Promotion and Tenure**

Should an Instructor or a Clinical Professor of Law later be appointed to a tenure track notice contract, the Vice President of Academic Affairs may count some of the time under the above status towards promotion and tenure at the time of the issuance of the contract.

#### **2.1.3.7 Academic Support Staff**

Faculty rank of the title of Instructor is given at St. Mary's University to the following:

Registrar	Director Academic Imaging & Media Center
Director of Institutional Effectiveness	Director of Learning Assistance Center
Director of Academic Advising	Professional Librarians without Tenure
Director of Writing Across the Curriculum Program	Track Status

These faculty have rank status only and, otherwise, are covered by the provisions of the St. Mary's Personnel Manual. They are not eligible in their present status for promotion to higher rank.

#### **2.1.3.8 Administrators With Faculty Rank and Tenure** *(Revised and Approved by the Board of Trustees Nov. 4, 2005)*

The following are the only administrators who are eligible for faculty status and tenure at St. Mary's University:

President  
Provost and Vice President for Academic Affairs  
Academic Deans, Associate Deans, and Assistant Deans  
Executive Director of the **Louis J. Blume** Library  
Director of Sarita Kenedy East Law Library

Associate Deans and Assistant Deans with faculty status are also eligible for tenure. Persons are not tenured in administrative positions, although tenure may be held separately as a faculty privilege concurrent with an administrative appointment. Such, for example, is the case if a St. Mary's faculty member with tenure accepts an administrative position. The removal of persons from their administrative positions does not impair whatever rights they may have in their particular faculty ranks.

An academic administrator with tenure who leaves an administrative position at St. Mary's University shall be entitled to receive a position in the School or Department in which the faculty member obtained tenure. Upon return to faculty status from an administrative position, salary for the faculty position shall be at least 95% of the salary of the highest paid faculty member of like rank, academic discipline, and years of service within a particular school.

Upon recommendation by the Provost and Vice President for Academic Affairs, academic administrators hired to fill the above positions from outside St. Mary's University, may be granted tenure in a department or school by the President, following *written* consultation. *All* tenured faculty members in *the respective* school or department(s) *will have an opportunity to participate*.

### 2.1.3.9 Special Status Administrative Positions

St. Mary's University recognizes the following as Special Status Positions in respect to specific provisions of the Faculty Handbook:

Vice President for Administration and Finance  
Vice President for Student Development  
Vice President for Enrollment Management

Vice President for University Advancement  
Associate and Assistant Deans without faculty status

These officers are entitled to the provisions of relevant parts of Section 2.13 of the Faculty Handbook. With the exception of the Vice Presidents these individuals are otherwise covered by the provisions of the Personnel Manual of St. Mary's University.

### 2.1.3.10 Endowed Chairs

St. Mary's University has the following Endowed Chairs:

Charles E. Cheever Professor of Risk Management  
Hardy Law Professor of Trial Advocacy  
Emil C. E. Jurica Professor of Accounting  
Emil C. E. Jurica Professor of International Business  
Emil C. E. Jurica Professor of Quantitative Management  
Charles H. Miller Professor of Biomedical Ethics  
O'Connor Professor of Spanish Colonial History of Texas and the Southwest  
Myra Stafford Pryor Professor of Free Enterprise  
Deirdre Harkins Richards Professor of Free Enterprise

Endowed chairs will be filled at the associate or full professor level. The appointment to an endowed chair may place the faculty member in a position outside the regular salary schedules and teaching responsibilities of faculty within his or her rank and department. The holder of an endowed chair is usually given a reduced teaching load and administers a program of activities in relation to the field or fields associated with the endowed chair, which may include an annual lecture series or symposium. Expectations for the holder of the chair include increased research, publication, and professional activities.

Each chair is unique. Endowed chairs are coordinated through cooperation of the Provost and Vice President for Academic Affairs, the Dean of the School and the various departments with which the chair will work.

Though an endowed chair may include several departments under its description, holders of endowed chairs will be assigned a departmental home based upon their predominant professional work and research or upon the field in which they received their terminal degree.

Holders of endowed chairs may be tenured into the University through the department or school in which the holder is assigned. They are not tenured into the endowed chair itself. Continuation of a faculty member's appointment to an endowed chair will depend upon: 1) the terms of the endowment, 2) the consent of the faculty member, and 3) the faculty member's annual evaluation. Information on a specific endowed chair may be obtained from the Dean of the School offering the endowed chair.

### 2.1.4 Graduate Faculty Membership (Revised and Approved by the Board of Trustees Nov. 4, 2005)

*The* Graduate Faculty *teaches graduate* courses and *directs* the research of graduate students. *The* Graduate Faculty also *meets* at the request of the Graduate Dean to hear reports, discuss matters of common interest, and promote scholarship and research. Membership categories are Graduate Faculty and Associate Graduate Faculty.

#### 2.1.4.1 Graduate Faculty Requirements

- a. Hold terminal degree for the academic field of the faculty member
- b. Attain minimally, the rank of Assistant Professor
- c. Hold full-time faculty status
- d. Tenured, or tenure track notice contract status
- e. Sustain scholarly activity (see Section 2.5.1.3 et seq.). Such scholarly activity should result in publication in academic professional journals; in the presentation of papers to peers and other educated audiences; in the development of text books and pedagogical reports; or in similar scholarly works.
- f. Demonstrated graduate-level teaching skills.
- g. Demonstrated graduate-level student advising skills.
- h. Demonstrated evidence of sincere interest in fostering the development of the professional careers of graduate students at the master's or doctoral level.
- i. Demonstrated qualifications for directing research for the master's degree, if such research is required for that degree.
- j. Demonstrated qualifications for directing doctoral research, if such research is required for that degree or program.

#### **2.1.4.2 Associate Graduate Faculty Requirements**

##### **a. Full-time faculty**

- i Hold terminal degree in the academic field of the faculty member
- ii Demonstrated potential for sustained scholarly productivity
- iii Demonstrated graduate-level teaching skills, or a stated intent to develop graduate-level teaching skills
- iv Demonstrated student advising skills, or a stated intent to develop graduate-level advising skills

**b.** Part-time or visiting faculty must otherwise meet the requirements of the Graduate Faculty. This category may include employees of other universities, research laboratories, hospitals, business, and industry.

#### **2.1.4.3 Procedure for Appointment**

The Graduate Adviser (Director of a Graduate Studies Program), in coordination with the Dean of the faculty member, recommends the faculty member for membership on the Graduate or Associate Graduate Faculty. The faculty member's transcripts and vita must be attached to the recommendation.

The Graduate Council reviews the Graduate Adviser's recommendation and approves or denies membership, as appropriate. It may approve membership for a higher or lower level than recommended.

Doctoral dissertation committees or doctoral defense examinations are chaired by individuals who meet the criteria for membership as Graduate Faculty.

The Graduate Council may re-designate members of the Graduate Faculty and Associate Graduate Faculty to a higher or lower level. It may also deny membership until the faculty member satisfies the criteria. Ordinarily, Graduate Council action is based upon a recommendation from the Graduate Program Director and the Dean of the faculty member's department or school.

## **2.2 Types of Contracts and Contract Definition Policies**

### 2.2.1 Term Contracts

Term contracts at St. Mary's University are given to part-time per course and special appointment faculty members, and are limited to the term of employment outlined in the letter of appointment. Term contracts are not tenure track and do not confer upon a faculty member any entitlement to continued employment after the term specified in the letter of appointment expires.

Term contracts may also be used with full-time and part-time pro-rata ranked faculty in special circumstances as follows: all summer session contracts; contracts for replacement faculty hired for one semester or one year in the place of full-time or pro-rata faculty members on leave; or contracts for short-term curricular needs at the time of appointment.

### 2.2.2 Tenure Track Notice Contracts

The word "notice" indicates that a faculty member with such a contract may expect the contract to be renewed unless notified otherwise. The term "tenure track" refers to the contract of an untenured member of the faculty who will be eligible to apply for continuous contract status (tenure) upon completion of the requirements specified in the applicable tenure rules. (See Section 2.7)

Notice of renewal or non-renewal of tenure track notice contracts is delineated in Section 2.8.3.1.

### 2.2.3 Non-Tenure Track Notice Contracts

#### 2.2.3.1 Instructors

St. Mary's University issues Non-Tenure Track Notice Contracts to Instructors who lack the academic qualifications for regular appointment, but whose teaching excellence is essential to the academic programs of the University (see Section 2.1.3.6).

Six one-year non-tenure track notice contracts may be issued and the notice provisions of Section 2.8.3.1 apply to faculty members under this type of contract.

In the sixth year, the University may offer a three-year non-tenure track notice contract to the faculty member. If so offered and accepted, the faculty member may only be separated under the provisions of Section 2.8 during the period of the contract. Renewable three year contracts may be offered in each further third year. Failure to offer a three-year non-tenure track notice contract will allow the faculty member a one-year terminal contract under the notice provision of Section 2.8.3.1.

#### 2.2.3.2 Clinical Assistant Professors of Law *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

A Clinical Assistant Professor of Law shall be employed *for a six-month probationary period as part of* an initial four year notice contract. *In the fifth month of service the Clinical Director shall recommend to the Dean whether the probationary status should be removed at the expiration of the sixth month. If the probationary status is not removed the Dean shall inform the Vice President that the assistant professor did not satisfactorily complete his or her probationary period and the Vice President shall give the employee notice that their contract will terminate at the end of one year of employment.* Notice of non-reappointment *after the probationary period* shall be given in accordance with section 2.8.3.1. *The word "notice" indicates that a faculty member with such a contract may expect the contract to be renewed unless notified otherwise. A faculty member hired as a Clinical Assistant Professor is eligible to apply for contract renewal during his or her third year of full-time employment pursuant to section 2.5.7.2.1.*

### 2.2.4 Continuous Contracts (Tenured Positions)

Continuous contract rights at St. Mary's University are given to faculty members who have attained tenured status. Faculty members employed under a continuous contract are entitled to annual contract renewal and shall be subject to

the terms and conditions of employment that exist at the time of each annual renewal by the University unless separated pursuant to any subsections of Section 2.8 except 2.8.3.

#### **2.2.4.1 Presumptively Renewable Contracts** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

***Clinical Professors of Law employed under a presumptively renewable contract are entitled to annual contract renewal and shall be subject to the terms and conditions of employment that exist at the time of each annual renewal by the University unless separated pursuant to any subsections of Section 2.8 except 2.8.3.***

#### **2.2.5 Locus of Appointments**

All faculty appointments to tenure track or continuous tenure contracts have as the locus of their appointment and tenure the department or school (where applicable) which is stated in their annual letter of appointment. Dual appointments to different departments may be granted to a faculty member. In that case, the Provost and Vice President for Academic Affairs in consultation with the faculty member, Dean, and Department Chairs involved will select one department as the faculty member's primary department for purposes of the Handbook (e.g., governance, evaluation, promotion, separation).

#### **2.2.6 Issuance and Receipt of Contract**

All full-time and pro-rata faculty contract offers for a forth-coming Academic Year must be issued during April and must be signed and returned in 15 working days. If the contract is not signed and returned to the Provost and Vice President for Academic Affairs within 15 working days of issuance, any contractual obligations between the parties are terminated as of the last day of the prior year's contract, notwithstanding absence of prior notice of such termination.

All term contracts are issued on an individual basis as the necessity arises.

#### **2.2.7 Practicing Faculty in the School of Law**

A member of the practicing faculty in the School of Law includes any person employed with faculty duties in the school who is neither a member of the scholarly faculty, identified in the Faculty Handbook as members of the faculty who receive tenure track notice contracts or continuous contracts (See Section 2.2), nor a clinical professor of law (See Section 2.1.3.6.2). Such positions include a person appointed, at any rank (assistant, associate, or full), as a Lecturer, Visiting Professor, Adjunct Professor, Research Professor, Service Professor, Practitioner in Residence, Jurist in Residence, Scholar in Residence, Assistant Dean or Senior Professor. In the event other forms of faculty are created who are not tenured or tenure track, such positions are members of the practicing faculty.

A position in the practicing faculty has no tenure, or implied potential for tenure, in St. Mary's University, the law faculty, or any division thereof. Such a position is limited in duration to the term of that position in any period in which it is commenced. Members of the practicing faculty exercise no voting rights for purposes of faculty governance of the School of Law. Any written contract or letter of appointment to the practicing faculty shall include language expressly indicating that this appointment does not create a tenured or tenure-track position or entitle the appointee to voting rights for purposes of law school faculty governance, and any contract or letter of appointment that has omitted or does omit such language shall be interpreted to incorporate these understandings.

A member of the practicing faculty may serve with compensation or without compensation, as agreed between that person and the Provost and Vice President for Academic Affairs. The School of Law has no obligation to provide offices or other facilities for a member for the practicing faculty, though the School may do so if there is space available and an agreement to do so is reached between the person and the Dean of the School of Law. The School of Law has no obligation to provide academic support or supplemental funding (including summer scholarship support, teaching support, or travel funds), though the School may do so if there are funds available or if there is a written agreement to do so that is reached between an individual and the Dean of the School of Law. There is no restriction upon a member of the practicing faculty at any rank above assistant professor holding a chair or professorship or receiving compensation in whole or in part from endowed funds.

Clinical Professors of Law are not members of the Practicing Faculty. Clinical Professors of Law are voting members of the law faculty, only subject to the restrictions of Section 2.1.3.6.2.

#### **2.2.7.1 Subsequent Appointments for Practicing Faculty in Law**

Any member of the practicing faculty in the School of Law may be appointed to a subsequent contract. A subsequent appointment for a term of one or more years may be awarded by the Provost and Vice President for Academic Affairs upon the recommendation of the Dean of the School of Law. Prior to recommending a subsequent reappointment, the dean shall consult with the dean's advisory faculty committee; the use of the process for re-appointment of a person on the tenure track is not required. This process for subsequent appointments is not required for professors emeritus or emerita, whose appointments are not limited by time.

#### **2.2.7.2 Termination of Appointments for Practicing Faculty in Law**

Any member of the practicing faculty in the School of Law whose contract time has elapsed, whose contract has not been expressly renewed in writing, and who is not then offered a new contract by the Provost and Vice President for Academic Affairs upon the recommendation of the Dean of the School of Law – shall conclude that person's employment in the university at the time specified in the letter of appointment establishing that contract, or at the conclusion of the academic year in which the contract is not renewed, whichever is the earlier.

However, if a member of the practicing faculty of the School of Law holds a letter of appointment that expressly declares that the person's appointment is subject to termination with notice or that the appointment is pursuant to a notice contract, or if the member has been appointed as an Instructor of Law (see Section 2.1.3.6.1) and has completed six years of service and has been appointed to an initial or a subsequent three-year appointment – and the person's contract is not renewed and the person is not offered a new contract by the Provost and Vice President for Academic Affairs upon the recommendation of the Dean of the School of Law, then that person's employment in the university shall cease not later than the conclusion of a terminal academic year that follows the last year of the appointment. In such a case, it is not required that notice be provided to the person in writing to the person or that notice be provided prior to the conclusion of the last year of the appointment; the notice is effective as of the commencement of the terminal year. This provision shall not be in any manner be imputed or applied to the process of appointment or renewal to a person on a tenure track notice contract.

### **2.3 Search, Appointment and Orientation**

#### **2.3.1 Faculty Appointments**

##### **2.3.1.1 *Ranked Faculty in Undergraduate and Graduate Schools*** ***(Revised and Approved by the Board of Trustees Nov. 4, 2005)***

Appointments of ranked faculty are made by the Provost and Vice President for Academic Affairs, after ***consideration of the recommendation of the Search Committee, pursuant to section 2.3.5.2, and the Department Chair, and after consultation with the appropriate Dean.*** Unless explicitly stated otherwise in the letter of appointment, all initial appointments are probationary and are for one academic year. Under normal circumstances, holders of Master Degrees or the equivalent, without full-time college teaching experience, begin as Instructors and holders of Doctoral degrees or the equivalent, without full-time college ***teaching*** experience, begin as Assistant Professors.

##### **2.3.1.2 Unranked Faculty in Undergraduate and Graduate Schools**

Appointments of classroom "Lecturers" are made by the Dean upon recommendation of the Department Chair and with the approval of the Provost and Vice President for Academic Affairs. Appointments of professional staff as "Visiting Assistant, Associate, or Full Professors" or as "Adjunct Professors" are made by the Provost and Vice President for Academic Affairs after consultation with the appropriate Dean and Chair.

##### **2.3.1.3 School of Law Recruitment and Appointment**

#### **2.3.1.3.1 Recruitment and appointment of Tenured, Tenure-Track, and Clinical Faculty** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

Early in the fall semester of each year, the Dean of the Law School shall call a meeting at which all voting members of the law faculty will have the opportunity to express their views concerning the hiring of new voting faculty members. Prior to making a final offer to any person for employment as a tenured, tenure-track, **clinical** or other voting member of the law faculty, the Dean shall provide all voting faculty members with a copy of the prospective appointee's resume, and with a statement disclosing both the rank at which it is proposed that he or she be hired, and the term (to be four years in the ordinary case) proposed for his or her initial contract. The Dean may make a final offer of employment to the prospective appointee only after obtaining approval of the offer by a majority of the voting members of the faculty in attendance at a meeting called for the purpose of securing such approval.

#### **2.3.1.4 Summer Faculty**

Summer faculty may be drawn from ranked or unranked faculty. Appointments are made by the Dean, upon recommendation of the department Chair and with the approval of the Provost and Vice President for Academic Affairs. For ranked faculty members, summer teaching does not count toward promotion or tenure.

#### **2.3.3 Employment Conflict of Interest**

It may be deemed a conflict of interest in employment at St. Mary's University for an employee to serve in a direct supervisory capacity over a relative or dependent. For the purposes of this policy, "relative" shall be deemed to be any person within the first degree of consanguinity and "dependent" shall be defined as provided in Section 152 of the United States Internal Revenue Code.

Should a faculty member serve in direct supervisory capacity over a relative or dependent, the Provost and Vice President for Academic Affairs shall appoint another faculty member or administrator with faculty status to evaluate said relative or dependent. Said supervision and evaluative duties include but are not limited to recommendations and decisions on salary, promotion in rank, tenure, and disciplinary matters. (see Section 2.9.2.1)

#### **2.3.4 Immigration Employment Requirement**

The Immigration Reform and Control Act of 1986 (the Act) requires employers to verify both the identity and work eligibility of all new employees within three business days of employment. Employers must attest on an I-9 form that they have examined certain documents to verify the employment eligibility and identity of the individual hired. Every new employee must report to the Human Resources Office immediately upon commencement of employment with proof of identity (passport or driver's license) and eligibility to work (passport, green card, social security card, or birth certificate). Please contact the Human Resources Office for information concerning acceptable verification documents.

The Human Resources Office will provide employees with all the necessary forms that must be completed including a W-4 and all benefits applications.

#### **2.3.5 Search Procedures**

Participants in a search process have a responsibility to work within the context of the Mission of the University, the Equal Employment Opportunity Commission regulations, and its Affirmative Action Guidelines.

Except in the School of Law, searches are governed by the following provisions of this Section and Sections 2.3.5.1 and 2.3.5.2. The Provost and Vice President for Academic Affairs, after determining departmental needs, assessing the budget, evaluating the entry rank and other special conditions, in consultation with the appropriate Dean and Chair will authorize the initiation of the search process.



The Department Chair will have the responsibility to advertise the position following EEOC and Affirmative Action Guidelines and any specific criteria for qualifying applicants. The Human Resources Office assists in this process.

#### **2.3.5.1 Records**

Integrity and access to candidate materials may be facilitated by depositing files in the academic library. Access to files is limited to members of the Search Committee, the Department Chair, and those legally responsible for the hiring process.

#### **2.3.5.2 Committee Composition and Charge (Revised and Approved by the Board of Trustees Nov. 4, 2005)**

The Department Chair has the responsibility, in consultation with the Dean, to form a Search Committee in departments whose membership is too numerous for all full-time faculty to serve on the Search Committee. The Dean shall appoint a member of the Search Committee from outside the Department within the School. Other considerations in the constitution of the Committee include the ability of members to evaluate specific criteria of candidates.

The Committee Chair is responsible for directing the development of evaluative criteria, receiving application materials, opening a file for each candidate, maintaining the integrity of the files, and the disposition and formulation of reasons for the disposition.

The Search Committee screens all candidates, eliminates those who fail to meet published criteria and the Committee Chair informs these candidates in writing.

Members of the committee should have access to all material in all candidates' files and have the responsibility to familiarize themselves with that material.

Minutes must be kept of all committee proceedings by a committee member designated as recorder. Minutes should be kept with candidate files.

Confidentiality regarding candidate names, status, or the content of any committee conversation must be maintained.

The Search Committee screens all remaining applications and identifies three candidates who are invited to campus where all candidates are required to participate in the following process: teaching which may be observed by committee members and other interested faculty; a scholarly presentation open to the university community; interviews with the Provost and Vice President for Academic Affairs, Dean, Dean of the Graduate School when applicable, the Department Chair and other members of the Department.

Written reviews of each candidate by the *search committee members must be presented to the Dean who will include such reviews in his/her recommendation to the Provost and Vice President for Academic Affairs.*

Further information concerning the implementation of these processes is available in the individual schools. The Search Committee Handbook by Theodore J. Marchese assisted by Jane Fiori Lawrence published by American Association for Higher Education is recommended as a further resource.

#### **2.3.6 New Employee Orientation**

The purpose of new employee orientation is two-fold: to provide to new employees valuable, standardized information and to help new employees develop positive attitudes about their positions at St. Mary's University.

On an annual basis, the Provost and Vice President for Academic Affairs and the Director of Human Resources will hold a centralized orientation program for new employees in which the following information is provided: purposes and origins of St. Mary's University, educational opportunities, personnel policies, and benefits for campus employees in general.

Specific new employee orientation and training is primarily the responsibility of the Provost and Vice President for Academic Affairs, the area Vice President, the Human Resources Director and the immediate supervisor or the academic department.

### **2.3.6.1 Faculty Orientation**

The Provost and Vice President for Academic Affairs conducts the general orientation for new faculty members and professional staff during the fall semester of each academic year. This orientation includes:

- a. an introduction to the Mission of St. Mary's University;
- b. an introduction to Marianist history, values, and educational philosophy;
- c. an overview of the core curriculum and other academic requirements;
- d. an introduction to academic development opportunities for faculty members;
- e. an overview of University organization and governance.
- f. an introduction to the services and support provided by the Academic Development Center, the Academic and Law Libraries, and other relevant or related service areas;

#### **2.3.6.1.1 Faculty Orientation: Per Course Faculty**

On an annual basis, the Dean of each School will oversee the orientation of new per course faculty members in the following areas: purposes and origins of St. Mary's University, the Core Curriculum requirements, relevant University and departmental regulations, personnel policies, the role of deans and chairs, School committees, and expected responsibilities.

### **2.3.6.2 Orientation Role of Director of Human Resources**

The Human Resources Director disseminates and refers the new employee to the appropriate campus offices for more detailed information as appropriate.

- a. campus map and tour
- b. frequency of pay, preparation of time sheets for support staff
- c. employee benefits
- d. departmental rules, such as smoking, breaks, etc.
- e. departmental work schedules including vacation and holidays
- f. parking

### **2.3.6.3 New Employee Training**

Supervisors may consider including the following items in the training of a new employee:

A tour of the department, which should include:

- a. an introduction to co-workers
- b. an explanation of the department's activities and operations, including a tour of the building and a description of the department's organizational chart
- c. Specifications of work assignments. The supervisor should
  - i review the employee's job description and the procedural manual for the unit if appropriate
  - ii arrange an initial work assignment
  - iii provide necessary training
  - iv designate a person to whom the employee can obtain help

- v check on the employee's work performance
- vi meet with employee on a regular basis to evaluate performance during the first year of employment. Supervisors involved with employee on-the-job training should be knowledgeable about all aspects of the department's operation and should be instructed in proper training techniques by the Human Resources Department.

## **2.4 Personnel Records**

Because appointment as a faculty member may lead to a continuing relationship with the university, it is essential that there be adequate and detailed documentation to support every important action involving each individual, especially those actions pertaining to appointment, promotion, tenure, layoff, and dismissal.

### **2.4.1 Official Academic Personnel File/Evaluation File**

Basic academic documents to be kept in each faculty member's file in the office of the Provost and Vice President for Academic Affairs shall include:

- a. letters of application (originals);
- b. appointment and acceptance letters (originals);
- c. personnel data information (available in the Human Resources office);
- d. performance review, evaluations, and other documents relating to employee performance;
- e. the employee's current official transcripts; and
- f. information the faculty member or Provost and Vice President for Academic Affairs wishes to place in this file on professional background or accomplishments.

This file is available on a need-to-know basis only to the Provost and Vice President for Academic Affairs, Dean, legal counsel, Grievance Committee, the Human Resources Office, the individual faculty member, or others specifically designated by the signature of the President.

The faculty member may review his or her file by arrangement with the Provost and Vice President for Academic Affairs.

The official academic personnel file/evaluation file will be kept in strictest confidence and will be available for confidential use only to the individuals noted above. The faculty member may authorize, in writing, access to his or her file by another person.

Further, the University may permit access to and copying from such files pursuant to lawful requests and identification of federal or state agencies relevant to investigations, hearings, or other proceedings pending before such agencies or the courts.

### **2.4.2 Personnel Files for Part-time Per Course and Special Appointment Faculty**

The Provost and Vice President for Academic Affairs will maintain a separate file for each of these faculty members which will contain:

- a. The faculty member's official credentials and resume, including current transcripts;
- b. copies of any faculty evaluations;
- c. information the faculty member or Provost and Vice President for Academic Affairs wishes to place in this file on professional background or accomplishment; and,
- d. personnel information (available in the Human Resources Office).

Access to such files is the same as defined in Section 2.4.1

#### **2.4.2.1 Personnel Files and Credit Information Requests**

Personnel files are maintained by the Human Resources Office. Employees may inspect their own file by a request to the Director of Human Resources.

The only information ordinarily released from an employee's file in response to an outside inquiry will be job title, dates of employment and salary, except where further information is required to be divulged by law. A faculty member may authorize the release of additional information (i.e. for bank, credit or employment references) by submitting a written request to the Human Resources Office.

#### **2.4.3 Human Resources Office**

The Office of Human Resources maintains the records of all employees of St. Mary's University. The Human Resources Office must be provided with information about all new employees and all changes in employment status: changes of address or marital status, change of job status, salary change, vacation and sick-leave taken, etc.

### **2.5 Faculty Evaluation**

Sections 2.5.1 through 2.5.4 govern the evaluation of full-time and pro-rata faculty members. Per course faculty members are evaluated pursuant to the provisions of 2.5.6. See "Guidelines for Applying for Faculty Promotion in Rank and Tenure," available from the Office of the Provost and Vice President for Academic Affairs. Different evaluation standards apply in the School of Law. Sections 2.5.1 to 2.5.4 and 2.5.6 do not apply to the School of Law, unless expressly incorporated by other sections in the Faculty Handbook. Those applying for tenure, promotion, or merit increases in salary "must be measured against the standards as [they] are understood at the time of application," for a developing institution, such as St. Mary's University, "must make these important decisions in light of the highest reasonable standards and not the lowest." (Minutes, St. Mary's Board of Trustees, November 1992).

#### **2.5.1 Criteria for Faculty Evaluation**

The same categories of criteria are applicable to the evaluation of faculty members when they are being considered for tenure, promotion, and merit increases in salary. These include, first of all, excellent teaching and advising of students, as well as scholarly productivity, and valuable service within and outside the University (see Sections 2.5.1.1 to 2.5.1.3.2). An applicant for tenure, promotion, or a merit increase in salary must demonstrate a record of achievement according to standards interpreting the scholarship requirement (Section 2.5.1.3.3) and the likelihood of continued fulfillment of these fundamental responsibilities, each of which is directly related, and requires an effective contribution, to the Mission of St. Mary's University. Those charged with evaluating the candidate must apply these criteria in light of the particularized expectations articulated by the individual School, Department, or Library, as described in Section 2.5.1.3.3. Those applying for tenure, promotion, or merit increases in salary "must be measured against the standards as [they] are understood at the time of application," for a developing institution, such as St. Mary's University, "must make these important decisions in light of the highest reasonable standards and not the lowest." (Minutes, St. Mary's Board of Trustees, November 1992).

Excellent teaching and advising are required of all faculty members because the University's primary responsibility is to its students, and to their academic advancement and holistic growth. Time given to students has a place of excellence as part of the Marianist character and identity of the University, and that gift of ministry must be recognized in the evaluation of a faculty member. The scholarship requirement reflects the twin judgments that University faculty members have a professional obligation to contribute to the dissemination of knowledge beyond the classroom, and that they will ordinarily be better teachers if engaged in research, writing, and other scholarly activities. The service requirement recognizes that universities function most effectively when faculty members participate in university governance and administration, and that society rightfully expects persons affiliated with higher education to play a significant role in public life.

An individual's qualifications and contributions must always be judged as a whole, recognizing that each person brings particular strengths to the faculty and its mission during the different seasons of that individual's academic career. A variety of evidence gives the best picture of whether a candidate is performing adequately.

#### **2.5.1.1 Teaching and Advising**

**a.** A faculty member must excel in teaching and advising students. The advising function includes, but is not necessarily limited to: counseling students about course content, graduation requirements, and the selection of courses relevant to the student's career objectives; and guiding students toward professional assistance for personal problems or deficiencies in academic skills.

**b.** In determining whether a faculty member demonstrates the requisite skill in teaching and advising students, the following factors are relevant:

- i Command of one's subject matter;
- ii Knowledge of the relationship of one's discipline to the Liberal Arts, the Catholic education tradition, and other traditions;
- iii Knowledge of current developments and effective pedagogy in one's discipline;
- iv Ability to relate one's subject matter to other areas of knowledge;
- v Skill in communicating with students;
- vi Ability to plan and execute a substantive, well-organized course;
- vii Ability to stimulate and deepen student interest in the subject matter;
- viii Capacity to motivate students to be productive through independent work;
- ix Use of effective teaching methods and strategies;
- x Integrity, open-mindedness, and fairness in teaching;
- xi Knowledge of degree requirements and career options; and
- xii Knowledge of resources offering assistance to students with problems.

Those charged with evaluating a faculty member's teaching and advising may collect information from a variety of sources, including but not limited to: class visitations; inspection of teaching portfolios (including such materials as syllabi, handouts, and tests); review of videotapes of the faculty member's classes; and formal and informal evaluations by students.

#### **2.5.1.1.1 Effectiveness of Librarians with Faculty Status**

Because of the nature of librarianship, librarians with faculty status substitute "effective librarianship" for the criterion of "teaching and advising" required for promotion in rank and tenure for other faculty members. Effective librarianship includes, but is not limited to the following:

- i knowledge and its effective application in the librarian's area of specialty;
- ii knowledge of and effective application of general and accepted principles of librarianship;
- iii effective supervision of subordinate personnel and management of assets, where applicable;
- iv ability to communicate information needed by primary library users in an effective and professional manner, through individual interaction, through group instructional sessions and through other appropriate means;
- v contribution to an improvement of library operations and services through creative, innovative librarianship;

Sources for the evaluation of effective librarianship will include, but are not limited to:

- i the librarian's individual Faculty Development and Growth Plan;
- ii the supervisor's assessment and evaluation of the librarian's accomplishments in terms of the faculty member's individual Faculty Development and Growth Plan documents;
- iii other evaluations by the librarian's supervisor, if applicable;
- iv peer evaluations and/or evaluations by users, as appropriate.

### **2.5.1.2 Service to the University and the Community**

A faculty member must serve both the University and the community. Such service may include, illustratively:

- a. Participation in University, School, or Departmental decision-making and curriculum development processes;
- b. Service on University, School, or Department committees;
- c. Participation in University governance, such as the Faculty Senate;
- d. Service as an Associate Dean, Assistant Dean, Department Chair, or Director or Coordinator of a Program;
- e. Representation of the University before local, regional, national, or international bodies and organizations;
- f. Participation in professional organizations, including, in particular, service as an officer, committee member, or speaker;
- g. Public service relating to one's area of expertise, including, but not limited to, testimony before public hearings.

### **2.5.1.3 Scholarship**

a. A faculty member must be a productive scholar, for scholarship is an intrinsic element of academic University life. Recognizing that fact, St. Mary's University has long encouraged and placed a high value upon research and publication, particularly in fields related to its degree programs. To acknowledge that scholarly productivity is an essential component of a faculty member's duties is not to diminish the importance of excellent teaching, but rather to ensure that teaching, which lies at the heart of the University's responsibility to its students, is able to draw upon the intellectual richness that typically characterizes a community of scholars. The specific forms and intensity of scholarly activity within the University appropriately vary between Schools, and between Departments within Schools, due to inherent differences among the disciplines. Nevertheless, in all parts of the University, there is, from both the administration and the faculty, a "growing expectation of and support for research, scholarship and publication." (Minutes, St. Mary's University Board of Trustees, November 1992).

b. Scholarship can take many forms. It includes, for example, articles in journals, research monographs, scholarly books, treatises, chapters in larger works, bibliographies, anthologies, papers presented at academic meetings, and published instructional materials. In addition to traditional written works, scholarship may encompass, in particular disciplines, such types of intellectual expression as stage productions, art exhibits, mathematical and scientific formulas, and software. Scholarship also includes some, but not all forms of, teaching and course development. (See Section 2.5.1.3.1). Despite their myriad forms, works of scholarship share common characteristics which make it possible both to identify basic types of scholarship and to assess the value of works within those categories. For the purpose of promoting quality scholarship at St. Mary's University, a framework consisting of "types of scholarship" and "assessment

criteria" is set forth below in Sections 2.5.1.3.1 and 2.5.1.3.2. The content of those Sections forms the basis for the articulation by the various Schools, Departments, and Libraries of more specific expectations relating to scholarly productivity of faculty members within those academic units that are discussed in Section 2.5.1.3.3. In turn, those interpretations of the scholarship requirement define the standards against which a faculty member's fulfillment of that criterion is to be measured during evaluations for tenure, promotion, and merit increases in salary.

#### **2.5.1.3.1 Types of Scholarship** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

It is possible to identify at least four basic types of scholarship: Scholarship of Teaching; Scholarship of Discovery; Scholarship of Integration; and Scholarship of Application. These categories, as defined at St. Mary's University, reflect, but do not embrace all details of the categories proposed by Ernest L. Boyer in Scholarship Reconsidered (1990).

The Scholarship of Teaching encompasses three distinct types of scholarly activities. The first includes works which are directly related to pedagogical practices. Such scholarship seeks to improve the teaching and advising of students through discovery, evaluation, and transmission of information about the learning process. The second form of the Scholarship of Teaching involves the development and publication of materials for use in the classroom and in other teaching contexts. In part, this subcategory includes works which perform the valuable function of making other types of scholarship accessible to students. The third subcategory of the Scholarship of Teaching includes certain forms of teaching and course development which so demonstrably transcend the ordinary that they may fairly be regarded as transforming and extending the range of human knowledge when viewed in light of the rigorous criteria applicable to the evaluation of other forms of scholarship. (See Section 2.5.1.3.2.)

The Scholarship of Discovery encompasses those scholarly activities which extend the stock of human knowledge through the discovery or collection of new information. Such scholarship seeks to confront the unknown, and typically exhibits a dedication to free inquiry, disciplined investigation, and the pursuit of knowledge for its own sake. The Scholarship of Discovery includes, but is not limited to, what is sometimes referred to as "basic" or "original" research.

The Scholarship of Integration encompasses scholarly activities which are primarily interdisciplinary or interpretive in nature. Such scholarship seeks to better understand existing knowledge by making connections across disciplines, illuminating data in a revealing manner, drawing together isolated facts, or placing known information into broader contexts. The Scholarship of Integration synthesizes, interprets, and connects the findings produced by the scholarship of discovery in a way that brings new meaning to those facts.

The Scholarship of Application encompasses scholarly activities which seek to relate the knowledge in one's field to the affairs of the university or of society. Focused within the university, such scholarship seeks to improve the ways in which the university serves its various constituencies. Focused outside the university, such scholarship moves toward engagement with the community beyond academia in a variety of ways, such as by using social problems as the agenda for scholarly investigation; *using ones professional expertise and rules of practice as a vehicle for an educational endeavor*; drawing upon existing knowledge to craft solutions to social problems; or making information or ideas accessible to the public. Work on cross-curriculum, activities associated with assessment of the educational process and its many of which produce substantial documents for internal review and application, may fit within this category.

The four categories defined above do not embrace the entire range of valuable scholarship. Rather, the categories denote four areas of scholarly activity that St. Mary's University has chosen to recognize as particularly significant. By defining these categories, the University makes it possible for faculty members and individual Schools, Departments, and Libraries to identify more clearly the role of scholarship within the University.

Some scholarly endeavors -- such as writing a grant proposal; reviewing a manuscript; advising another researcher; promoting critical discourse among colleagues; participating in internal peer review, or supervising a dissertation -- may not fit neatly into the four noted categories or even result in a tangible product clearly attributable to the faculty member. Nevertheless such efforts are valuable -- often extraordinarily so. These types of endeavors reflect an appreciation of the importance of scholarship and, in many cases, demonstrate a willingness to assist others in the difficult task of being productive scholars. The best research flourishes in a context of trust, mutuality, and cooperation. St. Mary's University

seeks not merely to encourage productive scholarship, but to facilitate and cultivate the continuing growth of a true community of scholars. The individuals who comprise the faculty and administration of the university share joint responsibility for the common welfare of that community. The university, as an institution, has a corporate responsibility to assist individuals in developing the conditions (material and otherwise) which are essential to productive scholarship within a supportive academic community.

Some works of scholarship have attributes that legitimately fall within more than one of the four stated categories. Consequently, it is often difficult to fairly categorize a work in the absence of full details about its content. Mindful of that limitation, the following non-exhaustive list is illustrative of works within the four categories:

- a. Examples of the Scholarship of Teaching include: publications about pedagogy and methodology; development and publication of instructional materials, including, but not limited to textbooks, laboratory exercises, teacher's manuals, supplements, and student study guides; the conduct of workshops and conference presentations on innovative teaching methods; the creation of software and computer exercises; and certain forms of teaching and course development that are clearly extraordinary in their contribution to knowledge.
- b. Examples of the Scholarship of Discovery may be drawn from the sciences, such as the development of new materials and drugs, the discovery of unknown physical phenomena, and the identification of "laws" governing physics or mathematics. Across the disciplines, many types of empirical research, involving the use of quantitative techniques from the social sciences, fall within the Scholarship of Discovery. Work in the humanities that is so highly original that it cannot fairly be regarded as merely interpretive, interdisciplinary, or an extension of the work of others may constitute the Scholarship of Discovery.
- c. Interdisciplinary works, such as those which use economic or psychological analysis, may qualify as Scholarship of Integration. The same is true of evaluative and interpretive works, such as review essays, which probe the merits of another's work from a particular viewpoint, such as a religious, political, or gender-based perspective.
- d. Examples of the Scholarship of Application include such diverse forms of scholarship as drafts of model legislation; articles and books examining the legal, economic, or ethical implications of new social phenomena; editorials and opinion pieces involving issues in one's discipline; and certain types of research in the applied sciences.

The Scholarship of Application partially overlaps with the requirement of service (see Section 2.5.1.2). For example, in cases where public service involves the direct application of knowledge in one's field to the affairs of society, the work counts toward satisfaction of both the service (see Section 2.5.1.2) and scholarship (see 2.5.1.3) requirements for tenure, promotion, and merit increases in salary. However, the same is not true of all forms of service. There is a difference, for example, between carrying one's share of the administrative burdens of the university, and participating in projects that require the application of knowledge from one's field. To be considered scholarship, service activities must be tied directly to one's discipline and require the use of that knowledge in the service of the university or outside community.

Similarly, the Scholarship of Teaching must be distinguished from teaching itself. The Scholarship of Teaching involves the disciplined discovery, evaluation, and transmission of information about the learning process. Teaching, in contrast, involves the application of that information through actual instruction. As noted in Section 2.5.1.3.1 a., however, some forms of teaching and course development also would be considered evidence for scholarship of teaching.

#### **2.5.1.3.2 Assessment of Scholarship**

The evaluation of scholarship includes, but is not necessarily limited to, whether the work is well expressed, innovative, comprehensive, and visible, and whether it has been favorably reviewed by, and has influenced, others.

Well Expressed. Scholarship is well expressed if it effectively communicates the content of the work. At a minimum, the work must be appropriately organized and presented through a suitable medium. The clarity of the work is typically an important consideration.



Innovative. Scholarship is innovative if it is original in a meaningful sense. The originality of the work may relate to the content of the work, its mode of dissemination, its source, and perhaps to other matters as well. For instance, a written work may be innovative if it addresses a previously uncharted topic or brings a new perspective to bear upon previously identified ideas or issues; because it carries a message to a new audience or employs a new medium; or because it requires the scholar to extend his or her personal range of scholarly competence.

Comprehensive. Scholarship is comprehensive if its presentation reflects a broad appreciation of existing information, relevant issues, and possible alternatives. Whether the scholar has placed a work into context is a significant consideration. Another important factor is whether the work has an appropriate degree of complexity in light of applicable limitations, such as those relating to space, time, or resources. The comprehensiveness of the work is enhanced to the degree that the work is interdisciplinary.

Visible. Scholarship is visible if it is communicated to an audience in a manner that is likely to enhance the reputation of the individual scholar and the University. The size and nature of the audience reached by the work is relevant to this determination. Additionally, in the case of written works, consideration should be given to the prestige of the publisher and the prominence given to the work. Similar considerations apply to the evaluation of non-written works.

Reviewed. Scholarship is reviewed when it is subject to scrutiny by others. Review of a work may occur at several stages: pre-dissemination; during the dissemination process; and post-dissemination. Prior to dissemination, drafts, prototypes, and other tentative forms of a work may be evaluated by peers or others within or outside the University, for the purpose of soliciting guidance. During the dissemination process, potential publishers and others may evaluate the merits of a work with a view toward determining whether it deserves a forum. After dissemination, the work may be the subject of reviews which evaluate the final product of the scholarship.

Influential. Scholarship is influential if it affects the conduct or work of others. For instance, there is evidence that a work is influential if a book is adopted for use in others' classrooms; where a study or article is invoked as the basis for governmental action; or where a scientific discovery forms the predicate for research by others.

### **2.5.1.3.3 Standards Interpreting the Scholarship Requirement**

The faculty of each School, Library, and, where appropriate, individual Departments, shall define, adopt, and periodically revise standards interpreting the University's scholarship requirement. These standards shall articulate the minimum expectations for scholarly productivity on the part of all faculty members in the School, Department, or Library, taking into account: the mission of that academic unit; the various constituencies that it serves; the types and qualities of scholarship identified in Sections 2.5.1.3.1 and 2.5.1.3.2; and the time and resources available to the faculty members for scholarly activities, both of which vary throughout the University.

The standards adopted pursuant to this Section should reflect both the importance of demonstrative evidence of continuing scholarly productivity and the fact that rigid timetables for research and scholarship are often unrealistic. In addition, the standards must recognize that the focus of individual research and the direction of one's scholarly activities are subject to seasonal change throughout the faculty member's career. The standards should not so narrowly define acceptable forms of scholarship as to inhibit the pursuit of new forms of scholarship within the University.

The standards of the individual Schools, Departments, and Libraries adopted pursuant to this Section shall provide that:

- a. all faculty members must devote some portion of their time, on a regular basis, to the Scholarship of Teaching;
- b. all faculty members must devote some portion of their time, on a regular basis, to at least one of the following forms of scholarship: Scholarship of Discovery, Scholarship of Integration, and Scholarship of Application;
- c. faculty members teaching solely at the graduate level must devote some portion of their time, on a regular basis, to the Scholarship of Discovery or Scholarship of Integration.

*Please refer to Appendix A for the standards adopted by individual Schools, Departments, and Libraries pursuant to this Section.*

### **2.5.2 Faculty Growth and Development Plan**

Each faculty member shall annually develop an individual Growth and Development Plan (GDP) in which the strategy for meeting the University's requirements for teaching, advising, service and scholarship is stated concretely. The GDP shall take into account the standards interpreting the scholarship requirement developed by the individual School, Department, or Library.

The GDP shall indicate, in general terms, the intended direction of the faculty member's growth during the next three years. Focusing specifically on the first year of that three-year period, the GDP shall include a detailed statement of the faculty member's more immediate objectives in the areas of teaching, advising, service, and scholarship. Illustratively, a GDP may include plans for: development of new courses, teaching methods, or examination processes; mastery of new subject matter or technologies; research and writing projects, and other creative work; and service activities within and outside the University. The GDP shall specify the time and resources needed for completion of the stated objectives. Each successive GDP shall include a clear statement indicating the degree to which progress was made during the prior year in accomplishing previously stated objectives, including an explanation of any significant changes in the plans of the faculty member.

In designing a GDP, the faculty member shall consult with the Department Chair (or Dean, if there is no Chair) or Library Director. Throughout this process, the Chair, Dean, or Director shall be sensitive to the goals of the individual faculty member, as well as to the needs of the Department, School, or Library, and of the University.

In cases where the faculty member and Chair, Dean, or Director cannot reach agreement as to the content of a GDP, both shall submit their documentation to the Provost and Vice President for Academic Affairs who will review the documents, consult with the parties involved and approve the final GDP. In all cases, a final copy of the individual faculty member's GDP shall be provided to the Chair, Dean, or Director. In addition, faculty members shall retain copies of their past and present GDPs, and shall provide relevant GDPs to persons charged with making decisions on tenure, promotion, and merit increases in salary. That data shall form one part of the basis for evaluating the faculty member in those processes.

### **2.5.3 Evaluation of Teaching by Students**

University policy requires periodic student evaluations of all instructors. Evaluations, authorized by the Provost and Vice President for Academic Affairs, are conducted at regular intervals each year under the supervision of the Director of Academic Assessment. A faculty member may supplement this evaluation with his or her own evaluation process.

### **2.5.4 Pre-Tenure Evaluation by Peers**

Each Dean shall appoint one or more Faculty Development Committees, composed of tenured and/or non-tenured faculty members, to assist and advise new faculty members in the performance of their academic duties, and prepare and submit to the dean a written evaluation of each untenured faculty member's performance during the first and third years of full-time employment, or first, third, and sixth years of pro-rata employment. Schools may evaluate faculty more frequently. A committee shall consist of three faculty members appointed by the Dean after consultation with both the faculty member under review and the department chair. The chair of the new faculty member's department shall be a member ex-officio of the Committee.

The Faculty Development Committee shall conduct its evaluations according to the criteria described in Sections 2.5.1 through 2.5.3. The Committee chair shall furnish a copy of the written evaluation to, and discuss its contents with, the faculty member under review. Such reports shall be made available to the departmental chair and dean and, when the occasion arises, to other persons voting on tenure or promotion of the faculty member in question.

### **2.5.6 Evaluation of Per Course Faculty**

Per Course faculty members must excel in teaching. Evaluations of teaching, authorized by the Provost and Vice President for Academic Affairs, are conducted at regular intervals each year under the supervision of the Director of Academic Assessment. The Deans are responsible for regularly monitoring the quality of teaching by Per Course faculty members.

### **2.5.7 Development and Evaluation School of Law**

#### **2.5.7.1 Tenure Track Faculty Members**

The Dean shall appoint a Faculty Development Committee, composed of faculty and students, to assist and advise new faculty members in the performance of their academic duties, and to prepare and submit to the Dean a written evaluation of each untenured faculty member's performance during his or her first, second, and third years of employment at the Law School. The Chair of the Faculty Development Committee shall furnish a copy of the written evaluation to, and discuss its contents with the faculty member under review. Before the end of the penultimate year of an untenured professor's initial contract, the Faculty Development Committee shall recommend to the Dean and the law faculty either that the faculty member be offered a new contract (ordinarily, for a term of two years beyond the original term) or that the faculty member be terminated at the end of the final year of his or her initial contract. The entire voting faculty shall decide, by a vote of a majority of those present at a formal meeting, whether the faculty member under review shall be given a new contract or terminated. Should the faculty vote to terminate the employment of the faculty member under review, he or she shall receive notice, given in conformity with the requirements of the American Association of University Professors, that his or her employment will terminate upon the expiration of his or her initial contract.

#### **2.5.7.2 Clinical Professors of Law** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

The Dean shall appoint a Clinical Education Committee, composed of faculty and students. One of the responsibilities of the Clinical Education Committee shall be to assist and advise Clinical Professors of Law in the performance of their duties, and to prepare and submit to the Dean periodic evaluations of each Clinical Professor of Law's performance. Clinical Professors of Law are encouraged *to engage* in scholarship.

#### **2.5.7.2.1 Review During Initial Contract Term** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

The Clinical Education Committee shall submit written evaluations of each Clinical **Assistant** Professor of Law's performance during *the* first, second *and third* years of employment at the Law School. The Chair of the Clinical Education Committee shall furnish a copy of the written evaluation to, and discuss its contents with, the Clinical **Assistant** Professor of Law under review. Before the end of the penultimate year of a Clinical **Assistant** Professor of Law's initial contract, the Clinical Education Committee shall recommend to the Dean and the Law faculty either that the Clinical **Assistant** Professor of Law be offered a new contract (ordinarily, for a term of *three* years) or that the Clinical **Assistant** Professor of Law be terminated at the end of the final year of his or her initial contract. The voting faculty shall recommend, by a majority vote of those present at a formal meeting, whether the Provost and Vice President for Academic Affairs should offer a new contract to the *faculty member* under review. If a Clinical **Assistant** Professor of Law's contract is not renewed, he or she shall receive notice, given in conformity to section 2.8.3.1, that his or her employment will terminate upon the expiration of his or her contract.

### **2.6 Promotion in Rank** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

#### **2.6.1 Criteria**

Upon completion of the minimum number of years in their respective ranks (see Section 2.6.3.1, 2.6.4, 2.6.5, 2.6.6.1, **2.6.2 and 2.6.3**), ranked faculty members (other than full professors) may apply for promotion to the next rank.

Promotion is not automatic and must be merited. The criteria for promotion are stated in Section 2.5 et seq. Those charged with evaluating a candidate for promotion must apply the criteria in light of the standards interpreting the scholarship requirement adopted by the individual School, Department, or Library that are described above in Section 2.5.1.3.3. Promotion to the rank of associate or full professor requires attainment by the applicant of a terminal degree.

## **2.6.2 General Procedures**

During the fall semester of the academic year prior to the completion of minimum time in rank (approximately October 1), eligible faculty members will be invited by the Provost and Vice President for Academic Affairs to apply for promotion. A written application for promotion must then be submitted by the faculty member to the Provost and Vice President for Academic Affairs to initiate the promotion process. The application must address the criteria for promotion stated in Section 2.5.1, placing special emphasis on the period covering time spent in the present rank. The applicant consents to the distribution of these application materials by the Provost and Vice President for Academic Affairs to all parties involved in making the promotion decision.

Promotions take effect at the beginning of the next academic year.

## **2.6.3 Promotion in Undergraduate and Graduate Schools**

### **2.6.3.1 Eligibility**

For full-time ranked faculty members in the undergraduate schools and the Graduate School, the minimum time in rank prior to promotion to the next rank is: Instructor, 3 years; Assistant Professor, 5 years; and Associate Professor, 7 years. For pro-rata ranked faculty members in the undergraduate schools and the Graduate School, the minimum time in rank prior to promotion to the next rank is: Instructor, 6 years; Assistant Professor, 10 years; and Associate Professor, 14 years.

In determining eligibility, only service at St. Mary's University is counted, unless credit for service at another college or university is granted by the Provost and Vice President for Academic Affairs in writing at the time employment commences at St. Mary's University. Credit for such service toward promotion to the ranks of Associate Professor or Professor may not exceed three years in the case of full-time faculty members, and six years in the case of pro-rata faculty members. Applicants are responsible for obtaining and submitting, in timely fashion, official documents verifying their service at other institutions. A full-time leave of absence does not count toward promotion unless the faculty member and Provost and Vice President for Academic Affairs so agree in writing prior to the commencement of the leave. Full-time faculty members may count prior pro-rata service at St. Mary's University, and pro-rata faculty members may count prior full-time service at St. Mary's University, only to the extent that the faculty member and Provost and Vice President for Academic Affairs so agreed in writing at the time the faculty member's current status was assumed. Ordinarily, two years of pro-rata employment will be treated as equivalent to one year of full-time employment, and one year of full time employment will be treated as equivalent to two years of pro-rata employment. In granting credit for prior service at St. Mary's University, the Provost and Vice President for Academic Affairs shall consult the respective Dean.

### ***2.6.3.2 Procedures (Revised and Approved by the Board of Trustees Nov. 4, 2005)***

The application submitted by the candidate for promotion (see Section 2.6.2) is reviewed by the Provost and Vice President for Academic Affairs, who conducts a consultation through a voting procedure. The consultation includes:

- a.** A committee of faculty members having the rank applied for.

In the case of promotion to the rank of Associate Professor, a committee of Associate Professors is drawn from the applicant's School. The committee includes all faculty members with that rank, unless the number exceeds five, in which case a committee of five members shall be elected from that group under the supervision of the Dean. If the number of Associate Professors in the School is less than five, the Dean shall appoint as many members as necessary from the rank of full Professor to bring the membership of the Committee to five. The Dean appoints the chair of the Committee.

Similar procedures are followed if it is necessary to select a committee of Assistant Professors to consider an application for promotion to that rank.

In the case of promotion to the rank of full Professor, the committee of full Professors is drawn from the entire University, and includes all persons within that rank (except Professors in the School of Law). The committee acts under the supervision of the Provost and Vice President for Academic Affairs, who appoints the chair.

Voting within the Promotion Committee is "yes" or "no." Faculty members voting on a candidate are strongly encouraged to attend and participate in the meeting at which the candidate's qualifications are discussed. Tenured faculty members who have resigned, retired, or have been terminated are not eligible to vote. At least one reason for a vote must be stated in writing on the ballot; if a reason is not given, the ballot is void. Abstentions and void ballots are not counted for any purpose. If "yes" votes exceed "no" votes, the applicant receives the one affirmative vote in the consultation process. If "no" votes exceed "yes" votes, the applicant receives one negative vote in the consultation process. The Provost and Vice President for Academic Affairs is informed of the results, and receives the ballots, from the Chair of the Promotion Committee.

- b. The Dean of the applicant's School; the Graduate Dean (if the applicant teaches Graduate courses); and the Chair of the applicant's Department (if there is one, and if the Chair is not the applicant).

All votes are "yes" or "no." Abstentions are not counted. Absentee voting is permitted, unless the Dean or Chair has resigned. The Chair, if any, has one vote. The Dean has one vote. The Graduate Dean, if required to participate in the process, has one vote. At least one reason for a vote must be stated in writing on the ballot; if a reason is not given, the ballot is void. The ballots are submitted to the Academic Council for tabulation. The Provost and Vice President for Academic Affairs is informed of the result, if not present at the meeting at which the votes are counted.

Following the consultation process, the Provost and Vice President for Academic Affairs makes a recommendation to the President on whether the applicant should be promoted. Promotion is granted or denied by the President. The President's decision is final and no appeal of a promotion decision is allowed. *In the letter that notifies the faculty member about denial of the promotion, the President may include such information and observations in the context of the standards of promotion and within the spirit of formative processes as the President deems appropriate.*

#### **2.6.4 Promotion of Librarians (Revised and Approved by the Board of Trustees Nov. 4, 2005)**

For ranked librarians, promotion in rank depends upon the same criteria as for other faculty members, except as provided for in Section 2.5.1.1.1, "Effectiveness of Librarians with Faculty Status." *The Scholarship of Librarianship, which replaces the Scholarship of Teaching, is defined in appendix A-4 of the Faculty Handbook* The determination of eligibility and the procedures to be followed are the same as for other faculty members, except that the Director of the Academic Library or the Director of the Law Library will assume the functions normally assigned to a Dean. A Master's Degree in an academic discipline, in addition to a Master's Degree in Library Science, will suffice as terminal qualification.

In the case of librarians applying for promotion to ranks below that of full professor, a committee shall be appointed with membership including one-third representation of librarians with faculty status from the applicant's library; one-third representation by librarians with faculty status from the other library; and one-third representation by faculty members from schools directly served by the librarian. Members of the committee must be at or above the faculty rank for which application for promotion is made.

#### **2.6.5 Promotion of Academic Administrators**

Academic administrators (including the President, Provost and Vice President for Academic Affairs, Deans, and faculty members appointed to special administrative positions) who hold academic rank will be considered for tenure and promotion, and will have the time of administrative service counted towards tenure or promotion, only if this has been agreed upon in writing at the time of appointment, in which case the evaluation of the individual shall include evaluation of the administrative service. The determination of eligibility and the procedures to be followed are similar, but not identical, to those for other faculty members.

## **2.6.6 Promotion in the School of Law**

### **2.6.6.1 Promotion to the Rank of Associate Professor, School of Law**

A faculty member hired as an Assistant Professor is eligible to apply for promotion to the rank of Associate Professor during or after his or her third year of full-time employment (including both full-time employment on the tenure track at St. Mary's Law School, and full-time employment on the tenure track at any other law school accredited by the American Bar Association). No faculty member may be promoted to the rank of Professor until he or she is granted tenure; and every faculty member who is hired with tenure, or is granted tenure, must be given the rank of Professor.

A promotion to the rank of Associate Professor should be granted only to an Assistant Professor who has a satisfactory or superior record of classroom teaching and student counseling, and who has proven himself or herself likely to become a productive scholar. (Factors relevant to the assessment of teaching and scholarship are set forth in Sections 2.5.1 (b) and 2.5.1.3.2 respectively, and the duty to be a productive scholar is discussed in 2.5.1.3 (a).) An applicant's record of service to the Law School, the University, the legal profession, and the community may also be considered in support of his or her promotion to the rank of Associate Professor. (see Section 2.5.1.2)

A candidate for promotion from the rank of Assistant Professor to the rank of Associate Professor can initiate the promotion process by delivering to the Provost and Vice President for Academic Affairs, with a copy to the Dean of the Law School, a letter stating his or her intention to apply for promotion. The applicant thereafter shall submit to the Provost and Vice President for Academic Affairs, with copies to the Dean of the Law School, materials supporting his or her application for promotion, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion decision. The Dean shall provide copies of these materials to the members of the Promotion Committee composed of all members of the law faculty who hold the rank of Associate Professor or Professor. The Promotion Committee thereafter shall convene at a formal meeting and consider the application for promotion. Absentee voting is permitted. The Promotion Committee shall be deemed to have recommended promotion for an applicant only if a majority of those casting ballots vote in favor of promoting the applicant from the rank of Assistant Professor to the rank of Associate Professor.

A promotion can be granted only by the President of St. Mary's University. In deciding whether or not to grant a promotion, the President shall consider the recommendations of the Promotion Committee of the law faculty, the Dean of the Law School, the Academic Council and the Provost and Vice President for Academic Affairs. Except in rare cases and for compelling reasons, the President shall not grant a promotion over the opposition of the Promotion Committee of the law faculty.

A promotion to the rank of Associate Professor becomes effective at the beginning of the academic year after it is granted. Promotion to the rank of Professor is covered in Section 2.7.2.2 below.

### ***2.6.6.2 Promotion to the Rank of Clinical Associate Professor of Law***

*(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

***A faculty member hired as a Clinical Assistant Professor is eligible to apply for promotion to the rank of Clinical Associate Professor during his or her third year of full-time employment.***

***A promotion to the rank of Clinical Associate Professor should be granted only to a Clinical Assistant Professor who has a satisfactory or superior record of clinical teaching and student counseling. (Factors relevant to the assessment of teaching is set forth in Sections 2.5.1 (b)) An applicant's record of service to the Law School, the University, the legal profession, and the community may also be considered in support of his or her promotion to the rank of Clinical Associate Professor. (see Section 2.5.1.2)***

***A candidate for promotion from the rank of Clinical Assistant Professor to the rank of Clinical Associate Professor can initiate the promotion process by delivering to the Provost and Vice President for Academic Affairs, with a copy***

*to the Dean of the Law School, a letter stating his or her intention to apply for promotion. The applicant thereafter shall submit to the Provost and Vice President for Academic Affairs, with copies to the Dean of the Law School, materials supporting his or her application for promotion, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion decision. The Dean shall provide copies of these materials to the members of the promotion Committee composed of all members of the law faculty who hold the rank of Clinical Associate Professor, Associate Professor, Clinical Professor, or Professor. The Promotion Committee thereafter shall convene at a formal meeting and consider the application for promotion. Absentee voting is permitted. The Promotion Committee shall be deemed to have recommended promotion for an applicant only if a majority of those casting ballots vote in favor of promoting the applicant from the rank of Assistant Professor to the rank of Associate Professor.*

*A promotion can be granted only by the President of St. Mary's University. In deciding whether or not to grant a promotion, the President shall consider the recommendations of the Promotion Committee of the law faculty, the Dean of the Law School, the Academic Council and the Provost and Vice President for Academic Affairs. Except in rare cases and for compelling reasons, the President shall not grant a promotion over the opposition of the Promotion Committee of the law faculty.*

*A promotion to the rank of Associate Professor becomes effective at the beginning of the academic year after it is granted. Promotion to the rank of Professor is covered in Section 2.7.2.2 below.*

#### **2.6.6.3 Promotion to the Rank of Clinical Professor of Law**

*(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

*A Clinical Associate Professor who is promoted to the rank of Clinical Professor is simultaneously granted a five year presumptively renewable contract. During the fourth, fifth, or sixth year of his or her full-time employment, a faculty member who holds the rank of Clinical Associate Professor may apply for promotion to the rank of Clinical Professor. No faculty member may be promoted to the rank of Clinical Professor of Law until he or she is granted a presumptively renewable contract; and every faculty member who is hired with a presumptively renewable contract, or is granted a presumptively renewable contract, must be given the rank of Clinical Professor of Law.*

*The denial of a Clinical Associate Professor's first or second application for promotion to the rank of Clinical Professor does not preclude a subsequent application. If a full-time Clinical Associate Professor has not received promotion to the rank of Clinical Professor prior to the completion of his or her sixth year of service, he or she shall be given notice that his or her employment will terminate upon the completion of his or her seventh year of employment.*

*A promotion to the rank of Clinical Professor should be granted only to faculty members who have a satisfactory or superior record of clinical teaching and student counseling. An applicant's record of service to the Law School, the University, the legal profession, and the community may also be considered in support of his or her promotion to the rank of Clinical Professor. (see 2.5.1.2)*

*A candidate for promotion to the rank of Clinical Professor can initiate the promotion process by delivering to the Provost and Vice President for Academic Affairs, with a copy to the Dean of the Law School, a letter stating his or her intention to apply for promotion. The applicant thereafter shall submit to the Provost and Vice President for Academic Affairs, with copies to the Dean of the Law School, materials supporting his or her application for promotion to the rank of Clinical Professor, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion and tenure decision. The Dean shall provide copies of these materials to the promotion Committee, consisting of all tenured members of the law faculty, and all Clinical professors, and shall solicit comments from other members of the law faculty for consideration by the promotion Committee. The Promotion Committee thereafter shall convene at a formal meeting and consider the application for promotion. Absentee voting is permitted. The promotion Committee shall be deemed to have recommended that an applicant be promoted only if a majority of those casting ballots vote in favor of the promotion of the applicant to the rank of Clinical Professor.*

*Promotion to the rank of Clinical Professor can be granted only by the President of St. Mary's University. In deciding whether or not to grant promotion to the rank of Clinical Professor the President shall consider the recommendations of the promotion Committee of the law faculty, the Clinical Committee, the Dean of the Law School, the Academic*

*Council of the University, and the Executive Council of the University. Except in rare cases and for compelling reasons, the President shall not grant promotion to the rank of Clinical Professor over the opposition of the promotion Committee of the law faculty.*

*A promotion to the rank of Clinical Professor becomes effective at the beginning of the academic year after it is granted.*

**2.7 Tenure** (Revised and Approved by the Board of Trustees March 30, 2012) **REFER TO NEW TENURE PROCESS – APPENDIX I Pg. 234**

A faculty member cannot expect continuous employment at St. Mary's University without being granted tenure. Upon completion of the minimum number of years of service, as defined in this Handbook, tenure-track faculty members may apply for tenure. Tenure imparts not only the dignity but also the responsibility attendant with membership in the continuing core of the University's faculty. Tenure must be merited. The locus of tenure for faculty is the School in which they were hired. The locus of tenure for librarians with faculty status is the University.

The criteria for tenure in the undergraduate and Graduate Schools are stated in Section 2.5.1 et seq. These criteria and the tenure standards and interpretations shall apply regardless of the date these faculty members were hired on the tenure track.

Those charged with evaluating a candidate for tenure must apply the criteria in light of the standards interpreting the scholarship requirement adopted by the individual School or Library that are described above in Section 2.5.1.3.3.

The criteria for tenure in the School of Law are stated in Section 2.7.2.2.

Applicants for tenure may not apply more than once during any academic year in which they are eligible. The deadline for tenure application shall be determined by the Provost and Vice President for Academic Affairs.

In all circumstances, tenure is granted only by the President. A grant of tenure is effective at the beginning of the next academic year. *“Any grant of tenure pursuant to this section shall automatically confer the status of Associate Professor on the faculty member who is granted tenure, provided that the faculty member has not otherwise achieved such status and the faculty has at least attained the status of Assistant Professor.”*

### **2.7.1 Eligibility for Tenure**

#### **2.7.1.1 Undergraduate and Graduate Faculty and Tenure Track Librarians Hired Prior to June 1, 1995**

Faculty members and Librarians with faculty status who commenced their tenure-track employment at St. Mary's University on or after June 1, 1985 and prior to June 1, 1995, are eligible to apply for tenure until the deadline for tenure application during the Spring Semester of 2001 (see Section 2.7), and after that date will not be eligible to apply for tenure. Within this category, full time tenure track faculty and librarians with faculty status are eligible to apply for tenure beginning with the fourth full year of service at the University on the tenure track but not after June 1, 2001. The denial of a first or second application for tenure does not preclude a subsequent application by the deadline stated above. Faculty members or librarians with faculty status who are not granted tenure prior to June 1, 2001, shall not thereafter be eligible to apply for tenure and will be given notice that employment will terminate effective May 31, 2002.

Faculty members who commenced their tenure track employment at St. Mary's University prior to June 1, 1985, are eligible to apply for tenure until June 1, 2001, and after that date will not be eligible to apply for tenure and may be employed only under year-to-year term contracts. For persons within this category, long and distinguished service to St. Mary's University, including excellence in teaching, may be deemed to substitute for other forms of scholarship; this provision does not apply to persons in any other category.



### **2.7.1.2 Undergraduate and Graduate Faculty and Librarians with Faculty Status Hired On or After June 1, 1995**

Full-time tenure-track faculty members and librarians with faculty status hired on or after June 1, 1995, may apply for tenure during their fourth, fifth, or sixth years of full-time employment. Pro-rata tenure-track faculty members hired on or after June 1, 1995, may apply for tenure during their eighth, ninth, or tenth years of pro-rata employment.

The denial of a first or second application for tenure does not preclude a subsequent application within the time limitations set forth above. A full-time faculty member or librarian with faculty status who is not granted tenure prior to the completion of six years of employment will be given notice that employment will terminate at the end of the seventh year of employment. A pro-rata faculty member who is not granted tenure prior to the completion of ten years of employment will be given notice that employment will terminate at the end of the eleventh year of employment. In determining eligibility, only service at St. Mary's University is counted, unless credit for service at another college or university is granted by the Provost and Vice President for Academic Affairs in writing at the time employment commences at St. Mary's University. Applicants are responsible for obtaining and submitting, in timely fashion, official documents verifying their service at other institutions. A full-time leave of absence does not count toward tenure unless the faculty member and Provost and Vice President for Academic Affairs so agree in writing prior to the commencement of the leave. Full-time faculty members may count prior pro-rata service at St. Mary's University, and pro-rata faculty members may count prior full-time service at St. Mary's University, only to the extent that the faculty member and Provost and Vice President for Academic Affairs so agreed in writing at the time the faculty member assumed his or her current status. Ordinarily, two years of pro-rata employment will be treated as equivalent to one year of full-time employment, and one year of full time employment will be treated as equivalent to two years of pro-rata employment. In granting credit for prior service at St. Mary's University, the Provost and Vice President for Academic Affairs shall consult the respective Dean or Chair.

Only in rare circumstances may tenure be granted before the required number of years of service, and then only to faculty members whose professional and academic achievements demonstrate exceptional quality. Eligibility to apply early for tenure is determined by the Provost and Vice President for Academic Affairs, after consultation with the appropriate Dean or Department. In such cases, the usual tenure consultation procedures will be followed, unless the candidate is being hired from outside the University, in which case, other procedures, appropriate to the circumstances, will apply.

### **2.7.2 Procedures for Tenure in All Schools (Revised and Approved by the Board of Trustees Nov. 4, 2005)**

During the spring semester, eligible faculty members will be invited by the Provost and Vice President for Academic Affairs to apply for tenure. A written application must then be submitted by the faculty member to the Provost and Vice President for Academic Affairs to initiate the tenure process. The application must address the criteria stated in Section 2.5.1 et seq. The applicant consents to the distribution of these materials by the Provost and Vice President for Academic Affairs to all parties involved in making the tenure decision.

Tenure can be granted only by the President of St. Mary's University. ***In deciding whether to grant tenure the President shall consider the recommendation of the Tenure Committee of the applicant's School, the Dean, the Academic Council and the Provost and Vice President for Academic Affairs. The following section 2.7.3 provides that the opinion of the Tenure Procedures Review Committee, should it have been empanelled, shall become a part of the record for the information of the President.*** No one shall exercise a multiple voice in this process. Any individual involved in more than one of the groups considering the application shall participate only in the highest group. These procedures also apply to librarians with faculty status.

#### **2.7.2.1 Additional Procedures in Undergraduate and Graduate Schools**

The Tenure Committee for each of the undergraduate Schools includes all tenured faculty members in that School. Members of the Counseling faculty apply for tenure and vote in tenure recommendations in the School of Humanities and Social Sciences. The chair of the committee is appointed by the Provost and Vice President for Academic Affairs.

Voting within the Tenure Committee is "yes" or "no." For compelling reasons, committee members may vote absentee with approval of the Provost and Vice President for Academic Affairs. Tenured faculty members who have resigned, retired, or have been terminated are not eligible to vote. At least one reason for a vote must be stated in writing on the ballot; if a reason is not given, the ballot is void. Abstentions and void ballots are not counted for any purpose. If "yes" votes exceed "no" votes, the Committee recommends that the candidate be granted tenure. If "no" votes exceed "yes" votes, the Committee recommends that tenure be denied. The Provost and Vice President for Academic Affairs is informed of the results, and receives the ballots, from the chair of the Tenure Committee.

In the case of librarians with faculty status, the committee will include all tenured librarians in both schools plus a one-third representation of faculty members from the appropriate schools served.

**2.7.2.2 Promotion to Rank of Professor and Granting of Tenure in the School of Law**  
(Revised and Approved by the Board of Trustees September 8, 2017)

An Associate Professor may be promoted to the rank of Professor only if he or she simultaneously is granted tenure. During the ***fifth or sixth*** year of his or her full-time employment (including both full-time employment on the tenure track at St. Mary's Law School, and full-time employment on the tenure track at any other law school accredited by the American Bar Association), a faculty member who holds the rank of Associate Professor may apply for promotion to the rank of Professor, with tenure. The denial of an Associate Professor's first application for promotion to the rank of Professor, with tenure, does not preclude a subsequent application. ***The standard for promotion to the rank of Professor, with tenure, is the same whether the applicant is applying in their fifth or sixth year.***

In accordance with the principles of the American Association of University Professors, at least one year's advance notice must be given prior to the termination of the employment of a tenure-track professor. If a full-time tenure-track professor has not received promotion to the rank of Professor, with tenure, prior to the completion of his or her sixth year of service, he or she shall be given notice that his or her employment will terminate upon the completion of his or her seventh year of employment.

A promotion to the rank of Professor, with tenure, should be granted only to faculty members who have a satisfactory or superior record of classroom teaching and student counseling, and who have proven themselves to be productive scholars. (Factors relevant to the assessment of teaching are set forth in Sections 2.5.1.1, and the duty to be a productive scholar is discussed in 2.5.1.3 (a).) An applicant's record of service to the Law School, the University, the legal profession, and the community may also be considered in support of his or her promotion to the rank of Professor, with tenure. (See Section 2.5.1.2)

***It is the obligation of all faculty members to strive to achieve and sustain excellence in the areas of teaching, scholarship, and service. Therefore, all applicants for tenure should demonstrate excellence, or the potential to achieve excellence, in the areas of teaching, scholarship and service.*** The teaching and counseling requirement is predicated on the Law School's primary responsibility to its students, and their academic advancement and holistic growth. The scholarship requirement reflects both the judgment that he or she has a professional obligation to contribute to the rational development of the law. ***An applicant for promotion to the rank of Professor, with tenure must have published at least two substantial scholarly articles, written while the applicant was an assistant or associate professor of law on the tenure-track at this or another law school.*** (Criteria for the assessment of scholarship are set forth in Section 2.5.1.3.2.) ***Additional writings may be offered to demonstrate the applicant is a productive scholar.***

***For the purposes of the preceding paragraph, a "scholarly article" is an article of 10,000 words or more (inclusive of footnotes) published in a law journal sponsored by an ABA accredited law school (other than a St. Mary's sponsored publication) or peer reviewed journal and which is not co-authored.***

A candidate for promotion to the rank of Professor, with tenure, can initiate the promotion and tenure process by delivering to the Provost and Vice President for Academic Affairs, with a copy to the Dean of the Law School, a letter stating his or her intention to apply for promotion and tenure. The applicant thereafter shall submit to the Vice President for Academic Affairs, with copies to the Dean of the Law School, materials supporting his or her application for promotion to the rank of Professor, with tenure, along with a written statement authorizing the disclosure of these materials to all parties involved in making the promotion and tenure decision. ***The materials supporting the application must include a written review of the tenure applicant's scholarly works from two tenured academics, who teach at a law school other than St. Mary's, with knowledge of the field of scholarship in which the tenure candidate has written. One reviewer must be chosen by the Tenure Committee or a subset of the Tenure Committee and one must be chosen by the tenure candidate. These reviews should speak, among other things, to the quality of the applicant's scholarship. Solicitation of these reviews must be coordinated by the Tenure Committee and accomplished in a timely manner so as to ensure that the reviews are included in the tenure application. The Tenure Committee must also review the applicant's scholarly works to evaluate the quality of the scholarship. In evaluating the scholarly works, the Tenure Committee may call upon other faculty members with expertise in the areas addressed by the applicant's scholarship.***

The Dean shall provide copies of these materials to the Tenure Committee. ***The Tenure Committee must have five members and consist of the following:***

- ***The chair of the Tenure Committee will be the same person who was the chair of the Faculty Development Committee in place when the candidate applied for promotion to the rank of Associate Professor and contract renewal. Should that person be unable to fulfill this role, the Dean of the Law School shall select another member of the Faculty Development Committee that was in place when the candidate applied for promotion and renewal to act as the chair of the Tenure Committee.***
- ***Two tenured, full-time faculty members who are eligible to vote on the candidate that are elected by a majority of the full-time, tenured faculty.***
- ***Two tenured, full-time faculty members who are eligible to vote on the candidate that are selected by the candidate.***

***The Dean of the Law School is ineligible for membership on the Tenure Committee.***

***Upon the completion of the voting on the candidate for promotion and renewal, the chair of the Tenure Committee must begin formation of the Tenure Committee. The Tenure Committee must be formed by the end of the semester in which the candidate has applied for promotion and renewal. There will be a Tenure Committee formed for each candidate, regardless of whether multiple candidates are eligible to apply in the same year.***

***The Tenure Committee*** shall solicit comments from the *other* members of the law faculty for consideration by the Tenure Committee. The Tenure Committee thereafter ***must*** convene at a formal meeting and consider the application for promotion and tenure. ***The Tenure Committee must then make a recommendation to the entire tenured faculty at a formal meeting to consider the application for promotion and tenure and to subsequently vote on the candidate's application.*** Absentee voting is permitted. The ***faculty*** shall be deemed to have recommended that an applicant be promoted and granted tenure only if a majority of those casting ballots vote in favor of the promotion of the applicant to the rank of Professor, with tenure.

Promotion to the rank of Professor, with tenure, can be granted only by the President of St. Mary's University. In deciding whether or not to grant promotion to the rank of Professor, with tenure, the President shall consider the recommendations of the law faculty, the Dean of the Law School, the Academic Council of the University, and the ***offices of the University Provost and President.*** Except in rare cases and for compelling reasons, the President shall not grant promotion to the rank of Professor, with tenure, over the opposition of the law faculty.

A promotion to the rank of Professor, with tenure, becomes effective at the beginning of the academic year after it is granted.

***These amendments are not retroactive and only apply to candidates that have begun employment at St. Mary's School of Law, on the tenure-track, on or after the effective date.***

#### **2.7.2.3 Tenure Clock Extension (Approved by the Board of Trustees September 14, 2012)**

Extensions of the six year deadline for obtaining tenure (see section 2.7.1.3) for full time faculty are subject to the following conditions:

##### **2.7.2.3.1. Automatic Extensions**

Upon notice provided in section 2.7.2.3.3, a full time faculty member is entitled to an automatic one-year extension of the probationary period in the event that faculty member takes an approved leave of absence under the Family and Medical Leave Act (see, **2.13.2.2 Family and Medical Leave Act**) for 8 consecutive weeks or more due to the following:

- a. the birth of the employee's child;
- b. the placement of a child with the employee for adoption or foster care;
- c. to care for the employee's spouse, child or their own parent who has a serious health condition;
- d. A serious health condition rendering the employee unable to perform his or her job.

##### **2.7.2.3.2 Discretionary Extensions**

Upon recommendation of the dean for the faculty member, the Vice President of Academic Affairs may in the exercise of reasonable discretion grant a one year extension of the deadline for the faculty member to obtain for tenure:

- (a) in cases where the approved Family and Medical Leave is less than 8 consecutive weeks, or
- (b) for circumstances that significantly impede progress toward tenure, such as extraordinary circumstances beyond the control of the faculty member.

**2.7.2.3.3.** For both automatic and discretionary extensions of the probationary period, the faculty member must submit a written request to his/her Dean upon the earlier to occur of:

- (a) one month after the qualifying event or circumstance, or
- (b) the tenure application deadline during the faculty members' sixth year for full time employment (February 1).

If the Dean has not been notified in this manner, the deadline for obtaining tenure remains unchanged. Upon the recommendation of the appropriate Dean, the Provost and Vice President for Academic Affairs approves or disapproves any request for a discretionary extension.

**2.7.2.3.4.** Extensions of the deadline for obtaining tenure will normally be limited to a total of two years.

**2.7.2.3.5.** A faculty member who is granted an extension of the deadline for obtaining tenure will be permitted to apply for tenure pursuant to 2.7.2.

**2.7.2.3.6.** Tenure candidates who have been granted an extension of the deadline will be reviewed under the same academic standards as a candidate who has not had an extension.

### **2.7.3 Review of Tenure Procedures**

In the case of applications for tenure, the Applicant may request review by the Tenure Procedures Review Committee (the "Review Committee") prior to the decision of the President, as follows:

The tenured and tenure-track faculty members from each of the Schools shall elect one tenured faculty member from the School as its representative to serve on the Review Committee during the current academic year. The election shall be held during the fall semester at a time selected by the Provost and Vice President for Academic Affairs, who shall also prescribe the procedures for the elections. A faculty member may serve as a representative of the Graduate School if that faculty member is a member of the Graduate Faculty (as defined in the Faculty Handbook, section 2.1.4.1). The members of the Graduate Faculty (as defined in the Handbook, section 2.1.4.1) shall elect the representative from the Graduate School.

The Provost and Vice President for Academic Affairs shall promptly notify each applicant from any of the Schools of the University as to the Tenure Committee's and Academic Council's recommendations. Within seven calendar days of such notification, the Applicant may deliver to the Provost and Vice President for Academic Affairs a written request for review by the Review Committee. Within seven calendar days of the delivery of such request, the Review Committee shall be convened with the chair being the senior eligible member. Its opinion (or opinions) shall be delivered to the Provost and Vice President for Academic Affairs within 15 calendar days after the date of the request for review. Such opinion shall become a part of the record for the information of the President.

The Review Committee member from the Applicant's School shall not participate in the review. The remaining members shall render a written opinion as to whether the provisions of the Faculty Handbook regarding tenure, as well as the written rules and written instructions promulgated by the Provost and Vice President for Academic Affairs, have been reasonably complied with by the Tenure Committee, the Dean and the Academic Council. Each member of the Review Committee may submit an individual opinion if desired; and such opinion may include comments or suggestions for the information of the President. The Provost and Vice President for Academic Affairs shall promulgate and publish uniform rules governing the procedures to be followed in the conduct of the Review Committee meetings. These rules may be amended, from time to time, by the Provost and Vice President for Academic Affairs, who shall also be empowered to rule on specific questions of procedure upon request of the Chair of the Committee. As to each specific case, the Provost and Vice President for Academic Affairs shall furnish relevant materials and summaries, except that the Review Committee shall not be entitled to view the individual ballots of the Tenure Committee, the Dean or the Academic Council.

The review procedure shall not apply to applications for promotion; however, the fact that an application is for both tenure and promotion shall not render the review procedure inapplicable.

### **2.7.4 Granting Tenure**

The President grants tenure taking into account the recommendations made through the consultation process.

### **2.7.5 No Appeal**

The decision of the President regarding tenure is final, and no appeal is allowed.

## **2.8 Separation**

St. Mary's University or individual faculty members may find it necessary to sever their contractual relationship. To protect the interests of both parties, categories of separation, and the policies and procedures related to each, are set forth below.

### **Types of Separation**

- a.** resignation (2.8.1)
- b.** retirement (2.8.2)

- c. non-reappointment (Tenure Track Notice Contracts only) (2.8.3)
- d. prolonged mental and physical illness (2.8.4)
- e. layoff for exigent reasons (2.8.5)
- f. suspension or dismissal for cause (2.8.6)
- g. action short of dismissal (2.8.7)
- h. progressive discipline of faculty members (2.8.8)

### **2.8.1 Resignation**

Resignation is a severance action by which a faculty member voluntarily seeks to be released from a contract with the University. Because of the extreme hardship which may be caused by untimely resignation, it is requested that all faculty members provide the earliest possible written notice of a request to resign. All resignations are subject to approval by the University. Ordinarily, the faculty are expected to give notice to their Dean and to the Provost and Vice President for Academic Affairs not later than ninety days prior to the end of the academic year. It is expected that, except in unusual circumstances, resignation will be effective at the end of the academic term.

### **2.8.2 Retirement**

In compliance with applicable law, there is no mandatory retirement age at St. Mary's University.

### **2.8.3 Non-Reappointment**

Legitimate reasons for non-reappointment of a tenure track notice contract faculty member may include, but are not limited to, the following:

- a. cancellation of or change in a program as defined in Section 2.8.5.1;
- b. declining enrollment;
- c. need for reduction in staff;
- d. incongruence between the teaching interests of the faculty member and the educational goals of the University;
- e. unfavorable reviews of the faculty member's responsibilities for teaching and advising students, as evaluated according to the procedures of section 2.5;
- f. inadequate performance of the faculty member's other responsibilities as evaluated according to the procedures of section 2.5;
- g. failure to obtain tenure before the expiration of the applicable maximum probationary period.

In order to facilitate relocation, the University will give faculty members serving under tenure track contracts advance notice of the University's intent not to reappoint them for a subsequent academic term in accordance with the notice provisions below (2.8.3.1).

The decision not to reappoint a non-tenured faculty member is made at the sole discretion of the Provost and Vice President for Academic Affairs. The Provost and Vice President for Academic Affairs may act pursuant to a recommendation of the Dean, who shall have consulted with the Department Chair, or upon other appropriate facts. If the faculty member is the Department Chair, the recommendation of the Dean shall suffice to place the matter before the Provost and Vice President for Academic Affairs.

#### **2.8.3.1 Notice Standards**

Notice of non-reappointment of an untenured Appointee shall be given in writing to the Appointee by the Provost and Vice President for Academic Affairs, or person appointed to act as such, in accordance with the following standards:

- a. on or before March 1 of the first academic year of service if the initial appointment is not to be renewed, or at least ninety calendar days prior to the expiration of an initial, one academic year appointment, if it expires during an academic year;

- b. on or before December 15 of the second academic year of service if the appointment is not to be renewed, or at least one-hundred-eighty calendar days prior to the expiration of the appointment if it expires during the academic year; or
- c. at least one year before non-reappointment if the faculty member is in at least the third year of an academic probationary appointment.

The obligation of prior notice may be waived by mutual agreement and separation from the University effected within a shorter time than required above between declaration of intention and separation.

#### **2.8.4 Prolonged Mental or Physical Illness**

If a tenured faculty member is unable to perform all or a substantial part of assigned duties for a period of more than six months because of ill health or similar causes, the faculty member does not lose tenure, but may request an indefinite leave of absence without pay following the regular procedures in Section 2.13 until such time as the faculty member shall be able to resume assigned duties. A faculty member shall present medical evidence of fitness to work to the Provost and Vice President for Academic Affairs.

Termination of a tenure track contract, a non-tenure track notice contract, a term contract, or special appointment contract for medical reasons before the end of the period of appointment, will be based upon medical evidence that a faculty member is or will be unable to perform the terms, conditions, and normal duties of the appointment because of ill health despite reasonable accommodation. A faculty member shall present medical evidence of the state of health to the Provost and Vice President for Academic Affairs. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member or representative has been informed, in writing, of the basis for the proposed action and the reasons for it. The faculty member or representative may request that the situation be reviewed by the Executive Committee of the Faculty Senate before final action is taken by the President. The University will, in each case, work within the University's disability program to ease the burden of any such medical termination as far as is contractually possible.

- a. If an untenured notice contract faculty member is unable, on account of ill health or disability, including maternity, to perform all or a substantial part of required duties for a period in excess of ninety consecutive calendar days, the notice contract may be unilaterally changed by the University to a Leave of Absence without pay for the next ninety days. After that period and a review of the facts, the employment agreement may be canceled at the sole option of the University, with the possibility of reinstatement or renegotiation at a later date. Cancellation shall be subject to the pertinent provisions, if any, of the retirement plan.
- b. If a tenured faculty member does not have a long term disability insurance policy, and is unable, on account of ill health or disability, including maternity, to perform all or a substantial portion of required duties for a period in excess of 180 successive calendar days, the faculty member's employment agreement with the University may be unilaterally changed by the University to Leave of Absence without pay for the next 180 days. After that period and a review of the facts, the employment agreement may be canceled at the sole option of the University, with the possibility of reinstatement or renegotiation at a later date. Cancellation shall be subject to the pertinent provisions, if any, of the retirement plan.

#### **2.8.5 Layoff Before Expiration of Current Contract**

Layoff is a severance action by which the University terminates the services of a ranked faculty member before the expiration of the current contract, without prejudice as to the faculty member's performance.

Faculty laid off will have preference in rehiring according to the procedures in 2.8.5.4.

Reasons for layoff are:

- a. major changes in curricular requirements, academic program or department;
- b. enrollment emergency;
- c. financial exigency.

### **2.8.5.1 Major Changes in Curricular Requirements, Academic Programs or Departments**

Termination of a faculty member may occur as a result of a major change, including discontinuation of a curricular requirement, an academic program, or a department, in whole or in part.

Decisions about such major changes are made by the President after receiving recommendations from the Provost and Vice President for Academic Affairs and the Academic Review Board. (See Section 1.7.3.1)

Individual layoff decisions resulting from curricular changes will follow the "general procedures" and "order of layoff" described in 2.8.5.4 and 2.8.5.5.1.

Faculty terminated under this Section have the same rights as those under Enrollment Emergency or Financial Exigency as delineated in Section 2.8.5.5.1

### **2.8.5.2 Enrollment Emergency**

Enrollment Emergency shall be defined as either a sudden or unplanned progressive decline in student enrollment, the detrimental financial effects of which are too great or too rapid to be offset by normal procedures.

The number of Full Time Equivalent (FTE) students is calculated by the Registrar's Office and is used in determining an enrollment emergency.

### **2.8.5.3 Financial Exigency**

Financial Exigency is a rare and serious institutional crisis which is defined as the critical, urgent need of the University to reorder its current fund monetary expenditures in such a way as to remedy and relieve its inability to meet projected annual monetary expenditures with sufficient revenues.

The Board of Trustees, upon recommendation of the President, who shall have consulted the Faculty Senate, decides (a) if a financial crisis meets the criteria stated above, and (b) whether a financial exigency should be declared. The Faculty Senate participates in the decision that a financial exigency exists through its representatives on the Academic Review Board, which advises the President.

Subsequently, the faculty shall be represented in administrative processes relating to program reorganization, or the curtailment or termination of instructional programs, through the Academic Review Board and the Faculty Senate Executive Committee. However, Faculty may not necessarily be represented in individual personnel decisions. The Board of Trustees shall have final authority in all matters related to financial exigency.

### **2.8.5.4 General Procedures Regarding Layoff** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

- a. Once a state of enrollment emergency or financial exigency has been declared, the Provost and Vice President for Academic Affairs, in consultation with the Academic Review Board, shall recommend action to the President. The President shall then recommend action to the Board of Trustees for its approval. Such action may be to eliminate some departments or programs in whole or in part, or to distribute layoffs throughout the faculty so as to prevent the elimination of any program or department.
- b. If a ranked *or clinical* faculty member is to be laid off for reasons described in Section 2.8.5, no replacement for the position will be hired within a period of three years unless the



terminated faculty member has been offered reappointment under conditions comparable to those held at the time of layoff, and has been given ninety days after written notice of the offer of reappointment within which to accept, in writing, the reappointment.

- c. It shall be the duty of a laid off faculty member to keep the University informed of a current address for the purpose of this Section, and notice sent to the address by the University shall be presumed to have been received if sent by certified mail, postage prepaid.

#### **2.8.5.5 Specific Procedures on Layoff** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

- a. Once the department or academic program to be affected has been determined, the decision to lay off a particular faculty member shall be according to the following guidelines:
  - i Layoff of specific faculty shall be recommended by the Provost and Vice President for Academic Affairs in consultation with the Academic Review Committee. The Provost and Vice President for Academic Affairs recommends to the President, who makes the final decision.
  - ii In the case of financial exigency where short notices and effective action are necessary, the following procedures may be followed:
    - (a) the Academic Review Committee and the Provost and Vice President for Academic Affairs may advise the President to hold all contracts until May 31, and must notify non-tenured faculty of non-renewal of notice contracts, pending a final decision on the seriousness of the financial exigency; ***Untenured or term faculty will complete the current academic term in progress on the date of the decision by the Board of Trustees;***
    - (b) ***The following procedures apply to all tenured faculty and clinical faculty with presumptively renewable contracts***
      - i. ***he or she*** will receive one year's notice from the date of officially receiving the decision of the Board of Trustees
      - ii. ***those*** who have been laid off shall be offered non-teaching positions in the University if there are openings for which they are qualified;
      - iii. the University will attempt to assist displaced tenured faculty to find employment in industry, government, or in other educational institutions.

##### **2.8.5.5.1 Order of Layoff Within a Department or Program**

Decisions relating to the layoff of faculty members in a particular department shall be conducted according to the procedures outlined below.

- a. Prior to involuntary dismissals, the following voluntary measures should be considered:
  - i if a department must get by with one less person, it should consider retaining all faculty, but on a reduced salary and workload. Such a program shall not be implemented without the consent of all affected department members;

- ii the possibility of voluntary early or phased retirements should be investigated.

**b. Involuntary Programs:**

- i all administrative ranked faculty should first be laid off within the program or department involved, except as necessary to avoid serious distortion of program integrity;
- ii term and non-tenure track notice contract faculty should next be terminated within the program or department involved, except as necessary to avoid serious distortion of program integrity;
- iii in making a recommendation about the termination of the appointment of a tenure track contract faculty member, program integrity and seniority will be considered in that order;
- iv in making a recommendation about the termination of the appointment of a tenured faculty member, program integrity, teaching effectiveness, particular skills that enable a person to be effective in other academic areas, academic qualifications and professional experience, rank, and seniority will be considered;
- v the appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result. The recommendation of extraordinary circumstance to the President will be made by the Provost and Vice President for Academic Affairs in consultation with the Department Chair, Dean, and the Academic Review Committee;
- vi the Provost and Vice President for Academic Affairs shall provide the appropriate committees and interested parties with appropriate documentation supporting program integrity as well as rank, degrees, and seniority.

**2.8.6 Dismissal for Cause**

- a. Dismissal for Cause is a severance action by which St. Mary's University terminates its contract with the faculty member for just cause. Any teaching contract is subject to action under this Section. Dismissal for Cause must be directly and substantially related to one of the grounds stated in **c.** below.
- b. Dismissal will not be used to restrain a faculty member's academic freedom.
- c. Dismissal proceedings may be instituted on the following grounds:
  - professional incompetence;
  - continued neglect of academic duties in spite of oral and written warnings;
  - serious personal or professional misconduct;
  - formal or overt rejection of the fundamental mission and purposes of the University;
  - deliberate and serious violation of the rights and freedom of fellow faculty members, administrators, or students;
  - conviction of a crime, or a plea of no contest and/or entering into a plea bargain agreement in connection with a crime, directly related to the faculty member's fitness to practice the profession;
  - serious failure to follow the professional ethics of one's discipline;
  - falsification of research, credentials and/or experience;
  - substantial neglect of duty;

- failure to follow standards of the institution in respect to University policies and directives within this Handbook after an oral and written warning.

The Faculty Senate Executive Committee shall serve in an advisory capacity to the President on dismissal. The President decides whether to dismiss a faculty member. In every instance, dismissal procedures shall include the following steps:

- d. a reasonable opportunity for the faculty member to meet with the Provost and Vice President for Academic Affairs to present a defense to the dismissal recommendation before the recommendation is made;
- e. written notice to the faculty member from the Provost and Vice President for Academic Affairs, that a recommendation for dismissal for cause shall be made to the President. This notice shall contain a written statement of the grounds upon which the recommendation is to be made, and a brief summary of information supporting such grounds;
- f. a reasonable opportunity for the faculty member to have the dismissal recommendation reviewed by the Review Committee under Section 2.7.3 (except that the Review Committee member from the faculty member's School may participate in the review) prior to the recommendation's submission to the President;
- g. a reasonable opportunity for the faculty member to meet with the President to present a defense to the dismissal recommendation after it is submitted to the President.

In any case involving dismissal for cause, the burden of proof that just cause exists shall be on the University, which proof shall be by preponderance of the evidence in the record considered as a whole.

The decision of the President may be the basis of a grievance before the Review Committee, which shall review the case and make a recommendation to the President in accordance with procedures established in Section 2.16 of this Handbook.

#### **2.8.7 Action Short of Dismissal**

- a. Depending on the circumstances, the Provost and Vice President for Academic Affairs may elect to impose a disciplinary action short of dismissal, for causes listed in Section 2.8.6., such as suspension for a period of time or withdrawal of faculty privileges. In unusual circumstances, the Provost and Vice President for Academic Affairs may take disciplinary action without previous citation or warning.
- b. Suspension may also be the temporary separation of a faculty member from the University when it is determined by the President that there is a strong likelihood that the faculty member's continued presence at the University poses an immediate threat of harm to the University community. Such suspension shall be with pay and shall last only so long as the threat of harm continues or until dismissal for cause occurs.
- c. In view of the past merits of the faculty member, final action by the Provost and Vice President for Academic Affairs may take a milder form of temporary suspension rather than outright dismissal. Such suspension may not last beyond a full year, but may entail the total or partial discontinuance of all salaries and benefits, the suspension of all promotion and salary increments, and the temporary suspension or withdrawal of all faculty privileges.
- d. The Faculty Senate Executive Committee shall serve in an advisory capacity to the Provost and Vice President for Academic Affairs on such matters and shall be called upon to review cases where the faculty member questions the decision. The Provost and Vice President for Academic Affairs' decision after such a review, shall be final.

## **2.8.8 Progressive Discipline of Faculty Members**

- a. Discharge for cause will, in normal circumstances, be preceded by a written admonition by the appropriate administrative officer describing the alleged problem and warning that the faculty member's contract status is in jeopardy. The warning must also stipulate a period of time within which correction of the alleged problem is expected. If the faculty member does not contest the allegation and fulfills regularly assigned duties, the matter is settled. If the faculty member fails to correct the deficiency, dismissal procedures or a lesser sanction may be applied.
- b. Actions in Section 2.8.7 and 2.8.8 are grievable through the procedures in Section 2.16. However, the burden of proof lies with the faculty member.

## **2.8.9 Exit Interview**

In the event a faculty member retires or leaves the employment of the University, an "exit interview" must be scheduled with the Director of Human Resources so that all matters pertaining to retirement, insurance, health benefits and monetary concerns can be handled in an orderly manner.

## **2.9 Faculty Rights and Responsibilities**

### **2.9.1 Academic Freedom**

Institutions of higher education are conducted for the common good. The common good depends upon a free search for truth and its free expression. Hence, it is essential that the faculty member be free to pursue scholarly inquiry without undue restriction, and to voice and publish conclusions concerning the significance of evidence that is considered relevant. Faculty members must be free from the corrosive fear that others, inside or outside the university community, because their vision may be different, may threaten their professional career or the material benefits accruing from it.

Each faculty member is entitled to freedom in the classroom in discussing the subject being taught. Each faculty member is also a citizen of the nation, state and community, and when speaking, writing or acting as such, must be free from institutional censorship or discipline.

The concept of academic freedom must be accompanied by an equally demanding concept of responsibility, shared by governing boards, administrators, and faculty members.

The fundamental responsibilities of faculty members as teachers and scholars include a maintenance of competence in their field of specialization and the exhibition of such competence in lectures, discussions or publications.

Exercise of professional integrity by faculty members includes recognition that the public will judge the profession and institution by their statements. Therefore, faculty members should strive to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to avoid creating the impression that they speak or act for the University when speaking or acting as a private person.

St. Mary's University follows American Association of University Professors guidelines regarding academic freedom, and they are read in concert with the Mission of the University.

When a faculty member signs an employment agreement, and thereby contracts to an association with St. Mary's University, a private Catholic institution, it is presumed that the faculty member knows and accepts the purposes for which the institution exists, and will, therefore, not advocate anything at variance with the professed Mission of the University.

### **2.9.1.1 Academic Freedom for Librarians**

Academic freedom, as defined in Section 2.9.1, is accorded to all professional librarians because they are often present at the point of student contact with ideas. Librarians are free from fear of dismissal or reprisal for carrying out job-related tasks such as those listed below:

- a. selection of publications, including determination of what to discard from an existing collection and what to accept or refuse from donors;
- b. determination of restrictions on circulation or on access with regard to library materials;
- c. determination of the degree of prominence in the shelving of selected library materials;
- d. issuing of bibliographies that may include controversial publication; and
- e. advising of students as to what to read or study.

### **2.9.2 Professional Ethics**

[Text to be formulated]

#### **2.9.2.1 Conflicts of Interest**

At St. Mary's University, no faculty member shall:

- a. instruct for credit a person related to the faculty member within the second degree of consanguinity or affinity, except when such faculty member is the only faculty member teaching the subject during an academic year and makes arrangements for another faculty member to grade the student's work;
- b. participate in a decision to employ, compensate, promote, or grant tenure to a person related to the faculty member within the second degree of consanguinity or affinity, vote on such decision, or attend that portion of any meeting at which such decision is discussed; or
- c. date any student registered in a class taught by the faculty member or otherwise evaluated, supervised, or officially advised by the faculty member.

### **2.9.3 Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy**

*(Revised and Approved by Board of Trustees, April 10, 2015)*

St. Mary's University reaffirms the principle that its students, faculty and staff have a right to be free from discrimination and all forms of harassment by any member of the University community.

For the complete policy on Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment see **Appendix H-1**.

#### **2.9.3.1 Equity Discrimination Resolution Process** *(Revised and Approved by Board of Trustees, April 10, 2015)*

The procedure utilized in the investigation of any alleged violation of the Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy is detailed in the Equity Discrimination Resolution Process and can be found in **Appendix H-2**.

### **2.9.4 Duties Related to Teaching**

- a. Faculty members are expected to meet their classes punctually. If an instructor cannot meet a class he or she should contact the Department Chair, if possible, so that a replacement can be arranged.

- b. The instructor has the responsibility for planning course material (except with respect to standardized departmental courses); recommending text books to the Department Chair; preparing and distributing syllabi; grading papers, tests and examinations.
- c. At the beginning of each semester every faculty member should submit to the Department Chair and to the Dean, copies of the syllabus for each course being taught, indicating course goals, topics to be covered and requirements. Copies of such syllabi should be available for public inspection in the department office. Graduate course syllabi are submitted to the Graduate Program Director.
- d. Final examinations must be given in every course at the official examination time set by the Registrar. Individual waivers of this regulation require the explicit authorization of the Department Chair and the Dean. For graduate courses, authorization of the Graduate Program Director and Graduate Dean are required. Except in the School of Law, a general waiver for an entire group of students requires the authorization of the Provost and Vice President for Academic Affairs. See section 3.2.5.
- e. The campus bookstore has for sale the textbooks and supplementary materials used in classes. The private sale of instructional materials by faculty members is contrary to University Policy. (See Section 2.12.9)
- f. Fees for courses such as lab fees, must be approved by the Dean, the Provost and Vice President for Academic Affairs, and the University Budget Committee. Such fees are paid through the Bursar's Office.
- g. Full-time faculty members are required to maintain specific office hours, and should be available a considerable amount of time each week, normally some time each day. Each School has policies articulating more precise expectations about the amount of time faculty members are to be available on campus on a daily or weekly basis. At the beginning of each semester, faculty members should post the times of office hours, and notify their students of these times, as well as the Department Chair and the Dean. Faculty members should notify their Department Chair of any planned absences from the campus for any significant part of a working day and indicate how and where they may be contacted.

#### **2.9.4.1 Non-Teaching Load**

- a. It is difficult to define the non-teaching portion of a faculty member's workload. However, as a general principle, it is understood that the contractual core of a weekly workload includes responsibility for some School, Department, and University tasks that are not directly related to instruction or student consultation.

These responsibilities include but are not limited to:

- i. writing letters of recommendation for past and present students;
- ii examining the literature in one's field and recommending purchases;
- iii answering public queries and representing the university in matters related to the faculty member's discipline and responsibilities.

#### **b. Student Advising**

St. Mary's University places prime importance on the role of the faculty in the academic advising of students. Such advising includes:

- i counseling students concerning the content of the faculty member's course;
  - ii serving as an adviser concerning the graduation requirements of the Department, School, or University, and desirable electives relating to the student's career objectives; and
  - iii directing students to professional assistance for personal problems or for deficiencies in academic skills, when needed.
- c. The Dean and each faculty member, normally in consultation with the Department Chair, annually define expectations and responsibilities of the faculty member relating to professional development, research and publication, and institutional service. Such activities may include service as a department chair, graduate program director, committee members, or moderator on a student group, as well as lab supervision, development of new courses, and supervision of independent studies.
  - d. All faculty members are expected to attend department meetings and to share actively in department activities.

It is an expectation of the University that full-time faculty members attend official functions at which their presence is explicitly requested, such as the Academic and University Convocations, Baccalaureate Ceremony, Commencement, general faculty meetings, etc. As a courtesy, faculty members should notify their Dean and the Provost and Vice President for Academic Affairs if they must be absent from these official functions.

Faculty members are strongly urged to attend events, at least from time to time, including lectures, concerts, dramatic performances, sporting events, and other activities which are sponsored by the University or its departments and organizations.

### **2.9.5 Political Activity**

The University encourages faculty members to be concerned about civic and political affairs. However, faculty members who engage actively campaign in or manage partisan political affairs, must do so clearly as individuals and must not utilize a University position or the University's name in these activities. Should this political activity be of such a significant dimension or character as to become a secondary employment, or should the faculty member be elected to a public office whose obligations would be so pre-emptive of the faculty member's time as to be incompatible with the obligations to the University, the University reserves the right to terminate employment; to grant a leave of absence without pay; or to reduce significantly the faculty member's teaching load, and compensation.

## **2.10 Faculty Development**

### **2.10.1 Sabbatical Leave** *(Revised and Approved by the Board of Trustees Apr. 3, 2009)*

Recognizing the value of allowing faculty members, from time to time, to do uninterrupted research and writing, or to gain new educational experiences, such as through exchange teaching, St. Mary's grants Sabbatical Leaves.

During one's sixth year of full-time teaching on a tenure-track *or clinical track* basis at St. Mary's University, a faculty member is eligible to apply for a sabbatical leave to begin in the seventh year of service to the University.

The purpose of a sabbatical leave should be directly related to professional growth. The leave must be spent in a manner clearly calculated to serve the best interests of the University.

The request for a sabbatical leave should be addressed to the Provost and Vice President for Academic Affairs through the Dean of the School. Application for a sabbatical leave should be made on or before October 1 (prior to the year of Sabbatical Leave). The request should include:

- a. A definite proposal detailing the applicant's plans for rest, travel, research and professional growth -- particularly the latter--for the sabbatical year.
- b. A statement indicating any monetary compensation to be received for activities engaged in during the time of the sabbatical and related to the sabbatical. Although supplementary fellowships and grants may be accepted by a faculty member on sabbatical leave, remunerative employment is permitted only with the approval from the Provost and Vice President for Academic Affairs and the Dean of the applicant's School.
- c. A statement pledging to stay in the employment of the University for at least two years from the date of return from the sabbatical, unless the faculty member and the University make other arrangements by written agreement.
- d. Recommendation from the Department Chair as to how the duties of the applicant, including teaching and student advising, could be handled during the absence of the applicant.

The University's support for a Sabbatical Leave includes:

- a. Payment of one-half of the applicant's academic year stipend, with continued appropriate "fringe benefits" for a full academic year; or payment of the full academic year stipend (Fall and Spring) for teaching one semester and for a one-semester sabbatical leave.
- b. Assurance of continuance of rank upon return to the University.

Applications for Sabbatical Leaves will be reviewed by the Academic Council and granted based on: (1) the merits of the applications, and (2) the extent to which the University budget allows them each year. See Appendix B (Form of Application for Sabbatical Leave) and Appendix C (Sabbatical Checklist and Timetable.)

A formal written report from the faculty member to the Provost and Vice President for Academic Affairs and the Dean is required at the end of the sabbatical leave. The faculty member shall also offer a seminar or presentation for interested colleagues on the results of the leave under the sponsorship of the Faculty Development Committee.

Time spent on a leave of absence does not count toward a sabbatical leave.

### **2.10.2 Conventions**

The University follows a policy of monetary assistance to full-time faculty members for reasonable and planned attendance at local, state, regional, and national conventions, subject to budget limitations for each department of the University. Beyond the assistance that a professor can reasonably expect from the University, it is to his or her advantage and reputation as a scholar and teacher to attend occasional meetings in one's specialty partly at personal expense.

Faculty who plan to attend a convention, whether requesting reimbursement in full, or in part, should request permission as soon as possible from the Department Chair and the Dean, using the appropriate forms, at least one month before the meeting. Faculty members must adhere to the Comptroller's policies in purchasing tickets and seeking reimbursements, including the use of the University's designated travel agents. Convention attendance is subject to availability of personnel to provide meaningful substitute class coverage. A request for financial assistance should include a description of classes that will need to be covered during the period of absence.

According to standard University policy, the financial assistance given to faculty members attending conventions is indicated on the "St. Mary's University General Travel Expense Report" form. At the completion of a convention, an



official financial report is to be prepared in duplicate and is to be accompanied by a "convention report" composed by the attendee and sent to the Dean.

If one presents a paper at the convention, a copy of the abstract or proposal and a copy of the convention preliminary program should be presented with the convention request form. After the convention, a copy of the convention program and a copy of the paper should be submitted to the Dean, together with the convention activity report and the required original expense receipts.

### **2.10.3 Tuition Rebates for Faculty**

Upon eligibility, full-time faculty may enroll in credit courses in the undergraduate and Graduate Schools of the University (excluding the School of Law and the Ph.D. Program) without payment of tuition. A maximum of six credit hours of undergraduate or six (6) credit hours of graduate courses per Fall and Spring semesters, and no more than six (6) undergraduate or graduate credit hours may be taken during the two (2) summer sessions. Dependents may attend classes in accordance with the University Tuition Rebate Policy.

For an explanation for all tuition benefits, regulations, and requisite procedures, please refer to the University's **Tuition Rebate Policy, Section 2.14.3.2.**

### **2.10.4 The Academy of St. Mary's University**

The Academy was founded in 1967 at St. Mary's University for the following purposes:

To recognize outstanding and exceptional contributions to academic pursuits (i.e., the Arts, Sciences, Education, Engineering, Law, Business Administration and related areas): Scholars of the Academy.

To provide the University with the opportunity to express its highest esteem, admiration, and gratitude for actions in support of academic pursuits: Fellow of the Academy.

- a. Membership therein is subject to approval by the Academic Council, and recipient will be named and notified by the President of the University.
- b. Nomination to the Academy may be made by any full-time or pro-rata faculty member.
- c. Membership in the Academy is designated as Scholar of the Academy or Fellow of the Academy to correspond to the above two objectives.
- d. The ceremony of initiation will consist of presentation of a scroll or plaque in an academic setting symbolizing membership.

### **2.10.5 Distinguished Faculty Awards**

The Distinguished Faculty Awards were established by St. Mary's University Alumni Association in 1984 to recognize, annually, outstanding faculty in each School. One faculty member (each) is selected from the School of Business and Administration, the School of Science, Engineering and Technology, and the School of Law. Two faculty members are chosen from the School of Humanities and Social Sciences. One faculty member is selected who teaches in the Graduate School.

Current, full-time faculty members, with at least three years of teaching experience at the University, are eligible to receive this award. Criteria for their selection consists of:

- a. overall positive student evaluation ratings in the upper quartile in their respective School for past two terms;
- b. demonstration, as a teacher and adviser, of genuine concern for students;

- c. demonstration of efforts toward instructional and/or professional improvement;
- d. demonstration of effort beyond the classroom in terms of research, publications, University service or community involvement in a professional capacity.

Deans are responsible for determining the selection process in their respective Schools.

The awards are presented each Spring during a Faculty Appreciation and Awards Dinner hosted by St. Mary's University Alumni Association.

## **2.11 Workload**

### **2.11.1 Teaching Load**

St. Mary's University acknowledges the fact that faculty services to students and to the institution cannot be captured fully by a formal accounting system. However, it proposes as the contractual core of the faculty workload the following obligations:

Normally full-time faculty members in the Graduate and undergraduate Schools are assigned 12 teaching credit hours each semester; faculty members in the Law School are assigned to teach 6 credit hours each semester.

In making course assignments and in assessing the instructional load, consideration is given to such variables as the number of preparations, the nature of the subject matter, and the total number of students in class.

Ordinarily, teaching credit hours for regular courses coincide with the number of student credit hours. However, the teaching of laboratory courses adds to a teacher's institutional load a number of teaching credit hours equal to 5/8 times the number of hours per week devoted to laboratory teaching. By special arrangement with the Provost and Vice President for Academic Affairs, or as required by professional accrediting agencies, distinctions may be made between undergraduate and graduate courses for the purpose of calculating the teaching workload. "Team-taught" courses are counted on an arranged basis.

If, in a given semester, a faculty member's teaching load is under the norm, the Chair of the Department, with the approval of the Dean, shall arrange an additional teaching assignment within the same academic year or an alternative assignment in keeping with the needs of the Department or School. This and other provisions in this Section do not preclude the granting of released time.

Independent Study courses may count as an "overload," subject to the approval of the Dean. Three students taking a 3-semester hour Independent Study class may be counted as "one teaching hour," to be compensated financially each semester according to the part-time stipend rate for that year.

### **2.11.2 Advising Students**

Faculty members act as advisors for selected groups of students or individual students. Faculty members shall be available for consultation in their offices on a regular, announced basis. (Sec. 2.9.4.1)

### **2.11.3 Workload in the Department of Counseling and Human Services**

Faculty in the Department of Counseling and Human Services teach and supervise doctoral students and are expected to engage in research. Each faculty member is provided a research assistant, research expenses, and release time equivalent to one three-hour course each Fall and Spring semester for research and dissertation supervision. Advising of doctoral students is a part of every faculty member's responsibility.

CACREP (Council for Accreditation of Counseling and Related Education Programs) standards are followed for workloads, including faculty-student ratios and dissertation loads. Ideally, dissertation and advising loads will be

distributed equally. If dissertation and advising assignments are unequal, the total faculty load will be adjusted to provide the greatest balance feasible.

#### **2.11.4 Workload for Professional Librarians**

Professional Librarians work 40 hours weekly. In the Academic Library, librarians who work evenings receive two hours of released time the following morning.

#### **2.11.5 Definition of "Year"**

The members of the full-time faculty are engaged and paid on the basis of a twelve-month year. If any teaching member of the faculty is asked to be on duty for a longer period than is customary with the usual nine-month period of instruction, the faculty member may receive additional compensation. The academic work year begins with the first day of faculty workshops, before the beginning of the fall term, and ends with commencement exercises or the turning in of one's grades, whichever is later.

#### **2.11.6 Conflicts between Obligations to the University and Outside Activities**

##### **2.11.6.1 Primary Responsibility of Full-Time Faculty Members**

The first duty of a full-time faculty member is to the University community. Outside employment cannot interfere with regularly expected presence on campus or availability for consultation and interchange with students and colleagues, nor result in a diminution of a faculty member's effectiveness in the classroom. No outside service or enterprise, professional or otherwise, should be undertaken that might interfere with the faculty member's primary responsibility to the University as defined in Sections 2.9.4, 2.9.4.1, 2.11.1, and 2.11.2. Outside activities may give the faculty member experience and knowledge valuable to professional growth and development. These activities may also help the faculty member make a positive contribution to the University or the community. While full-time faculty members are encouraged to engage in such activities, those activities must be clearly subordinate to one's teaching, advising, scholarship, and University service responsibilities.

##### **2.11.6.2 "Unrelated Outside Activities" and "Outside Professional Activities"**

For purposes of this section, "Unrelated Outside Activities" and "Outside Professional Activities" are distinguished in the following way:

- a. "Unrelated Outside Activities" are those activities, compensated or uncompensated, which are not included, directly or indirectly, in a faculty member's contractual obligations to the University, and which are not related to the faculty member's academic specialty.
- b. University facilities and services may be used by faculty members in connection with "Outside Professional Activities," provided there is no interference with University needs or undue expense to the University. Reimbursement to the University for any expenses associated with the use of such facilities and services can be expected. Examples of "Outside Professional Activities" may include:
  - i practicing a profession on a part-time basis;
  - ii providing professional, managerial, or technical consulting services to an outside entity;
  - iii serving on a committee, panel, or commission established by an outside entity;
  - iv testifying as an expert in administrative, legislative, or judicial hearings;
  - v participating in or accepting a commission for a musical, dramatic, dance, or other artistic performance or event sponsored by an outside entity; and
  - vi teaching at an institution other than the University.

### **2.11.6.3 Time Restriction on Outside Activities**

Unless otherwise approved in writing by the Dean, time spent by full-time faculty members on "Unrelated Outside Activities" and "Outside Professional Activities" must be in addition to, rather than a part of, the normal full-time effort expected of faculty members for University work. The general guideline for time spent on such activities is one work day (eight hours) per five-day week during the academic year.

### **2.11.6.4 Use of University Facilities and Services**

Ordinarily, University facilities and services (including office space and equipment assigned to the faculty member, photocopying equipment, and secretarial support) may be used by faculty members in connection with fulfilling their contractual obligations to the University without prior approval or reimbursement.

Such facilities and services may also be used by faculty members in connection with Outside Professional Activities, provided there is no interference with University needs or undue expense to the University. Without prior approval, University facilities and services may not be used for Unrelated Outside Activities. In such cases, reimbursement for any expenses incurred by the University can be expected.

Official stationery may not be used in connection with "Unrelated Outside Activities."

### **2.11.6.5 University Not Responsible for Outside Activities**

The University assumes no responsibility for the competence or performance of outside activities engaged in by a faculty member, nor may any responsibility be implied in any advertising with respect to such activities. Faculty members may not represent themselves as acting on behalf of the University.

All "Unrelated Outside Activities" and "Outside Professional Activities" are subject to the policy that conflicts between such activities and the faculty member's contractual obligations to the University should be avoided. A member of faculty is encouraged to inform, but not required to obtain prior authorization from, the Chair and the Dean in situations where conflicts may arise. Such planning is in the best interests of the faculty member, the Department, the School, and the University.

### **2.11.6.6 Avoidance of Conflicts; Compliance**

If the Chair or the Dean is uncertain about whether a faculty member is meeting the standards of the avoid-conflicts policy (see Section 2.11.6.5), the Chair or Dean will discuss this with the faculty member. If a satisfactory resolution cannot be reached between a Chair and faculty member, the Chair will advise the Dean. The Dean will then meet with the member of faculty to resolve the issue. When necessary, Deans may consult the Provost and Vice President for Academic Affairs. Legal guidance is also available for problems not otherwise resolvable.

### **2.11.7 Use of the University Name and Seal**

The University's name and seal, as well as associated emblems, logos, trademarks, and service marks, are the exclusive property of the University and, consequently, may not be used in connection with goods or services offered by any outside organization without the prior permission of the President. No report or statement relating to outside activities may be attributed to St. Mary's University.

### **2.11.8 Attribution of Quoted Materials**

In the case of faculty scholarship published by St. Mary's University Press, quotations from such materials should give proper recognition to both St. Mary's University and the individual author.

## 2.12 Working Conditions and General University Policies Which Faculty Have as Conditions of Employment

### 2.12.1 Academic Apparel

Full-time faculty members are urged to obtain their own cap, gown and hood for attendance at official academic functions, regular and special academic convocations, and commencement exercises. The University does not furnish caps, gowns, and hoods for the faculty. Arrangements for the purchase of custom-made academic apparel, designating the school and academic discipline in which the highest degree was earned, should be made with the Bookstore each year in mid-February.

### 2.12.2 Human Subjects Research Policy (Revised and Approved by the Board of Trustees Nov. 4, 2005)

#### 2.12.2.1 Statement of Policy

*The St. Mary's University policy on Human Subjects Research is founded upon basic ethical principles, embodied in the Marianist values and philosophy, that should guide research with human subjects. These principles are articulated in The Belmont Report (1978) and form the basis for the Federal Guidelines for Human Subjects Research. Briefly, these requirements for the ethical conduct of research involving human subjects concern respect for persons, beneficence, and justice.*

**Respect for Persons:** *Researchers who are employees or students of St. Mary's University will protect the rights of "persons involved in human research by recognizing the personal dignity and autonomy of individuals, and [by providing] special protection of those persons with diminished autonomy" (The Belmont Report in OPRR Guidelines, p. xxi). Researchers who are not employees or students of St. Mary's University must adhere to this policy when their subjects are employees or students of St. Mary's University. This principle speaks expressly to obtaining informed consent.*

**Beneficence:** *"Beneficence entails an obligation to protect persons from harm by maximizing anticipated benefits and minimizing possible risks of harm" (OPRR Guidelines, p. xxi). Safeguards must be followed to ensure that psychological, social, physical, legal, ethical, or moral harm to research participants are avoided or minimized. The foundation for evaluating ethical and moral harm lies within the University mission, its Roman Catholic tradition, and Marianist values and philosophy.*

**Justice:** *"Justice requires that the benefits and burdens of research be distributed fairly" (OPRR Guidelines p. xxi). No amount of institutional investigation and policing can prevent the abuse of human subjects if the investigator acts irresponsibly or does not ensure the fair selection of participants.*

*Thus the purpose of the Human Subjects Policy is to ensure that the three principles of ethical conduct in research are evident in all research involving human subjects and to provide guidelines for the conduct of such research as follows:*

- a. to assist the investigator in developing specific procedures for the protection of human subjects and*
- b. to ensure institutional compliance with all applicable laws and regulations.*

#### 2.12.2.2 Human Subjects Committee

##### *Criteria for Membership:*

*Federal Policy Requirements for Internal Review Boards for Human Subjects Research are as follows (taken from OPRR manual, p.1-3):*

*The Federal Policy provides that IRB's must have at least five members, with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. The IRB must be sufficiently qualified through the experience and expertise of its members and the diversity of their backgrounds, including considerations of their racial and cultural heritage and their sensitivity to issues such as community*

*attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects.*

*In addition to possessing the professional competence necessary to review specific research activities, the IRB must be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice. The IRB must therefore include persons knowledgeable in these areas. No IRB, however, may consist entirely of members of one profession.*

*If an IRB regularly reviews research that involves a vulnerable category of subjects, such as children, prisoners, pregnant women, or handicapped or mentally disabled persons, the IRB must consider the inclusion of one or more individuals who are knowledgeable about and experienced in working with these subjects.*

*The IRB must include at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in non-scientific areas. It must also include at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.*

*The IRB must make every nondiscriminatory effort to ensure that it does not consist entirely of men or entirely of women. Selections must not, however, be made on the basis of gender.*

**Membership:** *The Human Subjects Committee (IRB-HS) at St. Mary's University shall consist of the following members:*

*There will be at least one member from each school of the university except for two from the school of Humanities and Social Sciences as follows: one from Science, Engineering, and Technology, one from Business, one from Humanities, one from Social Sciences, one from Graduate, one from Law.*

- a. *A faculty member with a background in the Roman Catholic ethical tradition.*
- b. *A staff professional, preferably from a non-academic area.*
- c. *A member of the community who is not an employee or related to an employee of the university.*

**Appointment:** *The Provost and Vice President for Academic Affairs, in consultation with the appropriate Deans, shall appoint the chair and members of the Human Subjects Committee. The membership of the IRB – HS shall be reviewed annually; therefore, membership should be considered a one year appointment, unless specified otherwise in the letter of appointment. If a member resigns, the Provost and Vice President for Academic Affairs shall appoint a replacement to complete the term. In those instances in which the representative has a vested interest in the research, the remaining members of the IRB-HS will review the proposal.*

**Meetings:** *The Human Subjects Committee will meet periodically, at a time and date convenient to the members. The frequency of meetings is to be determined by the number of research requests to be considered. All faculty or professional staff conducting or supervising research in this area are advised to obtain a copy of the most recent Guidebook from the Office of Human Research Protections (OHRP) and adhere to it. IRB – HS representatives in each school are available to assist with any questions.*

### **2.12.3 Safety Policy**

The St. Mary's University administration will, as a general policy, strive to provide the safest and healthiest environment possible in which employees, students, and guests work, study and live. State and federal regulations pertaining to work place safety will be observed where applicable.

- a. Safety Administrator. The Vice President for Administration and Finance performs the duties of University Safety Administrator. The Safety Administrator shall:
  - i be apprised of all accidents occurring on the campus and investigate those which seem to be caused or contributed to by lack of proper equipment or procedures or by willful neglect of established safety

policies. If it appears that a hazardous physical condition contributed to the accident, the matter is referred to the Physical Plant Department for investigation and, if necessary, correction;

- ii assure that Facilities Administrator has implemented a safety program in the Physical Plant Department. This safety program must assure that Physical Plant personnel are properly equipped and trained to use safe work practices; that they are regularly trained in accident prevention; that all accidents involving assigned personnel are investigated and that corrective measures are implemented and that physical plant workplaces are regularly inspected for hazardous conditions and that any such conditions are removed. Physical Plant personnel must be trained to identify and report to their supervisors any hazardous conditions observed during their normal duties in campus buildings and grounds. Supervisors, in turn, must implement necessary corrective action;
  - iii advise University agencies as requested regarding safety matters;
  - iv represent the University in safety matters involving outside agencies; e.g., insurance companies, and city, state, and federal safety administrators.
- b. Faculty. Faculty members who conduct laboratory exercises or research involving hazardous conditions, including using chemicals, electrical shock, or other hazardous materials will: assure that applicable safety procedures are pointed out to participants before commencing the exercise or research;
- ii be alert for unsafe acts and take necessary corrective action at all times during the period when hazardous conditions exist; and
  - iii assure that hazardous materials are stored according to established fire and safety requirements.

Specific departments have extensive biochemistry policies or bio-hazard and safety policies.

- c. Supervisors. Supervisors must:
- i assure that workers all have necessary protective equipment;
  - ii assure that workers have safe working conditions and are trained in safety practices pertinent to their duties, e.g., proper lifting methods, eye protection, hearing protection, housekeeping, etc;
  - iii take disciplinary action as appropriate when procedures are ignored by workers;
  - iv assure that all accidents resulting in injury, however slight, are reported to the Human Resources Director on an Employer's First Report of Injury or Illness;
- d. Employees. University employees are responsible for protecting themselves, both on and off the job, against injury. Employees will:
- i observe good safety practices as outlined by supervisors;
  - ii refrain from unsafe acts endangering themselves or fellow workers;
  - iii properly use protective gear provided by the University;
  - iv report any unsafe situation or act to the appropriate supervisor or safety administrator;

- v maintain work areas in a neat and hazard-free condition and assist, as requested by supervisors, in keeping common areas clean.

Repeated neglect of the above responsibilities by any employee may result in dismissal under the provisions of paragraph 3.15., St. Mary's University Personnel Manual.

Faculty members, like all employees, are expected to maintain work areas in reasonably neat and clean condition, and to show consideration for fellow employees and students by cooperation in keeping other areas clean. Desks and other work areas should be left in an orderly condition at the close of the work period.

The University assumes no responsibility for personal property brought to the campus by employees or others.

#### **2.12.4 St. Mary's University Smoking Policy**

St. Mary's University has a "No Smoking Policy" inside all University buildings and within 50 feet of outside of all building entrances. The University seeks compliance, consideration, and cooperation of both smokers and non-smokers and asks that all employees be respectful of one another in this regard.

#### **2.12.5 Drug-Free Workplace Policy**

The following represents St. Mary's University's policy regarding the work-related effects of drug use and the unlawful possession of controlled substances on University premises.

- a. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent of St. Mary's University, as well as our obligation, to provide a drug-free, healthful, safe and secure work environment.
- b. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University premises or while conducting University business off University premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have additional legal consequences for violators of the policy.
- c. St. Mary's University recognizes that drug dependency is an illness and a major health problem. St. Mary's University also recognizes that drug abuse is a potential health, safety and security problem. Those employees needing help in dealing with drug abuse or drug dependency should contact the Human Resources office in order to determine what community drug counseling and drug assistance programs are available.
- d. Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of a conviction must be made within five (5) days after the conviction.

#### **2.12.6 Policy Controlling Exposure to Bloodborne Pathogens**

The following staff and faculty members of St. Mary's University are identified as having occupation exposure to Bloodborne Pathogens:

- a. Staff of Health Services
- b. Staff of Operations and Support Services
- c. Faculty and Staff of Athletic Department
- d. Specific Academic Personnel in Research Situations

##### **2.12.6.1 Methods of Compliance**



The Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All blood and body fluids will be treated as, and considered to be potentially, infectious materials.

#### **2.12.6.1.1 Engineering and Work Practice Controls**

- a. Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.
- b. **Hand washing**
  - i Hand washing facilities which are readily accessible to employees shall be provided. When provision of Hand washing facilities is not feasible, either an appropriate antiseptic hand cleaner in conjunction with clean cloth or paper towels or antiseptic towelettes will be provided. When antiseptic hand cleaners or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
  - ii Employees shall wash their hands immediately or as soon as feasible after removal of gloves or other protective equipment. Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
- c. **Handling of Sharps**
  - i Contaminated needles and other contaminated sharps shall not be recapped or removed unless no alternative is feasible or such action is required by a specific medical procedure which must be documented by the Department Head. Recapping or needle removal shall be accomplished by a mechanical device or one-handed technique.
  - ii Contaminated reusable sharps shall be placed in appropriate containers (puncture resistant, leak-proof on sides and bottom, Bio-Hazard labeled) and shall not be stored or processed in a manner that requires employees to reach by hand into containers where these sharps have been placed.
- d. **Personal Habits and Food and Drink**
  - i Eating, drinking, smoking, application of cosmetics or lip balm, and handling contact lenses are prohibited in work areas with reasonable likelihood of occupational exposure to bloodborne pathogens.
  - ii Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.
- e. **Specific Work Practices**

- i All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances. Mouth pipetting of blood or other potentially infectious materials is prohibited. No objects should be placed in the mouth.
- ii The minimum number of personnel required shall be involved with any procedure entailing exposure to bloodborne pathogens and exposure time should be minimized.

**f. Storage and Transport of Blood or Other Infectious Body Fluids**

- i The container for storage, transport, or shipping (including freezers and refrigerators used for storage of blood or other potentially infectious materials) shall be Bio-Hazard labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels (except for containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use), and closed prior to being stored, transported or shipped.
- ii If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels.
- iii If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to having the above characteristics.

**g. Contaminated Equipment**

Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary unless unfeasible. If unfeasible, the reasons for inability to decontaminate the equipment shall be documented by the Department Head and those portions that have not been decontaminated shall be labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels.

**h. Personal Protective Equipment**

- i All employees performing tasks entailing reasonably anticipated exposure to blood or other potentially infectious materials will be provided and are required to use appropriate personal protective equipment, such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Such equipment shall be repaired or replaced as needed to maintain its effectiveness at no cost to the employee. Personal

protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to, or reach, the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time for which the protective equipment will be used.

- ii Appropriate personal protective equipment in the appropriate sizes shall be readily accessible at the work site or issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the glove normally provided.
- iii Any garment penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
- iv Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin and when performing vascular access procedures.
- v Disposable (single use) gloves such as surgical or examination gloves and utility gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised, and shall not be washed or decontaminated for reuse.
- vi Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or a chin-length face shield, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
- vii Protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in situations with reasonably anticipated exposure to blood or other potentially infectious materials. The type and characteristic will depend upon the task and degree of exposure anticipated.
- viii Surgical caps or hoods or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated.

**i . Cleaning and Disinfecting**

- i The work site shall be maintained in a clean and sanitary condition.
- ii All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
- iii Contaminated work surfaces shall be decontaminated with an appropriate disinfectant, immediately or as soon as feasible, when surfaces are overtly

contaminated or after any spill of blood or other potentially infectious materials and at the end of the work shift if the surface may have become contaminated since the last cleaning.

- iv Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift if they may have become contaminated during the shift.
- v All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated according to the Cleaning Schedule and decontaminated immediately or as soon as feasible upon visible contamination.
- vi Broken glassware which may be contaminated shall not be picked up directly with hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.
- vii Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into containers where these sharps have been placed.
- viii Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are closable, puncture resistant, leak-proof on sides and bottom and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels.
- ix During use, containers for contaminated sharps shall be easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can reasonably be anticipated to be found, maintained upright throughout use, and replaced routinely and not be allowed to be over-filled.
- x When moving containers of contaminated sharps from the area of use, the containers shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping, and placed in a secondary container if leakage is possible. The second container shall be securable, constructed to contain all contents and prevent leakage during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels.
- xi Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of per cutaneous injury.

**j. Medical Waste**

- i Medical Waste includes any liquid or semi-liquid blood or other potentially infectious materials, dried blood or other potentially infectious materials in any form. This includes any item which may have such materials on them in any form with the exception of reusable equipment, instruments, or personal protective clothing and equipment which undergoes proper decontamination procedures.
- ii Medical Waste shall be placed in containers which are securable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels. These shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport or shipping.
- iii If outside contamination of such a container occurs, it shall be placed in a second container. The second container shall be securable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels. This container shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport or shipping.
- iv Disposal of all Sharps and Medical Waste shall be in accordance with applicable regulations of the United States and the State of Texas.

**k. Laundry Practices**

- i Contaminated laundry shall be handled as little as possible with a minimum of agitation and shall be bagged -- or containerized at the location where it was used and shall not be sorted or rinsed in the location of use. Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels. Universal Precautions shall be used in the handling of all soiled laundry.
- ii Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through or leakage of fluids to the exterior.
- iii All employees who have contact with contaminated laundry shall wear protective gloves and other appropriate personal protective equipment.
- iv Laundry shipped off-site shall be placed in containers which are labeled or color-coded with fluorescent orange or orange-red labels with lettering or

symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or another method preventing loss or unintentional removal, or placed in red bags substituted for labels.

#### **2.12.6.1.2 Hepatitis B Vaccination**

- a. Hepatitis B vaccine and vaccination series shall be made available to all employees with reasonably anticipated exposure to blood or other potentially infectious materials at no cost to the employee, at a reasonable time and place, and performed by or under the care of a licensed physician or under the supervision of another licensed healthcare professional. These services shall be provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee.
- b. Hepatitis B vaccination shall be made available after the employee has received the Bloodborne Pathogens Education Program and within ten (10) business days of initial assignment to duties with reasonably anticipated exposure to blood or other potentially infectious materials unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

Prescreening is available to, but not required of, such employees and is provided at no cost. Employees initially declining Hepatitis B vaccination but who at a later date decide to accept the vaccination, shall have the Hepatitis B vaccination made available to them according to the provisions of this policy at that time.

- c. All employees who decline to accept the Hepatitis B vaccination offered by the employer shall sign the Hepatitis B Vaccination Refusal Form.
- d. Routine booster dose(s) of Hepatitis B vaccine recommended by the U.S. Public Health Service shall be made available to employees who at the time such recommendations are applicable have reasonably anticipated exposure to blood or other potentially infectious materials, at no cost to the employee, made available to the employee at a reasonable time and place, and performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.

#### **2.12.6.2 Post-Exposure Evaluation and Follow-Up**

- a. After an exposure incident, a confidential medical evaluation and follow-up shall be made immediately available to the exposed employee including:
  - documentation of the route(s) of exposure and the circumstances under which the exposure incident occurred.
  - identification and documentation of the source individual (unless it can be established that identification is infeasible or prohibited by state or local law).
- b. All medical evaluations and procedures performed as part of post-exposure evaluation and follow-up, including prophylaxis, are:
  - provided at no cost to the employee;
  - made available to the employee at a reasonable time and place;

performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional;

- provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place. All laboratory tests are conducted by an accredited laboratory at no cost to the employee.
- c. A copy of the evaluating healthcare professional's written opinion shall be obtained and provided to the employee within fifteen (15) days of the completion of the evaluation. The healthcare professional's opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee and whether the employee has received such vaccination. The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to documenting that the employee has been informed of the results of the evaluation and that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment. All other findings or diagnoses shall remain confidential and shall not be included in the written report.
- d. Based upon the recommendation of the healthcare professional providing the post-exposure evaluation, the source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV (AIDS) infectivity. If consent is not obtained, it shall be established that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented. When the source individual is already known to be infected with HBV and HIV, testing for the source individual's known HBV or HIV status need not be repeated. Results of the source individual's testing shall be made available to the exposed employee and to the licensed physician or licensed healthcare official performing the required post-exposure medical evaluation and follow-up of the exposed employee. The employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
- e. Based upon the recommendation of the healthcare professional providing the post-exposure evaluation, the exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety (90) days. If, within ninety (90) days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.
- f. Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service, shall be given by or under the supervision of the licensed physician or other licensed health-care professional performing the post-exposure medical evaluation of the exposed employee.
- g. Counseling and evaluation of reported illnesses shall be provided to the exposed employee by the licensed physician or other licensed healthcare professional performing the post-exposure medical evaluation of the exposed employee as needed and indicated.

#### **2.12.6.3 Bio-Hazard Labeling**

- a. Warning labels shall be affixed to containers of regulated waste, refrigerators, and freezers containing blood or other potentially infectious material and other containers used to store, transport, or ship blood or other potentially infectious materials, except that red bags or red containers may be substituted for labels. Containers of blood, blood components, or blood

products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from these labeling requirements. Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

- b. Labels shall include the Bio-Hazard Legend and shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color. Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or another method that prevents their loss or unintentional removal. Such labels are required for contaminated equipment and shall also state which portions of the equipment remain contaminated.

#### **2.12.6.4 Education and Training**

- a. All employees with reasonably anticipated exposure to blood or other potentially infectious materials shall participate in the Bloodborne Pathogens Education Program during working hours. This shall occur at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter.
- b. Additional training when changes such as modification of tasks or procedures or the institution of new tasks or procedures affect the employee's occupational exposure shall be provided. This additional training may be limited to addressing the new exposure created.

#### **2.12.6.5 Record Keeping**

- a. An accurate medical record for each employee with occupational exposure shall be maintained. This record shall include the name and social security number of the employee, a copy of the employee's Hepatitis B vaccination status including the dates of all the Hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination, a copy of all results of examinations, medical testing, and follow-up procedures required as part of any post-exposure medical evaluation, including the employer's copy of the healthcare professional's written opinion and a copy of the information provided to the healthcare professional as part of that evaluation.
- b. Employee medical records will be kept confidential and not disclosed or reported without the employee's express written consent to any person within or outside the workplace, except as required by this section or as may be required by law. Such records shall be maintained for at least the duration of employment plus thirty (30) years.
- c. Training records shall be maintained and shall include the dates of the training sessions, contents or a summary of the training sessions, the names and qualifications of persons conducting the training, and the names and job titles of all persons attending the training sessions. Training records shall be maintained for three (3) years from the date on which the training occurred.
- d. All employee medical records or training records shall be made available upon request to the Assistant Secretary of the Department of Health and Human Services and the Director of the Occupational Safety and Health Administration (OSHA) for examination and copying.
- e. All records required under this section shall become part of the employee's employment record on file in the Office of Human Resources.

#### **2.12.6.6 Employee Responsibilities**

- a. In addition to the specific responsibilities outlined above, employees performing tasks with reasonably anticipated exposure to blood or other potentially infectious materials are required



to inform their department head if proper protective clothing and equipment is unavailable or appears inadequate to provide appropriate protection from such exposure.

- b. Employees are required to report to their department head and the Director of Operations and Support Services any incidents or observations suggesting inadequate use of personal protective clothing and equipment or other control measures by any employee.
- c. Employees are required to follow the requirements of these policies and procedures, including all work practice requirements. The use of universal precautions, and the use of specific engineering controls and protective equipment outlined above, is mandatory.
- d. Employees who do not follow these requirements are subject to disciplinary action.

#### **2.12.6.7 Forms**

Compliance forms are available from the Health Center. (See Appendix E)

### **2.12.7 Copyright Policy**

Copyright Law Compliance. All employees of the University, including but not limited to staff, faculty and administrators, shall conduct their activities on behalf of the University, including but not limited to any research or writing activities, in such a fashion so as to meet and comply with all the requirements of the United States copyright laws and regulations (Title 17 U.S. C.).

As a condition of employment, each employee agrees to accept responsibility for reading and understanding the requirements of the copyright law and the policy statement and guidelines of the University. As determined by the University, such acts shall be considered "good faith compliance" by the University and the employee shall not be required to indemnify the University for any damages, judgments, or costs which may be obtained against the University for the acts of the employee.

If, however, an employee willfully, intentionally, negligently, or without good faith, violates the copyright provisions, the employee shall be solely liable for all losses, damages, judgment, and costs of whatsoever kind or nature that may be incurred. Should the University be named in any legal or equitable action arising from such wrongful infringement, the employee agrees to save, hold harmless, and indemnify the University against all losses, damages, fees (including attorney fees, except in cases of mere negligence), or other penalties, monetary or otherwise, that may be incurred as a result of such conduct.

#### **2.12.8 Intellectual Property Policy (Approved by the Board of Trustees April 1, 2011)** *(See Appendix G for full policy and documentation)*

##### **2.12.8.1 Policy Revisions**

Copyright and patent law is a constantly changing area of expertise. Due to changes in the laws which may occur, this policy may undergo revision from time to time in order to adapt to the legislative changes or differing interpretations of the laws. The policy shall be reviewed annually by the Intellectual Property Committee which shall recommend necessary changes to the Provost and Vice President for Academic Affairs and President of the University.

### **2.12.9 Sale of Employee Created Materials to University Students**

Faculty and staff members often create materials in which they hold commercial interests and which might be used in courses or programs which the faculty or staff member is teaching or administering for the University. It is the policy of the University that faculty or staff members may require students to purchase materials in which they hold a commercial interest for courses taught or programs administered by that faculty or staff member. If the work is sold for the same price that it is made available at other institutions of higher education through ordinary commercial channels

(e.g. publishing houses), the faculty member may receive the royalties from the work, if any. If the work is not made available for use at other institutions through ordinary commercial channels, the faculty or staff member shall assign all income rights for copies of the work sold on this campus to the University. Any income thus received shall be placed in a special fund which shall then be made available by application through the Provost and Vice President for Academic Affairs to faculty and staff members in order to promote research, publication, or other creative efforts.

#### **2.12.10 Policy Statement on Partisan Activity**

St. Mary's University has a long-standing policy common to most Universities of non-advocacy and non-endorsement of groups engaged in partisan activity in civic and community affairs.

St. Mary's encourages its faculty, staff, and students as individuals to take part in such civic affairs and to become involved according to their own consciences and beliefs on whatever side of important community issues they personally choose.

#### **2.12.11 Solicitations and Gifts**

Solicitation or canvassing of employees by any person or organization, whether related to the University or not, is prohibited except with specific permission of the Vice President for Administration and Finance.

Solicitation of employees for contributions toward wedding, birthday, farewell and similar gifts is prohibited during regular working hours. Although appropriate expressions of friendship among employees are encouraged, these should not be an occasion of embarrassment for employees who may not be able to contribute.

#### **2.12.12 Personal Appearance and Courtesy**

Employees of the University represent St. Mary's in the contacts which they have with students and with the public. Their dress and grooming is expected to be neat and appropriate to the work in which each employee is engaged. Proper respect must be accorded to all students and members of the public with whom university work brings employees into contact. Respect for fellow employees is likewise important for the common welfare of all University personnel as well as the good of the institution.

#### **2.12.13 Personal Use of University Property**

Except as provided in Section 2.11.6, facilities, furniture, equipment and other property owned by St. Mary's University may be used only for work directly related to performance of University business, and University employees may not be directed by a supervisor to perform work which is not directly related to University business. Should extraordinary circumstances require an exception for this regulation, written authorization by the Vice President for Administration and Finance is necessary.

University telephones may not be used for personal business except for brief local calls. Under no circumstances may University telephones be used for personal long distance or other toll calls without express authorization of the employee's supervisor and reimbursement of the charges to the University.

#### **2.12.14 Fund-Raising Policy**

While the University encourages employee fund-raising on its behalf, proper coordination and approval is necessary to avoid conflicts and confusion.

Therefore, all fund-raising activities conducted on behalf of or in the name of the University by any employee shall be subject to the coordination of the Vice President for University Advancement. Gifts and grants may not be accepted on behalf of the University unless approved by the President. Gifts can be restricted only by written instructions from the donor or action by the University's Board of Trustees. The Vice President for University Advancement will have the responsibility of securing Board of Trustees action.

Employees may not solicit funds on behalf of any organization, other than an approved University organization, on University property unless prior approval is received from the Vice President for Administration and Finance. Employees may not sell, or solicit the sale of, products on University property or during work time other than University approved products, the sale of which is part of the employee's job duties or responsibilities.

#### **2.12.15 Emergency Procedures and Closure**

In the event of a storm, power failure, or other occurrence which might seriously affect the operation of the University, the following procedures will be in effect.

Public announcement of any interruption of University operations will be made via local television and radio stations.

Internal communication of emergency information will be shared, to the extent necessary, with employees by their immediate supervisors by telephone.

Unless absolutely necessary, employees should not call the University during an emergency. They should either report to work or await a call from their supervisors.

#### **2.12.16 Campus Security and Traffic Control**

The University maintains a Campus Police Department, staffed by commissioned officers who possess full authority as peace officers on the campus. Their responsibilities include in the order of priority, protection of the safety and welfare of students and employees, providing for the security of University property, and the regulation of campus traffic and parking. All employees are expected to cooperate with the Campus Police in their efforts to fulfill their responsibilities.

#### **2.12.17 Policy on AIDS and Communicable Diseases**

The University shall treat AIDS the same as any other disease that may be contracted by University personnel. Victims of AIDS or other diseases will be permitted to teach, work and/or enroll in courses at the University unless the student or staff member's personal physician, campus medical officials or state or federal public health officials declare that their disease represents a substantial risk to the health and safety of other members of the community. In such cases, appropriate measures will be taken to protect the institution and the individual.

#### **2.12.18 Policy on Humane Care and Use of Laboratory Animals**

St. Mary's University has a compliance policy and Guide on humane care and use of laboratory animals that is available from the Provost and Vice President for Academic Affairs.

The University is guided by the U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research and Training.

##### **2.12.18.1 Institutional Animal Care and Use Committee**

The Institutional Animal Care and Use Committee (IACUC) is appointed by the President and has as its members two (2) faculty from the School of Science, Engineering and Technology; one (1) faculty member from school with background on the subject; a consulting veterinarian, and a public member from the research community. The Chair is one of the faculty members appointed by the President.

The IACUC will:

- a. Review at least once every six (6) months the University's program for humane care and use of animals, using the Guide as a basis for evaluation.
- b. Inspect at least once every six (6) months the University's animal facilities using the Guide as a basis for evaluation.

- c. Prepare reports of the IACUC evaluations as set forth in the PHS Policy Guide and submit the reports to the President.
- d. Review concerns involving the care and use of animals at the University.
- e. Make written recommendations to the President regarding any aspect of the University's animal program, facilities, or personnel training.
- f. Review and approve, with or without modifications, or withhold approval from activities related to the care and use of animals as set forth in the PHS Policy Guide.
- g. Review and approve, with or without modifications, or withhold approval of proposed significant changes regarding the use of animals in ongoing activities as set forth in the PHS Policy Guide.
- h. Notify investigators and the University in writing of its decision to approve or withhold approval of those activities related to the care and use of animals, or of modifications required to secure IACUC approval, as set forth in the PHS Policy Guide.
- i. Suspend, if necessary, an activity involving animals, as set forth in the PHS Policy Guide.

Procedures which the IACUC will follow to fulfill the requirements set forth in the PHS Policy Guide require the committee to:

- a. The IACUC will meet on a monthly basis or as required to review protocols involving proposed use of animals for either research or teaching purposes. Proposals will be submitted to the IACUC Chair who will distribute copies to IACUC members prior to review meetings.
- b. Review at least once every six (6) months the University's program for humane care and use of animals, using the Guide as the basis for evaluation. The IACUC Chair will call a meeting of the IACUC for this purpose.
- c. Inspect the St. Mary's University animal facility at least once every six (6) months using the Guide as the basis for evaluation. The consulting veterinarian will perform inspections accompanied by the IACUC Chair, and will report any discrepancies or irregularities in the animal facilities to the IACUC Chair, who will be responsible for rectifying such irregularities. The IACUC Chair will notify the consulting veterinarian when discrepancies have been corrected.
- d. Prepare reports of the IACUC evaluations conducted as required by this Policy and submit the reports to the President. Reports shall be updated at least once every six (6) months upon completion of the required semiannual evaluations and shall be maintained by the University and made available to the Office for Protection from Research Risks (OPRR) upon request. The reports shall contain a description of the nature and extent of the University's adherence to the Guide and the OPRR Policy, will identify specifically any departures from the provisions of the Guide and the OPRR Policy; and state the reasons for each departure. The reports must distinguish significant deficiencies from minor deficiencies. The IACUC understands that a significant deficiency is one which, consistent with OPRR Policy, and, in the judgment of the IACUC and the President, is or may be a threat to the health or safety of the animals. If program facility deficiencies are noted, the reports must contain a reasonable and specific plan and schedule for correcting each deficiency.

The President of St. Mary's University is the individual authorized by the University to verify IACUC approval of those sections of applications and proposals related to the care and use of animals.

The health program for the Animal Caretaker and other personnel who work in the laboratory animal facilities or have frequent contact with animals is to receive a pre-employment physical examination and tetanus shot, followed by annual physical examinations.

The training or instruction available to scientists, animal technicians, and other personnel involved in animal care, treatment, or use are:

- a.** A lecture and discussion seminar provided by the attending veterinarian which will include the following topics:
  - i National regulations and guidelines, including the Animal Welfare Act and PHS regulations.
  - ii Institutional Policies:
    - (a) Monitoring the care and use of animals
    - (b) Veterinary care
    - (c) Personal hygiene
    - (d) Occupational health
    - (e) Hazardous agents
  - iii Veterinary Care
    - (a) Husbandry
    - (b) Health
    - (c) Anesthesia and analgesia
    - (d) Surgery
    - (e) Euthanasia
  - iv Alternatives to animal use
  - v Animal rights movement
- b.** A library of audio and video tapes on care and use of research animals shall be made available to employees.
- c.** A wet lab on techniques shall be presented for personnel requiring hands-on training. This determination will be made by the IACUC after review of each person's training and experience.
- d.** A copy of "The Biomedical Investigator's Handbook" published by the Foundation for Biomedical Research will be provided to each investigator.

The Consulting Veterinarian will:

- a.** Inspect the animal facility, examine animals on a monthly basis, and be available on call in case of emergencies.
- b.** Present workshops and seminars to faculty and student assistants involved in the use of laboratory animals and provide training films for review by all personnel associated with the animal facility.
- c.** Otherwise provide advice and assistance to the St. Mary's University administration and IACUC with respect to implementation of the PHS Policy and the Guide.

Record keeping Requirements:

- a. The University will maintain for at least three (3) years:
  - i A copy of this Assurance and any modifications thereto, as approved by PHS.
  - ii Minutes of IACUC meetings, including records of attendance, activities of the committee, and committee deliberations.
  - iii Records of applications, proposals, and proposed significant changes in the care and use of animals, and whether IACUC approval was given or withheld.
  - iv Records of semiannual IACUC reports and recommendations as forwarded to the President of St. Mary's University.
  - v Records of accrediting body determinations.
- b. This institution will maintain records that relate directly to applications, proposals, and proposed changes in ongoing activities reviewed and approved by the IACUC for the duration of the activity and for an additional three (3) years after completion of the activity.
- d. All records shall be accessible for inspection and copying by authorized OPRR or other PHS representatives at reasonable times and in a reasonable manner.
- e. Reporting Requirements:
  - a. At least once every twelve (12) months, the IACUC, through the President, will report in writing to the OPRR:
    - i Any changes in the status of the University (e.g., if the University becomes accredited by AAALAC or AAALAC accreditation is revoked), any changes in the description of the University's program for animal care and use as described in the Assurance, or any changes in IACUC membership. If there are no changes to report, St. Mary's University will submit a letter to OPRR stating that there are no changes.
    - ii Notification of the date that the IACUC conducted its semiannual evaluations of the University's program and facilities and submitted the evaluations to the President of St. Mary's University.
  - b. The IACUC, through the President, will provide the OPRR promptly with a full explanation of the circumstances and actions taken with respect to:
    - i Any serious or continuing noncompliance with the PHS Policy.
    - ii Any serious deviations from the provisions of the Guide.
    - iii Any suspension of an activity by the IACUC.
  - c. Reports filed shall include any minority views filed by members of the IACUC.

## **2.13 Leaves**

### **2.13.1 Paid Leave**

#### **2.13.1.1 Holidays**

The official holidays at St. May's University are as follows:

New Year's Day  
Martin Luther King, Jr. Birthday  
Easter Monday  
Battle of Flowers (½ day)  
Memorial Day

Independence Day  
Labor Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Week

Intercessions and Fall and Spring break are not considered faculty holidays, but are work days away from class for faculty to prepare grades for intersemester grade reports.

#### **2.13.1.2 Vacation for Librarians with Faculty Status**

Vacation periods for librarians with faculty status will be six weeks (30 working days). In addition to this, librarians are entitled to all normal faculty holidays.

Librarians employed in the Academic Library prior to June 1, 1985, receive nine weeks (45 days) of vacation.

Faculty contracts for librarians run from June 1 to May 31 of each year and mutually agreeable vacation days must be arranged between the librarians and the Director of the Academic Library and the Director of the Law Library.

#### **2.13.1.3 Civil Duty Leave**

A faculty member who is validly subpoenaed or summoned to involuntarily appear or serve as a juror during regularly-scheduled work hours in a judicial forum, or compelled to appear before a judicial, legislative, or administrative body with civil power to compel attendance, shall be entitled to receive leave with pay for a period of time necessary for such appearance, if the appearance may not be reasonably accommodated by rescheduling the employee's work hours, as determined by the University.

Jury duty to which an employee is called entitles the employee to leave-with-pay during the time he or she is required to serve.

For Grand Jury duty, the employee has the option of turning over to the University the compensation received for jury service or fore-going the salary from the University for the time of such service.

Civil leave shall not be granted for appearances as an expert witness for a party to litigation. Civil leave must be approved in advance in writing by the Chair or Dean.

#### **2.13.1.4 Short Term Disability Leave**

In lieu of sick leave, St. Mary's University has a self-insured short term disability leave for full time special status administrators, and for faculty members and professional librarians full-time and pro-rata. The University grants full or pro-rata pay for up until ninety (90) days for untenured faculty and full time special status administrators and one hundred eighty (180) days for tenured faculty members. After ninety or one hundred eighty days, the faculty member will then transfer, if eligible and covered, to long term disability insurance. The provisions of Section 2.8.4 may also apply.

Short-term disability means any condition, whether physical or mental (including conditions resulting from pregnancy and child-birth), which disables faculty members from performing the duties assigned to his or her position by the University or which imposes a risk of infection to other employees. The determination that a short-term disability exists shall be made by the University, taking into consideration the essential job functions of the position and the faculty member's disabilities.

Faculty members shall not be paid or otherwise credited for unused short-term disability leave.

It is the policy of St. Mary's University to work closely with full-time and pro-rata faculty members and their families when disability situations occur.

### **2.13.1.5 Bereavement Leave**

A leave may be taken, not to exceed three days, when a death occurs in the employee's immediate family: child, wife, husband, mother, father, grandparent, mother-in-law, father-in-law, sister, brother, sister-in-law, or brother-in-law.

### **2.13.2 Leave Without Pay**

#### **2.13.2.1 Professional Leave of Absence**

A full-time faculty member may request a full-time or part-time leave of absence without pay. The purpose of a leave of absence is ordinarily related to one's professional work or to an assignment that is judged as taking priority temporarily over teaching at St. Mary's.

Leaves of absence must be mutually agreed upon and ordinarily do not extend beyond one year. If the leave is to be for a longer period, an extension should be negotiated no later than March 1 of the first year of the leave.

Time of leave of absence does not count toward promotion in rank, tenure, or sabbatical leaves unless the faculty member and the University so agree by a prior written understanding.

While the faculty member is on leave without pay, the University does not provide fringe benefits, unless a prior agreement to the contrary has been made. However, faculty members may continue such benefits by paying for them themselves.

A request for a leave of absence is made to the Provost and Vice President for Academic Affairs through the Dean. The request is reviewed by the Academic Council.

Following a leave of absence, a faculty member has a right to resume employment at St. Mary's University. In addition, a leave of absence carries with it a preferential status with respect to any openings which may exist in the faculty member's department at the time he or she returns to the University.

#### **2.13.2.2 Family and Medical Leave Act**

This policy is intended to comply with the Family and Medical Leave Act of 1993 and is to be construed in conformity therewith. The Family and Medical Leave Act and regulations interpreting the Act contain other provisions regarding the respective rights and obligations of employers and employees; the University reserves the option to rely upon any provision thereof.

Subject to the conditions set forth below, eligible employees who need to care for family members or themselves may be granted up to twelve (12) weeks of unpaid leave per year. The term "year" for this purpose is the one year period preceding the date the employee begins a Family & Medical Leave rather than a calendar or fiscal year.

The employee must have been employed for at least twelve (12) months and worked at least 1,250 hours during the previous 12 months in order to be eligible for Family & Medical Leave. The employee must also work at a facility where the University has at least 50 employees within 75 miles. Employees who do not meet these eligibility requirements should refer to the other types of leave discussed below. Eligible employees should provide at least 30 days notice, if possible, of their intention to take a Family & Medical Leave. Faculty members and professional librarians, full-time and pro-rata, are covered by these provisions.

Eligible employees are entitled to take up to 12 weeks unpaid leave a year for:

- a. the birth of the employee's child; women faculty members are covered under short term disability as paid leave. See Section 2.13.14 for limits;
- b. the placement of a child with the employee for adoption or foster care;



- c. to care for the employee's spouse, child or their own parent who has a serious health condition;
- d. A serious health condition rendering the employee unable to perform his or her job. This is covered at St. Mary's University for full time faculty, for pro-rata faculty, and for full time special status administrators by a Short Term Disability Policy and is not applicable since it exceeds FMLA. (See Section 2.13.1.4)

An employee's right to leave for the birth or adoption of a child ends 12 months after the child's birth or placement with the employee.

In connection with any leave under this policy, employees are required to utilize any available paid leave benefits (such as unused paid vacation), and apply such paid leave toward the period of Family & Medical Leave.

The University will continue the employee's health insurance under the same conditions as if the employee were working. Thus, if the employee ordinarily pays a portion of his or her health insurance, the employee must continue to pay that portion of the premiums in order to continue coverage during the leave. Premiums for other insurance benefits, if any, such as life, dental or long-term disability benefit premiums will be the responsibility of the employee. If the employee elects not to return to the job, then the employee will owe the University reimbursement for the health insurance premiums paid to maintain the coverage during the leave, except where the failure to return to work is due to (1) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to Family & Medical Leave (either affecting the employee or an immediate family member) or (2) other circumstances beyond the control of the employee.

Medical certification of necessity will be required for leaves due to the employee's own serious health condition or that of a family member. The University reserves the right, at the University's expense, to require a second medical opinion. If the first and second opinions differ, the University may request a third opinion, at the University's expense, which is then binding.

The employee may take Family & Medical Leave intermittently or on a reduced work schedule when medically necessary due to a family member's illness. The University reserves the right to temporarily transfer the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

An employee returning from Family & Medical Leave is entitled to return to the same or an equivalent position, with equivalent pay and benefits, if the employee returns within the approved period of leave, not exceeding 12 weeks.

The faculty member's portion of the group health insurance premiums must be paid by the faculty member in order to maintain coverage during the period of leave. During any period of leave in which the faculty member is utilizing available paid leave benefits, the faculty member's portion of the insurance premiums will continue to be paid through payroll deductions. While on unpaid leave, the faculty member's portion of insurance premiums must be mailed to the University's Human Resources Office before the first of the month, to be received no later than the 5th of the month. The University's contributions to insurance premiums will continue throughout a FMLA leave so long as the employee continues to pay his or her portion of the premium in a timely manner.

On or before the expiration of six (6) weeks of leave, the faculty member must provide his or her supervisor with a written report regarding leave status and intent to return to work. Additionally, the faculty member must provide the supervisor at least ten (10) days advance written notice of his or her expected return to work date. Failure to comply with these notice obligations may result in disciplinary action, up to and including termination.

Unless an extension is granted prior to the expiration of leave, an employee must return to work upon expiration of the approved period of leave. In no event will Family & Medical Leave be extended beyond twelve (12) weeks.

### **2.13.2.3 Military Leave**

A leave of absence for service in the Armed Forces or National Guard, or for attendance at regular annual military encampment or cruise, and the terms of reinstatement, shall be governed by the Vietnam Era Veterans Readjustment Assistance Act and other applicable laws. Such leave is granted upon written notice to the supervisor and presentation of appropriate military orders.

## **2.14 Fringe Benefits**

### **2.14.1 Mandatory Benefits**

#### **2.14.1.1 Social Security Taxes**

An employer's share is paid on behalf of employees by the University, and the employee's share is withheld from salaries in accordance with federal law.

#### **2.14.1.2 Unemployment Compensation**

St. Mary's University subscribes to the Texas Unemployment Compensation Act. Information about this benefit is available from the Personnel/Human Resources Director.

#### **2.14.1.3 Workers' Compensation**

Workers' Compensation insurance is provided for all employees. Medical expenses incurred because of such injury and a portion of salary loss are payable through this insurance. Faculty members are expected to be safety conscious and report any unsafe conditions to supervisors. An employee who is injured on the job must report the injury immediately to the supervisor or department head. All injured employees are encouraged to seek medical attention. A First Report of Injury report must be completed by the Supervisor and filed with the Human Resources Department immediately or not later than 72 hours after the accident has occurred. Employees absent from work as a result of a work related injury may be eligible for payments under the Texas Workers' Compensation Act. Employees will not be paid by the University for periods when they are entitled to receive workers' compensation benefits. An employee must submit a clearance from the attending physician before returning to work following an absence due to a work related injury.

#### **2.14.1.4 COBRA Statement**

The Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) requires employers who sponsor group health plans to offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the Plan would otherwise end. This is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law.

An employee, or the employee's spouse or dependent, becomes a Qualified Beneficiary if the employee, or the employee's spouse or dependent, is covered under the employer's group health plan and would lose coverage upon the happening of one of the following events (called a Qualifying Event):

- a.** Death of the covered employee;
- b.** Termination (for reasons other than gross misconduct) or reduction of hours of the covered employee's employment;
- c.** Divorce or legal separation of the covered employee from his or her spouse;
- d.** Entitlement of the covered employee for Medicare; or
- e.** Dependent ceases to be a "dependent child" under the group health plan.

In such a case, each Qualified Beneficiary has the right to elect to choose continuation coverage if the group health coverage would be lost, for a period shown as follows:

#### **Reason for Termination under Group Period**

Voluntary Termination of Employee	18 months
Involuntary Termination of Employee (except for gross misconduct)	18 months
Reduction in Work Hours of Employee	18 months
Disability of Employee as determined under the Social Security Act	29 months
Death of Employee	36 months
Divorce or Legal Separation	36 months
Employee becomes entitled to Medicare	36 months
Dependent Child no longer qualifies as dependent under group health plan	36 months

### **Special Rule for Multiple Qualifying Events**

If an employee elects continuation coverage following a termination of employment or reduction in hours and, during the 18 month period of continuation coverage, a second event (other than a bankruptcy proceeding) occurs that would have caused loss of coverage under the plan (if coverage has not been lost already), the employee may be given the opportunity to extend the period of continuation coverage to a total of 36 months. If the spouse or dependent of a covered employee who experienced a termination of employment or reduction in hours elects continuation coverage, and during the continuation period the employee or former employee becomes entitled to Medicare, the spouse or dependent may be given the opportunity to extend coverage for 36 months from the date the covered employee becomes entitled to Medicare.

### **Special Rule for Retirees and Newly Acquired Dependents**

A retiree, or the spouse or dependent of a retiree, whose employer's group health plan is lost or substantially eliminated within one year before or after the employer's filing of Title 11 Bankruptcy can elect to remain in the employer's group health plan until the retiree's death. After the retiree's death, the retiree's survivors can obtain up to an additional three years of continuation coverage.

New acquired dependents of Qualified Beneficiaries, such as children and spouses, are to be given the same opportunity to obtain coverage as for an employee with, and under the same conditions as, such dependent's coverage. The newly acquired dependent's coverage is not as a Qualified Beneficiary, and as such, their continuation coverage ends upon termination of the Qualified Beneficiary's continuation coverage.

The continuation coverage is not conditioned on a physical examination or other evidence of insurability, and is identical, with very few exceptions, to the coverage provided to similarly situated employees or family members. Persons may be required to pay all or part of the premium for continued coverage and an administrative fee.

Under COBRA, St. Mary's University generally must notify the Plan Administrator (except where the employer is the Plan Administrator) within 30 days of an employee's death, termination of employment or reduction in work hours, Medicare entitlement or bankruptcy proceedings. In these cases, the Plan Administrator must then notify the Qualified Beneficiary of his or her right to elect continuation coverage. This notice must be provided within 14 days after the Plan Administrator receives notice that one of these events has occurred. However, with respect to multi-employer plans, to the extent the plan so provides, the University may have an extended period of time for notifying the Plan Administrator of one of the qualifying events, and the Plan Administrator also may have an extended period for providing notice to the Qualified Beneficiary.

In all other cases, the employee or family member has the responsibility to notify the Plan Administrator of a divorce, legal separation, a child's loss of dependent status, disability as determined under the Social Security Act, or a newly acquired dependent under the group health plan. In these cases, a person has 60 days from the date that he or she would lose coverage because of one of the events described previously to notify the Plan Administrator of the Qualifying Event. In all cases, one has 60 days from the date of the notice from the Plan Administrator or from the date he or she would lose coverage (whichever is later) to inform the Plan Administrator that continuation coverage is desired. Election of continuation coverage is deemed to include an election for family members who will also lose coverage under the group health plan unless otherwise specified.

The continuation coverage extends from the date of one of the events described previously to:

- a. 18 months (in the case of termination or reduced work hours) or 29 months (in the case of disability) or 36 months (in all other cases described previously except retirees and newly acquired dependents. See "Special Rules".)
- b. The date St. Mary's University no longer provides any group health plan to its employees.
- c. The date the individual's premium for continuation coverage is not paid on time.
- d. The date the person whose coverage is being continued becomes covered under another group health plan unless the other plan contains an exclusion or limitation with respect to a pre-existing condition.
- e. The date the person whose coverage is being continued becomes entitled to Medicare benefits (unless the qualifying event is the employer's Title 11 Bankruptcy).
- f. The date the person, if divorced from a covered employee, subsequently remarries and becomes covered under another group health plan, in which case the person can continue coverage until the maximum allowed period of termination or until covered for pre-existing conditions (if the new plan excludes or limits benefits for the pre-existing condition and the continuation coverage plan covers it), whichever occurs first.

To prevent a lapse in coverage, a person who selects continuation coverage can pay any required premium within 45 days after the election. If St. Mary's University's group health plan provides a conversion privilege to other beneficiaries, the University must also provide faculty members and their family members with the opportunity to enroll under a conversion health plan during the 180-day period preceding the date that continuation coverage expires.

### **Independent Contractor and Other Service Performers**

Self-employed individuals, independent contractors and agents, and directors who are (or were) covered by a group health plan maintained by an employer for one or more common law employees may also be eligible for continuation coverage. Continuation coverage is provided if the individual was covered under the employer's group plan by virtue of performing services for the employer.

### **Working Aged**

COBRA also affects the rights of employees and their spouses who are over 65 years of age. Unless St. Mary's University is exempt from COBRA, the University must offer employees and their spouses age 65 and over ("working aged") the same health insurance coverage that is offered to younger workers and their spouses.

St. Mary's University plan administrator is the Director of Human Resources.

## **2.14.2 Carrier Benefits**

St. Mary's University makes available to all full-time faculty, effective the first of the month following the date of employment, numerous insurance carrier benefits. Some are noted below.

### **2.14.2.1 Health Insurance**

St. Mary's offers a choice of plans for employee selection. The University and the employees share the cost. The employee's share of the premiums is deducted from the employee's paycheck before taxes, if the employee is a participant in the Flex Plan.

Full-time employees, including those who work a minimum of thirty (30) hours per week, having met the specified waiting period for the benefit, are eligible to participate in the health plans.

Faculty members 65 or over may select a plan offered by the University as their primary health insurance or may choose Medicare.

The University Medical Benefits Committee annually reviews the various health insurance plans available and selects the provider which best meets the needs of all University employees. Several instructional meetings are offered prior to an annual Open Enrollment, which ordinarily takes place on or before September 1. The University contributes towards the employee's monthly insurance premium.

#### **2.14.2.2 Dental Insurance**

The University offers a comprehensive program to help pay dental expenses for faculty members and their families. The University pays the full premium for the employee. Premiums for employee dependents are deducted from the employee's paycheck before taxes if the employee participates in the Flex Plan.

The University's dental plan offers a choice between two (2) types of coverage, the Dental Maintenance Organization (DMO) and the Traditional Insurance Plan. Full information on the dental insurance is available in the University's Human Resources Office.

#### **2.14.2.3 Disability Insurance**

The University offers Disability Insurance with TIAA (Teachers Insurance and Annuity Association). The benefit is based on 60% of salary up to a maximum benefit of \$5,000.00 with a three month elimination period. Faculty members are eligible after one year of service. This one year period may be waived if the faculty member is transferring from another institution with a similar long term disability plan. This is a voluntary benefit. The University pays one-half of the premium.

#### **2.14.2.4 Life Insurance, Accidental Death and Dismemberment Insurance**

The University offers Group Life Insurance and Accidental Death and Dismemberment (A D & D) Insurance for full time employees. Full-time employees, including those who work a minimum of thirty (30) hours per week, having met the specified waiting period for the benefit, may participate in these University group life and accidental death and dismemberment insurance plans for which the University pays a portion of the premium.

The amount of coverage of each of these insurance policies is equal to the employee's annual salary, (amounts are rounded to next higher \$1,000.00, if not already a multiple thereof).

The A D & D coverage provides benefits in the event of an insured employee's death or loss of limb or eyesight caused solely through external, violent and accidental means. Benefits are payable to beneficiaries in the event of the employee's death or to the employee for loss of limb or eyesight, in accordance with the terms of the plan.

Other voluntary life insurance programs are offered. Full information on these plans is available in the University's Human Resources Office.

A faculty member who leaves the University may elect to convert all or a portion of his or her group life insurance to an individual policy within 30 days of termination.

#### **2.14.2.5 Retirement**

Eligible employees may participate in a defined contribution retirement plan.

**TIAA/CREF (Teachers Insurance Annuity Association/College Retirement Equities Fund)** provides security for faculty members and their families through the purchase of annuity policies which provide a lifetime income or cash settlement for employees when they reach retirement age.

An eligible employee may enter the plan after completion of a year of service in which he or she has worked at least 1,000 hours. For an employee with an active annuity contract transferring from another institution, the one year waiting period is waived. The employee contributes five percent (5%) of salary and the University contributes an additional seven percent (7%).

Participation in the plan is on a voluntary basis, on or after the first day of the month after completing one year of service at the University or any other eligible employer and attaining age 21.

This annuity is a contractual agreement between the faculty member and the annuity company. A Resolution governing the plan is on file in the Office of Human Resources. Employees may elect to have their share contributed by salary reduction rather than salary deduction.

A Supplemental Retirement Annuity (TIAA/SRA) is available as a voluntary benefit.

Full information on the retirement and SRA plans is available in the University's Human Resources Office.

#### **2.14.2.6 Flexible Cafeteria Benefits Plan**

The University offers a Cafeteria Plan called the Flex Plan. This plan provides a means for taking advantage of special tax benefits made available by current government regulations.

Through the Flex Plan a faculty member may set aside a portion of his or her pay in an account to pay medical and dental insurance premiums, dependent care coverage, and other items. The amount set aside is not included in the employee's income for purposes of determining Social Security and Federal taxes.

Full-time employees may join the Flex Plan after having met the specified waiting period for the benefit. Full information on the Flex Plan is available in the University's Human Resources Office.

A "Specified Disease Benefit" and an "Eye Care Plan" are included with the Flex Plan. They are voluntary Benefits.

#### **2.14.2.7 Liability Insurance**

St. Mary's University maintains an insurance policy for liability of officers and agents of the University in the performance of their duties. Information on this policy, if needed, is available in the Office of the Vice President for Administration and Finance

### **2.14.3 Institutional Benefits**

#### **2.14.3.1 Employee Assistance Program**

The Employee Assistance Program (E.A.P.) is administered by the Human Resources Office for all University employees. Initial contact for the various services provided should be made through the Program Coordinator. Following is a partial list of areas which fall under the Employee Assistance Program:

- a. Alcohol/Drug (misuse, abuse, dependence, etc.)
- b. Emotional/Psychological (stress, anxiety, depression, etc.)
- c. Marriage/Family
- d. Financial (planning, budgeting, estate planning, etc.)
- e. Legal
- f. Work Related (harassment, discrimination, etc.)
- g. Other (any issue which inhibits job performance, etc.)

A brochure is available in the Human Resources Office which gives greater detail on the program.

### **2.14.3.2 Tuition Rebate Policy**

#### **2.14.3.2.1 General Policy**

Full-time employees with six months or more service are eligible to enroll in credit courses in the Undergraduate and Graduate Schools of the University (excluding the School of Law and the Ph.D. program), without payment of tuition charges. If the employee has met the waiting period through prior year(s) of service at another accredited institution, the waiting period will be waived. (Refer to Sections 2.14.3.2.3 and 2.14.3.2.4 for policy on dependents and spouses.)

**Ability to Benefit** Class participation is dependent on meeting the following basic University standards:

- a. Basic admission standards must be met.
- b. Satisfactory progress must be maintained as defined through the Office of Financial Assistance.

#### **Rebate Regulations**

- a. Tuition rebate may only be used for actual St. Mary's University tuition.
- b. Employees, dependents and spouses receiving tuition rebate benefit may be eligible for other forms of need-based financial aid including Pell Grant, educational loans and college work study (as determined by completion and assessment of the Free Application for Federal Student Aid, or FAFSA).
- c. The maximum amount of a St. Mary's scholarship or a St. Mary's-sponsored scholarship for dependents is \$1,000 per year and may be used toward direct costs. Participants in the St. Mary's Honors Program will receive up to \$2,500 per year, which may be used toward direct costs.
- h. Rebate forms and Procedures are available in the University's Human Resources Office.

#### **2.14.3.2.2 Employees (Faculty See also Sec. 2.10.3)**

Eligible employees are allowed to enroll in classes under the following conditions:

- a. A maximum of two (2) undergraduate or graduate courses per Fall and Spring semesters may be taken without charge. No more than two (2) courses may be taken during both Summer Sessions. The maximum number of hours available to an employee during the fiscal year is eighteen (18).
- b. Courses may be taken after the employee's work hours and/or during one of the two class times approved during the lunch period. In certain circumstances and for compelling reasons, with the approval of the employee's vice president, courses may be taken during other times.

- c. Tuition Rebate requests need to be made to the Human Resources Office prior to registration. If appropriate rebate form(s) have not been completed prior to registration, the rebate will not be granted.
- d. Registration of courses: Employees may register at regular registration times but their registrations are subject to change if:
  - i paying student enrollment is insufficient for class to make;
  - ii high enrollment should cause paying students to be displaced.
- e. Use of the Tuition Rebate Benefit should not infringe on an employee's primary job responsibilities at the University. Therefore, studying and performing class related activities during work hours is inappropriate.

#### **2.14.3.2.3 Dependent Children**

- a. Employee's children under 25 years of age are eligible for the Tuition Rebate. If the dependent reaches the age of 25 during the academic year\*, then eligibility ceases at the conclusion of the academic year. Example: Student turns 25 in October. Dependent would receive rebate until the end of the academic year (May). Student turns 25 in April. Dependent's rebate would cease at the end of the academic year (May).

\* Academic year begins with Summer Session 1 and concludes with the Spring semester. Actual dates or any changes to the academic calendar are announced by the Registrar's Office.

The following conditions also apply:

- a. Children of an employee are eligible for undergraduate tuition reduction according to this schedule of employment services:
  - After 6 months service and during years 1 to 3, 50% reduction
  - After 3 years' service, 100% reduction
- b. Full course load is allowed for eligible children at undergraduate level.
- c. The employee/parent of the eligible child must complete a rebate form prior to registration. Rebate forms and procedures are available in the Human Resources Office. If appropriate rebate form(s) have not been completed prior to registration, the rebate will not be granted.

#### **2.14.3.2.4 Spouses**

- a. Spouses are subject to the same conditions of employee service as eligible children. (Section 2.14.3.2.3)
- b. If no eligible children are availing themselves of this benefit, spouses may take undergraduate course on a full-time basis. Spouses are not, however, eligible to take



graduate courses. If employed spouses take undergraduate courses and their respective employer offers a rebate benefit, that employer's benefit will take precedence over the University's benefit.

- c. Request for Tuition Rebate must be made to the Office of Human Resources prior to registration. Rebate forms and procedures are available in the University's Human Resources Office. If appropriate rebate form(s) have not been completed prior to registration, the rebate will not be granted.
- d. Registration of Courses: Spouses may register at regular registration times.

#### **2.14.3.2.5 Marianist**

For purposes of this policy, members of the Society of Mary who are employees of St. Mary's are considered the same as all employees; their first generation nieces and nephews under 25 years of age are eligible for the Tuition Rebate.

#### **2.14.3.2.6 Death/Retirement**

##### **a. Death or Disability**

The eligible children and/or spouse of an employee at the time of the employee's death or disability, as defined by IRS regulations, Section 132(f) (below), are covered under the rebate policy if the employee has completed five years of full-time service to the University. "Death and disability" shall be defined in terms consistent with the University's insurance policies at the time of the event. (See IRS regulations, Section 132 f below)

#### **Internal Revenue Service Code, Section 132(f) SPOUSES AND DEPENDENT CHILDREN**

Section 132 of the Internal Revenue Service code addresses itself to certain exclusions from gross income for benefits to employees. Section 132(f) identifies certain individuals related to the employee who are eligible for the same tax free benefit, such as tuition rebate, as is the employee. The individuals eligible for the tax free benefit are the employee's spouse and dependent children. For purpose of the tax free tuition rebate on the undergraduate level, the dependent child is a son, stepson, daughter, or step-daughter who meets the requirement of being eligible for a deduction on the employee's tax return. An individual who is not yet 25 (see 2.14.3.2.3) is eligible for the tuition free rebate if either of his/her parents would have been eligible for the benefit. A copy of the Internal Revenue Service Code is on file in the Human Resources Office.

##### **b. Retirement**

The eligible children and/or spouse of an employee who retires after completing ten (10) years of full-time service to the University and after attaining a minimum age of 55, shall be covered under the tuition rebate policy.

#### **2.14.3.2.7 Review Process**

The Rebate Review Committee (Director of Finance, Director of Financial Assistance, and the Director of Human Resources) will review all written requests by employees concerning special circumstances and/or appeals regarding the Tuition Rebate Policy, and make a recommendation to the President for final disposition.

#### **2.14.3.2.8 Tuition Rebate Exceptions**

- a. Law School and Ph.D. courses are not covered in this benefit. Employees (eligible for rebate purposes) may audit courses offered in the Law School with the authorization of the Dean of the Law School and the approval of the employee's direct supervisor.
- b. Applied Music is not covered under this benefit.
- c. Ordinarily, courses taken at off-campus locations are not covered under this benefit.
- d. Independent Studies at the Undergraduate (and Graduate) level are not covered under this benefit.

#### **2.14.3.2.9 Tuition Rebate Procedures**

Eligible employees (full-time, with a minimum of six (6) months employment) may partake of the Tuition Rebate Benefit by following the procedures indicated below:

- a. Obtain appropriate Rebate form(s) in the Office of Human Resources.
  - i Employee Rebate Form and Tuition Rebate Policy, to be used for employees only to attend class.
  - ii Dependent Rebate Form and Tuition Rebate Policy, are to be used for eligible children/or a spouse. (Please refer to the full rebate policy for specifics.)
  - iii Marianist Rebate Form and Marianist Rebate Policy, to be used for relatives in accordance with the Marianist Rebate Policy.
- b. If appropriate rebate forms(s) have not been completed prior to registration, the rebate will not be granted. The completed form is to be submitted to the Office of Human Resources. It will then be analyzed to determine eligibility and percentage of rebate. Tuition charges will be determined through the Business Office and Financial Assistance will initiate any/all credit to the student account.
- c. Students will be responsible for payment of fees and any portion of tuition not covered by the rebate. Payments will be required in accordance with the general University business policies for all students.
- d. Rebate Forms need to be completed for each semester: Fall, Spring, Summer Session I and Summer Session II.
- e. GRADUATE STUDENTS
  - 1. Graduate level courses are a taxable benefit.
  - 2. Taxes will continue to be held for any course dropped after the “drop deadline.”

#### **2.14.3.2.10 Change in Tuition Rebate Policy**

This policy is subject to change upon consultation and notification of the Executive Council.

#### **2.14.3.3 Parking**

Parking privileges are extended to all employees without charge. After an employee registers a vehicle with the University Police department, a parking decal is prepared for the vehicle and a parking area is assigned.

#### **2.14.3.4 Recreational Facilities**

Recreational Facilities are available to employees and their families. Full information on the availability of the facilities is available through the Vice President for Student Development and other designated offices.

#### **2.14.3.5 Cafeteria**

Full dining privileges are available to employees in the cafeteria located in St. Mary's University Center. Employees are eligible to purchase a meal card from the Business Office or may pay on a cash basis.

#### **2.14.3.6 University Programs**

Many University programs are open to employees as well as to the public. Flyers are issued through the University's mail system announcing such programs.

### **2.15 Compensation**

#### **2.15.1 Salary Philosophy**

The initial salary for faculty members at St. Mary's University is determined based upon a salary range established for full-time faculty members by rank and market conditions. Thereafter, adjustments may be made based upon professional attainment, merit, promotion, and cost of living increases.

#### **2.15.2 Professional Advancement Increases**

St. Mary's University encourages the attainment of advanced educational credentials by granting salary increases for persons advancing from master's degree level to "all but dissertation," and for advancing from "all but dissertation" to doctorate, provided that the degree advancement is in the area of the person's discipline or other acceptable area as determined by the University, and that the credential attainment is from a program which is accredited by a regional accrediting association (e.g., Southern). Faculty members are required to notify the Provost and Vice President for Academic Affairs upon attainment of the advanced status. Adjustments to salary under this section shall be paid in accordance with the normal payroll policies of the University. The increase shall be effective with the beginning of the next payroll period after the educational status is officially attained or the date when the University is notified of the official attainment of the status, whichever occurs later in time. No retroactive increases are allowed.

#### **2.15.3 Promotion Increments**

St. Mary's University provides salary augmentation to ranked faculty members who are promoted to the Assistant Professor, Associate Professor or Professor ranks.

#### **2.15.4 Overload Compensation**

Overload compensation is paid on a per course basis.

#### **2.15.5 Summer Course Compensation**

Summer compensation is paid on a per course basis as determined by each School.

#### **2.15.6 Payroll Procedures**

St. Mary's University is required by law to deduct social security and federal income taxes from each paycheck. The amount withheld is based on your gross salary less the number of exemptions you claim. If you are enrolled in the Flex Plan, your Flex deductions will be subtracted from your gross earnings before calculation of social security tax.

Employees may authorize deductions for additional items such as life, medical, and dental insurance premiums, child care, TIAA/CREF, specified disease spending accounts, supplemental retirement annuities, contributions to the University, and/or United Way campaigns, etc.

If the number of exemptions you claim changes, you need to sign a new withholding exemption form. Forms for all deductions are available in the Human Resources Office.

Employees are responsible for paychecks that have been issued to them. Lost or missing checks should be reported immediately to the Payroll department to assure a "stop payment" of the check. A new check will be issued after a short waiting period.

Payroll checks are disbursed on the first day of each month or on the first work day following the first of the month at the Accounts Payable Office. Employees are required to present their University ID card and personally pick up their paycheck, unless they have made arrangements with the Human Resources Office for **direct deposit** to their bank or to have their check mailed to a home address.

An attachment to the paycheck details deductions. The employee should retain these attachments for personal records.

## **2.16 Review and Grievance Procedure**

### **2.16.1 Intent**

The University recognizes and endorses the importance of academic due process and of resolving grievances properly without fear of prejudice or reprisal. Accordingly, the University will use its best efforts to encourage the informal and prompt settlement of grievances. The orderly processes set forth in this Faculty Handbook are designed to protect academic due process and academic freedom. It is the intent of the University that this process be the sole method for the resolution of grievances defined below in Section 2.16.2.

### **2.16.2 Definition**

A grievance is an allegation by a faculty member, or a group of faculty members, that there has been an alleged breach, misrepresentation, or misapplication of a provision in the Faculty Handbook relating to the following:

- a.** infringement of academic freedom (Sections 2.9.1; 2.9.1.1)
- b.** dismissal for cause (Section 2.8.6)
- c.** actions short of dismissal (Section 2.8.7)
- d.** progressive discipline of faculty members (Section 2.8.8)

#### **2.16.2.1 Faculty Review Committee**

A Faculty Review Committee of five full-time, ranked and tenured members shall be elected by the tenured and tenure-track faculty. The faculty members of each School shall elect one tenured faculty member from that School to serve as a representative on the Committee. The election is conducted by the Faculty Senate. The members serve for twenty-four

months and may be re-elected. A faculty member may serve as a representative of the Graduate School if the faculty member is a member of the Graduate Faculty (as defined in the Faculty Handbook, section 2.1.4.1). The members of the Graduate Faculty (as defined in the Handbook, section 2.1.4.1) shall elect the representative from the Graduate School. The Committee members elect their own Chair.

#### **2.16.3 Duties of the Faculty Review Committee**

- a. To act as overall facilitator of the procedures handled in the grievance process.
- b. To receive grievances from any faculty member or group of faculty members.
- c. To review all appropriate material in relationship to the grievance.
- d. To hold a grievance hearing where both the grievant and a representative of the University will have ample opportunity to present the concerns addressed in the grievance.
- e. To prepare a report with its recommendation for submission to the grievant, a representative of the University, and the President of the University.

## **2.16.4 Procedure for Handling Grievances**

### **2.16.4.1 Intent**

A demonstrated prior informal effort must be made by the parties involved to arrive at a fair and equitable resolution of each such question without resorting to the procedures below. If the grievant remains dissatisfied with the results of such efforts, the ensuing procedures may be followed:

### **2.16.4.2 Filing of Grievance**

Within ten (10) working days\* of an event or after receipt of a notice creating a grievance, the grievant must submit to the Chair of the Faculty Review Committee a written request for a hearing before the Committee. Requests not submitted within the above time limits are not considered. The written grievance should set forth in detail the alleged wrong; prior informal efforts to settle the grievance; insofar as possible, a statement of against whom the grievance is directed; the relief and/or remedy sought by the grievant; and any other data which the grievant deems pertinent. The time period for the receipt of written grievances may be extended by agreement between the Faculty Review Committee and the parties to the grievance, if a written notice of intent to file a grievance is received by a member of the Review Committee within the 10 working day period specified above. Such an extension shall not exceed an additional 10 working days.

\* A working day is defined as a Monday to Friday during the time when the University is in regular session.

### **2.16.4.3 Convening and Informal Attempt at Settlement**

No later than ten (10) working days of an event or after receipt of the grievance, the chair will convene the Review Committee. The Chair will provide the members of the Committee with all materials submitted by the grievant and by the academic administrator(s) (Vice President, Dean, Chair etc.) or faculty member(s) against whom the grievance is being filed. The Review Committee will try to resolve the grievances by informal means and with no precedent, if all parties agree.

### **2.16.4.4 Formal Hearing**

The Chair will convene a formal grievance hearing within twenty (20) working days of the first meeting of the Committee on the case. The grievant shall be heard first and afforded ample time to frame the issue or issues, present any relevant testimony or evidence, question the appropriate University administrator(s) or faculty member(s), and request appropriate relief. Upon the conclusion of the grievant's presentation, the representative(s) of the University or faculty member(s) shall have the same opportunity to present the case of the University or faculty member(s). Immediately following this, the grievant will be granted the opportunity to rebut the presentation of the University administrator(s) or faculty member(s). The administrator(s) or faculty member(s) may then rebut the issues raised by the grievant in rebuttal. It is expected that this hearing will proceed as quickly as is reasonably possible.

### **2.16.4.5 Hearing Advisory**

A report of the Committee shall be prepared by the Chair within ten (10) working days after the hearing concludes, and copies will be sent to the grievant, the appropriate academic administrator(s) or faculty member(s), and the President.

#### **2.16.4.6 Presidential Review and Decision**

The grievant(s) may, within ten (10) calendar days of receipt of the advisory opinion of the Review Committee, file a written appeal to the President, who shall review the record and respond within ten (10) working days as to the final disposition of the grievance within the institution.

#### **2.16.4.7 Board of Trustees Appeal**

If the President is a direct party to the grievance, the grievant(s) may file an appeal beyond the President's decision. Such an appeal is filed with the President who will forward the appeal to the Chair of the Board of Trustees. The Trustee Executive Committee will then review the record of the case at its next meeting and will render a final decision on the grievance to all parties within ten (10) working days of that meeting. In case of any discussion over Presidential involvement, the Executive Committee of the Board of Trustees shall be the sole judge of such involvement.

#### **2.16.4.8 Time Constraints**

If it is the decision of the Review Committee that circumstances warrant a different time schedule, such as a grievance being filed at the end of the school term, the Review Committee will propose an amended schedule to both the grievant and the appropriate administrator(s) or faculty member(s). The schedule will be finalized at a meeting between the Committee and both parties to the grievance.

#### **2.16.5 Due Process in Proceedings**

The hearing will be conducted in private. Indications of irresponsible discussion of the grievance outside of the formal hearing may become the basis for allegations that due process has been violated. All parties to the hearing are cautioned against such irresponsible discussion. The parties will make no public statements about the case during the course of the hearing.

During the proceedings, the grievant will be permitted to have an adviser from within the University community. Such advisers may not, however, address the committee unless requested by the chair to do so.

All parties to the grievance will have the right to obtain witnesses and present evidence. The University will cooperate with the Review Committee and with the grievant in securing witnesses and making available documentary and other evidence requested by either party to the extent permitted by law. All parties will have the right to cross-examine witnesses. When a witness has made a written statement and cannot or will not appear, but the Review Committee determines that the interests of justice require admission of that statement, the Committee will identify the witness, disclose the statement, and, if possible, provide for interrogatories. The Review Committee will grant appropriate continuances to enable either party to investigate evidence, or for any other appropriate reason.

In all cases except dismissal for cause or suspension, the burden of proof shall be on the grievant by a preponderance of the evidence.

In any case of dismissal for cause or suspension, the burden of proof that cause exists for the action shall be on the University by preponderance of evidence (See section 2.8.6).

The Review Committee will not be bound by strict rules of legal evidence. An effort will be made to obtain the most reliable evidence. The decision will take the form of findings of fact, conclusions, and recommended disposition of the grievance. The findings of fact, conclusions, and recommended disposition must be based solely on the hearing's record, pertinent University procedures set forth in the Faculty Handbook, and the laws of the United States of America and the State of Texas.

The hearing proceedings shall be recorded by the Committee, and a transcript shall be provided at the expense of the requesting parties.

#### **2.16.6 General Provisions**

The filing or pendency of any grievance under the provisions of this Article shall not prevent the University from taking the action complained of subject, however, to the final decision on the grievance.

Failure at any step of this procedure to communicate the decision on the grievance within the specified time limits, or such additional period of time as shall be mutually agreed upon in writing, shall permit the grievant to proceed to the next level of appeal.

Failure at any step of this procedure to appeal a grievance to the next level within the specified time limits, or such additional period of time as may be mutually agreed upon in writing, shall be deemed to be acceptance of the decision rendered at that level.

Extensions of time will be granted for good and sufficient reasons (e.g., illness) by mutual agreement of the parties in writing, if the Faculty Review Committee approves of such extensions; all such writings will be distributed to all parties.

### **2.17 Student Academic Conduct Policies of St. Mary's University**

#### **2.17.1 Policy Statement on Academic Honesty**

St. Mary's University is strongly committed to academic excellence, truth, honesty and personal integrity. The University expects all students to maintain a high standard of ethics in their academic activities. Hence, any form of academic dishonesty is considered a serious matter.

In this context, forms of academic dishonesty include, but are not limited to:

- a. Cheating on tests, examinations, or other class or laboratory work;
- b. Involvement in plagiarism (the appropriation of another's work and the unacknowledged incorporation of that work in one's own written work offered for credit);
- c. Collusion (the unauthorized collaboration with another person in preparing course work or theses offered for credit).
- d. Furnishing false information to any St. Mary's University official, faculty member, administrator or other St. Mary's University employee.
- e. Forgery, alteration or misuse of any St. Mary's University document, record, or instrument of identification.
- f. Violation of Federal Copyright Law; i.e., photocopying without authorization, etc.

#### **2.17.2 Explanation of Judicial Authority in Respect to Students of St. Mary's University**

The authority to enact and enforce regulations of the University is vested in the President of the University by the Board of Trustees. The responsibility for enforcing these policies may be delegated to any university official the President designates. The Provost and Vice President for Academic Affairs is the principal officer designated for administration of academic discipline and the Vice President for Student Development is the principal officer for all non-academic discipline. Persons designated to implement these procedures may be assigned by the Vice Presidents of these two areas.

Generally, St. Mary's University discipline is utilized as a means of regulating conduct that occurs on St. Mary's University premises or that adversely affects the St. Mary's University community and/or the pursuit of its objectives.

The Dean of Students shall act as the primary judicial adviser for non-academic violations and shall determine (a) the composition of judicial bodies and appeals boards with the Vice President for Student Development and (b) which judicial body, judicial adviser and appeals boards shall be authorized to hear each case. The judicial adviser shall develop

policies for the administration of the judicial program and procedural rules for the conduct of hearings that are consistent with provisions of the Student Code of Conduct. Decisions made by a judicial body and/or judicial adviser shall be final, unless a timely appeal is filed in accordance with this Code. A judicial body may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Student Code of Conduct. All parties must agree to participate in arbitration and to be bound by the decision with no right to appeal.

In the School of Law a Code of Student Conduct has been enacted, which is applicable to law students.

In addition to judicial bodies described in this Code the St. Mary's University Behavioral Consultation Team will review information related to students who are experiencing significant physical or psychological crisis. This team is composed of the Dean of Students, the Director of Counseling and Testing, the Director of Residence Life; is chaired by the Vice President for Student Development; and is authorized to take appropriate interim action.

### **2.17.3 Violation of Law and St. Mary's University Discipline**

St. Mary's University disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of this Student Code, depending on the situation, without regard to the pendency of civil litigation or criminal investigation and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

If a student is charged with an off-campus violation of federal, state or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct that demonstrates flagrant disregard for the St. Mary's University community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., "no contests" or "nolo contendere").

When a student is charged by federal, state or local authorities with a violation of law, St. Mary's University will not request or agree to special consideration for that individual because of student status. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code, however, St. Mary's University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the St. Mary's University community. St. Mary's University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

### **2.17.4 Academic Charges and Hearings**

Faculty members will inform, in writing, their department chair and dean of any sanctions imposed upon students for academic dishonesty. If a graduate student is to be sanctioned, the faculty member will inform the Graduate Program Director and the Graduate Dean. If the alleged offense is serious enough to result in suspension or expulsion, formal inquiry by the dean or the dean's designated representative must be undertaken (see Section 2.17.4.1). The dean or dean's designate may conduct a formal inquiry when considering student appeals from sanctions imposed by a faculty member.

The processes to be followed in cases of alleged student academic dishonesty, when referred to a dean for action, are outlined below.

#### **2.17.4.1 Formal Inquiry by the Dean or Designated Representative**

The Dean or designated representative shall:

- a. Secure from the faculty/staff member alleging the student dishonesty a written statement describing the nature and circumstances of the alleged offense.



- b. Interview the complaining faculty/staff member to clarify and elaborate upon the written statement submitted.
- c. Obtain from the accused student a written statement describing the incident.
- d. Interview the accused student to clarify and elaborate upon the student's written statement.
- e. Interview anyone identified as having or claiming to have first-hand knowledge of the incident.
- f. Obtain, examine and retain for a reasonable period of time, any physical evidence related to the incident.

#### **2.17.4.2 Determination of Validity of the Alleged Academic Dishonesty**

In light of the written statements, the interviews, and the available physical evidence, the dean decides the validity of the alleged violation of academic dishonesty.

#### **2.17.4.3 Informing the Student and the Accusing Party**

No later than fifteen (15) working days after receiving a referral concerning alleged academic dishonesty, the dean completes the processes listed above and informs in writing the accusing faculty/staff member and the student of the judgment concerning the validity or non-validity of the alleged academic violation(s) and of the sanction(s) to be imposed.

#### **2.17.4.4 Student's Right to Appeal**

If the student wishes to appeal the dean's decision to the Academic Council, the student must request an appeal by writing to the Provost and Vice President for Academic Affairs no later than fourteen (14) days of the date of the dean's letter that informs the student of the dean's decision and stating the reason the decision should be changed.

#### **2.17.4.5 A Hearing Before the Academic Council**

The Academic Council is free to accept or to reject the student's request for a personal hearing before the Academic Council. No later than ten (10) working days of receipt of the student's written request for an appeal, the Academic Council will inform the student, in writing, whether the appeal will be heard. Only those matters raised in the written appeal will be considered.

#### **2.17.4.6 Final Decision and Judgment**

Whether the student receives a personal hearing before the Academic Council, the decision of the Academic Council is final.

### **2.17.5 Procedures for Resolving Student Complaints About Academic Activities, Except Grade Appeals**

[Text currently under revision - forthcoming 1999-2000]

#### **2.17.6 Academic Sanctions**

The following sanctions may be imposed upon any student found to have engaged in academic misconduct.

- a. A faculty member may require a student to re-do a class/ laboratory assignment.

- b. A faculty member may record an F (failure) for a particular test, examination or class/laboratory assignment that involves dishonesty.
- c. A faculty member may record an F (failure) for a final course grade.
- d. Academic suspension.
- e. Expulsion.

### **2.17.7 Grade Appeal Procedures**

In the event that an undergraduate or graduate student receives a final course grade that is believed to be inaccurately and/or unfairly awarded, the following process for appeal shall be followed.

- a. The student must meet with the instructor within three weeks after receiving the final course grade in dispute to present substantial proof, where possible, to justify the appeal. If the instructor does not agree to the student's request, the student may forward the appeal, as presented to the instructor, to the chair of the department through which the course is offered. The student shall inform the instructor of the appeal to the chair and of the basis of which it has been taken. The instructor may inform the student and the chair of the instructor's position.
- b. The department chair shall convene a review committee consisting of at least, two department faculty members other than the instructor to whom the original appeal was directed. In the event that the department chair is the object of the original appeal, the chair will ask a tenured department colleague, where possible, to convene the committee. In cases where there are an insufficient number of department faculty members eligible to review the appeal, faculty members from associated disciplines within the same school may be appointed to the committee. The faculty committee should complete its review of the appeal within thirty (30) days of the original request to the course instructor.

The task of the appeal review committee is to consider the basis of the appeal, whether it pertains to: (1) the intellectual content and requirements of the course, (2) procedural aspects of the course as described in the course syllabus, other general instructions provided by the instructor to all students in the course, and their conformity to university policy, or (3) evidence of bias against the appellant. If the committee finds that the student's appeal is without substantial merit, the chair will inform the appellant in writing. No further action will be taken on the appeal.

The review committee may not overrule the decision of the instructor to whom the original appeal was directed. After appropriate consultation with both instructor and appellant, it may suggest reconsideration of the instructor's decision on the appeal. If the instructor is unwilling to change a decision that is in substantial conflict with the committee's findings, the committee may:

- i refer the appeal to the dean of the school with a recommendation to change the grade in accordance with its findings, or
  - ii refer the appeal to the dean of the school as an unresolved matter with no recommendation.
- c. The dean may not ordinarily change a grade decision that is based on the intellectual content of the course, unless the departmental committee has first recommended a change on that basis. The dean may grant relief in cases involving a procedural error in the conduct of the course, flagrant violation of the student appeal process, or evidence of bias against the student.

The dean's decision is final, and should be rendered within thirty (30) working days of the date of the original notice of appeal to the course instructor. The dean shall inform the student in writing of the decision.

In the School of Law, a separate code governing academic appeals has been enacted, and is applicable to law students.

### **III. ACADEMIC SERVICES AND PROCEDURES**

#### **3.1 Academic Services**

##### **3.1.1 Academic Library**

###### **3.1.1.1 Hours**

The Academic Library is open Monday through Sunday for the benefit of the University community. Hours are posted in the Library and may vary at different times in the academic year.

### **3.1.1.2 Book Loans**

Faculty members, with I.D.'s, may check out library books for a period of one semester. Books may be renewed for one additional semester only. Faculty members are responsible for any fines and book replacement costs resulting from late or missing materials.

### **3.1.1.3 Bibliographic Instruction**

Librarians regularly teach bibliographic instruction classes. These classes range from introductory sessions on index and catalog use to advanced graduate seminars dealing with the literature of specific parts of a subject field. Faculty may contact the bibliographic instruction librarian to schedule such a class for students.

### **3.1.1.4 Book Purchases**

The library attempts to purchase for its collection books that the faculty members think will be of value to their students. It cannot purchase books needed for individual research projects. If the library does not own a book that students need to successfully complete courses, faculty members should request, through the Department Chair, the purchase of the book.

The Academic Library offers all services most faculty members are accustomed to receive from university libraries. For detailed information on library services to faculty members, please consult the [Academic Library Faculty Guide](#), which is available in the Library.

### **3.1.2 Audio/Visual Depository**

In assisting faculty members, the Audio/Visual Depository will

- a. Reserve and prepare the Media Viewing Room, located in the Academic Library, for classroom presentations, with 48 hour notice, subject to availability.
- b. Accept requests for, and deliver to classrooms, Audio Visual equipment (projectors, PA, video), upon 48 hours' notice.
- c. Instruct classes (usually education students) in the use of Audio Visual equipment.

### **3.1.3 Academic Imaging and Media Center (A.I.M.C.)**

The primary role of the A.I.M.C. is the development of resources for the improvement of teaching and learning. More specifically, the A.I.M.C. assists faculty and students in the design, development and production of instructional materials.

The A.I.M.C. has five service areas: graphic, photographic, audio, video and instructional development. The function of the instructional development area is to consult with faculty on instructional design and teaching skills. The major activity in this area is assistance in planning and writing instructional materials. Graphic services include preparation of illustrations, maps, charts, transparencies, art work for slides, mounting, and lamination. On-location shooting, copy-work, slide/tape presentations, black-and-white prints, film processing, title slides, and slide duplication are offered through the photo area. Audio services include studio recording and duplication. Users are charged for the cost of materials.

It is the client's responsibility to secure copyright permission in accordance with copyright regulations. The A.I.M.C. will assist a teacher or student in determining if materials are copyrighted and in requesting clearance to copy materials.

### **3.1.4 Learning Assistance Center (L.A.C.)**

The primary purpose of the Learning Assistance Center is to aid students in their quest for educational advancement through self-directed learning resources, tutorial support, referencing, and staff assistance.

The Director of the LAC and student tutors are skilled in specific areas of study. The Center offers a wide range of tutorial services along with extensive reading and writing labs, designed with the aid of English professors. Both the self-help method and individual/group tutoring are stressed. The staff is informed about text books currently used on campus and organizes tutoring around these and additional books and manuals.

### **3.1.5 Law School Library**

The Sarita Kenedy East Law Library is an integral part of the St. Mary's University Law Center. It operates with a fully trained professional staff and serves the needs of the faculty and students in the School of Law. This library has a rapidly expanding collection which provides excellent access to American, British, Canadian, International and Comparative law. A comprehensive program of instruction in computer-assisted legal research is available.

### **3.1.6 Faculty Lounge**

The Faculty Lounge is located on the second floor of the University Center.

### **3.1.7 Bookstore**

Purchases of departmental supplies can be made in the Campus Bookstore by presenting a requisition signed by the Department Chair. Material so obtained will be charged to the department by the Bookstore and summarized in the Business Office under the appropriate budget at the end of each month.

#### **3.1.7.1 Textbooks**

The Manager of the Bookstore solicits information about textbook orders and possible changes in texts before ordering books for the Fall, Spring and Summer terms. Order blanks describing the text for each course and the anticipated number of copies needed are to be filled in by Department Chairs at this time.

All proposed changes of textbooks must be approved in advance by respective Department Chair since the Bookstore requires a one-year warning for any change of text. When changes in text have been approved according to the above terms, the Bookstore Manager should be notified within thirty days after the beginning of the last semester during which the old text is used, so that unsold stock can be returned to the publisher.

Signed book orders represent firm commitments with the Bookstore. No verbal commitments will be honored. As soon as it is ascertained that the ordered quantity is insufficient for the actual enrollment, the Bookstore should be informed, to minimize delay in meeting student needs.

Publishers prefer to retain control of complimentary copies of textbooks and regard the granting of complimentary desk copies a privilege extended by the publisher rather than a right of the instructor. Consequently, the publisher will not honor such requests by the Bookstore. Instructors should write directly to the publisher for their own desk copies.

### **3.1.8 I.D. Cards**

Faculty members are issued Identification Cards in the University Center upon presentation of a duly authorized form which may be obtained in the Academic Vice President's Office. This card is needed for checking out books in the library, cashing checks, and for other University activities, such as attendance at sports events, use of the swimming pool or tennis courts. I.D. Cards must be returned when employment ceases.

## **3.2 Academic Procedures**

### **3.2.1 Add-Drop**

After a student has completed registration, any changes in the class schedule require the use of an ADD-DROP form. It is the responsibility of the student to obtain the proper form and signatures, and to return it to the Registrar's office. Students are only to be removed from a class roster upon notification to the instructor by the Registrar. To be added to a class roster, the student must present an ADD slip to the instructor signed by the Registrar.

### **3.2.2 Class Attendance**

Class attendance is related to academic success, and class participation contributes to the synergism of the educational process. Students are expected to attend all classes, including laboratories, practica, and attendance at events associated with the course or program.

The following rules apply in the undergraduate and Graduate Schools:

The professor keeps the roll, may record a zero for any work missed due to an unexcused absence, and may drop a student for missing an equivalent of two weeks of classes. One absence in a Laboratory will be the equivalent of two 50-minute absences or one 75-minute absence. "Two weeks" are computed as follows:

#### **Fall and Spring Semesters:**

- a. Six unexcused absences in a 50 minute class period (e.g., MWF day class).
- b. Four Tu and Th classes (75 minutes)
- c. Two night classes which are 165 minutes per meeting

#### **Summer Sessions:**

- d. Four day class meetings
- e. Two evening class meetings

- Three tardies constitute one absence

- Absences incurred during late registration are considered excused

Absences for reasons other than University-sanctioned events (which must be approved by Deans or the Academic Vice President) will be determined to be "excused" or "not excused" by the professor.

An excessive number of absences, even if they are excused, can severely compromise the quality of the students' learning experience. Therefore, if the professor judges that the student has missed excessive material due to absences (excused, unexcused or a combination of the two), that professor may initiate action for withdrawal of the student from the class. The professor shall notify a student one class prior to initiating action for a student's withdrawal.

Grades assigned for withdrawals initiated by the professor or by the student are "W" (withdrawal) or "WF" (withdrawal with failure).

The grades "W" or "WF" will be assigned according to the dates published by the Registrar's Office in the Fall and Spring Schedule of Courses and Academic Calendar.

The grade "WF" is calculated in a student's grade point average as an "F".

It is the responsibility of the student to contact the professor before an absence, if possible, or, in the case of an emergency, as soon after the absence as possible. It is also the responsibility of the student to make up any work missed to the satisfaction of the professor on the basis of guidelines stated in that professor's course syllabus.

Appeals from decisions made concerning this attendance policy for undergraduate students may be brought to the attention of the department chair. If the results of an appeal are not satisfactory at the chair level, an appeal may be brought to the attention of the dean in whose school the course is taught. Appeals for graduate students follow the channel of Graduate Program Director and Graduate Dean.

### **3.2.3 Class Rosters**

At the beginning of each semester, preliminary class rosters are to be picked up in the office of the Registrar. (In the Law School, rosters are secured and distributed by the office of the Dean.) The roster should be checked with actual class attendance. Any discrepancies between the roster and actual attendance should be reported to the Registrar as soon as possible. A final roster will be printed and made available during the second week of class.

### **3.2.4 Classrooms**

All classrooms in the day and evening divisions are under the jurisdiction of the Registrar who keeps a master chart on which all classroom assignments are plotted. Permission to use any of these facilities should be requested of the Registrar in writing and in advance of expected use. In the Law School, room assignments are made by the Dean's Office.

### **3.2.5 Examinations**

The official schedule of final examinations is published by the Registrar, or by the Dean's Office in the School of Law. Departure from this schedule can be authorized only by the Dean of the School for undergraduate courses and the Graduate Dean for graduate courses.

Undergraduate mid-term examinations should be given during the week designated in the University calendar.

Examinations and major tests missed by the student at the regularly scheduled time should be made up according to the policy established by the Dean of the School. See Section 2.9.4 (d.)

#### **3.2.5.1 "No Examination Week"**

The week preceding the official examinations terminating the Fall and Spring semesters is frequently referred to as "Dead Week." During this week no major tests should be given. All major reports and assignments should be scheduled to be completed before this week.

#### **3.2.5.2 Grading**

An official explanation of the grading system as well as an interpretation of the value of the grades by the teacher will be found in the University catalogs along with an explanation of the credit point system, scholastic probation, Dean's List (Honor Roll), and graduation honors. The Deans of Schools periodically issue additional directives and interpretations of these practices.

### **3.2.6 Syllabi**

Each faculty member is responsible for keeping a current syllabus of each course taught. A copy of each class syllabus should be filed with the Department Chair and the Dean of the School.

#### **3.2.6.1 Graduate Syllabi Review Committee**

A standing committee of graduate faculty, selected from the Graduate Council, reviews graduate and G-level syllabi for compliance with graduate school standards. The purpose of this review is to assure that syllabi reflect the advanced course content required at the graduate level. Before classes begin each semester or summer term, Graduate Program Directors will collect syllabi from faculty teaching graduate or G-level courses in their respective programs. Program Directors forward the syllabi to the syllabi review committee. In those instances where modification is required, the

committee refers the syllabi to the appropriate faculty member indicating the corrective action needed. The syllabi format and standards can be found in Graduate School Standards and Policies.

### **3.2.7 Transcripts**

The Southern Association of Colleges and Schools requires that official transcripts of all faculty members be kept on file in the Office of the Provost and Vice President for Academic Affairs. Such transcript should be provided upon arrival at St. Mary's University and updated as degrees are completed or added.

The official transcripts of all part-time faculty are requested by department chairs and Deans of the Schools and provided to the Office of the Provost and Vice President for Academic Affairs to be kept on file. Such transcript should be provided upon arrival at St. Mary's University and updated as degrees are completed or added.

### **3.2.8 Retention of Materials Relating to Examinations and Grade (Approved by the Board of Trustees Nov. 4, 2005)**

*Faculty members shall retain for a period of one year following submission of a grade:*

- a. written materials authored by the student that were basis for the grade (including, but not limited to, essays, and examination responses), unless those materials were permanently returned to the student; and*
- b. other written information relating to the grading of the student (including, but not limited to, test questions and grading sheets).*

*After the passage of one year, such written materials may be discarded in a manner that protects the privacy interest to the student, unless special circumstances warrant continued retention of the documents. The University encourages retention of class grade records (e.g., grade books, spreadsheets, etc.) for periods longer than one year.*

### **3.3 Process for Curriculum Revision**

The process of curriculum revision begins with the faculty in each school.

For proposed changes in undergraduate and graduate programs: The addition, revision, or deletion of courses and course requirements is initiated within academic departments; proposals for curricular change normally are based to some extent on the assessment of outcomes of the program, for example: students learning of content and skills, placement of graduates in graduate education and occupations, student/alumni/faculty opinions, or any other method that provides information pertaining to stated goals and objectives of the department or program; departmentally approved course changes are submitted to the dean of the school in which the change originates; faculty advisory committees in each undergraduate school review and make recommendations on proposed curriculum changes as well. In the Graduate School, the Graduate Council approves curriculum changes. The Core Curriculum Education and Review Committee makes recommendations on all proposals involving course revisions of the Core Curriculum. The Academic Council of the University is the final authority on proposed curriculum changes.

Major changes in undergraduate and graduate programs and majors follow the same process described above. New or substantially revised programs and majors require approval of the Executive Council and the Board of Trustees. New programs and majors will be recommended to the Board through the Academic Affairs Committee of the Board.

In the School of Law: Curriculum proposals are reviewed by an appropriate faculty committee, then voted on in a meeting of the Law School faculty. If the additions, deletions, or revisions are approved, the results of the decision are reported to the appropriate bodies, which may include the Academic Council, Executive Council, and the Board of Trustees.



Proposed changes in the organizational structure of academic departments, divisions and schools shall be recommended by the school(s) wherein the change is proposed; major reorganizational proposals must be approved by the Academic Council, the Executive Council and the Board of Trustees as well.

### **3.3.1 Procedures for Graduate Program Curriculum Review**

The Director of each graduate program (graduate adviser) represents the department and school that offers instruction in the applicable field of study. As such, the Director initiates changes to the Program and curriculum as needed by recommending action to the Graduate Council. At least once every three years, the Director coordinates a thorough review and evaluation of the program and curriculum with the department/school's graduate faculty. The Graduate Dean appoints a faculty committee to assist the Directors of International Relations, Systems Administration, and Public Administration in the program and curriculum review. The review includes, but is not limited to, an evaluation of how the program contributes to the mission of the University and the Graduate School, and is consistent with other Graduate School standards and regulations, especially Graduate School Standards of Excellence, entrance standards, prerequisites, course content, grading standards, and comprehensive examinations. An annual outcomes assessment is part of this process, as well as a description and evaluation of the program's strengths and weaknesses. The Director submits an appropriate report and recommendation to the Graduate Dean. The Dean refers recommendations to the Graduate Council for action.

## **IV. GENERAL UNIVERSITY POLICIES, SERVICES, AND PROCEDURES**

### **4.1 General University Services**

#### **4.1.1 Campus Security and Traffic Control**

See section 2.12.16.

#### **4.1.2 Duplicating Center**

A complete line of photocopying, folding and binding facilities is available in the Duplicating Center located on the courtyard level of Treadaway Hall. Faculty members may, through proper requisition, avail themselves of these services.

#### **4.1.3. Mail Service**

The University Mail Center is located on the courtyard level of Treadaway Hall. Mail boxes for departments, administrators and faculty are located in this Center. Incoming mail is distributed to these boxes daily, excepting weekends and holidays, usually by 10:00 a.m. On-Campus communications can be circulated through the Mail Center. Outgoing mail may be deposited in the Center. If postage is to be metered, a service order indicating the departmental account number must be submitted.

Postage stamps may be purchased in the Bookstore. Two U.S. Mailboxes are located at the south entrance of the Administration Building. The schedule for mail pick-up is posted on these boxes.

#### **4.1.4 Electronic Facsimile Machine (FAX)**

The Mail Center has a fax machine for both incoming and outgoing correspondence. Incoming fax messages are received at 210-436-3500. Outgoing fax messages may be left at the Mail Center for transmission or may be sent by the faculty member. A departmental or personal Long Distance Authorization Code is needed for faxing long distance messages.

#### **4.1.5 U.S. Air Express**

A U.S. Air Express dispatch box is located behind St. Louis Hall. A pick up schedule is posted and supplies are provided.

#### **4.1.6 Federal Express**

A Federal Express dispatch box is located behind the Administration Building. Instructions and supplies are provided. A schedule is posted for times of pick-up.

#### **4.1.7 Fiscal Matters**

- a.** Accounting for all transactions involving University funds must be made through the University Business Office.
- b.** All bank accounts established for the purpose of depositing or disbursing funds of St. Mary's University, and/or funds administered by the University require, authorization of the President. The President and the Vice President of Administration and Finance are the only persons ordinarily authorized to sign on these accounts. Authorization of signatures of other persons must be explicitly approved by the President.
- c.** **Cashing Checks.** The Business Office, located in the basement of St. Louis Hall, provides check-cashing services for students and employees in amounts up to \$100.00. A valid University ID must be presented. Under no circumstances are payroll checks cashed by the University. Hours of operation are posted.

#### **4.1.8 Notary Public**

Notary service is available without charge for official University and department business in the Business Office. Time permitting notary service is also available to faculty for personal business, at a small fee.

#### **4.1.9 Parking**

Free parking is provided for all faculty members. Vehicles must be registered with the University Police Department and parked in the area assigned. A numbered parking decal is issued each academic year and should be displayed in the automobile, as instructed. Faculty members must comply with all campus parking regulations.

#### **4.1.10 Purchasing Supplies and Equipment**

Purchase Order forms, available in the Print Shop, must be used when purchasing supplies and equipment from the University Bookstore or from off-campus vendors. The completed form, with appropriate signature/s of approval, is submitted to the Accounts Payable Office in St. Louis Hall, Room 122, where a Purchase Order is prepared.

Check requisition and petty cash forms are available in the Print Shop. Such requisitions must have the approval of the Department Chair as well as prior budget authorization. Some requisitions require the further approval of the Dean and those in excess of \$1,000.00 require the approval of the Provost and Vice President for Academic Affairs. Check requests are submitted to the Accounts Payable Office. Petty cash forms are submitted to the Business Office in the basement of St. Louis Hall.

Travel requisition forms may be obtained in the Accounts Payable Office.

#### **4.1.11 Emergencies**

See section 2.12.15

### **4.2 General University Policies and Procedures**

#### **4.2.1 FIRE ALARM RESPONSE POLICY FOR ACADEMIC AND ADMINISTRATIVE BUILDINGS**

Several academic and administrative buildings are equipped with fire alarm systems. The University Center, Center for Life Directions, Treadaway Hall, Chaminade Tower and Charles Francis Hall have systems which, in addition to sounding a local alarm, report to the master panel in the University Police office. The master panel records not only that there is an alarm, but where in the building the alarm is occurring.

The Kenedy Law Library, Raba Law Faculty Building, Garni Hall and the Alkek Building have only local systems which are not connected to the central monitoring panel.

Approximately fifteen campus buildings have no installed fire alarm system.

##### **4.2.1.1 System Operation**

A fire alarm system is intended to warn occupants of abnormal conditions, to summon aid and to control facility systems to enhance the protection of life. Among the alarm system components are smoke and heat detectors which sense smoke or fire and activate the system. These are installed in hallways and paths of egress. Audible and visual signaling devices then notify occupants of the potential hazard. Pull stations, located next to exit doors, are for manual activation by departing occupants. They also activate the alarm system. Regardless of how activated, an alarm will cause the system to shut down the building's air handling fans, thus prohibiting the spread of fire and smoke through the ventilation system.

##### **4.2.1.2 Response to Alarms**

When a fire alarm occurs, the entire building should be immediately vacated until the source of the alarm has been determined. The University Police Department will investigate the initiating alarm and notify the San Antonio Fire

Department if required. If there is no fire, the responding officer will silence the signal and reset the panel. Occupants may then return to the building. Occupant response actions are:

1. If the alarm system is automatically activated in one of the buildings connected to the master alarm panel, simply leave the building, move away from entrances and wait for clearance to return.
2. If the system is automatically activated in one of the buildings not connected to the master alarm panel, notify University Police of the alarm by calling ext. 3330, then proceed as above.
3. If you believe there is a fire and the system has not activated, leave the building, calling ext. 3330 first if appropriate. On your way out, activate a pull station, then proceed as above.

#### **4.2.1.3 Alarm Reporting**

Each fire alarm system is tested and inspected twice per year by the Physical Plant Department to insure its reliability. To assist in properly maintaining systems, all alarms should be reported on a Fire Alarm Report. The responding University Police Officer will submit the report when properly notified. If no police response is involved, the person initiating the alarm is asked to submit the report. Blank report forms are located in the fire alarm master panel of each building.

#### **4.2.2 St. Mary's University Alcohol Policy (Approved by Executive Council - May 18, 1999)**

In accordance with Texas State Law, St. Mary's University does not permit the purchase, possession, nor consumption of alcohol by persons under 21 years of age. Alcohol must be served by either ARAMARK or third party vendor, which must be licensed and pre-approved by the Dean of Students. Both the University and ARAMARK hold beer and wine licenses for the campus. Neither organization's license permits the sale or distribution of any other kind of alcoholic beverage.

Respect is the foundation upon which the University bases its Alcohol Policy as outlined in the following areas:

##### **a. Respect for Oneself**

Those who are legal age and choose to drink must never do so in a manner that puts them at personal risk.

##### **b. Respect for Others**

Intoxication is inappropriate behavior and it does not excuse an individual from personal responsibility. Anyone choosing to drink must not drink to a level or in a situation where the rights and well being of others might be endangered.

##### **c. Respect for Property**

Research indicates that most campus vandalism and destruction is directly related to alcohol consumption. Each individual will be held responsible for any damage done while under the influence.

#### **4.2.2.1 Personal and University Liability**

When alcohol is served as part of any University function both the University and the individual serving the alcohol are placed in a position of liability. This is important to remember as you plan University related activities on or off campus. Alcohol may never be served to minors, distribution should be carefully monitored, and designated drivers are recommended. Classes and student organizations cannot be required to meet in establishments that serve alcohol.

#### **4.2.2.2 Policies for Events Where Alcohol is Served**

1. St. Mary's University police officers are required at all events where alcohol is served. Officer coverage is determined in consultation with the Student Life Office and University Police and is based on the size and nature of the event. Officers scheduled for events have the authority to call in extra officers at the cost of the department if crowd size merits.
2. ARAMARK Food Service has exclusive rights to catering for all on campus events. All alcoholic beverages sold or served must be sold or served by ARAMARK FOOD SERVICES or by another approved licensed vendor. Bring Your Own Bottle (BYOB) is not permitted. University Police will confiscate any alcoholic beverages brought on to campus.
3. A valid state identification card, when applicable, is required by all guests/participants of the event and specifically for those who purchase/consume alcohol. University Police are required to verify the age of all persons consuming alcohol by examining a state identification card. Presenting a false or altered identification is a serious offense.
4. Non-alcoholic beverages (served in clear plastic cups) and free food must be available for the duration of the event when alcohol is served. If the food or non-alcoholic beverages run-out, servers must stop serving alcohol until more food and non-alcoholic beverages arrive. Event sponsors are encouraged to provide unsalted food to avoid promoting increased alcohol consumption. The cost of food and non-alcoholic beverages is the responsibility of the sponsoring department.
5. No alcoholic beverages may be brought into the designated event area and persons may not leave the event with alcoholic beverages.
6. Alcohol may not be distributed before 4 p.m., Monday through Friday, or before 12 noon on Saturday or Sunday. Alcohol distribution must end by 11:30 p.m., Sunday through Thursday, and by 12:30 a.m. for Friday and Saturday events or one half hour before the end of the scheduled event, whichever is first.
7. Alcohol may not be distributed until the event coordinator and university police officer(s) are present and the non-alcoholic beverages and food are readily accessible to the attendance.
8. All event sponsors are cautioned that the condition of the facility/area used is their sole responsibility. Sponsors will be assessed the cost of cleaning and/or repairing all damages that occur during the event unless the responsible person(s) can be identified.
9. Failure to comply with these or any other St. Mary's University regulations or policies may result in cancellation or termination of the event.
10. Requests for exceptions to any part of this policy must be made, in writing, to the Vice President for your respective division or to the Vice President for persons or groups not directly supervised by a Vice President. Requests for exceptions will be forwarded to the Dean of Students for final approval.

All requirements are subject to revision in compliance with Texas Alcohol Beverage Commission (TABC) regulations.

## **V. STUDENT AFFAIRS POLICIES OF INTEREST TO FACULTY**

### **5.1 Student Handbook**

The Student Handbook is published once a year in August by the Dean of Students. Included in the Handbook is information about campus services and offices, the Student Code of Conduct, an outline of the judicial process, and general campus information. Each faculty member receives a copy annually. In addition, the Drug Free Schools and Communities Act Brochure and the Campus Security Brochure are distributed with the Handbook. Corrections and information that should be added to the Handbook should be forwarded to the Dean of Students.

A separate Student Handbook for students in the Law School is published by that school's Associate Dean for Student and Academic Affairs.

## **5.2 Student Code of Conduct**

St. Mary's University is unique in that it emphasizes the importance of growth, community, and Christian values throughout the Student Code of Conduct and the process relating to that Code. St. Mary's is strongly committed to the development of the whole student and to the promotion of truth, honesty, personal integrity, and self-responsibility. The University is a community whose members are respected and accorded rights and responsibilities that accompany community life. The Student Code of Conduct, as outlined in the Student Handbook, is intended to define community expectations and is the University's means of enforcing its commitment to those goals and values outlined in the University Mission Statement. Contact the Dean of Students for more information.

The School of Law has adopted an additional Code of Conduct applicable to law students.

## **5.3 Buckley Amendment (Family Educational Rights and Privacy Act - FERPA)**

The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law which states (a) that a written institutional policy must be established and (b) that a statement of adopted procedures covering the privacy rights of students must be available. St. Mary's University maintains the confidentiality of student education records in accordance with the provisions of the Act and accords all the rights under the Act to students who are declared independent and who are or have been in attendance at St. Mary's University.

### **5.3.1 Rights of Inspection**

The Act provides students with the right to inspect and review information contained in their educational records, to challenge the contents of those records which students consider to be inaccurate, misleading, or otherwise in violation of their privacy or other rights, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their files if the decision of the hearing panels are unacceptable. The designated official at St. Mary's University is responsible for coordinating the inspection and review procedures for student education records, which include admissions, personal, academic, and financial files, as well as academic cooperative education and placement records.

### **5.3.2 Education Records: Definition**

Education records are records directly related to a student which are maintained by St. Mary's University. Education records do not include the following:

- a.** records of instructional, supervisory, and administrative personnel, and of ancillary educational personnel, which are in the sole possession of the maker and are not accessible or revealed to any other individual, except a substitute who may temporarily perform the duties of the maker;
- b.** records of a law enforcement unit of St. Mary's University which are maintained separate from education records, used solely for law enforcement purposes, and not disclosed to individuals other than law enforcement officers of the same jurisdiction, provided that education records of St. Mary's University may not be disclosed to the law enforcement unit;
- c.** records relating to individuals who are employed by St. Mary's University which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees and are not available for another purpose;

Note: Employment records of persons who are employed solely as a consequence of University attendance; e.g., teaching/graduate assistants, work study students, are education records; access to and release of those records are governed by FERPA.

- d.** records created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, such as student health records, used solely in connection with the

provision of treatment to the student and not disclosed to anyone other than for treatment purposes, provided that records may be disclosed to physicians or professionals of the student's choice;

- e. records of the University which contain only information relating to a person after that person is no longer a student at the University; e.g., accomplishments of alumni.

### **5.3.3 Request for Review**

Students wishing to review their education records must make a written request to the University official who has custody of the record, listing the item or items to be reviewed. Only those records covered by the Act will be available for review. The items requested shall be made available no later than forty-five (45) calendar days following receipt of the written request. Students have the right to a copy of the education record when failure to provide a copy of the record would prevent the student from inspecting and reviewing the record. A copy of the academic record may be refused if a "hold" for nonpayment of financial obligation exists. The copies shall be made at the student's expense, and must be paid at the time the copy is requested.

### **5.3.4 Limitations of Student Rights**

There are limitations on the rights of students to inspect records. The students shall have no right of inspection or review of:

- a. financial information submitted by their parents;
- b. confidential letter and/or recommendations in the student file prior to January 1, 1975, if such documents were intended to be confidential and were used only for the purpose intended;
- c. confidential letters and/or recommendations in the file subsequent to January 1, 1975, associated with admissions, employment, or job placement, or with the receipt of an honor or honorary recognition, if the student has waived the right to inspect those confidential letters and/or recommendations;
- d. education records containing information about more than one student, in which case the institution will permit access only to that part of the record pertaining to the inquiring student.

### **5.3.5 Waiver of Student Rights**

Students may waive any or all of their rights under the Act. St. Mary's University does not require waivers and no institutional service shall be denied students who fail to supply waivers. All waivers must be in writing and signed by the student. Students may waive their rights to inspect and review either individual documents (e.g., a letter of recommendation) or classes of documents (e.g., an admissions file). The items or documents to which students have waived the right of access shall be used only for the purposes for which they are collected. If used for other purposes, the waivers shall be void and the documents may be inspected by the student. The student may revoke the waiver in writing, but by revoking it, does not regain the right to inspect and review documents collected while the waiver was in force.

### **5.3.6 Consent Provisions**

No person outside of St. Mary's University shall have access to, nor shall the University disclose any personally identifiable information from students' education records without the written consent of the students (see 5.3.8). The consent must specify the records to be released, the purpose of the disclosure, the party or class of parties to whom disclosure may be made, and must be signed and dated by the student. There are, however, exceptions to the consent policy. St. Mary's University reserves the right, as allowed under the Act, to disclose education records or components thereof without written consent to:

- a. personnel within the University who demonstrate a need to know and who act in the student's educational interest, including faculty, administration, students and professional employees, and other persons who manage student records;

- b. officials of other institutions in which students seek to enroll, on the condition that St. Mary's University makes a reasonable attempt to inform the student of the disclosure at the student's last known address, unless the student initiated the request to transfer;
- c. officials of other schools in which the student is currently enrolled;
- d. persons or organizations providing student financial aid in order to determine the amount of eligibility, the conditions of the award, or to enforce the terms of the award;
- e. accrediting organizations carrying out their accrediting functions;
- f. authorized representatives of the Comptroller General of the United States, the Secretary of the Department of Education, and state educational authorities, only if the information is necessary for audit and evaluation of federal-supported and state-supported programs;
- g. state and federal officials to whom disclosure is required by state statute adopted prior to November 19, 1974;
- h. organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction, so long as there is no further external disclosure of personally identifiable information and the information is destroyed when no longer necessary for the projects;
- i. parents of dependent students who have established that student's status as a dependent according to Internal Revenue Code of 1954 Section 152 (as amended). This requires a certified copy of the parent's most recent Federal Income Tax Form;
- j. persons in compliance with a judicial order or a lawfully issued subpoena, if a reasonable effort is made to notify the student;
- k. appropriate persons in a health or safety emergency, so long as (1) there is a serious threat to student or others, (2) the knowledge of the information is necessary to meet the emergency, (3) time is of the essence, and (4) the persons to whom the information is disclosed are in a position to deal with the emergency.

### **5.3.7 Institutional Record of Disclosure**

St. Mary's University shall keep a written record of all such exceptional disclosures and the student shall have the right to inspect such record. The record shall include the names of parties or agencies to whom disclosure is made, the legitimate reason for the disclosure, and the date of the disclosure. No record of disclosure shall be required for those requests made by students for their own use, those disclosures made with the written consent of the students, those made to St. Mary's University officials, or those specified as Directory Information.

### **5.3.8 Disclosure of Education Record Information**

St. Mary's University shall obtain written consent from students before disclosing any personally identifiable information from their education record (with exceptions as noted in 5.3.6). Such written consent for disclosure must: a) specify the records to be released; b) state the purpose of the disclosure; c) identify the party or class of parties to whom disclosure may be made; and d) be signed and dated by the student. All such consents shall be maintained in the education record of the student.

### **5.3.9 Directory Information**



In its discretion, St. Mary's University may provide Directory Information, in accordance with the provisions of the Act, to including: student name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. Students may withhold Directory Information by notifying the designated official in writing within ten (10) calendar days from the first scheduled day of class of fall term. All written requests for nondisclosure will be honored by the University for only one (1) academic year; therefore, authorization to withhold Directory Information must be filed annually.

### **5.3.10 Challenge of Contents of Education Records**

Students who believe that their education records contain information that is inaccurate or misleading or is otherwise in violation of their privacy or other rights may discuss their concerns informally with the designated official. If the decision of that person is in agreement with the student's request, the appropriate records shall be amended and the student shall be notified in writing of the amendment(s). If the decision is not in agreement, the student shall be notified by the official within fifteen (15) calendar days that the records will not be amended and of the student's right to a hearing. Student requests for a formal hearing must be made in writing within thirty (30) calendar days from the mailing notice and addressed to the designated official who, within thirty (30) days after receipt of the written request, shall inform the student of the date, time and place of the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue(s) raised. If desired, a student may be assisted or represented at the hearing by one or more persons, including an attorney, at the student's expense. The hearing shall be conducted by any party, including an official of St. Mary's University, so long as the person does not have a direct interest in the outcome of the hearing. The hearing panel which will adjudicate such challenges will be made up of the Vice President for Student Development, Vice President for Enrollment Management, and the Dean of Students. The decision of the hearing panel shall be final, shall be based solely on the evidence presented at the hearing, and shall be in writing, summarizing the evidence and stating the reasons for the decision. The written report shall be mailed to the student and any concerned party within thirty (30) calendar days of the date of the hearing.

- a. If the hearing panel determines that the information at issue is inaccurate, misleading, or a violation of privacy or other rights, the student's record shall be amended in accordance with the decision and the student shall be so informed in writing.
- b. If the decision of the hearing panel is unsatisfactory to the student, the student may place with the education record a statement(s) commenting on the information in the record, or statement(s) setting forth any reasons for disagreement with the decision of the hearing panel. The statement(s) shall be placed in the education record and shall be maintained as part of the record and shall be released whenever the records in question are disclosed to an authorized party.

Note: Rights of challenge cannot be used to question substantive educational judgments which are correctly recorded (e.g., course grades with which the student disagrees).

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may request, in writing, assistance from the President of St. Mary's University to aid them in filing a complaint with the Family Policy Compliance Office (FERPA), Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

### **5.3.11 Destruction of Records**

Once a student has requested access to personal records, such student's record shall not be destroyed until inspection and review have been conducted.

## **5.4 Rights and Responsibilities**

Each student is afforded the right to receive quality education, to be treated as an adult, to be heard in grievance proceedings, and to receive fair play in judicial proceedings. Each student has the responsibility to be an active, contributing member of the St. Mary's community.

## **5.5 Sponsorship of Student Organizations/Other**

Each student organization recognized at St. Mary's is required to have a faculty or staff adviser. The Student Life Office provides training and support for those faculty members interested in advising organizations. Contact the Director of Student Activities and Transition Programs for more information.

## **5.6 Other Student Development Services Provided to Support Faculty**

### **5.6.1 University Ministry**

University Ministry has the task of providing those means by which the University forms itself as a Christian community. Students, faculty, staff, and alumni participate in a variety of programs and activities directed toward bringing the religious dimension of University life into the forefront of awareness on campus. University Ministry is open to involvement by students, faculty, and staff of all faiths.

### **5.6.2 Civic Engagement and Career Development Center**

The Civic Engagement and Career Development Center offers career information, counseling, career exploration and planning, resume and interview workshops, and job search and employment assistance. The Civic Engagement and Career Development staff works with the Director of Academic Advising to implement and support the campus advising plan.

In the Law School, an Associate Dean for Career Services and staff assist law students.

### **5.6.3 Student Psychological and Testing Services**

The Student Psychological and Testing Services Center provides personal counseling to all St. Mary's students. Counseling sessions and records are held in strict confidence and in accordance with Texas law. St. Mary's community members can reach a counselor 24 hours a day, seven days a week by contacting University Police, Ext. 3330. In addition to counseling, Testing Center provides testing services through interest, personality, proficiency, and departmental testing. The GRE, GMAT, CLEP, MAT, SAT, and ACT exams are administered through the Center.

### **5.6.4 Health Services**

The Student Health Center offers comprehensive health service for all students. The Center is staffed and operated by nurse practitioners, supported by physician coverage as necessary.

### **5.6.5 Services for Students with Disabilities**

The Dean of Students and the Coordinator of Disability Support Services work together to provide for students with disabilities. Students are encouraged to approach faculty to work out issues arising in the classroom. All students requiring special services should contact the Coordinator of Disability Support Services with information regarding their special needs and documentation of these needs. The Dean of Students also works closely with faculty to provide service to students.

### **5.6.6 Student Conduct Issues**

The Dean of Students has been designated as the Judicial Officer for the campus. Questions regarding the non-academic conduct process or complaints regarding student behavior (individual or group) should be forwarded to the Student Life Office.

### **5.6.7 Victims Assistance**

The Student Life Office provides assistance to students who feel they have been victimized in any way on the campus. Federal law mandates specific assistance to victims of sexual harassment or assault. Please contact the Student Life Office for more information.

## **VI. EXTERNAL RELATIONS POLICIES OF INTEREST TO FACULTY**

### **6.1 University Advancement Office**

This office directs the news, information, publications, special projects and internal communications programs for the University. Its staff produces *This Month*, an internal campus newsletter, and the University magazine, *Gold & Blue*, four times each academic year. All contact with the news media is to be coordinated through the news and information unit of this office which is responsible for publicizing University events, programs and activities, as well as faculty and student achievements. The publications unit provides design, typesetting, layout and print management with regard to University stationery, brochures, newsletters, handbooks, ads and other miscellaneous print material -- as approved by appropriate University officials -- on a production schedule determined within the unit.

### **6.2 Directories**

Lists of names and addresses of faculty, staff, students, and alumni are prepared solely for the internal use of the University.

### **6.3 St. Mary's University Publications Policy**

#### **6.3.1 Policy Objectives**

This statement pertains to the production of all print material (i.e., publications, publicity, advertisements) for St. Mary's University and the individual units of the University, except for student publications.

Implementation of the policy is expected to achieve the following:

- a. development of a corporate identity, which includes the adoption of a logo and alternate symbols; colors, type-face, paper stock, and cover panels for brochures, posters, etc; ad design; letterhead; business cards;
- b. cost-effective investment of budget dollars in print projects;
- c. uniformity of appearance and quality of publications;
- d. consistency in the presentation of messages about the University;
- e. assurance that all units of the University receive appropriate representation and attention in print materials; and
- f. clarification of procedures and priorities relevant to the production of print materials.

#### **6.3.2 Duties of Director of Publications**

General duties of the Director of Publications are outlined below:

- a. to provide editorial service to assure that all print projects conform appropriately to the University's publications policy;
- b. to determine with the Executive Director of University Communications whether parts or all of projects can be completed in-house, or should be contracted out;

- c. to select outside contractor(s) as necessary; and
  - i monitor the scheduled completion and delivery of the project;
  - ii assure that the finished product conforms to the University's publications policy;
  - iii assure that all other specifications for the project have been met;
  - iv negotiate the most favorable contract terms based on frequency and extent of contract use.
- d. to place advertisements as appropriate in print media, while negotiating whenever possible for favored client status in terms of cost and location of ads;
- e. to write/edit copy for ads; to provide light copy writing for other projects;
- f. to write, edit and distribute copy, and develop access routes for public service announcements;
- g. to coordinate the production of University catalogs; and
- h. to advise constituents about planning and preparation (e.g., schedule requirements; publications policy requirements) of print projects during and subsequent to budget preparation.

### **6.3.3 Policy**

Publications designed for distribution on and off campus should adhere to the following standards:

- a. The official name of the University is ST. MARY'S UNIVERSITY OF SAN ANTONIO, TEXAS. It is suggested that this full name appear at least once in each publication. Other references should be "St. Mary's University," "St. Mary's," or "the University." The initials StMU should not be used for publications purposes.
- b. When the name of the University appears in any color other than black, it should be printed in PMS 294 blue or PMS 124 gold. These two registered colors are the University's official school colors. Gold foil stamp is a permissible exception.
- c. ITC Garamond is the corporate typeface of the University, and is to be implemented in all publications.
- d. Official publications must include the current University signature and logo, as adopted by the Executive Council. (The University uses the school seal as a logo, and ITC Book italic for "St. Mary's University of San Antonio" printed in one unbroken line).
- e. In all instances, University publications should include the affirmative action statement.
- f. In addition to the corporate signature, departmental identification, date of publication, and, where applicable, volume/issue number and correct postal information should be included on all publications.
- g. The Director of Publications will determine, in consultation with the Publications Committee, what priorities and needs will be serviced in-house, and what must be done outside.

### **6.3.4 Procedures**

A University faculty member or staff employee who wants to initiate, revise, or reprint a publication, should:

first: Contact the Executive Director of University Communications or the Publications Director, who will advise regarding the publication's format, overall appearance and content, referencing the following considerations:

- What is the purpose of the publications?
- What is the proposed target audience?
- What type of publication will best reach that audience?
- What is the required deadline for the publications?
- Approximately how many copies of the publication will be needed?
- How will the publication be distributed?
- Which budget will be supporting the publication?
- How will the publication be produced?

second: Prepare the copy for the publication, and to the extent possible, determine the specifications for its design, format, production, etc.

third: Return the publications draft, along with the approved specifications, to the appropriate publications support person for final review and logging.

Offer assistance regarding the negotiations of the typesetting, layout and printing processes, and place the print order as necessary with the appropriate vendor(s) -- typesetters, artists, designers, photographers, layout artists, printers, etc. The publications support person also will act as an intermediary between the departmental client and vendors.

In order to disseminate a cohesive, complementary and coordinated identity program, as well as to save time and money in the production processes, several standard publication formats will be designed and implemented across the campus.

#### **6.4 Policy Statement for School and Departmental Brochures and Advertising**

Proposals for marketing of programs through publication of Department or School brochures or through media advertising may be made to the Deans by Department Chairs, by the Admissions Office, or by the Director of Evening Studies.

A three-year planning cycle for publication of such brochures or for media advertising will be prepared by each Dean for the respective School and the Director of Evening Studies, according to the established planning process of the University.

The basic decision of what program brochures will be published in a given year and what media advertising engaged in, will be determined by the Academic Council in the light of proposals from Deans and the Director of Evening Studies and in consultation with the Admissions Office.

The amount of money for such marketing will be authorized by the Executive Council through the normal budget process. The authorized amounts will be line items in the operating budgets of the Deans or Director of Evening Studies.

The content of such marketing material will normally be proposed by:

- Department Chairs for specific programs, with final approval by the Deans;
- the Deans for materials dealing with particular schools or by the Director of Evening Studies for the Evening Studies Program, with approval by the Provost and Vice President for Academic Affairs.

The final editorial responsibility and format of such marketing material will be in the hands of the University's Public Relations Office and Vice President for Enrollment Management. However, materials should be reviewed by Chairs and Deans before finalization in order to obtain their suggestions and recommendations.

## **6.5 Policies for Sponsored Projects, Grants and Contracts**

St. Mary's University encourages faculty and professional staff to pursue external funding, when and where possible and applicable, for projects and programs that support the University's mission and goals and for professional development. The University provides direct support to faculty and professional staff for these activities through the offices of Academic Research and Sponsored Projects. When necessary, decisions about the specific support area for a particular grant will be determined by the President or the appropriate Vice Presidents.

### **6.5.1 Definition of Grants, Sponsored Projects and Contracts:**

For the purposes of this document, *grants and sponsored projects* are synonymous and refer to activities or programs for which funding is sought from an agency outside the University and which normally require applications of more complexity than a simple letter. *Contracts* refer to projects for which the funding source has already identified and specified the requirements, needs, and parameters of the project and seeks qualified persons to conduct the research or perform the activities of the project.

#### **6.5.1.1 Role of University Advancement Office (“Advancement”)**

The University Advancement Office supports the process of obtaining external funding for University projects and programs in the areas of endowments, challenge grants, student scholarships, operating and general funding projects, and other activities determined to support the University's mission and purpose. This office provides services to all non-academic areas and supports projects that impact large sectors of the University or the entire University. The University provides support for appropriate activities based upon established priorities and dependent upon formal approval of the project by departmental, school, and designated University officials.

#### **6.5.1.2 Role of the Academic Research and Sponsored Projects Office (“ARSP”)**

The Academic Research and Sponsored Projects Office (“ARSP”) supports faculty and certain professional staff in efforts to obtain external funding for projects and programs that are concerned with research and development, learning research, faculty development, equipment acquisition supporting curricular/course development, and professional development. This office provides services to all academic areas. The University provides support for appropriate activities based upon established priorities and dependent upon formal approval of the project by departmental, school, and designated University officials.

#### **6.5.1.3 Role of the Law Alumni Relations and Development Office (“Law Development”)**

The Law Development Office supports the law school's efforts to obtain external funding for special projects and programs. The University provides assistance to law school projects based upon University priorities and goals, and contingent upon approval by departmental, school, and designated University officials. All fund-raising and public relations activities conducted shall be coordinated with the Vice President for University Advancement.

#### **6.5.1.4 Role of Financial Administration**

Financial Administration, primarily through the Finance Office, provides all fiscal reporting to federal and private funding sources for the University. The Finance Office works with all Grant Offices (University Advancement, ARSP, and Law Development) and Project Directors to establish account numbers, budget lines, and other financial record keeping responsibilities for all grant and contract awards. The Finance Office is responsible for all accounting activities and files all required budget reports to external funding sources for all grants and awards.

## **6.5.2 Signatures Required**

### **6.5.2.1 Authority Conferred by Board of Trustees**

In order to promote the common good of the University, Advancement, ARSP, and Law Development assist and coordinate both group and individual efforts to develop and prepare competitive proposals in a timely manner in the best interests of all concerned. All grants and contracts are legal documents and, as such, require the signatures that comply with requirements of the Board of Trustees. Grants, official documents accepting the terms of agreement between the University and the grantor, and requests for contracts that involve the University in any fiduciary capacity must be signed by appropriate officers of the university as authorized by the Board of Trustees.

#### **6.5.2.2 Grant Proposal Submission**

Provided that there are no additional expenditures for the university beyond those specified in the approved Blue Form, the Executive Director of ARSP will have signing authority on the grant submission. Grant proposals shall not be submitted which exceed the expenditures approved in a Blue Form without signature of the Provost and/or the Vice President of Administration and Finance

#### **6.5.2.3 Grant Acceptance**

Unless the grant agency requires the President's signature, the Provost or the Vice President of Administration and Finance shall have authority to sign to accept unless the grant will require an expenditure of over \$100,000 from the university, in which case two signatures are required from among President, the Provost and the Vice President of Administration and Finance. If the grant requires university expenditures over \$250,000, the grant must be signed by the President and either the Provost or Vice President of Administration and Finance. In no event will any grant requiring institutionalization of the grant activities after the expiration of the grant be accepted without written approval by the President of the University.

### **6.6 Procedures for Sponsored Projects, Grants, and Contracts**

St. Mary's University establishes policies and procedures for externally funded grants and contracts in order to enhance the competitiveness of proposals and provide an orderly system for discussion and development of projects for which the University provides support. The following general procedures are designed to facilitate and support the policy statements above. Individuals associated with the University who plan to submit grant proposals or bid on contracts should be informed about the procedures in effect and communicated in this *Policies and Procedures Statement*. The Grants Offices that support specific areas of the University will provide additional guidelines for preparing proposals and managing grants.

#### **6.6.1 Procedures**

Procedures for the proper submission, acceptance, administration, and final reporting requirements, and accountability issues associated with externally funded projects, both privately and publicly funded, are specifically provided in this document. Procedures directly related to projects supported by and/or administered by Institutional Grants are provided in the *University Policies and Procedures Manual*. Policies and Procedures related to projects supported by and/or administered by ARSP are also provided in *The Faculty Handbook*.

##### **6.6.1.1 Obtaining University Approval to Submit A Proposal**

- a. The intent to submit form "Blue Form"
  - i Initial approval to develop the project is obtained via a special sign-off form: intent to submit form or "Blue Form." (See Appendix D sample Blue Form). Grants and sponsored projects must be approved by the Provost and other appropriate University officials before submission of the proposal. If the grant would require university matching, equipment purchase or that the university institutionalize the grant activity following expiration of the grant, the Blue Form shall require approval by the Provost. In addition, if the amount of expected university expenditure exceeds \$100,000, the Vice President of Administration and Finance's signature is also required.

- ii To allow for necessary discussion and revision, the completed Blue Form must be submitted electronically via the Electronic Grant Submission website: (<http://stmaryts.infoedglobal.com/EnableWeb/Portal/login.aspx>) in a timely manner a mandatory minimum of 30 days prior to proposal deadline to ARSP.
- iii A completed electronic Blue Form (i.e. an electronic application form with all necessary signatures) is critical to implementation of all other procedures beyond this point. **NO** time will be committed to projects that do not have Blue Form (i.e. university) approval. The electronic Blue Form must include budget estimation, listing of any equipment that will need to be purchased and university commitment for maintenance of the equipment, cost matching from school or university and any time releases required.
- iv All detailed budget preparation must occur **AFTER** a signed and completed electronic Blue Form has been received by the Academic Research and Sponsored Projects Office and approved by the Provost.
- v Identify and note unallowable costs on the **BLUE FORM** you complete, so it can be determined if the funding source (a) is an appropriate prospect for this project, or (b) will not provide some elements(s) critical to the success of your project.
- vi Under no circumstances can any faculty, administration or staff member sign for the University president or any other University official (without prior written approval) on the Blue Form, budget, or any other proposal forms.
- vii Submission of a Blue Form does not imply final approval for the completed proposal.

**b. Contact ARSP**

- i In order to gain university approval for a sponsored project, the ARSP office must be contacted **PRIOR** to any written or verbal proposal development.

**c. Approval for Matching Funds/New Budget Allocations**

- i Requests for matching funds must be submitted at least 60 days prior to the deadline established by the funding source requesting the match, and must be coordinated through ARSP.

**d. Future Funding**

- i Provisions for continuing the project beyond the funded period should be included in the initial planning process.

**6.6.1.2 Preparing a Proposal for External Funding**

**a. Project Director/Principal Investigator Responsibilities and Grant Office Roles**

- i ARSP will assist project directors/principle investigators in finding potential funding sources and will coordinate communication with said funding sources.
- ii ARSP will coordinate with project directors/principle investigators methods for obtaining information needed by funding sources for proposal submission.
- iii ARSP will define the project director's/principle investigator's responsibilities in regard to individual projects and time lines for proposal submission. (Refer to St. Mary's Grant Manual for more about the process.)



**b. Non-Budget Items**

**i Personnel**

- (a) All full-time University employees dedicate 100% of time to the duties determined by their job descriptions and are paid by the University accordingly; therefore, any budgeted grant or contract activity must reflect either (1) release time from specific regular duties to perform grant-related activities; or (2) activities that are contracted outside of regular working hours. Additional hours must conform to University personnel procedures. Release time activities funded through grants or contracts is reimbursed to the University, not the employee. Time logs must account for grant-funded activities and must be signed by the PD/PI. Logs become part of the grant award financial documents and are subject to audit.
- (b) Records should be kept of all activities involving time expenditures on all grant activities by key personnel when designated percentages of time are part of the grant requirements.

**ii Research and University Assurances**

- (a) Proposals for sponsored projects and conditions of contract agreements for research or professional services supported by the University must comply with all University, State, and Federal regulations for the safety and the well-being of researchers, subjects, and the community in general. Project Directors should consult with the appropriate Grants Office to ensure compliance for individual projects in regard to the following assurances:
  - Human Subjects Policy
  - Vertebrate Animal Research Policy
  - Drug-free Workplace Certification
  - Environmental Hazards Policy
  - Conflict of Interest
- (b) Proposals for sponsored projects and conditions of contract agreements for conducting research or for providing professional services supported by the University must make assurances to Federal, State, and some private agencies that the University is in compliance with regulations. The Executive Director of ARSP's signature on grant proposals certifies that the following conditions are met by the University:
  - Scientific Misconduct Statement
  - Intellectual Policy Statement
  - Debarment and Suspension Certification
  - Lobbying Certification
  - Civil Rights Certification
- (c) Project Directors and Principal Investigators should be aware of the conditions of these regulations and ensure compliance at all times during the research or contract activity.

**c. Budget Items**

**i Equipment**

- (a) The project director or principal investigator will ensure that the budget contains bids or price estimates for all equipment necessary for the project.
- (b) All purchases must be approved by the appropriate Vice President and Dean/Director before they can be included in the proposal's budget.
- (c) If computer equipment is a part of the equipment needed, the PD or PI must adhere to the Computer Policies set forth by St. Mary's. (Consult your faculty or personnel handbook for more information.)

ii Indirect Costs

- (a) Indirect costs for federal, state and private sources are always negotiated at the University level, not by the individual submitting grant request.
- (b) If the funding source does not allow indirect costs or has a limit lower than the University's approved rate, permission must be obtained from the Vice President for Finance and Administration to waive or negotiate the indirect cost.
- (c) The comptroller is responsible for negotiating federal indirect cost agreements and for maintaining the currency of those documents.

iii Cost Sharing/In-Kind Costs

- (a) All known cost-sharing or in-kind commitment to the project must be noted when the Blue Form is initially completed to alert University officials to the financial obligations contained in the proposal request.
- (b) Initial support of University cost-sharing on the Blue Form does not imply approval of the completed budget.

### **6.6.1.3 Obtaining Final Approval**

**a. Approval from ARSP**

The final draft of a proposal (including budget) must be submitted to the ARSP Office 5 business days before the deadline.

**b. Required Approvals**

- i The President designates the Executive Director of ARSP with the authority for Final administrative approval for any project that has prior "Blue Form" approval. The Executive Director will sign all cover sheets and assurances AFTER the proposal has been reviewed by ARSP. The Executive Director shall in cases required by Section 6.5.2.2 and 6.5.2.3 obtain final approval from the Provost, Vice President and/or President.
- ii Failure to obtain approval from the appropriate Grant Office and/or University official may result in the project not being submitted or funding not being accepted by the University.

### **6.6.1.4 Accepting Awards and Contracts**

**a. University Acceptance of Awards**

Acceptance of awards to the University rests solely with the president of St. Mary's University or his/her designated authority in accordance with Section 6.5.2.3.

**b. Project Ownership**

All grants received through St. Mary's University are the property of St. Mary's. Therefore, research results, patents, equipment, and all other grant-supported real and intellectual property that result from activities attributed to the grant project belong to St. Mary's University. Please refer to the Intellectual Property Statement for details. Personnel, procurement, and inventory procedures and policies are in effect for all grant activities.

**c. Amending the Award or Contract**

**All** activities and commitments stipulated in the final award document and the accepted grant project or contract award must be adhered to **unless changes** are agreed to in an amendment agreement by both the PD, the funding agency administrator, and appropriate University officials.

**6.6.1.5 Managing Awards**

**a. Overall Grant Administration**

Project Directors (PDs) or Principle Investigators (PIs) are responsible for the proper administration of the contractual obligations specified in the final grant award for their project. In order to facilitate your award, the specified Grants Director and other administrative officers have developed protocols for the smooth administration of all grants.

**b. Financial Grant Administration/Reporting**

- i A complete and final copy of all grant awards, along with negotiated changes, performance reports, and financial reports, will be kept on file in the specified Grants Office for University reference.
- ii PDs are responsible for forwarding copies of all grant-related reports to the appropriate Grants Office. Although grant awards/contracts may not require interim and final reports, PDs/PIs may be required to submit such reports to the appropriate grants office.
- iii Financial Administration will forward copies of all financial report to the designated grants office for filing.
- iv The Chief Accountant in the Comptroller's Office is the person officially designated to file financial reports and is responsible for the accuracy of budgets. The Chief Accountant will maintain financial records in regard to **indirect cost** charges.

**c. Communication with Funding Agency (Post-Award)**

The PD or designated Grant Administrator is the only person authorized to contact any funding agency regarding information or materials for the administration of the grant **or** for purposes of disseminating or requesting information about the grant award.

**d. Public Relations Related to Grants**

The specified Grants Office will serve as the University contact point for authorization to release public affairs information regarding grant awards.

See Appendix D - Notice of Intent to Submit Proposal ("Blue Form")

## **6.7 The Ethical and Legal Use of Computing at St. Mary's University**

**[Adopted by Computer Usage and Ethics Committee: April 21, 1997]**

**[Adopted by University Academic Computing Policies Committee: May 2, 1997]**

**[Revised by University Computing Policies Committee: July 14, 1997]**

**[Adopted by Executive Council: October 21, 1997]**

### **6.7.1 Access, Rights, Responsibilities and Regulations**

St. Mary's University, a community of faith committed to an educational venture, dedicated to scholarship, and reaching out in service to society, encourages the use of university computing services to share information, improve communication, and exchange ideas. All students, faculty, and staff are provided with access to university computing systems. The following policies concerning legal and ethical uses of computing systems at St. Mary's University promote these principles within the context of the university's mission and legal and ethical obligations.

These policies are applicable to any member of the university community, whether at the university or elsewhere, and refer to all information resources on St. Mary's University equipment or connected to the university network either by direct connection or by modem. Individual units within the university may define "conditions of use" for facilities under their control. A detailed listing regarding access authorization is provided by the Academic Vice President's office and reviewed annually.

#### **6.7.1.1 Access**

It is the policy of St. Mary's University to maintain access for its faculty, staff and students to local, national and international sources of information and to provide an atmosphere that encourages access to knowledge and sharing of information.

#### **6.7.1.2 Rights**

The basic purpose of the electronic systems is to further communication, research, education, academic and administrative functions of St. Mary's University faculty, staff and students. In accordance with university policies, the university works to create an intellectual environment in which students, staff, and faculty members may feel free to create and to collaborate with colleagues both at the university and at other institutions without fear that the products of their intellectual efforts will be violated by misrepresentation, tampering, destruction and/or theft. Electronic systems users have the right to free inquiry and expression consonant with the purposes of the university and academic freedom. They have the right to keep certain data confidential and to be informed of what the limits of confidentiality are in the university system.

#### **6.7.1.3 Responsibilities**

It is the policy of the university that information resources will be used by members of its community with respect for the public trust through which they have been provided and in accordance with policy and regulations established by the university. The health and well-being of this resource is the responsibility of its users who must all guard against abuses which disrupt and/or threaten the long-term viability of the systems at the university and those beyond the university. The university requires that members of its community act in accordance with these responsibilities, this policy, relevant laws and contractual obligations, and the highest standard of ethics.

Access to the information resource infrastructure both within the university and beyond the campus, sharing of information, and security of the intellectual products of the community, require that every user accept responsibility to protect the rights of the community. Any member of the university community who, without authorization, accesses, uses, destroys, alters, dismantles or disfigures any segment of university information technologies, properties or facilities, including those owned by third parties, endangers the atmosphere of increased access and sharing of information, threatens the security within which members of the community may create intellectual products and maintain records, and in light of the university's policy, has engaged in unethical and unacceptable conduct. Access to

the networks and to the information technology environment at the university is a privilege and must be treated as such by all users of these systems.

When one uses the St. Mary's University computing services, one accepts the following specific responsibilities:

1. To respect the privacy of other users
2. To respect the rights of other users
3. To respect the legal protection provided by copyright and licensing of programs and data
4. To respect the intended usage of resources
5. To respect the intended usage of systems of electronic exchange
6. To respect the integrity of the system or network
7. To respect the financial structure of a computing or networking system
8. To adhere to all general university policies and procedures including, but not limited to, policies on proper use of information resources, information technology, and networks.

#### **6.7.1.4 Regulations**

The University characterizes as unethical and unacceptable, and just cause for taking disciplinary action in response to any activity through which an individual:

1. violates such matters as University or third party copyright or patent protection and authorizations, as well as license agreements and other contracts,
2. interferes with the intended use of the information resources,
3. seeks to gain or gains unauthorized access to information resources,
4. without authorization, destroys, alters, dismantles, disfigures, prevents rightful access to or otherwise interferes with the integrity of computer-based information and/or information resources,
5. without authorization invades the privacy of individuals or entities that are creators, authors, users, or subjects of the information resources.

#### **6.7.2 Intellectual Freedom, Copyrights and Intellectual Property and Electronic Files**

##### **6.7.2.1 Intellectual Freedom**

St. Mary's University students, staff, and faculty are provided with computer resources to carry out their respective responsibilities. In providing these resources, St. Mary's University applies the principles of intellectual freedom set out in Section 2.9.1 of the Faculty Handbook. The following provisions are based on the principles set out in Section 2.9.1:

1. It is essential that computer users be free to pursue scholarly inquiry and professional and personal growth without undue restriction, and to voice and publish conclusions concerning the significance of evidence that is considered relevant.
2. Computer users must be free from the corrosive fear that others, inside or outside the university community, because their vision may be different, may threaten their professional career or the material benefits accruing from it.
3. Each computer user must be free from institutional censorship or discipline when speaking, writing or acting as a citizen of the nation, state, and community.
4. The concept of intellectual freedom must be accompanied by an equally demanding concept of responsibility, shared by governing boards, administrators, and computer users.
5. This responsibility includes the duty to respect the rights of others and to comply with all university policies regarding sexual, racial, and other forms of harassment.
6. St. Mary's University follows American Association of University Professors guidelines regarding academic freedom, and they are read in concert with the Mission of the University.

7. It is presumed that members of the university community know and accept the purposes for which St. Mary's University exists, and will therefore not advocate anything at variance with the mission of the university while professing to speak for the university.

### **6.7.2.2 Copyrights & Intellectual Property**

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all creators and publishers in all media. It encompasses respect for the right to acknowledgment and the right to determine the form, manner and terms of reproduction and distribution.

Because electronic and digital information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in digital environments. Violations of authorial integrity—including manipulation, plagiarism, unauthorized access, and copyright infringements—may be grounds for sanctions against not only individuals but also the entire university community.

Computer programs and other electronic materials developed by faculty members and staff are subject to the requirements of Section 2.12.8 of the Faculty Handbook, covering copyrights. Section 2.12.8 provides that such materials remain the exclusive property of the faculty or staff member, unless the materials are written, created, produced or otherwise generated “for hire.” Materials “for hire” belong to the university.

### **6.7.2.3 Electronic Files**

#### **6.7.2.3.1 Ownership**

Electronic files are the property of the individual employee (or of the employee for whom the file was prepared). However, those electronic files created as part of the employee's administrative responsibilities (e.g., CARS files, student records, etc.) are the property of the university, not of the individual employee.

#### **6.7.2.3.2 Privacy**

All electronic files are private to the fullest extent permitted by law, and are not to be inspected, copied, or changed without the permission of the owner, except when necessary for the administration of the computer system. Access to electronic files requires permission of the owner of the file, court order, or other actions defined by law. [See Section III A.5 for procedures to be followed when the file owner's consent is not requested.]

### **6.7.3 Electronic Communications**

#### **6.7.3.1 Electronic Mail (e-mail)**

Principles of intellectual freedom, freedom of expression, and privacy of information hold important implications for electronic mail services. These policies promote these principles within the context of the university's mission and legal obligations.

1. The university respects electronic mail as private. Electronic mail communications are governed by the ownership rules stated in Section II, paragraph C.1. The university does not ordinarily inspect, monitor, or disclose electronic mail without the holder's consent. Network and system administrators must treat electronic mail and the content of all electronic files (including backups) as private and confidential. Any inspection of electronic files, and any action based upon such inspection, are governed by all applicable U.S. and Texas laws and by university policies.
2. The university, in general, cannot and does not wish to be the arbiter of the contents of electronic mail. Neither can the university, in general, protect users from receiving electronic mail they may find

offensive. Members of the university community, however, are expected to use personal and professional courtesy in all electronic communication.

3. Misuse of university electronic mail and computers is prohibited. Misuse includes (see Student Code of Conduct) but is not limited to:
  - a. use of any system as a staging ground to gain access to other systems without proper authorization;
  - b. use of any system for illegal or criminal purposes;
  - c. unauthorized entry into a file to use, read or change the contents, or for any other purpose;
  - d. unauthorized transfer of a file;
  - e. use of computing facilities to interfere with the work of another student, faculty member, administrator or other person employed by the University;
  - f. violation of copyright laws;
  - g. use of computing facilities to interfere with the University computing system;
  - h. unauthorized use of another individual's computer account;
  - i. use of computer facilities to harass (e.g., sexually), coerce, threaten or intimidate others;
  - j. knowing or reckless distribution of unwanted mail or other messages (e.g., misuse of campus-wide mail distribution capabilities, chain letters and other schemes that may cause excessive network traffic or computing load).
4. An electronic mail holder's consent shall be sought by the university prior to any inspection, monitoring, or disclosure of e-mail records in the holder's possession. Such inspection, monitoring, or disclosure may be requested by the holder (for example, if one is the object of harassment [see St. Mary's University Policy on Sexual Harassment]).
5. The university shall only permit the inspection, monitoring, or disclosure of electronic mail without the consent of the holder of such e-mail when required by and consistent with law. When the contents of E-mail must be inspected, monitored, or disclosed without the holder's consent the following procedures will be followed:
  - a. Such actions must be authorized in advance and in writing by the authority specified by the law under which the action is taken. Authorization must be sought from the responsible university vice president or the President. This latter authority may not be re-delegated. University counsel's advice should be sought prior to authorization. Authorization shall be limited to the least perusal of contents and the least action necessary to resolve the situation. Actions taken under this paragraph shall be in full compliance with the law.
  - b. The responsible authority or their designee shall, at the earliest possible opportunity consistent with law and other university policy, notify the affected individual of the action(s) taken and the reasons for the action(s) taken.

#### **6.7.3.2 Definitions**

1. E-mail Record or E-mail: Any or several electronic computer records or messages created, sent, forwarded, replied to, transmitted, stored, held, copied, downloaded, displayed, viewed, read, or printed by one or several e-mail systems or services. This definition of e-mail records applies equally to the contents of such records and to transactional information associated with such records, such as headers, summaries, addresses, and addressees.
2. Holder: An e-mail user who is in possession of a particular e-mail record, regardless of whether that e-mail user is the original creator or a recipient of the content of the record.
3. Staff: Refers to all non-faculty employees at St. Mary's University (including, but not limited to, the University President, vice presidents, deans, professional support personnel, and non-professional support personnel, custodial employees).

#### **6.7.4 Web Pages**

St. Mary's University encourages creativity and expression by providing space for individually or organizationally designed home pages on the university web server. The university also recognizes the value and potential of university-accessed personal publishing on the Internet, and so allows and encourages the campus community to experiment with producing personal WWW pages. Although all students, faculty members, staff, and recognized organizations are expected to follow the guidelines outlined below, the comments and viewpoints expressed on individual or organizational home pages represent those of the author(s) and not St. Mary's University.

All policies apply to individual and organizational pages on St. Mary's equipment or connected to the St. Mary's network. Developers of pages are expected to demonstrate responsibility and respect for the rights of others and the goals and values of St. Mary's University when deciding on the content and format of page materials. The university cannot accept responsibility for the content of personal home pages and it is up to the author of the personal home page to be responsible for the appropriateness of the content of those pages. Materials posted on pages may not contain phrases or images that violate the spirit of the mission of the university.

Pages linked to schools, departments or divisions may be reviewed by the university's Public Relations office for use of logos and St. Mary's related materials. All pages linked to schools or departments are considered to be individually protected by the tenets of academic freedom.

The university's official home page will contain the following statement: "St. Mary's University is not responsible for the content of personal pages."

#### **6.7.5 Abuse or Misuse of the Internet**

The use of the Internet is a privilege, not a right. Abuse or misuse of the Internet is prohibited. Examples of abuse or misuse include but are not limited to:

- a. using the Internet for unlawful or criminal purposes;
- b. using the Internet to "hack" or break into other systems;
- c. using abusive or otherwise objectionable language in either public or private messages;
- d. damaging other peoples' work or systems;
- e. sending "Chain Letters," or "Broadcast" messages to lists or individuals, or any other message that may cause congestion of the networks or otherwise interfere with the work of others;
- f. irresponsible or discourteous actions toward other users (staying at a site longer than required).

#### **6.7.6 Computer Use**

St. Mary's University provides faculty members, staff and students with access to computing resources for university business, scholarship and research, and co-curricular uses. Because of demands on equipment and software, and because of copyright law and ethical standards, the university is promulgating the following standards for the use of university-owned hardware, networks and software.

##### **6.7.6.1 Priorities for Computer Use**

1. Use of computing resources to meet course work requirements, preparation for course work, faculty scholarship and research, and administrative applications required for university business;
2. Use of computing resources to maintain and develop computing and computer-related skills;
3. Use of computing resources for co-curricular purposes;
4. Use of computing resources for entertainment.



### **6.7.6.2 Hardware**

1. University-owned computer equipment may not be removed from campus for use in another location without prior approval from the computer user's supervisor or from a student organization's faculty advisor.
2. The addition of internal peripheral devices (disk drives, RAM, CD-ROMs, etc.) must be approved by appropriate supervisors.
3. Hardware add-ons to university equipment must be approved by appropriate supervisors.
4. Because computer equipment and network bandwidth is a limited resource, computer users should avoid waste of those resources (e.g., excessive printing and modem use).

### **6.7.6.3 Networks**

1. Unauthorized use of an Internet Protocol (IP) address is prohibited.
2. IP addresses may not be moved between devices without approval from the university's Network Administrator.
3. Connection of any equipment to the university network may not be done without the approval of the university's Network Administrator.
4. Users may not develop or use programs which attempt to bypass system security mechanisms and may not steal passwords or data from other users.
5. All computing activities considered unethical, illegal, or contrary to university policies for St. Mary's University computing resources apply equally when connecting to computing resources at other sites.

### **6.7.6.4 Software**

1. Software may be used only in a way that is consistent with university-approved practices and with copyright laws. Users must keep proof of licensing documentation on campus for all software installed in university computers and ensure that it is available for inspection at all times. Licensing for general, Computer Center-purchased software will be maintained in the Computer Center. LAN licenses will be maintained by LAN Supervisors.
2. Due to the complexity of the university's networks and the possibility that the addition of new software might cause incompatibility issues to arise within those networks, only software approved by the Network Administrator may be added to network servers and users should be cautious when adding new software to individual machines.
3. Use of university-owned computers for strictly private financial gain is covered in other university policies (e.g., Faculty Handbook, sections 2.11.6.2 and 2.11.6.4 and the Personnel Manual, section 2.12.8). The use of university-owned computers for professional development activities is encouraged.
4. Computer users must take precautions not to introduce computer contaminants (e.g., viruses) into university computer media. Such precautions include, but are not limited to, using only licensed copies of software, installing virus protection software on hard disks and virus-scanning repair programs as needed.
5. The university, to ensure that its general computing use falls within legal and ethical guidelines, reserves the right, if there is sufficient cause to assume copyright violation and use of illegal software are occurring, to inspect individual computers. Such inspection may occur only with advance notice to the computer user and in the presence of the individual and that individual's immediate supervisor.

Such inspections will be restricted to the lowest level of perusal required to make an informed judgment.

6. The university neither encourages nor condones unethical or illegal use of computing resources. Penalties for actions which violate computing policy will be assessed through existing disciplinary channels for students, faculty and staff.

#### **6.7.7 Electronic Access to Records**

##### **6.7.7.1 Student Education and Academic Records**

St. Mary's University administrative, faculty, professional, clerical and student employees have electronic access to student education and academic records to perform tasks specified in their position descriptions or by contract agreement. Training sessions that cover responsible computer use, confidentiality rights and responsibilities, and institutional criteria for determining legitimate educational interests are required before the user's login name is added to permission tables.

It is the responsibility of the Academic Vice President or his designate to ensure that all access to student education and academic records is in accord with the Family Educational Rights and Privacy Act (FERPA).

#### **1. Family Educational Rights and Privacy Act (FERPA)**

The FERPA applies to all schools that receive funding under most programs administered by the Secretary of Education and governs the rights of students regarding their education record. The primary rights of students include the right to: 1) inspect and review, 2) seek to amend, and 3) exercise some control over disclosure of information maintained in their education record.

As governed by FERPA rules, St. Mary's offers students the opportunity to withhold information pertaining to their Directory Information. Directory Information is information regularly made public. Some examples include name, address, phone number, major, dates of attendance and most recent previous educational institution attended.

The policies for electronic access to student education and academic records depend on a permission structure for the university student database. One example of electronic access relative to permission structure for undergraduate students is: 1) all student records—Provost and Vice President for Academic Affairs, Assistant to Provost and Vice President for Academic Affairs, Registrar's Office, and Director of Academic Advising; 2) student records according to school—Deans of undergraduate schools; 3) student records according to academic major—Chairs and Program Directors; and 4) student records according to academic adviser.

Electronic access to specific data elements within each student's education record is determined according to the responsibilities associated with a position and corresponding job description. This ensures adequate, but not unnecessary, access.

#### **2. Education Record**

An education record is the overarching student record and includes all information directly related to a student. Many departments collect and maintain the information. Some examples of education records include: 1) personally identifiable and demographic information such as student name, name of student's parents and other family members, local and permanent addresses and phone numbers, social security and CARS I.D. numbers, ethnicity, gender, date of birth, place of birth, etc.; 2) academic record information; 3) transcript information; 4) disciplinary records; 5) circulation records of libraries; 6) financial aid records; 7) medical and Health Center records; and 8) student account information. All information, handwritten and printed, that is contained in folders, on tapes, film, microfilm and microfiche, is also part of the student's education record.

### 3. Academic Record

The academic record is part of the education record. It is maintained by the Registrar's office and contains the entire academic history of a student. The record is collected and maintained chronologically, and includes all "quantitative and qualitative learning experiences and achievements." It also includes any additional information that assists with the evaluation of a student. Examples of data elements in an academic record include, secondary school background, aptitude and interest test results, entrance and placement exam results, academic and non-academic awards, honors and achievements, and transcripts.

### 4. Academic Advisers

Academic advisers may access a student's education record to provide the assistance required by their position. Academic advisers may have access following participation in training sessions that outline responsibilities, confidentiality, and institutional computer use policies. The Provost and Vice President for Academic Affairs, and/or their designate, decides the legitimacy of other requests for information and determines the appropriate response.

### 5. Students

Students have the right to access their academic record through their academic adviser or the Registrar's Office. Other parts of the education record are available to students through the office that creates and maintains the record.

### 6. Parent(s)/Legal Guardian(s) of a currently enrolled student

A parent or legal guardian may access the education record of their dependent with the written consent of the student.

### 7. External requests for information

Students may authorize the provision of their education record. University personnel forward all requests for student education records from external agencies to the Provost and Vice President for Academic Affairs, or his/her designate, for appropriate action. The university reserves the right to communicate information in cases of medical or other emergency.

### 8. University Police records

All records collected and maintained by the University Police are also governed by the policies noted above in this section (Section VII, A1 - A7).

#### **6.7.7.2 Employee Records**

The office of Human Resources maintains records of all those employed by St. Mary's University. The Provost and Vice President for Academic Affairs maintains the Academic Personnel/Evaluation File for all faculty members employed by the university.

#### 1. Employment Record

The employment record maintained by the Human Resource office encompasses all information pertaining to the employee. Some examples of information maintained include: 1) position title, 2) dates of employment, 3) personal information. Position title and dates of employment are the only informational elements offered at the point of inquiry. Other elements require an employee's written permission. As policy, FBI/CIA/Detectives, requesting access to employee records, must provide a supporting subpoena. It is the policy of the university, not to provide information regarding behavior,

work related practices, reliability, and reason for termination. Some informational elements regarding an employee may be shared with the employee's immediate supervisor. These elements would include: 1) address and phone number, 2) employment dates, and 3) other elements strictly for the use of fulfilling supervisory functions. Any employee may review his/her own file by request to the Human Resource Director.

## 2. Academic Personnel/Evaluation File

The Provost and Vice President for Academic Affairs maintains a Personnel File/Evaluation File on all faculty members of St. Mary's University. Minimally, these files include: 1) letters of application, 2) appointment and acceptance letters, 3) personnel data, 4) performance review, 5) employees official transcript, and 6) information the faculty member or Provost and Vice President for Academic Affairs wishes to place in the file.

This academic file is available on a need-to-know basis only to the Provost and Vice President for Academic Affairs, Dean, legal counsel, Grievance Committee, the Human Resources Director, the individual faculty member, or others specifically designated by the signature of the President. The file is maintained under the strictest confidence and available only for confidential use to the individuals noted above. A faculty member must provide written consent in order to allow access to their record to another individual.

## 3. External requests for information

The university may permit access to any employee records pursuant to lawful requests by subpoena and identification of federal or state agencies relevant to investigations, hearings, or other proceedings pending before such agencies or the courts.

Other outside requests for information are referred to the Human Resource Office.

## **6.7.8 Publication, Implementation and Education**

### **6.7.8.1 Publication**

These policies shall be posted on a St. Mary's University Web Page. They shall also be available in each university vice-president's office for distribution to St. Mary's University computer users.

### **6.7.8.2 Implementation**

These policies have the force of university policy and infringement shall be treated as any other policy infringement, under the appropriate university handbook—depending upon the status of the computer user (e.g., see Student Handbook, Faculty Handbook, Personnel Manual).

### **6.7.8.3 Education**

The University Computing Policies Committee will see that a "Frequently Asked Questions" Brochure will be published and maintained to help in the education of computer users in the practical applications of these policies.

## **APPENDIX A**

### **APPLICATION OF SCHOOL, LIBRARY AND DEPARTMENTAL STANDARDS OF SCHOLARSHIP**

The School, Library and Departmental Standards of Scholarship in this Appendix are intended to express the intentions, culture, and work milieu of each area, refining and rendering more precise the expectations of scholarship appropriate for each discipline. These statements are designed to enhance the understanding of school and department settings for faculty and administration involved in the process of assessing faculty performance and accomplishment. School, Library and Departmental Standards may exceed, but may not be used to diminish, supplant, or dilute the University Standards of Scholarship contained in Section 2.5.1.3 of the Faculty Handbook.

## APPENDIX A-1

### Interpretation of Scholarship Requirements School of Business and Administration St. Mary's University

#### INTELLECTUAL CONTRIBUTIONS

It has been generally accepted that a wide variety of intellectual contributions is appropriate in business schools. These contributions should be made on a continuing basis appropriate to the school's mission, and should be available for public scrutiny by academic peers or practitioners. These contributions are classified in the University's *Faculty Handbook*, pages 61-62, as the Scholarship of Teaching, the Scholarship of Discovery, the Scholarship of Integration, and the Scholarship of Application.

For purposes of faculty evaluation, these four forms of scholarship are defined as follows:

**Scholarship of Discovery** encompasses those scholarly activities which extend the stock of human knowledge through the discovery or collection of new information. Such scholarship seeks to confront the unknown, and typically exhibits a dedication to free inquiry, disciplined investigation, and the pursuit of knowledge for its own sake. The Scholarship of Discovery includes, but is not limited to, what is sometimes referred to as "basic" or "original" research. Examples of this form of scholarship include, but are not limited to, the following: articles in journals, other forms of publications, such as research monographs, scholarly books, treatises, chapters in larger works, bibliographies, anthologies, papers presented at academic meetings, papers at national conventions, patents, software that demonstrates one or more of the following four examples: mathematical and scientific formula, development of new material (invention/discovery), discovery of unknown physical phenomena, and identification of laws governing physics and mathematics.

**The Scholarship of Integration** encompasses scholarly activities which are primarily interdisciplinary or interpretive in nature. Such scholarship seeks to better understand existing knowledge by making connections across disciplines, illuminating data in a revealing fashion, drawing together isolated facts, or placing known information into broader contexts. The Scholarship of Integration synthesizes, interprets, and connects the findings produced by the scholarship of discovery in a way that brings new meaning to those facts. Examples of this form of scholarship include, but are not limited to, the following: multi-disciplinary publication, interdisciplinary, interpretive, integrative studies, economic and psychological analysis, review essays, cross-disciplinary seminars, shaping (designing) core curriculum.

**The Scholarship of Application** encompasses scholarly activities which seek to relate the knowledge in one's own field to the affairs of the university or of society. Focused within the university, such scholarship seeks to improve the way in which the University serves its various constituencies. Focused outside the University, such scholarship moves toward engagement with the community beyond academia in a variety of ways, such as using social problems as the agenda for scholarly investigation; drawing upon existing knowledge to craft solutions to social problems; or making information or ideas accessible to the public. Work on cross-educational process and its results, or similar intra-university projects, many of which produce substantial documents for internal review and application, may fit within this category. Examples of this form of scholarship include, but are not limited to, the following: cross-curriculum development, assessment activities of the intra-university educational process, solutions to social problems, making information or ideas accessible to the public, videocassette and television for non-specialists involving issues in one's discipline, computer software, drafts of model legislation, articles and books examining the legal, economic or ethical implications of new social phenomena, editorials and opinion pieces involving issues in one's discipline, writing for non-specialists (popular writing) involving issues in one's discipline, research in the applied sciences, consultation, technical assistance, policy analysis, program evaluation.

**The Scholarship of Teaching** encompasses three distinct types of scholarly activities. The first includes works which are directly related to pedagogical practices. Such scholarship seeks to improve the teaching and advising of students through discovery, evaluation, and transmission of information about the learning process. The second form of the Scholarship of Teaching involves the development and publication of materials for use

in the classroom and in other teaching contexts. In part, this subcategory includes works which perform the valuable function of making other types of scholarship accessible to students. The third subcategory of the Scholarship of Teaching includes certain forms of teaching and course development which is so demonstrably transcends the ordinary that they may fairly be recognized as transforming and extending the range of human knowledge when viewed in light of the rigorous criteria applicable to the evaluation of other forms of scholarship. Examples of this form of scholarship include, but are not limited to, the following: articles in pedagogical journals, published instructional material, forms of teaching (extraordinarily contributing to knowledge), designing new courses and core curriculum, the writing of textbooks, development of laboratory exercises, the writing of teacher's manuals, supplements, student study guides, conducting workshops, conference presentations on innovative teaching methods, and the development of software and computer exercises.

For external comparative purposes, such as those called for in AACSB reporting, the four types of scholarship are considered congruent with the following interpretations:

**Basic Scholarship** encompasses the creation of new knowledge. This type of scholarship includes both the Scholarship of Discovery and the Scholarship of Integration as defined in the *Faculty Handbook*, St. Mary's University. Thus, Basic Scholarship includes the scholarship that extends the stock of human knowledge through the discovery of new information, and the scholarship that synthesizes, interprets, and connects the findings produced by the Scholarship of Discovery in ways that bring new meaning to those findings.

**Applied Scholarship** encompasses the application, transfer and interpretation of knowledge to improve management practice and teaching. This type of scholarship is defined in the *Faculty Handbook*, St. Mary's University, as the Scholarship of Application. It encompasses scholarly activities which seek to relate the knowledge in one's field to the affairs of the university or of society and, as well, could include those aspects of the Scholarship of Integration that seek to craft solutions to social problems.

**Instructional Development** includes the enhancement of the educational value of instructional efforts of the institution or discipline. This type of scholarship is defined in the *Faculty Handbook*, St. Mary's University, as the Scholarship of Teaching. Thus, Instructional Development is defined as scholarship that is directly related to pedagogical practices, to the development and publication of materials for use in the classroom and other teaching contexts, and to the extension and transformation of educational programs.

## INTELLECTUAL CONTRIBUTION GUIDELINES

### Preamble

The purpose of the following guidelines is to set forth the criteria to be used to evaluate, guide and encourage faculty scholarship, and the Bill Greehey School of Business' adherence to its mission. The basis for these guidelines is to be found in the *Faculty Handbook* of St. Mary's University, and is called for in section 2.5.1.3.3 of the *Handbook*. As such, they are congruent with and supportive of the missions of the University and the Bill Greehey School of Business.

The terms used in the following guidelines are to be interpreted within the context of the *Faculty Handbook*, St. Mary's University, and are deemed in accord with those adopted by peer institutions.

Finally, the five-year, collective intellectual contributions of the Bill Greehey School of Business' faculty are to be viewed as a portfolio supportive of its particular mission. That is, the concentration and distribution of faculty intellectual activities should be consistent with the school's mission statement and the documents it uses to describe itself to interested constituencies.

### Guidelines for Evaluating the Minimum Expected Intellectual Contributions of Individual Business Faculty

Four measures are to be used to assess and evaluate the intellectual contributions of the business faculty:

- ◆ The evaluation of the intellectual contribution of individual faculty members will occur at relevant career development stages (e.g., promotion and tenure), and be based on his or her accumulated scholarship time-in-rank scholarship. (See page 71 of *Faculty Handbook* of St. Mary's University, for time-in-rank requirements for promotion and pages 75-76 for tenure eligibility.) Special care must be taken by all faculty to remain current; therefore, the faculty member's most recent five-year record will be especially important in establishing this currency.
- ◆ Each faculty member must demonstrate that he or she has been involved, on a continuous basis, in scholarly activities for the review period. More specifically, each faculty member is to demonstrate that he or she has been involved in scholarship that can be classified as Instructional Development and either Basic Scholarship or Applied Scholarship as specified in St. Mary's University *Faculty Handbook*.
- ◆ Each faculty member must demonstrate that he or she has disseminated, on a fairly regular basis appropriate for the type of scholarship performed, the findings and information of his or her scholarly work through quality outlets as defined by peer institutions and St. Mary's University *Faculty Handbook*. In the case of basic scholarship, the disseminated works must have been peer-reviewed prior to publication and/or presentation, except in the case of requested contributions. In the case of applied scholarship and instructional development, the disseminated works must have been reviewed by appropriate and knowledgeable professionals, and/or peers at other institutions, except in the case of requested contributions.
- ◆ In accordance with the St. Mary's University *Faculty Handbook*, Section 2.5.1.3.3, it is recognized that the focus and direction of an individual faculty member's scholarship are subject to seasonal change throughout his or her career. At the same time, however, St. Mary's University and the Bill Greehey School of Business expect all faculty members to devote some portion of their time, on a regular basis, to Instructional Development, and Applied Scholarship (i.e., the Scholarship of Application or the Scholarship of Integration). Although some Basic Scholarship is strongly recommended of all faculty, only those faculty members teaching exclusively in graduate programs are required to undertake some Basic Scholarship (i.e., the Scholarship of Discovery or the Scholarship of Integration).

October 3, 1997



## APPENDIX A-2

### STANDARDS OF SCHOLARSHIP SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

Scholarship – the asking and answering of questions which shape on-going effort towards a truly good human world – is at the heart and mission of the school. It has a key place in education understood as a moral enterprise.

The School of Humanities and Social Sciences affirms that its primary mission is to implement the commitment of St. Mary's University

- to animate the community's search for the integration of faith and reason with Christian purpose,
- to inform the educational venture of the university with Catholic understandings and values,
- to encourage an inter-personal, communitarian life that celebrates the intellectual, critical, moral and religious life of the human spirit,
- to build a community of men and women responsive to human need, dedicated to service.

The faculty of each discipline, especially in their teaching and scholarship, are involved both in the mediation of the heritage and practice of the field of study in question and a critical engagement of that field from the perspective of the Catholic heritage. [*Mission Statement, H&SS, 11-27-95*]

Because of the wide range of disciplines H&SS encompasses, scholarship takes on many different forms. The various departments have interpreted standards for faculty in their disciplines within these general guidelines, and have formulated more specific requirements for scholarship expectations in the following documents. Further, the engagement in the forms of scholarship is conditioned by factors such as teaching loads, types of courses taught, numbers of students, advising responsibilities, university and public service commitments, the stage of a faculty member's career and, university staff and travel support.

- The standard teaching load in H&SS is four course sections per semester, one or more of which may be on the graduate level, one or more of which may be writing-intensive.
- Student class contact in any given semester may range from thirty to one hundred twenty (or more) per professor.
- The normal advising load is thirty-five students.
- University service normally increases with experience; community service can ebb and flow.
- University support of growth and development during sabbaticals anticipates the public dissemination of research work.
- While the university supports research through graduate assistants and professional secretarial help in some departments, it is unable to do so for all.
- No research funds are currently available within departmental or school budgets, but some are available from the University's Faculty Development Research Fund.
- However, recognizing the importance of face-to-face interaction with colleagues, the University allocates to each department travel funds approximately sufficient to permit fully paid participation in one learned meeting yearly for each tenured or tenure-track faculty member.
- Institutional research, according to the mode of a particular discipline, which contributes directly to the mission of the University and which engages a significant number of faculty, would fall under the rubric of scholarship of integration.
- The faculty of H&SS, with a concern for the University's educational mission, expect of each other personal and professional growth and contributions to the profession.

The assessment by colleagues of a professor's contributions that occurs at the time of application for tenure or promotion provides time for different rhythms of scholarship in harmony with the seasons of a person's professional life. It is important then that the faculty member be able to document his/her scholarly work in the scholarship of teaching and in at least one other form of scholarship during the preceding span of years.

Finally, in this preface to the departmental statements, we need to address the most general and encompassing of the expectations the university and its faculty have of those who comprise its teaching core: *participation in St Mary's Mission*.

In a key section of the *Faculty Handbook* (2.5.1.), the criteria to be used in the evaluation of faculty members are placed in an interpretative context by the statement that "each . . . is directly related " to the Mission of St. Mary's University and "requires an effective contribution" to that same mission-in other words that *teaching, advising, scholarship, and service* get their meaning and significance from how each stands in relation to the Mission and how a person's performance in each area effectively contributes to that Mission. This perspective is reaffirmed in the tenure process. How a person by his or her presence and work stands in relation to the mission becomes the key question – indeed the first and all-encompassing question – that a person is asked to address in his or her application before going on to address teaching, advising, scholarship and service. Finally, faculty and mission are related in the *Strategic Plan for St. Mary's University 1995-2000*, where, in Goal 5 it is indicated that priority in the University's support of faculty and professional staff development will be given to growth and development in the "Understanding of and responsibility for the University Mission, especially its Catholic and Marianist dimensions"

It is important then, at the very least, to explore the meaning of the expression "stand in relation to mission," means, how it relates to our experience in the university.

It seems upon reflection that persons who come to make a real difference here at St. Mary's and make this campus their "home," have experienced being addressed as a *person* and over the course of time have experienced and responded to the invitation to *participate in the Marianist mission* at three related dimensions of their *personhood*:

[1] An invitation to the person on the dimension of the *professional*. At this level what is in focus is the job, the roles, the different functions, specialization and cooperation, performance and achievement. At the same time, however, even in the hiring process there is some indication of the social and cultural context in which the profession is to be pursued, some suggestion of a second, deeper invitation.

- Here a faculty member appears as an *instructor*, as someone who passes on skills, a body of knowledge, an approach to asking and answering questions.
- Here is where academic disciplines and specializations are most relevant, where the focus gets placed on courses, programs, departments, and schools.

[2] An invitation to the person as *humanist*, as someone who values both the *person* and his/her development and differentiation and *community* and its history, traditions, and institutions and its pursuit of dignified living in the midst of a rapidly changing social world.

- Here the *instructor* emerges as an *educator*, someone who accepts responsibility for the development of persons and for the development of society.
- Here academic disciplines and structures become secondary to the values of *person* and *community* as we experience when we come together to understand and assess the social and cultural situation in which we exercise our professions and when we try to set the objectives and goals for the educational process to which we all contribute.
- Two foundational documents of our school -- "Heritage and Innovation Reconsidered 1992" and "The General Educational Objectives of the Core Curriculum" -- witness to the self-transcending efforts of faculty members to think and act as *educators*.

Nonetheless, the mission of St. Mary's, despite the importance we place upon the liberal arts and the Core Curriculum, is not encompassed within the category of "the human." Implicit, again from the beginning but not always in focus, is the invitation to participate in the human development of persons in light of Christian religious meaning and goals.

(3) Thus, the third dimension involves an invitation to share in the mission as a person grounded in a relationship to God, as a person whose capacities for attentive, intelligent, rational and responsible functioning and participation is "graced" by the Spirit, as a person whose existence is characterized by reflective interiority and whose contributions to

the University are grounded in a prayerful spiritual life that integrates profession and human development in the realization of the Kingdom of God.

- Here the instructor-become-educator's interior and spiritual life is the source of energy and dedication that sustains the values (and value choices) constitutive of the educational intentions of the University.

In summary, then, let us recognize that each of us as "person" is invited to participate in the mission of St. Mary's in this complex, many-dimensional manner. And let us call this an invitation to *Stewardship of the Mission*.

From the perspective of faculty, what might such "stewardship of mission" look like operationally?

This Stewardship includes

- timely, professional, personally engaging response to and support of one another in this community of scholarship. This is a key dimension of the *presence* that we expect of one another.
- keeping the development of the person at the focus of all our educational efforts a development that is artistic, religious, intellectual, critical, moral, in short fully human, a development that encompasses both students and faculty. Again, this case must be made with disciplinary resources.
- recalling, reminding, reiterating that the fruit of authentic scholarship is not promotion, status, fame, publication but wisdom, a dimension of the integral development of a human person as a scholar. This case has to be made using the resources of modern academic disciplines.
- a scholarly, intellectual, critical reappropriation of the tradition, the culture, the institutional values, preserving institutional culture. Such reappropriation presupposes a prior critical appropriation of contemporary culture and its methods of reflection.
- being attentive to what is going forward (in the department, school, university), understanding and identifying what we are becoming, reflecting critically upon developments in light of our shared values, and opposing, proposing and correcting.
- reminding and reaffirming that what we are about is ultimately religious mission, a sharing of the gospel, a realization of the Kingdom of God. This case, too, must be made employing the language, methods, and resources of different historical and interpretative disciplines.

## **APPENDIX A-2-1**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF ECONOMICS**

As one of the social sciences economics is significantly influenced in its methodology by the advances in the scientific method. However, economics also retains its historic ties to philosophy and contains an often unarticulated but implicit set of normative values.

The Department of Economics is attempting to discover and to articulate what it means to take seriously a set of normative values as guides for discovery, integration, application, and teaching while at the same time ensuring that our students are trained in theory and empirical methods. Because St. Mary's University is a teaching university, the department emphasizes teaching and measures the scholarship of discovery, application, and integration in part in terms of their impact upon teaching. The Department recognizes that not all of the categories of scholarship need be addressed in any time period.

#### **SCHOLARSHIP OF DISCOVERY**

However, full-time faculty are expected to be involved in activities of discovery and to share the results of these activities with other members of the department, students, academia in general, and the larger community. Such involvement can be demonstrated by activities such as any of the following:

- presentation of a refereed paper at a conference every review period (author or co-author);
- acceptance for publication or publication of a paper in a refereed journal every review period (author or co-author), or publication of a book in the discipline during the review period.

#### **SCHOLARSHIP OF APPLICATION**

This activity involves the use of the knowledge and skills developed by members of the departmental faculty for the benefit of the larger community, i.e., services to the community. Issues of policy are often addressed through this type of scholarship, thus raising the issue of the relationship of the discipline and its practitioners to the field of ethics and the other social sciences. Scholarship of application exists in scholarly activities such as research, analysis or evaluation applied to issues for the benefit of the larger community and is recognized through reports to the chairperson and the dean. Op-ed articles as well as television and radio interviews may be considered to fall in this category since they are based upon previous scholarly research and assist in the production of a product -- information and opinions available to the public. It consists of activities such as the following:

- author of a report equivalent to a monograph/article;
- editor or co-editor of journal or book.

#### **SCHOLARSHIP OF INTEGRATION**

This type of scholarship sometimes results in multi-disciplinary efforts in publication, presentation of papers, teaching (which may include team teaching with faculty from other department), application, and discovery. The emphasis upon ethical considerations as an integral part of the application of economic scholarship cited above clearly addresses one aspect of the Scholarship of Integration. The minimum standard requires that faculty must explicitly address issues of ethics in at least one course each year, or demonstrate the influence of scholarly work done in other academic areas upon the application of economics or in the development of a new course.

#### **SCHOLARSHIP OF TEACHING**

The Scholarship of Teaching is informed by the efforts in the other areas of scholarship. Scholarship of teaching requires that faculty be sensitive to and responsive to feedback from students and that they share this feedback with other members of the department, and make appropriate adjustments in their presentation of material while recognizing that each faculty member has his or her own "style" and that uniformity of style is not required of successful communication. Such activities as the publication of op-ed pieces, television interviews and radio

interviews, insofar as they provide a service to the larger community may fit in this category. Some standards by which the Scholarship of Teaching can be measured are

- incorporation of appropriate current research and issues;
- incorporation of "classic" articles and issues;
- incorporation of engagement with normative content and with content from other disciplines, or
- incorporation of new methods of pedagogy in the classroom.

#### **DEMONSTRATION OF COMPLIANCE**

To meet minimum standards of scholarship, faculty must be engaged in the Scholarship of Teaching during each review and at least one of the other categories of scholarship during that period.

## APPENDIX A-2-2

### STANDARDS OF SCHOLARSHIP DEPARTMENT OF ENGLISH LITERATURE AND LANGUAGE

The scholarship of the Department of English Literature and Language

- enhances teaching effectiveness, professional development, and personal growth.
- draws upon a variety of methods, traditions, and styles. (This previously was quantitative and qualitative – but does this say anything?)
- recognizes that research often contributes to two or more areas of the Boyer model.

We consider as products of scholarship that which is named in the *Faculty Handbook, Section 2.5.1.3*, as well as the following:

#### SCHOLARSHIP OF TEACHING

The Scholarship of Teaching may include, but is not limited to

- designing of courses that require substantial research to devise and teach, e.g. interdisciplinary courses and/or graduate courses. This research may involve reading current scholarship, assessing how to include that scholarship in a given course, and/or learning new instructional technologies or digital humanities tools.
- designing and teaching of assignments that incorporate high-impact learning practices, e.g. undergraduate research, project-based learning, digital humanities projects, internships, and/or service learning.
- assessing and implementing methodologies and instructional materials that support diversity and inclusion.
- creation of substantial multimedia objects for teaching, e.g. podcasts, slides, and/or videos.
- significant restructuring of an existing course or program to improve student learning.
- active participation in meetings and workshops on the subject of pedagogy.
- introduction of innovative teaching technologies which enhance student learning.
- writing and/or production of pedagogical materials either for in-house implementation or for publication.
- qualitative and/or quantitative assessment of courses, pedagogies, and materials for publication as appropriate.
- formal mentorship of student research and participation in events such as the Research and Creative Activities Symposium
- mentorship of students pursuing summer undergraduate research fellowships and students submitting work to or presenting at academic or professional conferences.
- establishment, planning, facilitating, supervising, and / or conducting of public exhibitions or publications, digital or physical, that highlight student learning and achievement
- editorials, opinion pieces publication, and media interviews concerning teaching and pedagogy.
- incorporation of current issues and research trends in literary and / or English language studies as appropriate.

#### SCHOLARSHIP OF DISCOVERY

The Scholarship of Discovery may include, but is not limited to

- publication of original creative work (e.g., poetry, film)
- articles in peer-reviewed scholarly or professional journals.
- peer-reviewed books or book chapters.
- editorials, opinion pieces publication, and media interviews particularly concerning the contributions of the liberal arts to society.
- peer-reviewed papers presented at academic or professional conferences.

### **SCHOLARSHIP OF INTEGRATION**

The Scholarship of Integration may include, but is not limited to

- designing and teaching interdisciplinary courses, including assessing and sharing those results in-house or through publication as appropriate.
- team-teaching, including assessment and the sharing of those results in-house or through publication as appropriate.
- designing and pursuing integrative research individually, with colleagues, or with students.
- presentation of interdisciplinary or integrative workshops at professional meetings, on campus or presentations that serve to integrate academic scholarship with the university mission
- peer-reviewed presentations, articles, books, or book chapters that explore integration or that integrate disciplines, methodologies, or forms of knowledge.

### **SCHOLARSHIP OF APPLICATION**

The Scholarship of Application may include, but is not limited to

- reviews of academic and creative works (literary or other media).
- providing professional and collegial reading and editing support, including chairing of conference sessions, serving on editorial boards, or serving as a peer-reviewer.
- writing grant proposals that support teaching or research in any of the four areas of the Boyer model.
- conducting professional program evaluation or applied research in professional settings inside and outside of academia (e.g., research, writing, or editing for local non-profits).

Rev. 10/07/20

## **APPENDIX A-2-3**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF COMMUNICATION STUDIES**

The Department of Communication Studies believes that all scholarship must contribute to personal growth and professional development. We consider as products of scholarship all those named in the Faculty Handbook, as well as the following:

#### **A HOLISTIC APPROACH TO EVALUATING SCHOLARSHIP**

With a holistic approach, the scholarly pedigree of venue of production is less important than the project's reach to a variety of audiences and the impact on the public. A faculty member's scholarship still requires rigorous documentation and evaluation, including peer review by outside academics as well as those working in the field.

A holistic approach acknowledges that the Scholarships of Discovery, Integration, and Application reside within many types of work that take place on campus, in community engagement programs, in written texts, and in digital media formats. Such activities include, but are not limited to, designing and/or teaching courses that are interdisciplinary in content or is team-taught; the organization of university events for faculty, staff, alumni, community member, and other stakeholders; grant-writing, community-engaged workshops and residencies, community-based research, the creation of digital projects; exhibit making; archival work; audio and visual production; talks and workshops; literary work and/or the public presentation of such works; and engagement with K-12 schools, teachers, and pedagogy. The creation of digital projects could include digital publications, video and audio recordings, datasets, curations, archives, programming products, as well as another new forms of digital humanities output. Scholarly work can include writing for public audiences in news media, blogs, and other public forums, in addition to more traditional forms of scholarly writing including monographs, book reviews, edited collections, academic journals, significant in-house publications, and peer-reviewed conference proceedings.

A holistic view of the Scholarship of Teaching considers the traditional materials associated with the Scholarship of Teaching, including, but not limited to, creating original and/or new course designs and/or syllabi,; producing videos or slides; presenting papers on pedagogy or on aspects relevant to courses; participating in faculty development workshops with inclusion of new ideas into teaching of courses; the production of materials requiring research for distribution to classes, such as the following: collection of readings, class exercises and assignments, original study/course guides, not only, but especially those that are published and/or used by other scholars; conducting up-to-date scholarship for inclusion into classes; and conducting professional assessment and publication of results. A holistic approach to evaluating Scholarship of Teaching also integrates consideration of the faculty member's supervision of internships, development of curriculum, mentorship of students and student projects, and writing on pedagogy and historical methods. Using high impact practices in student learning takes a high level of mentorship from faculty, and this category of scholarship recognizes the time involved in this process of helping students create and revise robust projects for public audiences. The Scholarship of Teaching also recognizes the diverse activities involved in the management of departmental programs including cultivating and building relationships with community partners to facilitate student engagement and curriculum development.

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## **APPENDIX A-2-4**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF HISTORY**

#### **DEFINITION OF HISTORICAL SCHOLARSHIP**

Historical scholarship involves research methodologies that use primary source materials for the creation of historical narratives and analyses. The goal is to produce new knowledge, interpretations, or perspectives about the past or what has been written about the past (historiography). Primary sources for historical research may include archival materials, oral histories, newspaper collections, official documents, correspondence, and other materials that serve as original documentation for the development of new historical knowledge or analysis.

#### **HISTORICAL SCHOLARSHIP AND THE BOYER MODEL**

The creation of historical scholarship by its very nature involves Scholarships of Discovery and Integration, which the History Department understands as original research, synthesis and interpretation. The Department's emphasis on the Scholarships of Discovery and Integration stems from the desire to teach the process of original research, synthesis, and interpretation in the graduate program, and, where appropriate, at the undergraduate level. The History Department also seeks faculty involvement in the Scholarships of Teaching and Application, which are the recipients of the benefits of faculty engagement with the former. The Scholarship of Teaching relates to reflections on how to improve the actual teaching of history while the Scholarship of Application involves the dissemination of historical knowledge in public (non-scholarly) arenas.

#### **DEPARTMENTAL EXPECTATIONS FOR PROMOTION AND TENURE**

History faculty members are expected to engage in an ongoing research agenda and publish a portion of their findings as refereed scholarly books or articles in professional journals. Tenure and promotion should be contingent on excellence in teaching, developing a record of accomplishment in scholarly research, writing and publication. While the department does not wish to specify annual publishing objectives for faculty members, tenure and promotion to Associate Professor requires the publication of at least three substantive articles in refereed history professional journals or edited books. Promotion to Full Professor requires the publication of a scholarly monograph or volume of synthesis (i.e., text or similar resource book). The History Department will request outside historian scholars to offer their assessments of the quality and quantity of the faculty member's research and publication record. This peer evaluation will provide some understanding of an individual's position in the professional community of historians. Finally, faculty members will also be expected to engage in scholarly reflection dedicated to improving the practical teaching of history in the classroom.

## APPENDIX A-2-5

### STANDARDS OF SCHOLARSHIP DEPARTMENT OF LANGUAGES

The Departmental Scholarship Standards listed below represent the departmental consensus and are the minimal expectations of the Language Department Faculty with regard to scholarship within our discipline:

**SCHOLARSHIP OF TEACHING:** To engage in producing works in the “Scholarship of Teaching” on a periodic basis. Such works might include

- development of instructional materials for classroom use in the language taught
- development of a textbook in the language taught
- written reports analyzing results of pedagogical methods or testing done in language classes.
- participation in the Foreign Languages across the Curriculum (FLAC) Program

To engage in productive work *in at least one* of the three areas of scholarship indicated in the Faculty Handbook on a regular basis:

#### SCHOLARSHIP OF DISCOVERY

This includes, but is not limited to,

- publication of original research in discipline journals
- publication of creative works (poetry, fiction, etc.)

#### SCHOLARSHIP OF INTEGRATION

This might include

- Published review essays of books or articles
- Refereed papers presented in the foreign language taught at meetings of scholars, nationally, internationally or regionally, in that order.

#### SCHOLARSHIP OF APPLICATION

This might include

- Published editorials or opinion pieces presenting the impact of foreign languages on curricular development, foreign language education issues, on public policy regarding foreign language instruction.
- Intra-university projects in which the foreign language perspective or impact is presented. This includes participation and/or collaboration in conjunction with other departments or schools of the university in common projects such as grants and presentations.
- Participation as interpreter-translator at international meetings of language, literature groups, religious orders symposia.
- Writing successful grant proposals for the Department or the University
- Organizing activities in conjunction with foreign language teachers around the community, such as guest lectures, contests, literary conferences and demonstration projects in technology applications for both university and local high schools.
- Published translations of books, articles, or other literary works.

## **APPENDIX A-2-6**

### **SCHOLARSHIP STANDARDS FOR THE FINE ARTS DEPARTMENT OF MUSIC/DRAMA/ART**

The fine arts faculty at St. Mary's often engage in multiple roles, crossing boundaries between applied and Ph.D. degrees that are clearly differentiated in universities with larger programs. Because of the dual roles required of most faculty, it is important that the expectations of the university should be stipulated at the time of initial employment. In the academic life of a larger university, faculty with Ph.D. degrees in music, drama, or art teach classes that deal with history and theory. Art historians may also have curatorial assignments. Faculty with applied degrees, the Doctor of Musical Arts degree for music, or the Master of Fine Arts degree for art and drama, typically engage in studio courses: applied lessons, conducting ensembles, art studio classes, theatrical design, theatrical direction. All St. Mary's fine arts faculty have applied degrees, though they are called upon to teach history and theory in the respective disciplines.

In addition to the sections in the Faculty Handbook concerning the four area of scholarship, the Music · Drama · Art Department includes the following:

#### **SCHOLARSHIP OF DISCOVERY**

The Scholarship of Discovery will include work that results in the

- creation and public performance or publication of a musical work or an original play;
- creation and juried exhibit of a work of visual art
- study, research, and synthesis leading to original works

The Scholarship of Discovery will also include exhibiting, programming, and publishing explanations, studies, and critiques; research and scholarly findings; translations and compilations. This could result in books and chapters in books; articles, delivering or publishing conference papers, critical editions of music, dramaturgy, and investigative work in aesthetics.

#### **SCHOLARSHIP OF TEACHING**

The Scholarship of Teaching will result in scholarly outcomes that include

- development and publication of classroom/performance materials (e.g. course software; rehearsal preparation; preparing, designing, coordinating student projects, exhibits, productions, recitals, and concerts);
- development of new courses or substantial revision of existing courses;
- conducting workshops or clinics in the area of professional expertise.

#### **SCHOLARSHIP OF INTEGRATION**

Outcomes of the Scholarship of Integration result from integrating one's discipline with others:

- investigation of the history and impact of the arts;
- research of the physiological and psychological impact of the arts;
- exploration of the sociological impact of the arts;
- creation and assessment of ideas and values in the arts;
- publication for the particular discipline or of interpretive nature for the general public;
- successful grant proposals;
- review of publications and grant proposals.

#### **SCHOLARSHIP OF APPLICATION**

The Scholarship of Application defines the performing artist's primary activity:

- performance (e.g., practice, study, research, and rehearsal leading to live or broadcast performances, film and videos, recordings, or competitions involving solo performances, ensemble performances, conducting, interpretation of a role);

- theatre design, technology, and engineering;
- stage direction;
- technical direction.

It also includes the exhibition, programming, and publication of explanations, studies, and critiques; research and scholarly findings; translations and compilations. This could result in reviews of books, exhibits, musical works, performances or productions; appointments as artist-in-residence; performances as part of professional meetings; presentation of workshops, master classes, or seminars; computer applications; and publication of program notes.

## **APPENDIX A-2-7**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF PHILOSOPHY**

Our expectations of one another are situated within an understanding of life as a totality: from the “life” dimension, we expect growth and development and on the “professional,” significant participation and contributions. We anticipate that we will experience signs of life through (a) our efforts at self-development, (b) our day-to-day participation and contributions, and (c) in the specific outcomes which express our work. We attempt to understand the last of these as follows:

#### **SCHOLARSHIP OF TEACHING**

A faculty member will provide evidence of scholarly work in outcomes such as:

- ☐ published notes (for students), videos, study / course guides, course designs / original syllabi, collections of readings

#### **SCHOLARSHIP OF DISCOVERY, INTEGRATION AND APPLICATION**

We expect that in the normal course of events, scholarly work, pursued in the areas of Scholarship of Discovery, Integration, and Application will occasion opportunities for research and it is expected that the faculty will be engaged in writing-for-publication alongside the research and writing that serves audiences internal to the university.

A faculty member will provide evidence of scholarly work in outcomes such as:

- books, chapters, journals, proceedings, cases, original works performances
- reviewed papers (delivered, working), book reviews, in-house publications, reports, translations (written), presentations , performances, workshops, displays, shows.

## **APPENDIX A-2-8**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF POLITICAL SCIENCE**

The mission of the Department of Political Science, the civic conscience of the University, is to foster the building of the good life. In its scholarly endeavors, the Department does this by stimulating examination of these questions: what is the good life and how can members of the civic community be effective creators of a good life characterized by justice? All full-time faculty members must be continually involved in scholarly activities, the outcomes of which will be examined during each formal evaluation period (promotion and tenure). All faculty must be able to demonstrate that they have devoted some time to the scholarship of teaching and to at least one of the following forms of scholarship: Discovery, Integration, or Application. Additionally, faculty teaching solely at the graduate level must devote some time to the scholarship of discovery or integration. Descriptions of these forms of scholarship can be found in the *Faculty Handbook* (2.5.1.3.1).

#### **SCHOLARSHIP OF TEACHING**

Examples of (but not limited to) the types of activities that would fulfill the requirement for the Scholarship of Teaching include

- development and publication of instructional materials for classroom use in political science;
- development of political science textbooks or supplementary texts;
- development of software or computer exercises related to the teaching of political science;
- development of new courses;
- written reports analyzing results of pedagogical methods or testing done in political science classes.

#### **SCHOLARSHIP OF DISCOVERY, INTEGRATION, APPLICATION**

Examples of (but not limited to) the types of activities that would fulfill the requirement for the other forms of scholarship include:

- presentation of a refereed paper at a learned conference;
- acceptance of a manuscript to a learned journal for publication;
- authorship or co-authorship of an article published in a learned journal;
- authorship or co-authorship of a chapter published in a book;
- development of a book length manuscript;
- publication of a book;
- publication of editorials or opinion pieces;
- statistical consultation for research projects or serving as an expert witness;
- participation in successful grant writing which advances any of the four forms of scholarship;

## **APPENDIX A-2-9**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF PSYCHOLOGY**

#### **SCHOLARLY PRODUCTIVITY**

Each full-time tenured or tenure-track faculty member must demonstrate a record of scholarly productivity in teaching and in at least one area of scholarship (discovery, integration, application) during a formal evaluation period (i.e., promotion to associate professor, promotion to full professor and tenure).

Products could be in any of a number of forms that represent having made one's scholarly efforts public. Most desirable are articles in refereed psychology or related professional journals, chapters in scholarly books in psychology or related field, review articles in professional journals, technical reports, reports submitted to clients, and assessments of program effectiveness.

Professional activity in national, regional, or state psychological (or related) organizations would be sufficient to fulfill the productivity requirement if the activity included refereed selection of research presentations at annual or semi-annual meetings.

Acceptance of a grant proposal and the related research would be sufficient to fulfill the scholarly requirement.

It is expected that significant scholarly production (publication or professional activity) in teaching and one other area will be demonstrated during each formal evaluation period.

#### **SCHOLARLY ACTIVITIES**

In addition to the specific standard of scholarly productivity, it is expected that the faculty member in psychology will engage in other scholarly activities. These activities must be in at least two of the areas of scholarship listed above, including scholarship of teaching. These include, but are not limited to, new course development, workshop development and presentation, software development, assessment (clinical or other application areas), institutional research, professional consultation, and additional scholarly productivity (beyond that specified above). Work is considered scholarly if it is shared with one's colleagues; that is, it must be made public. Work that never goes beyond the classroom might be considered valuable to one's students, but will not be considered scholarship.

#### **EVALUATION OF SCHOLARLY ACTIVITY**

Section 2.5.1.3.2 of the faculty handbook spells out the criteria for evaluating the quality of scholarly effort, and the department of psychology will adhere to those guidelines in determining the value of any given effort. More specifically, the department will look for evidence of work that is well expressed, innovative, comprehensive, visible, reviewed, and/or influential.

## **APPENDIX A-2-10**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF CRIMINAL JUSTICE**

#### **SCHOLARSHIP OF TEACHING**

The scholarship of teaching may include, but will not be limited to

- development of new courses;
- significant restructuring of existing courses that improve the teaching of students through discovery;
- introducing innovative teaching technologies which demonstrably transcend the ordinary;
- producing published/unpublished material that directly relates to pedagogical practices.

The faculty member may fulfill this standard by demonstrating productivity in this scholarship during the review period.

#### **SCHOLARSHIP OF DISCOVERY**

The scholarship of discovery may include, but will not be limited to,

- articles that are published in refereed social science or professional journals;
- published/ unpublished books or chapters in books;
- refereed papers presented at academic meetings.

The faculty member may fulfill this standard by accomplishing one of the above at least once every three years. Co-authoring one of the above will fulfill this requirement.\*

#### **SCHOLARSHIP OF INTEGRATION**

The scholarship of integration may include

- publishing interdisciplinary research and/or integrating discovery material from other disciplines into public justice courses in a way that it brings new meaning to criminal justice information.

The faculty member may fulfill this standard by demonstrating involvement in this type of scholarship at least once every three years. Evaluation will be based on review of syllabi, completed or ongoing research leading to publications.

#### **SCHOLARSHIP OF APPLICATION**

The scholarship of application may include, but will not be limited to

- university related assessment activities, committees or projects;
- media interviews;
- addressing social problems;
- providing professional consultation;
- providing professional technical assistance;
- providing professional program evaluation;
- writing successful grant proposals;
- applied or evaluative research published in monograph form and subjected to “professional” peer review (e.g., city council members, federal, county, and municipal criminal justice agency practitioners).

The faculty member may fulfill this standard by demonstrating active involvement in this scholarship during the period of review. Complete or ongoing product may be produced at least once every three years.



## APPENDIX A-2-11

### STANDARDS OF SCHOLARSHIP DEPARTMENT OF SOCIOLOGY

#### The Sociology Department

- values a broad and inclusive interpretation of scholarship as reflected in the current *Faculty Handbook* (2.5.1.3—2.5.1.3.2);
- favors “qualitative” and mixed types of research and discovery, not merely the traditional “quantitative” types of research and discovery;
- believes strongly that the scientific study of groups, society, and human behaviors and interactions usually requires attention to an interdisciplinary approach to scholarship. That is, social, psychological, political, economic, historical, cultural factors interact together in multiple and complex ways.
- recognizes that some activities cut across two or more types of scholarship.

#### BASIC EXPECTATIONS

In addition to the *Faculty Handbook*’s general expectations for all faculty members, the Sociology Department expects each full-time faculty member to annually produce, on the average, at least one tangible product of scholarship in one of the four areas of scholarship: i.e., Teaching or Discovery or Integration or Application.

Sections 2.5.1.3 through 2.5.1.3.2 of the *Faculty Handbook* already offer general descriptions and specific examples of scholarship. The following sections offer additional concrete examples which capture the unique flavor and tone of scholarship within the disciplines of sociology and public sociology, public health and anthropology.

#### SCHOLARSHIP OF TEACHING

The following is an additional example of (but not limited to) the type of activity which would fulfill the requirement for the Scholarship of Teaching:

- development of and publication of standardized tests for sociology/anthropology courses.
- the use of social media in teaching to communicate public sociological material more effectively to their students.
- invitations from other institutions to serve as lecturer, trainer, or visiting professor.
- grants to support instructional activities.

#### SCHOLARSHIP OF DISCOVERY AND INTEGRATION

The following are additional examples of (but not limited to) the types of activities which would fulfill the requirement of the Scholarship of Discovery and Integration:

- execution of a “basic research” project on a sociological/anthropological topic with the acceptance of a formal article by an academic or professional journal;
- execution of a sociological/anthropological/archaeological field research project with the submission of a formal report on the methodology, findings, and implications.
- presentation of research findings in Op-Eds for newspapers.
- blog contributions that might inform broader audiences.
- translations of existing sociological theory and/or research findings for use by broader audiences.
- Presentation of new research findings in grants, published monographs and articles, community-based research, the creation of digital projects (e.g., data sets, data curation, etc.), workshops, contributions to digital media, etc.

#### SCHOLARSHIP OF APPLICATION

The following are additional examples of (but not limited to) the types of activities which would fulfill the requirement of Scholarship of Application:

- execution of an “applied or evaluative research” project on a sociological/anthropological topic with the submission of a formal report to the sponsoring client(s);
- submission of a successful grant application on a sociological/anthropological topic.
- Collaborative and community-based research and engagement.

## **Addendum**

### **Departmental Expectations for Promotion and Tenure: Public Health**

#### **Departmental Expectations for Promotion and Tenure: Public Health**

##### **Public Health Scholarship**

The Sociology Department's standards for tenure and promotion within the field of public health recognize that public health research is fundamentally collaborative, community-based, and publicly engaged. The scholarship standards for public health are informed by guidelines produced by the National Council on Public Health and American Public Health Association that define public health as the study of protections and improvements for the health of people and their communities achieved through promoting healthy lifestyles, researching disease and injury prevention, and detecting, preventing and responding to health disparities and infectious diseases. In this field, public health research and the teaching of public health are as important as public health practice.

Within public health, the Scholarships of Discovery, Integration, and Application reside in many types of work including grant writing, publication of monographs and articles, community-based research, the creation of digital projects, exhibit making, archival work, audio and visual production, talks and workshops, contributions to blogs and other digital media, performing public health needs assessments or surveys, evaluating community interventions, designing or conducting public health surveys, and engaging in public health "practice" that includes applied research working towards solving specific public health problems. All public health "practice" must demonstrate: scientific rigor in methods and conceptual frameworks; positive impact on the target community, population, or organization; effective dissemination; and leadership. Examples of (but not limited to) the types of activities which would fulfill public health "practice" include: development of new programs and policies that have an impact on the health of the public; task force membership; and technical assistance to a public health or health care organization to help that organization improve its operations and/or training materials and/or policies.

The Scholarship of Teaching also recognizes the diverse activities involved in the management of public health programs including cultivating and building relationships with community partners to facilitate student engagement. Additional examples of (but not limited to) the types of activities which would fulfill public health teaching include: participation in programs (certificate programs, workshops) directed to enhancing skills of practitioners, development of teaching materials, and supervision of student public health projects.

## **APPENDIX A-2-12**

### **STANDARDS OF SCHOLARSHIP DEPARTMENT OF TEACHER EDUCATION**

The following explication represents the minimum requirements for the Standards of Scholarship for the Teacher Education Department. Our mission to the University and the larger educational community is unique by definition and purpose. Much of our department's work is regulated or mandated by the state. All of our courses are designed to lead to our students' certification. Recent modifications include the infusion of field experience as a requirement in all our classes. This particular modification requires each faculty member to spend hours a week in public or private schools. Our involvement in the Center for Educational Development and Excellence (CEDE) necessitates that most of our field experience be spent in low-performing schools. Thus, faculty spend much time in the field developing and enriching educational partnerships to meet not only mandated requirements, but also, first and foremost, the needs of our students. With these necessities in mind, Teacher Education faculty members are expected to demonstrate professional growth in the Scholarship of Teaching and at least one other area of scholarship.

#### **SCHOLARSHIP OF TEACHING**

This encompasses reviewed scholarly activities that are directly related to pedagogical practices that include, but are not limited to, work that is cogent, innovative, comprehensive, and visible. Scholarship of Teaching is demonstrated by the following:

- implementation of educational curricula in a school setting;
- modeling innovative instructional strategies with attendant student demonstration;
- designing curriculum that is innovative and purposeful;
- inservicing other professionals on research-based instructional strategies;
- creating instruments or models that improve current practice in a school setting. Areas of focus might include instruction, supervision, leadership, school-family relations, and metacognitive skills.
- integration of interdisciplinary themes into course content;
- implementation of current research-based methodologies into courses;
- presentations about pedagogy and methodology for schools and educational groups;
- evaluating student implementation of effective use of technology in a school setting;
- ongoing analysis and assessment and publication of program effectiveness;

#### **SCHOLARSHIP OF DISCOVERY**

This encompasses scholarly activities that extend the stock of human knowledge through discovery or collections of new information. Scholarship of Discovery is demonstrated by the following:

- publication of articles, monographs, books, and reports;
- development of reviewed educational materials;
- conducting and reporting peer-reviewed research;
- participation in innovative programs in public and private schools leading to peer-reviewed publication.

#### **SCHOLARSHIP OF INTEGRATION**

This encompasses scholarly activities that are primarily interdisciplinary or interpretative in nature. It includes synthesis, interpretation, and connection of information into broader context, and illuminating data into a revealing manner. Scholarship of Integration is demonstrated by the following:

- integration of interactive, interdisciplinary programs on the St. Mary's campus or in the schools we serve;
- development of thematic units for public and private schools;
- revision of educational materials for public and private schools;
- requisition of educational resources through successful grant writing;
- technology training for educators.

**SCHOLARSHIP OF APPLICATION**

This includes scholarly activities that seek to relate knowledge of one's field to the affairs of society. Scholarship of Application is demonstrated by the following:

- assisting public and private educational institutions with program improvement;
- conducting workshops/seminars that result in implementation of successful practices outside the university setting;
- publications that include research on teaching strategies and practices;
- presentations about pedagogy and methodology for schools and educational groups;
- professional consultation involving local, regional, national, or international groups or organizations;
- co-authorship of research studies;
- consultation or partnership in successful grant processes and successful grant writing;
- implementation of revised Examination for the Certification of Educators in Texas (ExCET) and certification requirements;
- completion of State Board for Educator Certification (SBEC) requirements;

## APPENDIX A-2-13

### STANDARDS OF SCHOLARSHIP DEPARTMENT OF THEOLOGY

#### SCHOLARSHIP OF TEACHING

Faculty are expected to engage in producing works of the Scholarship of Teaching on a regular basis. Such works might include

- development of instructional materials for classroom use in theology
- development of theological textbooks
- creation of software and computer exercises related to theology teaching
- development of standardized tests for theology classes
- writing reports analyzing results of pedagogical methods or doing testing done in theology classes

Faculty are expected to engage on a regular basis in productive work in at least one of the other three areas of Scholarship indicated in the Faculty Handbook:

#### SCHOLARSHIP OF DISCOVERY

This might include publication of original research in theology.

#### SCHOLARSHIP OF APPLICATION

This might include:

- published review essays of books or articles, examining the expressed views from a religious perspective;
- theological papers presented to meetings of scholars, examining the published views of researchers from a religious perspective.

#### SCHOLARSHIP OF APPLICATION

This might include

- published editorials or opinion pieces presenting a theological perspective on issues;
- published articles or books examining the religious and ethical influence of new social phenomena;
- theological papers given at scholarly meetings which are peer-reviewed in some way;
- researched talks of a theological nature given to adult and student groups;
- intra-University projects, in which the theology faculties contribute religious perspectives;
- consultation to dioceses or religious communities concerning the setting up of Religious Education or Rite of Christian Initiation of Adults (R.C.I.A.) programs; systematic assessment of existing Religious Education programs or the spiritual and theological needs of a parish, leading to a written or published report..

The *Faculty Handbook* also lists some “scholarly endeavors” that might not fit neatly into one of the above areas of scholarship. Such activities might include:

- writing successful grant proposals for the theology department;
- promoting critical discovery among theologians;
- supervising of theology theses.

**STANDARDS OF SCHOLARSHIP**  
**Public History**

**Departmental Expectations for Promotion and Tenure: Public History**

**Public History Scholarship**

The History Department's standards for tenure within the field of public history recognize that public history research is fundamentally collaborative, community-based, and publicly engaged.

This path is rooted in the "Tenure, Promotion, and the Publicly Engaged Academic Historian" guidelines produced jointly by the National Council on Public History, the American Historical Association, and the Organization of American Historians.

Within public history, the Scholarships of Discovery, Integration, and Application reside in many types of work including grant-writing, the publication of monographs and articles, community-based research, the creation of digital projects, exhibit making, archival work, audio and visual production, talks and workshops, contributions to blogs and other digital media, and engagement with K-12 schools and pedagogy. The creation of digital projects could include digital publications, datasets, data curations, archives, programming products, as well as other new forms of digital humanities output.

The Scholarship of Teaching also recognizes the diverse activities involved in the management of Public History programs including cultivating and building relationships with community partners to facilitate student engagement.

**Impact and Scope of Public History Research**

In public history, a project should be evaluated in the context of the audience it was designed to reach. A faculty member's scholarship must produce artifacts that require rigorous documentation and evaluation, and alternative forms of peer review may be sought in this evaluation process.

## **APPENDIX A-3**

### **SCHOOL OF SCIENCE, ENGINEERING, AND TECHNOLOGY SCHOLARSHIP STANDARDS**

In addition to the sections in the Faculty Handbook concerning the four areas of scholarship, the School of Science, Engineering and Technology includes the following:

The Scholarship of Discovery will result in a scholarly outcome that is accepted for publication in a refereed journal or accepted for presentation at a peer-reviewed conference, or as a registered patent, as recognized by the particular discipline. While not Scholarship of Discovery, a research-related grant submitted to a funding agency which supports basic research in the particular discipline is indicative of activities supporting Scholarship of Discovery. It is also recognized that the service provided by the departments in SET to the University as a whole requires many of the faculty in these departments to spend the majority of their time in the classroom. And for these faculty, often removed from the frontiers of their disciplines, the Scholarship of Discovery may be difficult to achieve.

Scholarship of Teaching will result in a scholarly outcome that can also include, but is not limited to, development of classroom/laboratory materials (e.g., course software, computer labs, laboratory manuals), development of innovative presentations e.g., e-mail, web pages, “distance” learning in general.), development of new courses or substantial revision of existing courses, including the use of alternative methods of assessment, submission of grant proposals to agencies which employ outside readers with expertise in a particular area and conducting workshops in the areas of teaching. While not Scholarship of Teaching, attending workshops, learning new software, continuing education to maintain currency, and other professional development efforts directed toward enhancing competence in teaching are indicative of activities supporting the Scholarship of Teaching.

Scholarship of Integration will result in a scholarly outcome that can also include, but is not limited to, integrating one’s discipline with others (for example, engineering applications in medicine, design and analysis of statistical studies, mathematical modeling and computer simulation of biological processes), collaborative research with government, industry, or other academic institutions that involves the faculty member’s discipline as part of a larger effort, authoring publication for the particular discipline or of interpretative nature for the general public.

Scholarship of Application will result in scholarly outcome that can also include, but is not limited to, development of interdisciplinary “Core” courses, development and conduct of interdepartmental workshops, statistical studies of issues of university-wide interest, presentation to the St. Mary’s University Community, grant proposals submitted, and review of publications and grant proposals.

#### **DEMONSTRATION OF CONTINUING SCHOLARLY WORK**

Each faculty member in the School of Science, Engineering and Technology is expected to demonstrate on a regular basis (i.e., review processes, promotion processes) continued dedication and production in the scholarship of teaching and at least one other area of scholarship.

## APPENDIX A-4

### STANDARDS OF SCHOLARSHIP LOUIS J. BLUME LIBRARY

(Scholarship committee: Caroline Byrd, chair; Margaret Sylvia, Marcella Leshner)  
Adopted by unanimous vote of the Academic Library faculty, October 22, 1998

According to *The Faculty Handbook*, all faculty members must annually devote at least some portion of their time to the Scholarship of Teaching and some portion of their time to at least one of the other forms of Scholarship (Application, Integration, and Discovery). The Academic Library affirms this with the substitution of the Scholarship of Librarianship for the Scholarship of Teaching.

#### **Scholarship of Librarianship**

For librarians, the Scholarship of Librarianship substitutes for the Scholarship of Teaching required of the teaching faculty. Though librarianship does include some traditional teaching activities such as library instruction/user education and reference, it also incorporates the work of every specialty field of librarianship such as cataloging, acquisitions, circulation, interlibrary loan, administration, system administration, and all others. While librarianship itself involves implementing the actual work needed to run the library, the Scholarship of Librarianship involves the disciplined discovery, evaluation, and transmission of information regarding librarianship.

#### **Scholarship of Application**

“The Scholarship of Application encompasses scholarly activities which seek to relate the knowledge in one field to the affairs of the university or of society. Focused within the university, such scholarship seeks to improve the ways in which the university serves its various constituencies. Focused outside the university, such scholarship moves toward engagement with the community beyond academia in a variety of ways, such as by using social problems as the agenda for scholarly investigation.”

Outside the University, the Scholarship of Application may be expressed in work on social problems such as literacy, freedom of information, and so forth. “The Scholarship of Application partially overlaps with the requirement of service... To be considered scholarship, service activities must be tied directly to one’s discipline and require the use of that knowledge in the service of the University or outside community.”

Inside the University, the Scholarship of Application involves contributions to the improvement of Academic Library operations and services as they serve the research and learning needs of the University community. Again, as with the Scholarship of Librarianship, this incorporates the work of every specialty field of librarianship such as cataloging, acquisitions, circulation, interlibrary loan, administration, and all others.

#### **Scholarship of Integration**

“The Scholarship of Integration encompasses scholarly activities which are primarily interdisciplinary or interpretive by nature.” The considerable extent to which academic librarians must integrate knowledge from other fields makes for a highly interdisciplinary profession. Use of information from other fields that contributes to the improvement of Academic Library operations and services may qualify as Scholarship of Integration. Interdisciplinary works, as well as evaluative and interpretive works, such as review essays, which probe the merits of another’s work from a particular viewpoint, may also qualify as Scholarship of Integration.

#### **Scholarship of Discovery**

“The Scholarship of Discovery encompasses those scholarly activities which extend the stock of human knowledge through the discovery or collection of new information.” The Scholarship of Discovery generally involves inquiry into a question and resulting publication of the research in a book or journal. Research pertaining to library science may be considered as the Scholarship of Librarianship while research in other fields may also qualify as Scholarship of Integration.

#### **Demonstration of Continuing Scholarly Work**



Each librarian faculty member must demonstrate on a regular and formal basis (i.e., third year review, promotion processes, tenure decision, senior professor review) continued involvement in the scholarship of librarianship and at least one other form of scholarship. Such demonstrations also occur annually during review of the individual Librarian Faculty Development Plans.

**NOTE: This set of standards was based upon two major documents:**

- 1. *The St. Mary's University Faculty Handbook***
- 2. "The Redefining Scholarship Project: a draft report" by the Institutional Priorities and**

**Faculty Rewards Task Force of the Association of College and Research Libraries (as reported in *College and Research Libraries News*, October 1997)**

## APPENDIX A-5

### STANDARDS OF SCHOLARSHIP Sarita Kenedy East Law Library

#### **Scope and Definition of Professional Service in Librarianship**

Librarianship is a profession dedicated to fulfilling its mission of providing service to members of the institution and community in which the librarian operates. In the legal education context, the librarian provides access to legal information through the perceptive understanding of users' needs and an informed response to requests for information. This requires extensive knowledge of legal information sources in multiple formats including print, film, and the electronic medium, and the ability to use these sources to serve the needs of the patron. Service also includes effective interaction with the patron.

Librarianship is an interdisciplinary and increasingly collaborative profession in which librarians individually and collectively apply and integrate theory, method and practice. Librarianship includes administrative services (e.g. policy making, personnel management, physical plant management, budgetary oversight, etc.) and also encompasses coordination, supervision and management of the following library processes: acquisitions, cataloging and classification, physical processing, serials, bibliographic instruction, circulation services, document delivery, reference services, computer services, government documents, media services, and collection development.

Librarians serve in a constantly changing environment in which the scope of their professional activities may change over time in response to the needs of their patrons and the opportunities afforded by technology. However, the mission of service remains constant.

More specific examples and definitions of service to be performed by law library faculty plus methods of evaluation for service are presented on subsequent pages.

#### **Librarian/Faculty Service**

##### **I. Public Services:**

- A. Reference: Assistance with print, media and electronic legal or interdisciplinary research
- B. Circulation: Assistance in providing access to legal information held within the Law Library
- C. Interlibrary Loan/Documents Delivery: Assistance with or access to printed legal or interdisciplinary information not held in the Law Library
- D. Media Services: Assistance with or access to media-based legal or interdisciplinary information
- E. Electronic Services: Assistance with or access to electronic legal or interdisciplinary information and/or functions (of word processing)
- F. Teaching/Bibliographic Instruction: Internal and external Bibliographic legal research instruction to the law students, other Law Library patrons and area librarians
- G. Collection Development: Assistance with development of the Law Library's print, media and electronic sources of information
- H. Archival Services: Assistance with or access to the Henry B. Gonzales archival materials
- I. Other Services: As appropriate

##### **II. Technical Services:**

A. Cataloging: Cataloging and classification of Law Library's legal research materials in accordance

B. Government Documents: Management of Law Library's government and international documents collections (U.S., Texas, U.N. and O.A.S.)

C. Series Control: Supervision of Law Library's serials collection

D. Acquisitions: Oversight for purchasing of Law Library's legal research collection.

E. Archival Preparation/Processing: Preparation and processing of Henry B. Gonzalez archival materials

F. Other Services: As appropriate

### III. Administrative Services:

A. Budget: Preparation, implementation and control of Law Library's operational and personnel budgets

B. Policy Making: Development of and oversight for Law Library's policies

C. Physical Plant Management: Oversight for the Law Library's facilities

D. Collection Development: Oversight for development of the Law Library's research collection

E. Personnel Management: Supervision, management and development of full and part-time staff

F. Archival Management: Management (budget, personnel and material assets, planning, physical plant, policy, etc) for the Henry B. Gonzalez archival materials

G. Other Services: As appropriate

### IV. Personnel Supervision and Asset Management:

A. All Law Librarians: Supervision of Law Library's part-time staff to maximize service to the Library's users.

B. All Law Librarians: Management of Law Library's physical, technological, media, electronic, print or other material assets to maximize service to the Library's users.

### Assessment of Law Library Faculty Service

The assessment and evaluation of Law Library faculty service performed by Law Librarians includes but is not necessarily limited to the following internal and external methods and means to determine the quantity and quality of service. The assessment of service for merit salary increments, promotion and tenure depends on such methods and criteria as those listed below. For promotion and tenure, service must not only meet the ordinary routine needs of the Law Library but also, as appropriate, service must be exemplary or "distinguished," i.e. above and beyond the ordinary, routine, day-to-day service performed by law librarians.

### Student Surveys:

Student surveys may be general as to service areas for which individual librarians have responsibility or may be targeted to the performance of a particular individual librarian.

### **Law Faculty Surveys/Questionnaires:**

Law Faculty surveys may be general as to service areas for which individual librarians have responsibility or may be targeted to the performance of a particular individual librarian.

### **Consultants:**

Occasionally, reputable consultants may be employed or contacted to provide their assessment of departmental and individual service performance.

### **Professional Standards:**

The use of standards or statistics published by national accrediting or professional agencies such as the American Bar Association (ABA), the American Association of Law Schools (AALS), American Library Association (ALA), the Special Library Association (SLA), the American Association of Law Libraries (AALL), the American Society of Archivists (ASA), or regional associations such as the Southwestern Association of Law Libraries (SWALL) may be relevant as a means of determining productivity with regard to service.

### **Comparative Peer Productivity:**

The use of information about the quantity and/or quality of work performed by peers in other libraries as a basis for comparison and evaluation of the service performed by law librarians at St. Mary's may be relevant.

### **Quality of Service:**

Quality of service can be measured by such criteria as relevancy, timeliness, organization, accuracy, clarity, comprehensiveness, projection, acceptance and benefits to users.

### **Quantity of Service:**

Quantity of service can be quantitatively measured by such criteria as size, volume, frequency, difficulty, labor-intensiveness and time-allocation.

### **Demonstration of Continuous Service:**

Each librarian faculty member must demonstrate on a regular basis and formal basis(i.e. through review of Growth Development Plans (GDPs), promotion processes, tenure decisions, senior professor reviews) continuous "distinguished" in addition to routine service of librarianship.

### **Statement of Scholarship (rev.)**

**Law Library Faculty**

**March 24, 1999**

#### **▪ Law Library Scholarship Requirements**

As faculty members of St. Mary's University, law librarians are required to produce a statement on scholarship based on the scholarship requirements set forth in the Faculty Handbook. This statement addresses and defines each category of scholarship. It gives excerpts from the Handbook and examples from the field of librarianship. It offers specific examples which clarify the various kinds of scholarship available to law librarians, but it is not intended to limit scholarship to those examples.

Since library science is an interdisciplinary applied science, scholarly activities may be pursued in librarianship, law librarianship, law, or any discipline in which an advanced degree is held or in which one is a candidate for an advanced degree.

This statement of scholarship by law librarians does not supercede or replace the requirements set forth in the Faculty Handbook. The Handbook's statements of scholarship control in the event of conflict between departmental (Law Library) standards and Handbook standards. Also, in accordance with the Handbook, the standards for merit increases, promotions and tenure may be periodically amplified, refined and clarified, thus rendering a more accurate and comprehensive statement of scholarship standards for merit increases, promotion and tenure. Those standards, with amplifications, refinements and clarifications continue in effect.

Together with the Faculty Handbook, this statement of scholarship is designed to be of assistance to promotion and tenure committees for law librarians to help them better understand how the scholarly activities of law librarians have been defined and should be evaluated.

#### A. Scholarship of Librarianship (Teaching)

The Scholarship of Teaching “encompasses three distinct types of scholarly activities.” Law librarians should be involved in bibliographic or research instruction, therefore, existing provisions of the Faculty Handbook (re: Scholarship of Teaching, here, the Scholarship of Librarianship) (pp.61-61) may be directly applicable. Also, “the development and publication of materials for use in the classroom and other teaching contexts” is closely aligned with the activities of law librarians. “In part, this subcategory includes works which perform the valuable function of making other types of scholarship available to students.” (pp. 61-62)

In addition to internal and external forms of bibliographic/research instruction (See also: D. Scholarship of Application), law librarians may perform scholarship through the preparation of library guides, pathfinders and bibliographies of selected materials included within the law library's general collection, but preferably including relevant information sources beyond the Law Library. The development of library guides and pathfinders, such as the Law Library's series entitled “Layperson's Guide to Legal Research” involves important pedagogical decisions. Also, bibliographies of subject areas or special collections within the law library's general collection and preferably including important sources beyond it, may also fulfill the function of Scholarship of Librarianship as defined in the Faculty Handbook. To produce a scholarly bibliography which will benefit the Law Library's patrons or legal researchers generally, a librarian must call upon his or her professional expertise and must demonstrate superior knowledge of legal information in its variant forms, plus skillful research, selection, analysis, evaluation, interpretation, synthesis, and integration, plus communication skills.

Although the bibliographies which perform the functions outlined in the Scholarship of Librarianship (Teaching), or any other type of scholarship mentioned herein, are either unannotated, or preferably annotated, they are not merely mechanical computer-generated lists of materials which, as such, may otherwise be considered service publications. Rather, they are selective, thoughtful works demonstrating serious and meaningful intellectual effort, which are intended to fulfill actual informational needs of the law library's patrons as determined through the reference process and also preferably the needs of researchers outside of the Law Library.

#### B. Scholarship of Discovery

The Scholarship of Discovery “encompasses those scholarly activities which extend the stock of human knowledge through the discovery or collection of new information...The Scholarship of Discovery includes, but is not limited to, what is sometimes referred to as ‘basic’ or ‘original’ research (p.62). “Many types of empirical research, involving the use of quantitative techniques...fall within the Scholarship of Discovery.” (p.63).

For example, in librarianship, numerous opportunities exist for publication in the Scholarship of Discovery and may include questionnaires and surveys of all types requiring skillful research, data selection, analysis, evaluation, interpretation, synthesis and integration and communication, citation pattern analysis, specific case analysis within a library setting and so on. Many library studies involve the use of quantitative data gathered from within the particular library or drawn from other libraries which is then researched, analyzed, interpreted, evaluated, synthesized, and communicated.

### C. Scholarship of Integration

“The Scholarship of Integration encompasses scholarly activities which are primarily interdisciplinary or interpretive in nature. Such scholarship seeks to better understand existing knowledge by making connections across disciplines, illuminating data in a revealing manner, drawing together isolated facts, or placing known information into broader contexts. The Scholarship of Integration synthesizes, interprets, and connects the findings produced by the scholarship of discovery in a way that brings new meaning to those facts.” (p.62).

Examples may include unannotated bibliographies but preferably annotated bibliographies, pathfinders, literature guides, articles, books and publications, and original cataloguing.<sup>1</sup> A scholarly bibliography, pathfinder or guide within one discipline or within multiple disciplines, together with appropriate commentary, into a unified product might suffice if it would involve significant intellectual effort (i.e. research, selection, analysis, evaluation, interpretation, synthesis/integration plus communication).

### D. Scholarship of Application

The Scholarship of Application “encompasses scholarly activities which seek to relate the knowledge in one’s field to the affairs of the university or society. Focused within the university, such scholarship seeks to improve the ways in which the university serves its various constituencies. Focused outside the university, such scholarship moves toward engagement with the community beyond academia in a variety of ways, such as...making information or ideas accessible to the public.” (p.62)

Law librarians may perform this function through a variety of activities, some of which overlap with the Scholarship of Librarianship (Teaching) as defined above. Law Librarians endeavor to improve the library’s service to its various constituencies by giving internal bibliographic instruction to St. Mary’s undergraduate and graduate (especially law) classes and by preparing library guides, pathfinders and bibliographies of selected collections within the Law Library’s general collection but preferably including information sources beyond the Law Library.

The preparation of library guides, pathfinders, and bibliographies (preferably annotated), an integral part of the Scholarship of Librarianship (Teaching), as practiced by law librarians, also forms an integral part of the Scholarship of Application, since the guides, pathfinders and bibliographies produced by law librarians are designed to make legal research more understandable and the law library’s collection more accessible to law library patrons, be they St. Mary’s University students, faculty, or staff, students or faculty from other local universities, or members of the general public. Such works must demonstrate skillful selection, analysis, evaluation, interpretation, synthesis and integration plus communication.

More importantly, Law librarians also endeavor to serve the community at large not only through direct reference service to any person who enters the law library to engage in legal research, but also, as one example, by reaching out to the library community through external workshops on legal reference and research. These workshops, held for public and academic libraries throughout the region, allow law librarians to help enhance the quality of legal reference throughout the community’s public and academic libraries. By sharing their own legal research expertise with other librarians, the law librarians indirectly benefit all the constituencies served by these librarians. Such an endeavor also provides an important service and can also be classified as such for merit increases, promotion and tenure purposes.

## II. Assessment of Law Library Scholarship

The evaluation of scholarship includes, but is not necessarily limited to, whether the scholarly work is of high quality, that is, well expressed, innovative, comprehensive, and visible, and whether it has been favorably reviewed by, and

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<sup>1</sup> One example is original cataloging, Original cataloging is an application of specific technical library skills that are used to describe, classify and do a subject analysis of an item. The resulting catalog record is published through OCLC, Inc. where it is peer reviewed by other catalogers internationally and is used by them to catalog that item. OCLC, Inc. is an international bibliographic utility whose members are library networks. The 1993/94 annual report lists statistics of 18,000 member libraries in 61 countries and territories. It contains the largest bibliographic database in the world, with over 29 million records in 370 different languages.

has influenced or been used by others. Likewise, the quantity of scholarship is an equally critical factor in the evaluation of scholarship.

### **Well Expressed**

Scholarship is well expressed if it clearly and effectively communicates the content of the work. At a minimum, the work must be appropriately organized and presented through a suitable medium. The clarity of the work is typically an important consideration.

### **Innovative**

Scholarship is innovative if it is original in a meaningful sense. The originality of the work may relate to the content of the work, its mode of dissemination, its source, and perhaps to other matters as well. For instance, a written work may be innovative if it addresses a previously uncharted topic or brings a new perspective to bear upon previously identified ideas or issues; because it carries a message to a new audience or employs a new medium; or because it requires of the scholar to extend his or her personal range of scholarly competence.

### **Comprehensive**

Scholarship is comprehensive if its presentation reflects a broad appreciation of existing information, relevant issues, and possible alternatives. Whether the scholar has placed a work into context is a significant consideration. Another important factor is whether the work has an appropriate degree of complexity and comprehensiveness in light of applicable limitations, such as those relating to space, time, or resources. The comprehensiveness of the work is enhanced to the degree that the work is interdisciplinary.

### **Visible**

Scholarship is visible if it is communicated to an audience in a manner that is likely to enhance the reputation of the university and /or the individual scholar. The size and nature of the intended audience reached by the work is relevant to this determination. In other words, the audience targeted by a workshop will differ in size from the audience of a widely disseminated journal, but this should in no way detract from the scholarly value of the workshop. Additionally, in the case of written works consideration should be given to the prestige of the publisher and the prominence given to the work. Similar considerations apply to the evaluation of non-written works.

### **Reviewed**

Scholarship is reviewed when it is subject to scrutiny by others. Review of a work may occur at several stages: pre-dissemination; during the dissemination process; and post-dissemination. Prior to dissemination, drafts, prototypes, and other tentative forms of a work may be evaluated by peers or others within or outside the University, for the purpose of soliciting guidance. During the dissemination process, potential publishers and others may evaluate the merits of a work with a view toward determining whether it deserves a forum. After dissemination, the work may be the subject of reviews, or in the case of workshops, evaluations by participants, which evaluate the final product of the scholarship.

### **Influential**

Scholarship is influential if it affects the conduct or work of others. For instance, there is evidence that a work is influential if it is adopted for instructional use by teachers or librarians; or where a study or article forms the predicate for research by others.

### **Publication**

Scholarship must be published at the minimum within the Law Library and University context and preferably beyond the confines of the University when such scholarships benefit others.

### **Demonstration of Continuous Scholarly Work**

Each librarian faculty member must demonstrate on a regular and formal basis (i.e. Growth Development Plan (GDP) review, promotion process, tenure decision, senior professor review) continued quantitative and

qualitative productivity in the scholarship of librarianship and at least one other form of scholarship. Such demonstration should occur annually during review of the individual Librarian Faculty Development Plans.



## APPENDIX A-6

### STANDARDS OF SCHOLARSHIP DEPARTMENT OF COUNSELING AND HUMAN SERVICES

The Department of Counseling and Human Services is unique within the University and across the United States. The Department offers both a M.A. and Ph.D. in two distinct accredited programs. There is a master's and doctorate offered in Counselor Education and Supervision accredited by the Council on Accreditation for Counseling and Related Educational Programs (CACREP), and a master's and doctorate in Marriage and Family Therapy accredited by the Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE). St. Mary's is one of only 3 or 4 programs in the United States to be dually accredited by both agencies. The Department of Counseling and Human Services is the only University department to offer a doctoral degree.

The Master's degrees in both Community Counseling and Marriage and Family Therapy are practitioner degrees. The requirements for these degrees represent the minimum degree requirements for credentialing as a licensed professional in these respective fields. Education at this level requires a careful balancing of theoretical *and* practical knowledge and an integration of the two. Faculty spend a significant amount of time in the careful supervision of students as they begin to work with actual clients and provide professional mental health services. The faculty bears the burden of, and the responsibility for, the quality of services provided by the students of the Department. Because this is such a central element of the Masters' programs, the Department places significant weight on the Scholarship of Teaching, especially as it relates to developing clinical skills, teaching techniques, cultural competence, student development models, and the process of supervision.

The doctoral degrees in Counselor Education and Supervision (CES) and Marriage and Family Therapy (MFT) are designed as "practitioner/researcher" degrees. Because of the nature of these respective fields, the doctorate is not exclusively an "academic" degree. Our accrediting bodies, CACREP and COAMFTE, require faculty members to provide mental health care services beyond their academic teaching responsibilities. This requirement exists because it is impossible to disconnect counseling *theory* from counseling *practice*. Therefore, the Department understands that the conferring of a doctorate in counseling not only certifies that the individual has a thorough and expert knowledge of the theoretical and practical aspects of CES and/or MFT, but is also an advanced practitioner in the art of therapy. The nature of the degree therefore places special emphasis on the scholarship of integration and applications.

The Department thus recognizes the importance of the four areas of scholarship. It is also important to the Department that a spirit of collaboration and the fostering of relationships, which is key to the therapeutic process and central to the Mission of the university, be reflected in every aspect of the educational process and the evaluation of academic performance for promotion and tenure. *The Department therefore encourages multiple authorship of journal articles, professional presentations, sponsoring of student research, shared research with other institutions, and other collaborative enterprises.* Supervision and committee membership of dissertations is considered to be an important and valid component of scholarly activity, as well as any publications that might result.

The faculty appreciates the diverse nature of the respective disciplines in our department. The fields of counseling and marriage and family therapy cut across disciplines such as psychology, medicine, sociology, anthropology, nursing, child development, substance abuse and theology to name a few. Under the American Counseling Association, there are 17 chartered divisions recognizing areas of specialization of the counseling discipline alone. *Each faculty member brings a unique perspective and contribution to varied areas of expertise, and will do collaborative scholarship both in, and out of this area of expertise.* It is important that these diversified areas of competence are recognized, appreciated and expected. Given the nature of our respective disciplines, the following guidelines were developed:

## **Guidelines for Evaluating the Minimum Expected Scholarship Standards for the Department of Counseling and Human Services**

### **SCHOLARSHIP OF TEACHING**

Reflective of the University's mission and the particular nature of the counseling field as noted above, teaching is a central and essential element of evaluation in the Department. *All types of Scholarship and scholarly activities must demonstrate that they are well expressed, innovative, comprehensive, visible, peer-reviewed/refereed, influential, and serve to promote the professionalism of the respective discipline.* Scholarly products must demonstrate how they fulfill these assessment standards.

Given the aforementioned expectations, the Scholarship of Teaching may be demonstrated in a variety of ways including:

- Creation of new course offerings including special seminars, programs intended for the general public, provision of continuing education programs for professionals in the field, participation in activities of accreditation, service on accrediting boards, participation on and supervision of dissertation committees, and supervision of internship students.

Other activities may include program development, minor area development, research endeavors that result in new/innovative teaching techniques, the development of teaching models and/or models of student development. There is also an overlap in service activities that involve the Scholarship of Teaching such as active participation in organizations which enhance the teaching environments in counseling departments such as the Association for Counselor Education and Supervision and the Texas Association of Counselor Education and Supervision.

The Scholarship of Teaching has three dimensions: a) discovery and transmission of information about the learning process; b) development of materials for use in the classroom and other teaching contexts; c) excellent teaching. The Scholarship of Teaching may be demonstrated by published written works or in a variety of other ways. Examples of these three dimensions in the professional activities of Counselor and MFT Educators are:

A. Discovery and transmission of information about the learning process:

Supervision mentoring of doctoral students' supervision with Master's students.  
Provision of continuing education for professionals who supervise internship students.  
Participation in accreditation activities.  
Service on professional education and training bodies, such as Association for Counselor Education and Supervision (ACES), Texas Association for Counselor Education and Supervision (TACES), Commission on Accreditation of Counseling and Related Programs (CACREP), Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE), Supervision Standards Committee of the American Association for Marriage and Family Therapy (AAMFT).  
Development of new teaching models or models of counselor/student development.

B. Development of materials for use in the classroom and other teaching contexts:

Devising procedures for identifying and remediating at-risk counseling students.  
Producing video vignettes of clinical situations.  
Formulating clinical assessment, treatment, outcome, and liability management procedures.

C. Excellent Teaching:

Distinguished Graduate Faculty Recognition.  
Piper Professor Nomination.  
Professional association recognition and nomination for teaching excellence.  
Professional conference recognition for outstanding workshop presentation.

## **SCHOLARSHIP OF DISCOVERY**

In the disciplines of Counseling and Marriage and Family Therapy (MFT) the Scholarship of Discovery is highly variable and may include both quantitative and qualitative methodologies. *The “practitioner/researcher” model of training does not discriminate between quantitative and qualitative research methodologies.* Each methodology has a rich and well-documented scholarly foundation. The methodology chosen is dependent on the nature of the research question(s) being asked. The Scholarship of Discovery may be published in peer reviewed journals that are representative of the Counseling or MFT field in general or those that represent specific areas of specialization of the individual faculty. *Collaborative research is encouraged and as such, multiple and sole authorship is equally valued.* Peer reviewed book chapters, published proceedings of scholarly conferences, and presentations at local, state, national and international professional conferences are also appropriate outlets of disseminating the Scholarship of Discovery.

## **SCHOLARSHIP OF INTEGRATION**

Counseling has the potential to interact with every aspect of the human endeavor. Therefore the Scholarship of Integration is valued equally with all other forms of scholarship. The Scholarship of Integration includes:

- Peer-reviewed articles published in journals outside of the field of counseling and/or marriage and family therapy, presentations at conferences, invited scholarship in other fields, demonstrations of professional development by faculty in areas of specialization that are outside of the field but hold potential for making a significant contribution to the growth and development of the field (e.g. advanced work in voice development in order to advance music therapy in the department).

In addition, peer-reviewed creative activities such as those involving the expressive arts, and/or non-fiction creative writing that serves to facilitate both the personal and professional growth of students and faculty is considered scholarship of integration. Such works that reflect a particular talent of the faculty may be published in peer-reviewed professional journals, books and national newsletters.

In addition to peer reviews, all types of Scholarship must demonstrate that they are well-expressed, innovative, comprehensive, visible, peer-reviewed, and influential, and serve to promote the professionalism of the respective discipline. Peer-review can occur pre-dissemination, during the dissemination process, and post-dissemination. For non-written products, such as presentations, video materials, continuing education workshops, and distance learning, the applicant must demonstrate the measures by which peer review or evaluation has taken place. This could include participant evaluations (for workshops), comparative evaluations (median scores of regional conference evaluations), or invited presentations based on previously presented material (the selection process constitutes a peer review).

Considering the educational mission of the Master’s and Doctoral Programs, the applied nature of clinical practice and its obligatory malpractice liability, the research mission of the Doctoral program, and the applied nature of our professional constituencies of counseling and family therapy professionals, the four types of scholarship are highly valued, recognizing the University requirement for participation in the Scholarship of Discovery or Integration, and the Scholarship of Teaching.

Because the Department of Counseling and Human Services faculty members teach solely at the graduate level, as stated in the Faculty Handbook, faculty members must devote some portion of their time, on a regular basis, to the Scholarship of Discovery or the Scholarship of Integration, and to the Scholarship of Teaching. Department faculty members are expected to produce, at minimum, one scholarly work for each year of academic employment. A scholar may have predominant scholarly products in a single area, while having fewer products in other areas.

The specific type, forms, and intensity of scholarly activity may vary according to the seasons of a scholar’s career and the needs and interests of the profession; consequently a scholar may have years of lean scholarly productivity followed by years of plenty. A faculty member must demonstrate that he or she is engaged in scholarship at each evaluative review, such as pre-tenure evaluation by peers (first and third years of employment), promotion application (time at rank: Instructor – 3 years, Assistant Professor – 5 years, Associate Professor – 7 years), tenure application (during fourth, fifth, or sixth years of employment).

Pro-rata faculty members are entitled to development opportunities and may apply for pro-rata promotion and tenure. The expectation of scholarly productivity and evaluative review is similar to that of full-time ranked faculty, except the timing and intensity of scholarly productivity is commensurate with the pro-rata status. A pro-rata faculty member is expected to produce, at minimum, one scholarly work for each two years of academic employment. A pro-rata faculty must demonstrate that he or she is engaged in scholarship at each evaluative review, such as Pre-Tenure Evaluation by peers (first, third, and sixth years of employment by pro-rata faculty), promotion application (minimum time in rank is: Instructor – 6 years, Assistant Professor – 10 years, Associate Professor – 14 years), tenure application (eighth, ninth, or tenth years of pro-rata employment).

### **SCHOLARSHIP OF APPLICATION**

*As the disciplines of counseling and marriage and family therapy are “applied” fields, the scholarship of application is highly valued. Many of the activities classified as the Scholarship of Application are integral to the Scholarship of Discovery.* The Scholarship of Application may be demonstrated by written works or other scholarly works, may be focused within the university or outside the university, can be cross-disciplinary, and can result in internal review or disclosure by publications, professional presentations, or external review. Scholarly works in this area must demonstrate that they are well-expressed, innovative, comprehensive, visible, peer reviewed, influential and promote the professionalism of the respective discipline. Examples of these professional activities of Counselor and MFT Educators are:

- Examining the effectiveness of new and innovative therapeutic techniques and evaluating the effectiveness of such techniques.
- Applying theoretical scholarship to a specific aspect of the therapeutic process.
- Examining how other disciplines are related to, and thus “applied” to counseling and marriage and family theoretical or philosophical perspectives.
- Contributing to test banks, manuals, accreditation activities, dissertations, publication or presentations of outcome studies of mental health interventions, presentations at professional conferences, invited address to community boards, promotion and development of additional clinical services for community, writing grants and proposals for research and/or training, development of new or improved methods of supervision of counseling interns, and application of knowledge from other fields to the improved health and well-being of clients and student’s through monographs, psychoeducational programs, clinical interventions or advanced training.

## **APPENDIX B**

### **FORM OF APPLICATION FOR SABBATICAL LEAVE**

1.       **A Title Page**
2.       **Project outline: brief description of what applicant hopes to accomplish, by what means applicant intends to accomplish the objectives.**
3.       **Narrative indicating reasons why project is proposed, and justification of its value to both the Applicant and to the University.**
4.       **List of projected outcomes of sabbatical.**
5.       **Timetable for accomplishment of each outcome (date, location), including projected date for final written report on outcomes.**
6.       **Discussion of impact of the sabbatical on the department of the applicant and how the department will be affected during the leave. A letter from the Departmental Chair, evaluating the proposed sabbatical and its effect upon the operation of the University, should be requested by the applicant.**
7.       **A curriculum vitae appropriate to the sabbatical, not to exceed two pages.**
8.       **In order for a proposal to be considered, it must also have support in the form of evaluation letters. The applicant may be requested to supply letters of support appropriate to the sabbatical from members of the scholarly community, both within and without the University, indicating the value and feasibility of the project.**

**With permission of the applicants, acceptable proposals will be kept on file in the Deans' offices to serve as models.**

## APPENDIX C SABBATICAL CHECKLIST & TIMETABLE GUIDE

ACTIVITIES	TIMETABLE
<b>1. Pre-Proposal Planning</b>  a) Clarify goals & objectives b) Define project c) Explore funding possibilities d) Discuss plans with Chair & Dean e) Meet with department colleagues f) Determine budgetary needs g) Apply for Faculty Development Grant h) Apply for Scholar-in-Residence status	<b>Months before Deadline</b>  12-18 12-18 12-14 12-14 12-14 12 12 3-6
<b>2. Application Process</b>  a) Request letters of support & gather Other supporting documentation b) Prepare proposal 1) Study models in Dean's Office 2) Find sabbatical advisor 3) Ask colleague to read application c) Submit completed application to Dean	2-3 2-3       <b>Oct 1 of Academic Year preceding Proposed leave</b>
<b>3. Notification</b>	<b>January</b>
<b>4. The Leave Period</b>  a) Follow sabbatical leave timetable b) Keep sabbatical diary or journal c) Savor the experience	
<b>5. Reentry and Follow-through</b>  a) Submit written report to Dean and Academic Vice President b) Offer seminar or presentation to Interested colleagues	<b>Number of months after leave period</b>  1-2 1-3

**St. Mary's University****Pre-Proposal Worksheet****INTENT TO SUBMIT****Must be submitted to OARSP a minimum of 5 weeks prior to submission****Contact Office of Academic Research and Sponsored Projects at (210) 436-3720 with questions about form or process****For OARSP Use Only**

Proposal #: \_\_\_\_\_  
 Department #: \_\_\_\_\_  
 Agency#: \_\_\_\_\_  
 On-Campus Research \_\_\_\_\_  
 Off-Campus Research \_\_\_\_\_  
 Training \_\_\_\_\_  
 Student Fellowships \_\_\_\_\_

<b>Investigator Data</b>	
1. Principal Investigator:	2. Department:
3. Phone No.:	4. Fax No.:
5. E-Mail Address:	
<i>NOTE: This form is required for research proposal processing.</i>	
6. Project Title:	
7. Proposal Type: New _____ Resubmission _____ Continuation _____ Renewal _____ Supplement _____	8. Project Type: On-Campus Research _____ Off-Campus Research _____ Training _____ Student Fellowships _____ Other _____
9. Current StMU Award No.:	10. Current Sponsor Award No.:
<b>Sponsor Data</b>	
11. Sponsor's Name & Website:	
12. Contact Person (ATTN):	
13. Address:	
14. Proposal Deadline Information: Regular Mail _____ Electronic Submission _____ Overnight _____ Original + Number of Copies _____ Due Date _____	
<b>Budget Data</b>	
15. Project Period: From: _____ To: _____	16. Indirect Cost Rate: On-Campus (48%) _____ Off-Campus (28%) _____ Training (8%) _____ Waived _____ Other _____ <i>Attach a copy of the sponsor's written policy if full indirect is not allowed.</i>
17. Total Amount Requested Direct _____ Indirect _____ Total _____	18. Total Cost Sharing: Direct _____ Indirect _____ Total _____
19. University Contribution: Department Cost Sharing _____ Institutional Cost Sharing _____ School Cost Sharing _____ Other Cost Sharing _____ *****University Cost Sharing requires approval by the VP of Academic Affairs*****	
<b>St. Mary's University</b>	

## APPENDIX D

<b>Intellectual Property</b>					
<b>20. Intellectual Property/Background Technology:</b> Is there any proprietary information in this proposal?					
<b>21. Human Subjects:</b> Does this project involve human subjects or data obtained from human subjects that is not exempt? Yes ____ No ____ If "yes", Date of Approval: _____ If approval is pending, Date Submitted _____ <i>The research projects involving human subjects, and which are not exempt under the guidelines, must be reviewed by the Institutional Review Board</i>					
<b>Research Proposal Abstract</b>					
<b>22. Attach if more space needed.</b>					
<b>Approval and Signatures</b>					
<b>NOTE:</b> Investigator signing on Line#1 will be listed as the Principal Investigator and the respective Department will be assigned administrative and fiscal responsibility. PI must get Department chair and the School Dean signature before submitting to the OARSP.					
PI/Co-PI Signature	Date	Department Chair	Date	School Dean	Date
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Executive Director OARSP	Date	Provost, VP of Academic Affairs	Date		
<b>St. Mary's University</b>					



## APPENDIX E

## INCIDENT ANALYSIS FORM

- Incident analysis helps you in reducing or preventing future occupational injuries and illnesses.
- This form requests all the information that TWCC says you must record for each on-the-job injury, fatality, and occupational disease. Employers must keep injury records for five years after the last day of the year in which the injury occurred.

This is an ☐ Injury ☐ Disease ☐ Fatality ☐ Near-miss

TODAY'S DATE \_\_\_\_\_

DATE REPORTED \_\_\_\_\_

COMPANY \_\_\_\_\_

DEPARTMENT \_\_\_\_\_

SUPERVISOR \_\_\_\_\_

PHONE NO. \_\_\_\_\_

1. Name of Person Involved		2. Sex	3. Social Security Number		4. DOB	5. Date of Incident
6. Home Address _____ _____ _____ Phone (     )		7. Time and Day of Incident _____ a.m.; _____ p.m.; day of week _____		8. Specific Location of Incident Was it on employer's premises? <input type="checkbox"/> yes <input type="checkbox"/> no		
		9. Employee's Occupation		10. Job Task at Time of Incident		
13. Name and Address of Treating Physician _____ _____ _____ Phone (     )		11. Length of Service _____ Years; _____ Months		12. Employee was Working <input type="checkbox"/> Alone <input type="checkbox"/> With Fellow Workers <input type="checkbox"/> Other		
		14. Employment Category <input type="checkbox"/> Regular, full-time <input type="checkbox"/> Temporary <input type="checkbox"/> Regular, part-time <input type="checkbox"/> Non-employee <input type="checkbox"/> Seasonal		15. Experience in Occupation at Time of Incident <input type="checkbox"/> Less than 1 month <input type="checkbox"/> 1 to 5 month <input type="checkbox"/> 6 months to 1 year <input type="checkbox"/> 1 to less than 5 years <input type="checkbox"/> 5 or more years		
16. Name and Address of Hospital _____ _____ _____		17. Phase of Employee's Workday at Time of Injury <input type="checkbox"/> During break period <input type="checkbox"/> During meal period <input type="checkbox"/> Working overtime <input type="checkbox"/> Entering or leaving the building <input type="checkbox"/> Performing work duties <input type="checkbox"/> Other (explain below)				
		18. Name of employee's immediate supervisor at time of incident Incident? _____ Witnessed <input type="checkbox"/> Yes <input type="checkbox"/> No				
19. Employee's Wage (pay per Hour)		20. Other Witnesses _____				
21. Voluntary benefits paid by the employer, if any						

**22. PART of BODY INJURED or AFFECTED**

<input type="checkbox"/> Skull, Scalp	<input type="checkbox"/> Jaw	<input type="checkbox"/> Abdomen	<input type="checkbox"/> Shoulder	<input type="checkbox"/> Wrist	<input type="checkbox"/> Knee	<input type="checkbox"/> Foot
<input type="checkbox"/> Eye	<input type="checkbox"/> Neck	<input type="checkbox"/> Back	<input type="checkbox"/> Upper Arm	<input type="checkbox"/> Hand	<input type="checkbox"/> Thigh	<input type="checkbox"/> Toe
<input type="checkbox"/> Nose	<input type="checkbox"/> Spine	<input type="checkbox"/> Pelvis	<input type="checkbox"/> Elbow	<input type="checkbox"/> Finger	<input type="checkbox"/> Lower Leg	<input type="checkbox"/> Ankle
<input type="checkbox"/> Mouth	<input type="checkbox"/> Chest	<input type="checkbox"/> Other Body Part	<input type="checkbox"/> Forearm	<input type="checkbox"/> Hip	<input type="checkbox"/> Other _____	

**23. NATURE of INJURY or ILLNESS**

<input type="checkbox"/> Puncture	<input type="checkbox"/> Bruise, Contusion	<input type="checkbox"/> Skin Disorder	<input type="checkbox"/> Amputation	<input type="checkbox"/> Muscle Sprain	<input type="checkbox"/> Cumulative Trauma Disorder
<input type="checkbox"/> Laceration	<input type="checkbox"/> Dislocation	<input type="checkbox"/> Burn	<input type="checkbox"/> Insect/Animal Bite	<input type="checkbox"/> Muscle Strain	<input type="checkbox"/> Irritation
<input type="checkbox"/> Fracture	<input type="checkbox"/> Abrasion	<input type="checkbox"/> Respiratory	<input type="checkbox"/> Foreign Body	<input type="checkbox"/> Hernia	<input type="checkbox"/> Infection
<input type="checkbox"/> Heat/Cold Stress	<input type="checkbox"/> Hearing Loss	<input type="checkbox"/> Chemical Exp.	<input type="checkbox"/> Other _____		

**24. DISPOSITION**

☐ Days away from work # \_\_\_\_\_  
☐ Restricted work days # \_\_\_\_\_  
☐ Date returned to work # \_\_\_\_\_  
Sent to: ☐ Doctor ☐ Hospital

**25. DIAGNOSIS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**26. SEVERITY**

☐ First Aid ☐ Medical Treatment  
☐ Lost Work Days ☐ Fatality  
☐ Other: Specify \_\_\_\_\_

**27. WHAT CONDITION of TOOLS, EQUIPMENT, or WORK AREA CONTRIBUTED TO INCIDENT? ☐ Not Applicable**

<input type="checkbox"/> Close Clearance/Congestion	<input type="checkbox"/> Floors/Work Surfaces	<input type="checkbox"/> Inadequate Housekeeping	<input type="checkbox"/> Defective Tools/Equipment/Vehicle
<input type="checkbox"/> Hazardous Placement	<input type="checkbox"/> Inadequate Ventilation	<input type="checkbox"/> Equipment Failure	<input type="checkbox"/> Illumination
<input type="checkbox"/> Inadequate Warning System	<input type="checkbox"/> Equipment/Workstation Design	<input type="checkbox"/> Inadequate Guards/Barrier	<input type="checkbox"/> Inadequate/Improper P.P.E.

**28. WHAT CAUSED or INFLUENCED SUBSTANDARD CONDITIONS? ☐ No Substandard Conditions**

<input type="checkbox"/> Abuse or Misuse	<input type="checkbox"/> Inadequate Supervision	<input type="checkbox"/> Inadequate Purchasing	<input type="checkbox"/> Inadequate Engineering
<input type="checkbox"/> Inadequate Maintenance	<input type="checkbox"/> Inadequate Tools/Equip. Mat.	<input type="checkbox"/> Improper Work Surfaces	<input type="checkbox"/> Wear and Tear
<input type="checkbox"/> Lack of Knowledge/Training	<input type="checkbox"/> Improper Motivation	<input type="checkbox"/> Inadequate Capacity	<input type="checkbox"/> Lack of Skill

**29. WHAT ACTION or INACTION CONTRIBUTED to the INCIDENT? ☐ Not Applicable**

<input type="checkbox"/> Failure to Make Secure	<input type="checkbox"/> Under Influence Drugs/Alcohol	<input type="checkbox"/> Failure to Warn/Signal	<input type="checkbox"/> Inadequate/Improper P. P. E. Use
<input type="checkbox"/> Nullified Safety/Control Devices	<input type="checkbox"/> Used Defective Equipment	<input type="checkbox"/> Horseplay/Distractive Activity	<input type="checkbox"/> Operating at Improper Speed
<input type="checkbox"/> Used Equipment Improperly	<input type="checkbox"/> Improper Lifting	<input type="checkbox"/> Operating Procedure Deviation	
<input type="checkbox"/> Running/Rushing/Acting In Haste	<input type="checkbox"/> Improper Loading	<input type="checkbox"/> Unauthorized Actions	<input type="checkbox"/> Used Wrong Tool/Equipment
<input type="checkbox"/> Improper Technique	<input type="checkbox"/> Improper Position	<input type="checkbox"/> Servicing/Operating Equipment	
<input type="checkbox"/> Other _____			

**30. PROBABLE RECURRENCE**

☐ Frequent ☐ Occasional ☐ Rare

**31. LOSS SEVERITY POTENTIAL**

☐ Major ☐ Serious ☐ Minor

**32. PREVENTIVE MEASURES: (What corrective actions have been taken or are planned to prevent a recurrence?)**

<input type="checkbox"/> Improve Enforcement	<input type="checkbox"/> Improve Clean-up Procedures	<input type="checkbox"/> Repair/Replace Equipment	<input type="checkbox"/> Corrective Counseling
<input type="checkbox"/> Improve Storage/Arrangement	<input type="checkbox"/> Rotation of Employee	<input type="checkbox"/> Eliminate Congestion	<input type="checkbox"/> Improve/Change Work Method
<input type="checkbox"/> Identify/Improve P. P. E.	<input type="checkbox"/> Install/Revise Guards/Devices	<input type="checkbox"/> Task Analysis to Be Completed	
<input type="checkbox"/> Task Analysis/Procedure Revision	<input type="checkbox"/> Improve Design/Construction	<input type="checkbox"/> Job Reassignment of Employees	
<input type="checkbox"/> Use Other Materials/Supplies	<input type="checkbox"/> Improve Illumination	<input type="checkbox"/> Mandatory Pre-Job Instructions	
<input type="checkbox"/> Improve Ventilation	<input type="checkbox"/> Reinstruction of Employees	<input type="checkbox"/> Other _____	

**33. EMPLOYEE'S DESCRIPTION of INCIDENT (Attach sheet for additional comments) ☐ Comments sheet**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**34. SUPERVISOR'S DESCRIPTION of INCIDENT (Attach sheet for additional comments) ☐ Comments sheet**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**35. SPECIFIC CORRECTIVE ACTIONS or PREVENTIVE MEASURES TAKEN**

Corrective Action Taken	Person Responsible	Target Date	Date Completed

Supervisor's Signature \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX F



### NO CONTACT AGREEMENT

During the pendency of this investigation, I agree that I will not contact

\_\_\_\_\_, during or after work hours.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPENDIX G**

ST. MARY'S UNIVERSITY



Intellectual Property Policy

Approved: Board of Trustees 04/01/2011

Revised: \_\_\_\_\_

## **Table of Contents**

### **A. Principles Governing Intellectual Property**

### **B. Policy**

#### **Part 1 ..... Definitions**

##### **1.1 Patents**

##### **1.2 Copyrights**

##### **1.3 Trademarks**

##### **1.4 Tangible Research Property (TRP)**

#### **Part 2 ..... General Policy Statement**

##### **2.1 Ownership**

###### **2.1.1 Inventor/Creator Ownership**

###### **2.1.2 University Ownership**

###### **2.1.3 Other Ownership**

###### **2.1.4 Student Ownership**

###### **2.1.5 Special Conditions of Ownership**

###### **2.1.5.1 Theses and Dissertations**

###### **2.1.5.2 Electronic Courses**

##### **2.2 Significant Use of University Resources**

##### **2.3 Agreements Between Parties**

##### **2.4 Dispute Resolution**

#### **Part 3 ..... Intellectual Property Evaluation, Protection, and Dissemination**

##### **3.0 Responsible Entity**

##### **3.1 Disclosure of Potential Intellectual Property**

###### **3.1.1 Sponsored Research or Third-party Agreements**

###### **3.1.2 Internal agreements**

##### **3.2 Patents**

###### **3.2.1 Evaluation**

###### **3.2.2 Protection**

###### **3.2.3 Dissemination**

##### **3.3 Copyrights**

###### **3.3.1 Evaluation: Asserting and Registering Copyright**

###### **3.3.2 Protection**

###### **3.3.3 Dissemination**

##### **3.4 Trademarks**

###### **3.4.1 Evaluation**

###### **3.4.2 Protection**

###### **3.4.3 Dissemination**

##### **3.5 Tangible Research Property**

###### **3.5.1 Evaluation**

###### **3.5.2 Protection**

###### **3.5.3 Dissemination**

**4.1 General Statement of Purpose**

**4.1.1 Role of Owners**

**4.1.2 Royalties or Division of Proceeds**

**4.2 Patents**

**4.3 Copyrights**

**4.4 Trademarks**

**4.5 Tangible Research Property**

**Part 5 ..... Faculty, Staff, Student, and Visitor Obligations**

**5.1 Who Must Sign**

**5.2 Administration**

**Part 6 ..... Administration**

**6.1 Acknowledgement of Institutional Authority**

**6.2 Intellectual Property Committee**

**6.3 Intellectual Property Committee Membership and Selection**

**6.4 Intellectual Property Committee Procedures**

**Attachments**

**A. Glossary of Terms**

**B. Exemplars**

**C. Forms**

**1. Patents and Inventions Form**

**2. Trademark License Agreement**

**3. Materials Transfer Agreement**

**4. Intellectual Property Disclosure Form**

**5. Work-For-Hire Agreement (Sample)**

## **Principles of Intellectual Property**

### **Purpose of Principles**

The **purpose of these principles** is to define a working philosophy that will express the values the university holds in regard to the intellectual work we do and that will guide the institution in developing the necessary policies and procedures to manage this important asset.

#### **I. Institutional Mission and Core Values as they relate to these Principles:**

In accord with the University's mission and traditions, these principles rest upon an intellectual tradition that embraces free inquiry, a commitment to justice and freedom, and to civic responsibility. We affirm the following articulation of purpose for Catholic & Marianist Universities:

*“These basic commitments support the most fundamental work of a university: the collaborative efforts of teachers and students to understand and improve the world, the solitary but deeply communal enterprise of the researcher dedicated to exploring the boundaries of what is and can be known.” (Characteristics of Marianist Universities, 12)*

#### **II. Principle: Rights and Responsibilities of the University**

The commitment to a collaborative, communal venture is reinforced through a long tradition, indeed a fundamental practice among universities, of open sharing of knowledge and information. Our efforts to protect and manage intellectual property through University policies and procedures must not undermine this socially desirable and beneficial tradition. Therefore, the University will not unduly restrict the free flow of ideas among researchers acting within their professional roles at the University. The University will assist researchers in protecting and disseminating research that is beneficial to the University and to the public according to the policies and terms included in this document.

#### **III. Principle: Rights and Responsibilities of Researchers**

The University extends both rights and responsibilities to employees at the time of employment.

*Non-University affiliations:* University employees engaged in activities that may lead to intellectual property claims should carefully weigh alliances and other collaborations outside of their professional roles that may appear to conflict with their obligations to the University. In enterprises and activities in which sharing of ideas and/or research data takes place, the researcher must ensure no financial or other conflict of interest exists between his or her obligations to the University and to other parties. Communication with the department chair and dean, or other supervisor as applicable,

regarding situations where conflicts may arise is required. This principle is discussed in Section 2.11.6.5 and following of *The Faculty Handbook*.

*University-based affiliations:* The highly collaborative nature of today's research and educational ventures requires that we be attentive to the formal policies and procedures that often make these enterprises positive experiences. This attentiveness is especially important in the technology-enabled environment in which we create and communicate our work. The University seeks to support faculty and other researchers who wish to share ideas with colleagues at other institutions and who wish to engage in mutually beneficial research and in the scholarships of teaching or application.

*Disclosure:* When employees and students participate in research affiliations, contracts, or collaborations in their university roles, University policies and procedures regarding these types of agreements must be followed. Formal agreements between researchers and/or other professionals at other institutions, whether for-profit or non-profit, are an important part of safeguarding the interests of all parties. Therefore, disclosure of any activity that may result in intellectual property claims must be initiated at the earliest point in the research, preferably before formal research begins.



## Part I Introduction

### 1.0 Intellectual Property Defined

Intellectual Property applies to creations of the mind - creative works or ideas embodied in a form that can be shared or can enable others to recreate, emulate, or manufacture them. There are four ways to protect **intellectual property**: patents, copyrights, trademarks, and tangible research property agreements. This policy document is organized around these four types of intellectual property according to the following issues:

- **Definitions**
- **Ownership**
- **Evaluation, protection, and dissemination**
- **Commercialization**
- **Authority and Responsibilities**

#### 1.1 Patents

(1) A patent is a property right, granted by the United States Patent and Trademark Office, that gives the holder the exclusive right to exclude others from the manufacture, use, and sale of the invention in the U.S. for a period of time (in the U.S. 20 years). As property, it may be sold or assigned, pledged, mortgaged, licensed, willed, or donated, and be the subject of contracts and other agreements.

(2) Patents may also be granted in foreign countries. Procedures for securing a patent in foreign countries vary considerably from country to country.

(3) Patent protection can be secured for anything that is (a) novel, (b) useful, and (c) non-obvious. U.S. and most foreign countries issue patents for inventions of new and useful processes, machines, manufactured products, or new and useful improvement to an existing invention. Subject matter that is **NOT** patentable includes theories, ideas *per se*, mathematical formulas, laws of nature, plans of action, results, printed materials, anything repugnant to morals or public policy.

(4) Computer software generally will be patentable if it meets the tests of novelty and non-obviousness **and** if its application is part of a process, machine, manufacture, or composition of matter that can be considered for patent protection. A software invention will be automatically disqualified from patent protection only if it is purely a mathematical equation or formula with no other application.

#### 1.2 Copyrights

(1) Under federal copyright law, copyright subsists in “original works of authorship” which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated either directly or with the aid of a machine or device.

(2) As provided by copyright law, a copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute by sale or otherwise, and display or perform the work publicly.

(3) For an individual author, copyright protection of a work extends for the author’s life

plus 70 years. For employers, copyright protection of a work extends for 120 years or 95 years from the date of publication.

(4) In contrast to a patent which protects an invention, process or product, copyright protects the “artistic expression” from being copied, as in the particular literary work, musical work, computer program, video or motion picture or sound recording, photograph, sculpture, and so forth, in which the “expression” is embodied, illustrated, or explained; copyright does not protect the “idea.”

### **1.3 Trademarks**

(1) A trademark is a distinctive mark of authenticity, through which the products of particular manufacturers or the vendible commodities of particular merchants may be distinguished from those of others.

(2) A trademark is a distinctive mark, motto, device, or emblem, which a manufacturer stamps, prints, or otherwise affixes to the goods he produces, so that they may be identified in the market, and their origin may be verified.

(3) The two goals of trademark law are reflected in the federal scheme of regulation: on the one hand, the law seeks to protect consumers who have formed particular association with a mark, and, on the other hand, trademark law seeks to protect the investment in a mark made by the owner. Stated differently, trademarks serve two distinct yet equally important policy interests: one, to prevent confusion, deception or mistake of consumers, and two, to preserve fair competition and the owner’s good will investment, its mark and business.

### **1.4 Tangible Research Property**

(1) The term “tangible research property” refers to those research results that are in a tangible form as distinct from intangible (or intellectual) property. Examples of tangible property include integrated circuit chips, computer software, biological organisms, engineering prototypes, engineering drawings, and other property which can be **physically distributed**.

(2) Although tangible research property may often have intangible property rights associated with it, such as biological organisms which may be patented or computer software which may be either patented or copyrighted, where appropriate, tangible research property may be distributed without securing intellectual property protection by using some form of contractual agreement, such as formal contract, loan agreement, letter agreement, or user license as further set forth in this document.

## Part 2 – General Policy Statement

### 2.0 General Policy Statements

#### 2.1 Ownership

##### 2.1.1 Inventor/Creator Ownership

Inventors/Creators of Intellectual Property are free to acquire ownership of or other rights to works **except** as described under the following conditions.

##### 2.1.2 University Ownership

Intellectual property developed by St. Mary's University (hereinafter "University") faculty, students, staff, or others, including visitors participating in University programs or using University funds or facilities, is owned by the University. The University's ownership claims include, but are not limited to, the following situations:

- The Intellectual Property was developed in the course of or pursuant to a research agreement between the Inventor/Creator and the University (See Section 2.3).
- The Intellectual Property was developed with significant use of funds or facilities administered by the University (See Section 2.2).
- The Intellectual Property was created as a course or graduation requirement (See Section 2.1.4.).

##### 2.1.3 Other Ownership

Intellectual Property developed by University faculty, students, staff, or others, including visitors participating in research or sponsored projects funded in part or whole by other parties, is subject to the terms and conditions of the agreement defining the rights and responsibilities of the parties entering into the agreement, or contract, or by federal and/or state laws or regulations.

##### 2.1.4 Student Ownership

When an invention involving the significant use of University resources is made by a student, the student may formally petition the University and for good cause shown, the University may elect to waive its rights to the invention by executing a formal document signed by the student, the student's advisor, the student's department chair, and the President of the University. No other action by the University or its agents shall constitute a waiver of any intellectual property rights or other legal claims the University may have to student work. The university will typically not grant a waiver where the invention is subject to a sponsored research or other agreement. After consultation with the principal investigator and others as appropriate, the University may retain a right to use such invention for purposes of education and research. In addition, a student's rights to such invention may be subject to the terms of any financial aid received, including scholarships, fellowships, traineeships, senior or course projects, thesis/dissertation, or other assistance. Individuals who are both staff members and students shall be considered to be staff members with respect to patentable inventions.

### 2.1.5 Special Conditions of Ownership

#### Theses and Dissertations

Copyright ownership of theses and dissertations is retained by the student, but the student must grant to the University royalty-free permission to reproduce and publicly distribute copies of the thesis or dissertation for research and/or educational purposes. In circumstances where the research for the thesis or dissertation has been done in conjunction with other policies discussed in this document, those policies will apply with regard to the students.

#### Electronic Courses

Ownership of electronic courses may reside (1) entirely with the faculty member developing the course, (2) jointly with the faculty member and the University or (3) entirely with the University depending upon the conditions under which the course was created. If a course is to be developed under conditions that will result in full or partial ownership of the course by the University then a written agreement specifying ownership and allocation of royalties must be signed prior to creation of the course.

#### Research Data

Ownership of “preliminary,” “raw,” and “final” research data shall be determined by the agreements in place at the time of development or discovery. Researchers have a custodial responsibility for research data generated through their own research or through research that they supervise; that is, data must be protected, preserved, and retained for a period of time that is either (1) required by the research agreement or University policy, (2) established by federal regulation, or (3) necessary to validate the research. Record retention and ownership of research data may also be subject to other policies established by the university.

### 2.2 Significant Use of University Resources

The University does not construe the use of office, library, machine shop, desktop work stations, communication and storage servers as constituting significant use of University space or facilities.

Generally, Intellectual Property is considered to have been developed using significant amounts of University funds or facilities if:

- More than a minimal amount of unrestricted funds have been used; or
- The Intellectual Property has been developed within the assigned area of research of the inventor under a Research Assistantship or sponsored project; or
- More than a minimal amount of time has been spent using University facilities or if significant facilities and equipment have been utilized; or
- The inventor has developed the property using time **before** expected and contracted duties have been fulfilled.

*See Exemplar A*

### 2.3 Agreements Between Parties

By law, ownership of intellectual property created by University employees in the course and scope of their employment is work made for hire and therefore resides in St. Mary’s University. The University reserves any of its legal rights or claims to intellectual property, subject only to a formal waiver executed by the University and signed by the President. Not with standing this reservation, in accordance with its internal policy, the custom of the University is to permit its

employees to exercise ownership rights in works of a personal nature in order to encourage creativity. For information specific to writings, including the University's policy regarding academic scholarship, see Part 3.3 of this policy. Should the employee desire to establish ownership rights in any piece of intellectual property created, or to be created in the future by the employee, it may do so by means of a special contract with the University. Should an employee wish to be compensated for a creative work over and above the rate of compensation for employment, he or she may attempt to do so by means of a special contract with the University. Disclosure should act as a triggering event whereby the University is notified of a potential creative work. At this time, either the University or the employee should, if desired, seek the special contractual arrangements just described.

Whenever the potential exists for creation or development of Intellectual Property through research or other activities affiliated with the university or its sponsored activities, the university requires a Disclosure of Intellectual Property Form (See Part 3). **This form should be initiated as soon as the potential is recognized, preferably prior to conducting the research or beginning the project.**

Appendix C contains Forms relevant to Intellectual Property Agreements.

## **2.4 Dispute Resolution**

In cases where there is a difference of opinion on ownership of inventions, division of proceeds, or other provisions of this policy, the parties involved may initiate a grievance process by following the procedures in the *Faculty Handbook*, *Student Handbook*, or *Personnel Handbook* as appropriate. The Intellectual Property Committee may serve as an expert resource in this process, if requested to do so.

## **Part 3 – Intellectual Property Evaluation, Protection, and Dissemination**

The following sections provide information to researchers about how intellectual property is evaluated, protected, and disseminated for each class of property.

### **3.0 Responsible Entity**

The Intellectual Property Committee (IPC) shall serve as the primary administrative oversight group for patents, copyrights, trademarks, and tangible research property. The Committee's roles and procedures are further defined in *Part 6 – Administration*. The University will engage a technology management group or a qualified attorney to obtain licensing or other legal protections for intellectual property claimed in part or whole by the University.

### **3.1 Disclosure of Potential Intellectual Property**

The initial step in managing Intellectual Property is the submission of a University Intellectual Property Disclosure Form to the IP Committee. This form can be obtained from the Academic Research and Sponsored Projects Office or online at the following web address: [www.academicgrants.stmarytx.edu](http://www.academicgrants.stmarytx.edu). When submitted, the IP Disclosure Form will initiate action by the IP Committee to investigate the patenting (or other methods of protection) and marketing of the technology unless accompanied by a letter requesting other action by the University, such as a waiver of the University's ownership rights in the technology.

### **3.1.1 When sponsored research or other third-party agreements apply**

Research or other sponsored projects funded in part or whole by a third party are often governed by federal or state laws and regulations, such as the Bayh-Dole Act. A grant or contract between a sponsor and the University usually contains specific provisions with respect to the disposition of rights to inventions or creative works. See Appendix C for Patents and Inventions Form.

### **3.1.2 When internal agreements apply**

Disclosure agreements shall be completed at the earliest possible point. When third-party sponsors are not involved, internal agreements shall be developed to protect and balance the researcher's interests and the University's interests. See Appendix C for the Intellectual Property Disclosure Form.

## **3.2 Patents**

### **3.2.1 Evaluation**

(1) A patent gives the inventor exclusive rights for a period of 20 years from the date of approval. The period of 20 years is exclusive of certain regulatory delays such as those sometimes imposed by the Food and Drug Administration.

(2) Inventors may apply for a Provisional Patent.

(3) To be patentable in most countries, an invention must be new, useful, and non-obvious. In most foreign countries, an invention is unpatentable unless the application is filed before *public disclosure*.

(4) It is important to understand at the outset that any *publication* that describes an invention (even in minimal detail) prior to filing for a patent may preclude patenting in the U.S. or a foreign country. The implications of "public disclosure" or "publication" upon patent rights should be discussed with the Intellectual Property Committee and a decision on patent filing reached promptly so that publication will not be delayed.

### **3.2.2 Protection**

Acquisition of a patent requires considerable resources in both time and money, often needing specialized legal help. Although patent protection is sometimes sought for various non-commercial reasons (such as professional status), the University will not seek protection for concepts that are not commercially attractive even if the concept is intellectually meritorious. The University will normally seek patent protection on inventions in order to pursue commercial licensing and to comply with the terms and conditions of sponsored agreements.

### **3.2.3 Dissemination**

Intellectual Property that is patented may be disseminated by (1) free, non-exclusive license to use the technology; (2) through Tangible Research Property dissemination processes; or (3) by formal commercialization.

### **3.3 Copyrights**

#### **3.1 Evaluation :Asserting and Registering Copyright**

Copyright protection of books, articles, and publications is sought in order to recognize authorship and protect the integrity of the work. It is also essential in order for the University to license copyrightable materials to commercial book publishers and others and to comply with the terms of sponsored research agreements.

The University does not claim ownership of books, articles, and other scholarly publications or of popular novels, poems, musical compositions, or other works of artistic imagination which are created by the personal effort of faculty, staff, and students independent of employment tasks and which do not make significant use of University administered facilities. Although the University claims all other work, its general policy is to only enforce rights to commercially viable work.

In those situations where copyright to such scholarly or artistic work resides in the University under the terms of a sponsored research or other agreement or by operation of the copyright law or otherwise as a result of this Policy, the University may, upon the author's request and to the extent consistent with the intent of the sponsor, convey copyright to the author of such work as further provided under this Policy.

#### **3.3.2 Protection**

A copyright is automatically established at the time expression is fixed in tangible medium. For added copyright protection, certain works should be registered with the U.S. Copyright Office using its official forms.

Creators retaining personal ownership of the copyright to their creations, as described in the section above, are personally responsible for copyright notices and registration of their works.

The following notice is to be applied on University-owned works to protect the copyright "Copyright © 2002 St. Mary's University. All Rights Reserved." The date of the notice should be the year in which the work is first published. No notice other than the foregoing is to be used for University-owned works.

#### **3.3.3. Dissemination**

Authors are free to disseminate their original works as they see fit. Copyrights held by the University are normally registered through the U.S. Copyright Office except where other arrangements are made in accordance with this Policy. Copyrights for which the University holds royalty-free permission may be disseminated by the University for internal use or for purposes of education, research, or university promotion.

### **3.4 Trademarks**

#### **3.4.1. Evaluation**

The two goals of trademark law are reflected in the federal scheme [of regulation]: on the one hand, the law seeks to protect consumers who have formed particular associations with a mark, and, on the other hand, trademark law seeks to protect the investment in a mark made by the owner. *Avery Dennison Corp. v. Simpson*, 189 F.3d 868. Stated differently, trademarks serve two distinct yet equally important policy interests: one, to prevent confusion, deception or mistake of

consumers, and two, to preserve fair competition and the owner's good will investment, its mark and business. *Perfumania, Inc. v. Perfulandia, Inc.*, 279 F. Supp.2d 86.

### **3.4.2 Protection**

To ensure trademark protection, registration under appropriate federal statutes is advisable. This extends trademark protection to qualifying unregistered trademarks and prevents consumer confusion regarding the source of a product or service. Lanham Trade-Mark Act section 43(a), 15 U.S.C. A. 1125(a).

### **3.4.3 Dissemination**

- (1) The University may grant to a Licensee a nonexclusive license subject to terms and conditions specified in an Agreement to use a Licensed Mark on and in conjunction with the marketing, promotion, and sale of the Licensed Articles in the United States.
- (2) An initial Licensing Fee and royalties based on a percentage of net sales of all licensed articles shall be paid to the University for use of the Licensed Mark.
- (3) An initial term for the Agreement and the provisions for renewal shall be specified in the Agreement.
- (4) The University reserves the right to approve or reject the quality and propriety of any items bearing the Licensed Mark. All such items are subject to approval by the Licensee prior to use or sale.
- (5) The Licensee agrees to indemnify and hold the University harmless from any and all claims, liabilities or other judgments arising from any action by the Licensee.
- (6) A provision for serving notice shall be specified in the Agreement.
- (7) A provision for terminating the Agreement will be specified in the Agreement.

## **3.5 Tangible Research Property (TRP)**

### **3.5.1 Evaluation**

When TRP is not subject to a sponsored research or other agreement but has been developed using significant University funds or facilities and it has been established that the University has ownership of the technology, the IP Committee may recommend licensing the invention to the inventor(s) exclusively or nonexclusively on a royalty basis. The inventor(s) must demonstrate technical and financial capability to commercialize the tangible research property, and the president of the University will have the right to terminate such license if the inventor(s) has not achieved effective dissemination within a reasonable amount of time (generally less than 3 years). The license is also subject to the inventor(s) waiving their rights to royalty sharing under this policy. Where such a license is issued, the inventor(s) may be required to assume the costs of filing, prosecuting, and maintaining any patent rights.

### **3.5.2 Protection**

Protection for TRP deemed suitable for patenting and/or licensing will follow the same procedure as other patentable property. TRP distributed for scientific research will be protected by the Materials Transfer Agreement (MTA).

*See Appendix C for Material Transfer Agreement.*



### **3.5.3 Dissemination of TRP for research and other noncommercial purposes**

Tangible research property such as biological materials and computer software are frequently patented or copyrighted as appropriate and then licensed for commercial purposes. However, these and other forms of TRP, including those under commercial license, generally are simultaneously distributed solely for research purposes either under simple letters of understanding or more formal licenses. The following sections deal only with dissemination of TRP for research and other noncommercial purposes. Commercial licensing of TRP is covered in 3.2, as such TRP is then considered patentable and licensed for commercial purposes under various types of patent licensing.

Where TRP is developed in the course of research that is subject to the terms of a sponsored research or other agreement, control over its development, storage, distribution, and use is the responsibility of the principal investigator, who will consult with the IP Committee. In other cases, significant use of University resources will be presumed, so control over TRP rests jointly with the laboratory director or department head and with the IP Committee. The responsibility for control includes determining if and when distribution of the TRP is to be made beyond the laboratory for scientific use by others in accordance with the terms of this policy.

TRP owned by the University may usually be distributed for research purposes only with minimal conditions attached. Any such distribution is subject to an agreement by the recipient that commercial development or commercial use or further transfer of the biomaterial is not to be undertaken. The *Materials Transfer Agreement* is an example of such an agreement. In addition, the principal investigator may wish to control subsequent use by requiring recipients to follow a specific research protocol, for example, in the use of the biological materials.

If the TRP was developed under a sponsored research agreement, the IP Committee must be contacted to advise on possible contractual obligations with respect to the TRP prior to its distribution for noncommercial purposes. Distribution of biological TRP that is part of a patent or patent application must be coordinated through the IP Committee.

## **Part 4 – Commercial Development**

### **4.1 General**

Universities exist to educate, to discover and create knowledge, and to advance the public good. To this end, the university encourages development and dissemination of research results that are useful and beneficial in the public domain. Publications and presentations of research results may be sufficient to meet the mandate to educate and disseminate knowledge. However, the university may find it necessary to encourage other ways of disseminating the results of research, such as the development and production of products and processes for public use.

The university may pursue the licensing or commercialization of technology that it deems beneficial to the public.

#### **4.1.1. Role of Owners**

The role of owners is established in the licensing, grant, and/or contract agreements created at the time of disclosure of the intellectual property and must include equity and management roles. Roles may be further refined as the protection and dissemination processes are developed.

Although the University reserves all rights or legal claims in its intellectual property, St. Mary's University may elect to waive its rights or stand aside, by executing a formal legal document signed by the President, in those situations when it would enhance the transfer of technology to the public, when it is consistent with University obligations to third parties, and when it does not involve a conflict of interest. By waiving or standing aside, the University agrees not to exercise its contractual rights to the technology, clearing the way for the inventors to seek ownership.

In cases in which it is advantageous to both the University and the inventors, the University may retain ownership of the invention, but give an exclusive license to the inventor(s).

It is important to recognize that under current law, ownership does not automatically revert to the inventors if the Federal Government is the sponsor. In such cases, the Government retains the option to claim ownership of the invention. In the event the Government does not exercise its option, ownership will revert to the inventors. However, regardless of ownership status, the Government will retain a non-exclusive, non-transferable, irrevocable, royalty-free, worldwide license to practice the invention.

#### **4.1.2 Royalties or Division of Proceeds**

When an invention is patented (or patent protection is sought) and/or marketed by the University (whether owned by it, assigned, or subject to the provision of an agreement for sponsored research), the gross proceeds arising from the invention will be distributed as follows depending on equity and management agreements:

Step 1 -- Before Recovery of Specific Expenses: 100% to the University until Specific Expenses associated with the invention are fully recovered.

Step 2 -- After Recovery of Specific Expenses:

Inventor
Not less than 35% nor more than 65%
St. Mary's University
Not less than 35% nor more than 65%

Gross proceeds include equity, the acquisition and disposition of which will be governed by a University policy approved by the president. Any consideration received for the performance of research is not to be defined as part of gross proceeds.

#### **4.2 Patents**

St. Mary's University will evaluate intellectual property at the time of disclosure (see 3.1) for potential commercial value. The Intellectual Property Committee (IPC) will monitor the

development of the technology/intellectual property and determine at what point, if any, the patent process and subsequent commercialization should proceed. The IPC shall provide a status update at least quarterly to the VPAA and President on monitoring activities. If the IPC concludes that the intellectual property has a good possibility of being licensed and that potential royalty returns are sufficient to justify patenting and licensing expenses, the IPC chair shall notify the VPAA and President of the Committee's recommendations. If the President formally approves in writing, an Assignment/royalty sharing Agreement will be executed with the inventor(s) and commercialization will proceed as described in Part 4.

#### **4.3 Copyrights**

The University may, at its discretion, publish or otherwise distribute works to which it has copyright in the University's and the public's best interest. Agreements, if any, between the university and the creator will govern any distribution of proceeds from the publication or commercialization of the work. In the absence of formal written agreements, any proceeds from the publication or commercialization of the work will be shared according to the formula in Section 4.1.2.

#### **4.4 Tangible Research Property**

It is the University's policy that any commercial distribution of University-owned TRP be handled only through the IP Committee. Software should be submitted to the IP Committee in the same fashion as a patentable invention, for which the first step is preparation and submission of a Technology Disclosure Form.

If TRP developed by the University as a result of research activities is to be distributed to outside users for commercial purposes, the distribution agreement must contain provisions negotiated by the IP Committee and approved by the President covering the terms under which the property may be used, limits on University liability for the TRP or products derived therefrom, and other conventional license agreement terms including those relating to any intangible property rights (such as patents) which also may be associated with the use of the tangible property.

### **Part 5 – Faculty, Staff, Student and Visitor Obligation**

It is the general policy of the University that individuals, by participating in University-sponsored research projects, accept the principles of ownership of intellectual property as stated under this policy. In furthering such undertaking, all participants will sign Invention and Copyright Agreements in accordance with this policy.

These policies pertaining to the ownership and licensing of intellectual property constitute an understanding that is binding on the University, and its academic and non-academic employees, students and others as a condition for their participation in University research, teaching and service programs or their use of University resources. Furthermore, to avoid any potential for a conflict of interest, members of the University may not enter into a consulting agreement that is in conflict with the policies described here.

Furthermore, regulations applicable to Federal grants and contracts and terms of certain sponsored agreements stipulate that the University has written agreements with their employees which

require the prompt disclosure of all inventions to a University representative (IP Committee). To comply with such regulations, all faculty, research staff and students who work or intend to perform work on a federally funded project or other sponsored projects are required to execute such agreements.

### **5.1 Who Must Sign Invention and Copyright Agreements**

Any individual at St. Mary's University who –

1. Receives support from externally or internally sponsored projects; or,
2. Otherwise may be in a position to make, conceive, or reduce to practice inventions or otherwise develop intellectual property under externally or internally-sponsored projects (whether or not salary or other support is received from such projects) must sign the University's Invention and Copyright Agreement. Note that this requirement specifically extends not only to St. Mary's personnel but also to visiting scholars and fellows or others who may participate in sponsored projects at the University.

### **5.2 Administration**

Each department Chair and the Dean of a School is responsible for ensuring that Invention and Copyright Agreements are signed by all faculty, students, staff, and visitors who may be or are involved with sponsored projects administered by that department or school. The Intellectual Property Committee and the Academic Research and Sponsored Projects Office will assist in this process as appropriate. All Invention and Copyright Agreements should be signed in triplicate with one copy retained by the signatory, one copy retained in the department or school, and one copy sent to the Academic Research and Sponsored Projects Office.

## **Part 6 – Administration**

### **6.1 Acknowledgement of Institutional Authority**

The president of St. Mary's University has the ultimate authority for the stewardship of intellectual property as appropriate to the University's mission. The Provost and Vice President for Academic Affairs shall assume direct oversight responsibilities, and the IP Committee shall report directly to the VPAA.

The Office of Academic Research and Sponsored Projects, in consultation with Principal Investigators and others as appropriate, is responsible for the pre-award negotiation, implementation, and post-award administration of all University agreements with external sponsors of research grants and contracts and for ensuring compliance with stipulations and mandates of the Terms and Conditions of awards under externally-funded academic grants and contracts.

### **6.2 Intellectual Property Committee**

The Intellectual Property Committee has responsibilities in four areas: (1) **maintaining** currency of Intellectual Property policies and procedures; (2) **reviewing** all disclosures submitted in accordance with the University's intellectual property policies; (3) **recommending** actions to ensure protection of identified intellectual property; and (4) **reporting** the activities of the IPC and the status of identified intellectual property to the VPAA and the President.

All recommendations of the IPC are subject to the approval of the VPAA and the President of the university. In order to fulfill these responsibilities, the IPC shall:

- (1) Review and revise, as required to maintain currency or improve efficiency, St. Mary's University Intellectual Property Policy and Procedures in accordance with University policy revision approval processes.
- (2) Review all Disclosures of Intellectual Property submitted in accordance with this policy.
- (3) Recommend to the VPAA and the President actions that the University should consider in order to protect intellectual property as defined in the Disclosure documents. The IPC may also advise the VPAA and the President concerning the equitable distribution of royalties from the development and marketing of those intellectual property rights in which the University has a vested interest.
- (4) Report on a regular and frequent basis the activities of the IPC and the status of any intellectual property under development.

### **6.3 Intellectual Property Committee Membership, Qualifications, and Selection**

The committee shall consist of seven members as follows:

- **one** full-time faculty members from the School of Science, Engineering, and Technology
- **one** full-time faculty member from the School of Humanities and Social Sciences;
- **one** full-time faculty member from the Greehey School of Business;
- **one** full-time faculty member from either the Blume or Law Library;
- **one** full-time faculty member from the School of Law;
- **the *Director of Sponsored Projects, Academic Research and Compliance***

Faculty with strong research credentials are eligible for IP Committee membership, with a preference for members who have produced intellectual property or who are active researchers in fields that commonly produce intellectual property, or who have specialized experience with intellectual property issues.

The VPAA, in consultation with the president, shall appoint members for a two-year term with the exception of the first year, which shall be staggered to ensure continuity thereafter. The VPAA shall select the Chair.

### **6.4 Intellectual Property Committee Procedures**

- (1) The Intellectual Property Committee shall meet as necessary, but **no less than** twice during each semester of the Academic Year.
- (2) The Committee shall establish policy review procedures that ensure the policies are thoroughly evaluated at least once during the Academic Year. The Committee shall recommend policy revisions according to established review procedures.
- (3) The Committee shall review all intellectual property disclosures and potential claims within 30 days of notification/application.
- (4) The chair of the Committee shall accept disclosures and claims on behalf of the Committee and shall be responsible for distributing this information to the Committee members in a timely fashion so that action may be taken within the 30 day period.
- (5) The chair of the Committee shall notify University officials of any intellectual property that

may have commercial potential.

(6) The Committee shall be one of the primary points of contact with the technology transfer group/attorney retained by the University to commercialize intellectual property.

## Appendix G-A

### Glossary Intellectual Property

- ✱ **Collaborator:** A collaborator is an individual who is not an employee of St. Mary's but who, together with a St. Mary's employee, creates a copyrightable or patentable work. Because collaborators are not employees of St. Mary's, the University does not by law have ownership of the collaborator's interest in the creative work. Should St. Mary's seek to acquire such an interest or ownership, it may attempt to do so via a separate (non-employment) contractual arrangement with the collaborator.
- ✱ A **Copyright** is a grant by the United States of exclusive rights over the writings of an author, including software. Copyright protects only the expression, not the idea. If the author wants the right to sue for infringement, claims to copyright must be registered in the Copyright Office.
- ✱ **Data:** Data is defined in the NIH Grants Policy Statement as “recorded information, regardless of the form or medium on which it may be recorded, and includes writings, films, sound recordings, pictorial reproductions, drawings, designs, or other graphic representations, procedural manuals, forms, diagrams, work flow charts, equipment descriptions, data files, data processing or computer programs (software), statistical records, and other research data.” The term refers to research notebooks, financial records if relevant to a sponsored project, supporting documentation and any other data generated in the conduct of the research.  
Data is also defined in OMB Circular A-110 as “the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analysis, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues.” It also excludes some types of proprietary materials.
- ✱ **Disclosure:** The formal process of notifying (university) officials of potential or expected outcomes of research or other employment-related activities that may lead to a patent, trademark, copyright, or Tangible Research Property.

**Electronic Courses:** Electronic courses are those courses taught primarily on-line as opposed to live instruction. Faculty PowerPoint lectures, student assignments, tests and other course requirements are primarily completed on-line. The interaction of faculty and students is primarily asynchronous. The percentage of on-line versus live faculty and student activity in any particular course will result in the classification as an on-line course when 50 % or more of that activity is performed and transmitted via the internet, usually via a network such as Gateway's Blackboard. Electronic courses make distance learning possible and thereby enable St. Mary's faculty to teach students who are in locations remote from St. Mary's. Such courses require extensive preparation of PowerPoint lectures, exercises and tests which are often unique to the on-line environment. They therefore merit copyright protection.

- ✳ **Gross proceeds:** Gross proceeds are the total monetary revenue which is realized from the use or commercialization of a creative work by a licensee. Gross proceeds include, but are not limited to (a) option fees; (b) license fees; (c) running royalties; (d) minimum royalty payment; (e) milestone payments; (f) proceeds from the sale of stock or other equity in the licensee company; and (g) funds and other compensation received as a result of the resolution of disputes related to the invention.
- ✳ **Independent Work:** An independent work is a creative work performed by a St. Mary's employee where such creation occurs outside of the course and scope of that employee's employment. As a result, St. Mary's has no claim on the creative work. Any interest in the creative work which the University might seek would have to be acquired via a separate (non-employment) contract.
- ✳ **Intellectual Property** is any invention, discovery, trade secret, technology, scientific or technological development, computer software, or other form of expression that is in a tangible form. Intellectual property can be protected by patent, trademark or copyright laws or it can be protected as a trade secret by not disclosing the “know how” to others.
- ✳ **Materials Transfer Agreement:** An MTA is an agreement between parties that provides protection for intellectual property. Such an agreement establishes the terms of use and the obligations of the recipient when research materials are exchanged or shared. MTAs are limited to any kind of physical material; for example, cell lines, chemical compounds, engineered materials, etc.
- ✳ A **Patent** is a property right granted by the United States, which gives the holder the exclusive right to exclude others from the manufacture, use and sale of the invention in the United States for a period of time. As property, it may be sold, assigned, pledged, mortgaged, licensed, willed, or donated, and be the subject of contracts and other agreements. When an inventor secures a patent, he or she has the opportunity to profit by the manufacture, sale or use of the invention in a protected market or by charging others for making or using it. Patents may also be obtained in other countries, and foreign patents are often important for commercial development.
- ✳ **Publication:** Something is published when it is described or discussed to a third party in a written format, to include electronic text.
- ✳ **Public Disclosure:** This term is primarily used in regard to patents. If the inventor has described the invention, in part or whole, in a public setting, such as at a conference, or if the invention has been used or sold in the U.S. or a foreign country, it is not patentable.
- ✳ **Royalty:** The consideration or compensation paid to the licensor in exchange for certain rights in the technology that the licensor is providing to the licensee.
- ✳ **Royalty-free:** A royalty is either a payment made to the patent owner for the privilege of using a patented invention or a payment made to a copyright holder for the use of the copyright holder's work. In each instance, the right to use the owner's creative work or



invention is based on the owner's granting of a license. A royalty-free license would occur when the license to use the creative work is granted but no payment is required of the user.

- ✳ **Specific Expenses:** Specific expenses are those costs associated with filing a patent application or obtaining a patent, which may include attorney and all filing fees, and costs associated with commercialization of the invention, such as marketing or prototype development. Any expenses related to filing a patent, trademark, copyright, or Tangible Research Property agreement are considered specific expenses. Also refer to Gross Proceeds above.
- ✳ **Sponsored Research, Contracts, and Other Agreements** refers to specific types of research support agreements between researchers, funding sources, and contract parties.
  - Sponsored Research commonly refers to research that is sponsored, or funded either fully or partially, by an entity external to the institution conducting the research or other project. Government and nongovernment agencies/entities “sponsor” research and development projects with resources such as money, equipment, personnel, or other in-kind resources.
  - Contracts are formal agreements that define relationships and responsibilities between two or more parties that create a legal obligation between them to do something, or to not do something. To be binding, a contract must be created between competent persons; the subject matter must be explicitly stated; there must be mutuality of agreement; and there must be mutuality of obligation.
  - Other agreements are documents that establish formal relationships between two or more parties to conduct business. These are most commonly cooperative agreements, memoranda of understanding, or subcontracts in which the relationships, outcomes, or deliverables are explicitly stated.
- ✳ **Terms and Conditions of Award** refers to award documents that set forth the terms and conditions under which an award is made. An Authorized Organizational Representative (AOR) signature is usually required from the receiving institution formally agreeing to meet the requirements of the funding source before the award is finalized. These documents include the assurances for regulatory frameworks of grants, contracts, and other agreements and provide the authorizing legislation (if any) for requiring those assurances as part of an award. Terms and conditions are usually specific to the funding source but may also include federal or state mandated terms and conditions as required by law or regulation.
- ✳ A **Trademark** differs from both patents and copyrights. It is a word, name or symbol adopted or used by an individual, corporation, or other entity to distinguish its goods or services from others’ goods or services. When a mark is registered in the Texas Secretary of State’s Office or the U.S. Patent and Trademark Office, the trademark owner obtains certain rights and benefits. Rights to a trademark are established by adoption and actual use, not by authorship as in copyrights, or by inventorship as in patents.

## **APPENDIX H-1**

### **Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment**

St. Mary's University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise in full compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, the Pregnancy Discrimination Act of 1978, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Americans with Disabilities Act, the Equal Pay Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Immigration Reform and Control Act of 1986, and other federal, state, and local laws.

All alleged violations of this policy will be handled in accordance with the University's Equity Discrimination Resolution Process. The Equity Discrimination Resolution Process applies regardless of the status of the parties involved, who may be students or employees (staff, faculty, or administrators). The University reserves the right to act on conduct that may constitute a violation of this policy occurring on campus or off campus, when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

The Director of Human Resources serves as the Title IX Coordinator and oversees implementation of this policy.

Allegations of violations of this policy must be reported to the Title IX Coordinator immediately. Reporting is addressed more specifically in Section 9 of this policy, below.

#### **1. Nondiscrimination**

The University fully subscribes to all federal and state civil rights laws banning discrimination in institutions of higher education. The University will not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of race, color, sex, pregnancy, religion, national origin, citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any allegation process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the University community who acts to deny, deprive, or limit the educational or employment access, benefits, or opportunities of any member of the University community on the basis of their actual or perceived membership in the protected classes listed above is in violation of this policy.

#### **2. Americans with Disabilities Act**

The University is committed to full compliance with the Americans with Disabilities Act, as amended (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under Section 504 and the ADA, a person has a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities. The University is committed to providing reasonable accommodations to qualified individuals with disabilities that do not create a fundamental change in programming and/or impose an undue burden on the University.

##### **a. Students with Disabilities**

The University ensures effective access to its academic programs, services, and activities through a variety of accommodations and/or services tailored to the strengths and unique needs of each individual student with a disability. All accommodations and/or services are provided on a case-by-case basis. A student with a diagnosed disability, who is requesting accommodations and/or services, needs to contact the Coordinator of Disability Services to establish and maintain disability-related services and/or accommodations at the University. The Coordinator will review the documentation provided by the student, complete a diagnostic Intake Interview with the student, and then in consultation with the student, determine the appropriate accommodations and/or services for the student's particular

needs and academic goals. The Coordinator of Disability Services prepares Letters of Accommodation. The student with a disability is responsible for obtaining the Letters from Disability Support Services and delivering the Letter to each of his/her individual professors and/or impacted faculty, staff, or administrator.

### **3. Discriminatory Harassment**

Students and employees are entitled to a professional working and educational environment, and the University is committed to providing a work and educational environment free of discriminatory harassment. Consistent with the University's policy on academic freedom, the University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under this policy.

#### **a. Discriminatory and Bias-Related Harassment**

Harassment constitutes a form of discrimination that is prohibited by law. The University's harassment policy explicitly prohibits any form of discriminatory harassment on the basis of actual or perceived membership in a protected class by students or employees which creates a hostile environment, both objectively and subjectively.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe or pervasive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities. This definition of hostile environment is based on Federal Register/Vol. 59, No. 47/ Department of Education Office for Civil Rights, Racial Incidents and Harassment against Students at Educational Institutions Investigative Guidance (<http://www.ed.gov/about/offices/list/ocr/docs/race395.html>).

The University will not tolerate discriminatory harassment against any student or employee on the basis of race, color, sex, pregnancy, religion, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law.

#### **b. Sexual Harassment**

Both the Equal Employment Opportunity Commission and the State of Texas regard sexual harassment as a form of sex discrimination and, therefore, as an unlawful discriminatory practice. The University has adopted the EEOC definition of sexual harassment, amended to address the special needs of an academic community, which consists not only of employer and employees but of students as well. The amended definition is as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual/gendered nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, (2) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual, or (3) such conduct is sufficiently severe, pervasive or persistent that it has the effect of unreasonably interfering with an individual's work or academic or student status by creating an intimidating, hostile, or offensive working, educational, or social environment.

### **4. Sexual Misconduct**

Texas state law defines various violent and/or non-consensual sexual acts as crimes. Additionally, the University has defined categories of sexual misconduct, as stated below, for which will be considered violations of this policy. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

#### **a. Sexual Harassment (as defined above)**

#### **b. Non-Consensual Sexual Intercourse (Texas Penal Code § 22.011)**

Defined as:

- any sexual penetration or intercourse (anal, oral, or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

#### **c. Non-Consensual Sexual Contact**

Defined as:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person
- that is without consent and/or by force.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

#### **d. Sexual Exploitation**

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Taking pictures or video or audio recording of another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

### **5. Consent**

Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear affirmative expression in words or actions that the other individual consented to that specific sexual conduct. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or

unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual accused of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone may not indicate consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In Texas, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a violation of this policy.

## **6. Other Misconduct Offenses**

Other actions committed on the basis of an individual’s actual or perceived membership in a protected class will be considered violations of this policy, including:

- a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
- b. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- c. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy).
- d. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.

## **7. Retaliation**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging a violation of this policy, supporting an accusing party, or assisting in providing information relevant to an allegation of a violation of this policy is strictly prohibited. Acts of alleged retaliation must be reported immediately to the Title IX Coordinator and will be promptly investigated under the University’s Equity Discrimination Resolution Process.

## **8. Remedial Action**

The University will implement initial remedial and responsive actions upon notice of alleged violations of this policy, and will take additional prompt remedial and/or disciplinary action with respect to any individual who has been found to engage in harassing or discriminatory behavior or retaliation in violation of this policy pursuant to the University’s Equity Discrimination Resolution Process. Deliberately false and/or malicious accusations of violations of this policy, as opposed to allegations which, even if erroneous, are made in good faith, are just as serious an offense and will be subject to appropriate disciplinary action.

## **9. Reporting of Violations of this Policy**

Students and employees of the University (not including, acting in their professional capacities, staff psychologists, counselors, health care providers, and clergy) must promptly report an alleged violation of this policy to the Title IX Coordinator. To meet the University's obligation under federal law, if the violation of policy includes crimes that must be reported under the Clery Act reportable crimes, the employee and Title IX Coordinator must immediately notify the University Police to determine whether a Timely Warning is necessary or required. The Title IX Coordinator will determine how much detail is needed in an initial report. However, subsequent to an initial report, University officials may need additional information in order to fulfill the University's obligations under federal, state, and local laws. Alleged violations of this policy will be handled in accordance with the University's Equity Discrimination Resolution Process.

If a student would like the details of an incident to be kept confidential, the student may speak with on-campus psychologists, counselors, health service providers, or members of the clergy/chaplains who will maintain confidentiality, unless the student requests that the information be shared.

## **10. Federal Timely Warning Obligations**

Victims of sexual misconduct should be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **APPENDIX H-2**

### **EQUITY DISCRIMINATION RESOLUTION PROCESS FOR RESOLVING ALLEGATIONS OF HARASSMENT AND DISCRIMINATION**

The University will act on any allegation of a violation of the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy that is received by the Title IX Coordinator. For allegations involving students as the accused individual, the Dean of Students, as a Deputy Title IX Coordinator, has primary responsibility for each of the steps defined in this process. Therefore, in cases involving students as the accused individual, all references to the Title IX Coordinator in Sections 1-8 of this document will typically refer to the Dean of Students.

If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

The procedures described below will apply to all allegations involving students, staff, administrators, or faculty. Redress and requests for responsive actions for allegations brought against non-members of the University community are also covered by these procedures.

#### **1. Equity Discrimination Resolution Panel (EDRP)**

Members of the EDRP are announced in an annual distribution of this policy to the University community. The list of members and a description of the panel can be found at [www.stmarytx.edu](http://www.stmarytx.edu). Members of the EDRP are trained in all aspects of the discrimination process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake and initial counseling of allegations
- To serve in a mediation role in conflict resolution
- To investigate allegations
- To act as advisers to those involved in allegations
- To serve on hearing panels for allegations, and
- To serve on appeal panels for allegations.

EDRP members also recommend proactive policies and serve in an educative role for the community. EDRP members receive annual training organized by the Title IX Coordinator, including a review of University policies and procedures so that they are able to provide accurate information to members of the University community. All EDRP members are required to attend this annual training. The panel includes:

- 2 Co-chairs from among the University's Deputy Title IX Coordinators
- One Administrative Hearing Officer who is an *ex officio* member and serves as Chair of discrimination panel hearings for complaints against students, normally the Dean of Students or a designee thereof
- Other members of the University community (students, staff, and faculty) as appointed by the President.

Panel members are usually appointed to staggered three-year terms. Appointments to the EDRP should be made with attention to representation of groups protected by Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy. Individuals who are interested in serving on the EDRP are encouraged to contact the Title IX Coordinator.

#### **2. Filing an allegation**

Students, staff, administrators, or faculty of the University who allege that the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy has been violated must report the allegation in accordance with the terms of that policy. All employees receiving reports of a potential violation of the policy are expected to promptly contact the Title IX Coordinator within 24 hours of becoming aware of a report or incident.

To meet the University's obligation under federal law, if the violation of policy includes crimes that must be reported under the Cleary Act reportable crimes, the employee and the Title IX Coordinator must immediately notify the University Police to determine whether a Timely Warning is necessary or required.

### **3. Allegation Intake**

Following receipt of an allegation that the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy has been violated, the Title IX Coordinator will promptly assign an EDRP panel member to work as adviser to the person who reported the allegation. Normally, within two business days, an initial determination is made whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the allegation does not appear to allege a policy violation, or if conflict resolution is desired by the accusing party and appears appropriate given the nature of the alleged behavior, then the allegation does not proceed to investigation. However, a full investigation will be pursued if the Title IX Coordinator, in consultation with the Deputy Coordinator(s), determines there is evidence of a pattern of misconduct or a perceived threat of further harm to the University or any of its students or employees. The University aims to complete all investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

### **4. Investigation**

If the allegation appears to indicate a policy violation, or if conflict resolution is rejected by the accusing party or is inappropriate given the nature of the alleged behavior, or if the University, based on the alleged policy violation, wishes to pursue an allegation, then the Title IX Coordinator will appoint EDRP members to conduct an investigation into the allegation, usually within two business days of determining that an investigation is warranted. The investigation of allegations brought directly by those alleging harm should be completed expeditiously, normally within 10 business days of notice to the Title IX Coordinator. However, investigation may take longer when initial allegations fail to provide direct first-hand information. Further, the University may undertake a short delay, typically 10 business days, to allow for evidence collection when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable, and impartial and will entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, if necessary.

### **5. Interim Remedies**

If, in the judgment of the Title IX Coordinator and in consultation with the Deputy Coordinator(s), the safety or well-being of any member(s) of the University community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination, or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. As it relates to safety determinations, these decisions will be made in consultation with the Chief of Police (or designee). These remedies may include, but are not limited to, referral to counseling and health services or to the Employee Assistance Program, education to the community, altering the housing situation of an accused student (or the alleged victim, if desired), altering work arrangements for staff, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and course schedules.

The University may interim suspend a student, staff, or administrator pending the completion of EDRP investigation and procedures. In all cases in which an interim suspension is imposed, the student, staff, or administrator will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension under the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

For allegations involving faculty, the Provost and Vice President for Academic Affairs may interim suspend a faculty



member, consistent with Section 2.8.7 of the *Faculty Handbook*, on the recommendation of the Title IX Coordinator, pending the completion of EDRP investigation and procedures.

During an interim suspension, a student will be denied access to University housing and the University campus, facilities, and events. As determined by the Dean of Students or designee, this restriction may include classes and all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Students or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

## **6. Allegation Resolution**

During or upon the completion of investigation, the investigators will meet with the Title IX Coordinator to report findings. The Title IX Coordinator will decide, based on the recommendation of the investigative team whether there is reasonable cause to proceed with the allegation. If the Title IX Coordinator decides that no policy violation has occurred, or that the preponderance of evidence (i.e., whether it is more likely than not that the accused individual committed the alleged violation) does not support a finding of a policy violation, then the process will end unless the accusing party requests that the Title IX Coordinator make an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator. If there is reasonable cause, the Title IX Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator may recommend conflict resolution, a resolution without a hearing, or a formal hearing, based on the below criteria.

### **a. Conflict Resolution**

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, an EDRP member will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate sanctions or corrective actions. Conflict resolution will not be the primary resolution mechanism used to address allegations of sexual assault or violent behavior of any kind, or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to make a formal EDRP allegation, and anyone participating in conflict resolution can stop that process at any time and request a formal hearing.

### **b. Resolution Without a Hearing**

Resolution without a hearing can be pursued for any behavior that falls within the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy, at any time during the process. The Title IX Coordinator will provide written notification of an allegation to any member of the University community who is accused of violating the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy. The accused individual may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX Coordinator will find the individual in violation of the policy for the admitted conduct and will normally proceed to convene a formal hearing on any remaining disputed violations. For admitted violations, the appropriate Co-chair of the EDRP will recommend an appropriate sanction or responsive action. If the sanction or corrective action is accepted by both the accusing party and accused individual, the Title IX Coordinator will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community. If either party rejects the sanction or corrective action, an EDRP hearing will be held on the sanction or corrective action according to the EDRP procedures below.

### **c. Formal EDRP Hearing**

For any allegations that are not appropriate for conflict resolution and that are not resolved without a hearing, the Title IX Coordinator will initiate a formal hearing.

## **7. Formal EDRP Hearing Process**

### **a. Hearing Panels**

The Title IX Coordinator will appoint a non-voting panel Chair (either one of the EDRP co-chairs or the Administrative Hearing Officer, depending on whether the accused individual is a faculty member, staff, or student) and up to three members of the EDRP to the hearing panel. EDRP members who served as investigators will be witnesses in the hearing of the allegation and therefore may not serve as hearing panel members. Hearing panels may include both faculty and non-faculty staff with a least one faculty employee selected in an allegation against a faculty member. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair.

### **b. Notification of Charges**

At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the EDRP Co-Chair will send a letter to the parties with the following information:

1. A description of the alleged violation(s), a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
2. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Co-Chair may reschedule the hearing.
3. The parties may have the assistance of an EDRP panel member, or other adviser, at the hearing. Typically, advisers are members of the campus community, but the Title IX Coordinator may grant permission for an outside adviser upon request. The adviser may not be a practicing attorney.
4. Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University.

Once mailed, emailed to University-issued email address, or received in-person, notice will be presumptively delivered.

### **c. Hearing Procedures**

EDRP Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The EDRP has the authority to hear all collateral misconduct, meaning that it hears all allegations of violations of the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy, but also may hear any additional alleged policy violations that have occurred in concert with the alleged conduct, even though those collateral allegations may not specifically fall within EDRP jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the non-voting Chair, the members of the panel, the investigator(s) who conducted the investigation on the allegation, the accusing party and accused individual(s), advisers to the parties, and any called witnesses. The Chair will exchange the names of witnesses the University intends to call, all pertinent documentary evidence, and any written findings from the investigators between the parties at least two business days prior to the hearing. In addition, the parties will be given a list of the names of each of the EDRP panel members at least two business days in advance of the hearing. Should either party object to any panelist, he/she must raise all objections, in writing, to the Chair immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the allegation. Additionally, any panelist or Chair who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all

witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired, (screens, Skype, questions directed through the Chair, etc.), the parties must request them from the Chair at least two business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the EDRP. The investigator(s) will be present during the entire hearing process, but only during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions or corrective actions. Once the investigator(s) is questioned, the EDRP will permit questioning of and by the parties, and of any present witnesses. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing and may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation unless they show a pattern, or (2) the sexual history of or the character of the victim/accusing party.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one accused individual or in which two accusing parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the hearing pertinent to each accused individual to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each accused individual.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to University consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisers.

Hearings are recorded for purposes of review in the event of an appeal. EDRP members, the parties and the persons who initiated the action, and appropriate administrative officers of the University will be allowed to listen to the recording as determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

#### **d. Decisions**

The EDRP panel will deliberate in closed session to determine whether the accused individual is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an accused individual is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX Coordinator. The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the hearing panel excluded from its consideration and why. The report should conclude with any

recommended sanctions. This report should not exceed two pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations.

The Title IX Coordinator will inform the accused individual and accusing party of the final determination within 2-3 business days of the end of deliberations. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**e. Sanctions and Corrective Actions**

Sanctions or corrective actions will be determined by the EDRP panel. Factors considered when determining a sanction or corrective action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous allegations or allegations involving similar conduct.
- Any other information deemed relevant by the EDRP panel.
- The need for sanctions or corrective actions to bring an end to the conduct.
- The need for sanctions or corrective actions to prevent the future recurrence of similar conduct.
- The need to remedy the effects of the conduct on the victim and the community.

**i. Student Sanctions**

One or more of following sanctions and corrective actions may be imposed upon any student for any single violation of the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy or the *Code of Student Conduct*. **On inquiry, the Office of the Dean of Students may -- as permitted by law and/or with consent of the student -- release information regarding conduct records and sanctions to employers, licensing agencies, certifying boards, graduate programs, government background inspectors, and transferor institutions.**

- a) *Warning*: A written notice will be sent to the student(s) who violated University policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
- b) *Restitution*: Compensation for damage caused to the University or any person's property. This is not a fine but, rather, a repayment for property destroyed, damaged, consumed, or stolen.
- c) *Fines*: Reasonable fines may be imposed.
- d) *Community/University Service Requirements*: For a student to complete a specific supervised university service.
- e) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- f) *Confiscation of Prohibited Property*: Items whose presence is in violation of University policy will be confiscated and will become the property of the University.
- g) *Behavioral Requirement*: This includes required activities such as, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- h) *Educational Program*: Requirement to attend, present or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to

aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

- i) *Restriction of Visitation Privileges:* May be levied on residential or non-resident student. The parameters of the restriction will be specified.
- j) *University Housing Probation:* The student is put on official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
- k) *University Housing Reassignment:* The student is reassigned to another University housing facility. Residence Life personnel will decide on the reassignment details.
- l) *University Housing Suspension:* The student is removed from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Director of Housing and Residence Life (or designee).
- m) *University Housing Expulsion:* The student's privilege to live in, or visit, any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- n) *University Probation:* The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- o) *Eligibility Restriction:* The student is deemed "not in disciplinary good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Director of Judicial Affairs and Community Education and terms of this conduct sanction may include, but are not limited to, the following:
  - 1. Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
  - 2. Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- p) *University Suspension:* The student is separated from the University for a specified minimum period of time, and upon the satisfaction of specific conditions, after which the student is eligible to return. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Judicial Affairs and Community Education. This sanction may be enforced with a trespass action as necessary. **This sanction may be noted as a Conduct Suspension on the student's official academic transcript.**
- q) *University Expulsion:* The student is permanently separated from the University. The student is barred from being on campus and the student's presence at any University-sponsored activity or

event is prohibited. This action may be enforced with a trespass action as necessary. **This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.**

- r) *Other Sanctions:* Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Judicial Affairs and Community Education or designee.

**ii. Staff Sanctions**

Sanctions and corrective actions for staff who has engaged in conduct violating the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy include, but are not limited to, verbal and written warning, required counseling, demotion, suspension with pay, suspension without pay, and dismissal, in accordance with the terms of Section 5.0 Separation from Employment in the University's Personnel Manual.

**iii. Faculty Sanctions**

Sanctions and corrective actions for faculty who have engaged in conduct violating the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy will be consistent with Sections 2.8.6 and 2.8.7 of the *Faculty Handbook*.

**f. Withdrawal or Resignation While Charges Pending**

Students: The University does not permit a student to withdraw if that student has an allegation pending for violation of the Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to University unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

**g. Appeals**

All appeals must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written finding of the EDRP. A three-member panel of the EDRP designated by the Title IX Coordinator that was not involved in the allegation previously will consider student, staff and administrator appeal requests. Faculty appeals will be consistent with Sections 2.16 of the *Faculty Handbook*, with results of the appeal reported to the Title IX Coordinator.

Any party may appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions fall outside the range of sanctions, if any, the University has designated for this offense. If no range of sanctions is specified, sanctions may be appealed on the basis that they are disproportionate to the severity of the violation(s).

The original finding and sanction or corrective actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party requesting the appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and

appropriately.

Additional principles governing the hearing of appeals include the following:

- Appeals decisions are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction or corrective action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator, in consultation with the Deputy Coordinator(s), or heard by the three-member panel of the EDRP.
- Sanctions imposed are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Title IX Coordinator will normally, after conferring with the EDRP appeals panel, render a written decision on the appeal to all parties within seven business days from hearing of the appeal.
- All parties must be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final; further appeals are not permitted.

**h. Failure to Complete Sanctions or Comply with Corrective Actions**

All accused individuals are expected to comply with conduct sanctions or corrective actions within the time frame specified by the Title IX Coordinator. Failure to follow through on conduct sanctions or corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions or corrective actions and/or suspension, expulsion, or termination from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

**i. Records**

In implementing this policy, records of all allegations, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database.

**j. Statement of Accusing Party's Rights**

- To be treated with respect by University officials.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and University Health Services for students, or EAP services for staff)
- To experience a safe living, educational, and work environment.
- To have an adviser during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have allegations heard in substantial accordance with these procedures.
- To full participation of the injured party in any EDRP process whether the injured party is serving as the accusing party or the University is serving as accusing party.
- To be informed in writing of the outcome/resolution of the allegation, sanctions where permissible, and the rationale for the outcome where permissible.

**k. Statement of Accused individual's Rights:**

- To be treated with respect by University officials.
- To take advantage of campus support resources (such as Student Psychological and Testing Services, the University Chaplains, and Student Health Services for students, or EAP services for staff).

- To have an adviser during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have allegations heard in substantial accordance with these procedures.
- To be informed of the outcome/resolution of the allegation and the rationale for the outcome, in writing.

## **8. Revision**

These procedures will be reviewed and updated annually by the Title IX Coordinator. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator, in consultation with the Deputy Coordinator(s), may also vary procedures materially with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.



## **APPENDIX I**

### **NEW TENURE PROCESS – Approved by the Board of Trustees on February 8, 2019**

#### **2.7 Tenure**

A faculty member cannot expect continuous employment at St. Mary's University without being granted tenure. Upon completion of the minimum number of years of service, as defined in this Handbook, tenure-track faculty members may apply for tenure. Tenure imparts not only the dignity but also the responsibility attendant with membership in the continuing core of the University's faculty. Tenure must be merited. The locus of tenure for faculty is the School in which they were hired. The locus of tenure for librarians with faculty status is the University.

The criteria for tenure for non-law faculty members are stated in Section 2.5.1 et seq. These criteria and the tenure standards and interpretations shall apply regardless of the date that faculty members were hired on the tenure track.

Those charged with evaluating a candidate for tenure must apply the criteria in light of the standards interpreting the scholarship requirement adopted by the individual School or Library that are described above in Section 2.5.1.3.3.

The criteria for tenure in the School of Law are stated in Section 2.7.6.

Applicants for tenure may not apply more than once during any academic year in which they are eligible. The deadline for tenure application shall be determined by the Provost and Vice President for Academic Affairs.

In all circumstances, tenure is granted only by the President. A grant of tenure is effective at the beginning of the next academic year. Any grant of tenure pursuant to this section shall automatically confer the status of Associate Professor on the faculty member who is granted tenure, provided that the faculty member has not otherwise achieved such status and the faculty has at least attained the status of Assistant Professor.

##### **2.7.1 Eligibility for Tenure for Non-Law Faculty Members**

For faculty members hired prior to June 1, 1995, see page 59 for eligibility and details concerning the tenure application process. Faculty members hired prior to June 1, 2019, may choose to follow the eligibility requirements and tenure process found in Appendix I or the eligibility requirements and processes outlined in section 2.7.1-2.7.5 of the Faculty Handbook.

Full-time tenure-track faculty members and librarians with faculty status hired on or after June 1, 2019, may apply for tenure during their fifth, sixth, or seventh year of full-time employment. Pro-rata tenure-track faculty members hired on or after June 1, 2019, may apply for tenure during their ninth, tenth, or eleventh year of pro-rata employment.

The denial of a first or second application for tenure does not preclude a subsequent application within the time limitations set forth above.

A full-time faculty member or librarian with faculty status who is not granted tenure prior to the completion of seven years of employment will be given notice that employment will terminate at the end of the eighth year of employment. A pro-rata faculty member who is not granted tenure prior to the completion of eleven years of employment will be given notice that employment will terminate at the end of the twelfth year of employment.

In determining eligibility, only service at St. Mary's University is counted, unless credit for service at another college or university is granted by the Provost and Vice President for Academic Affairs in writing at the time employment commences at St. Mary's University. Applicants are responsible for obtaining and submitting, in timely fashion, official documents verifying their service at other institutions. A full-time leave of absence does not count toward tenure unless the faculty member and Provost and Vice President for Academic Affairs so agree in writing prior to the commencement of the leave. Full-time faculty members may count prior pro-rata service at St. Mary's University, and pro-rata faculty members may count prior full-time service at St. Mary's University, only to the extent that the faculty member and Provost and Vice President for Academic Affairs so agreed in writing at the time

the faculty member assumed his or her current status. Ordinarily, two years of pro-rata employment will be treated as equivalent to one year of full-time employment, and one year of full time employment will be treated as equivalent to two years of pro-rata employment. In granting credit for prior service at St. Mary's University, the Provost and Vice President for Academic Affairs shall consult the respective Dean or Chair.

Only in rare circumstances may tenure be granted before the required number of years of service, and then only to faculty members whose professional and academic achievements demonstrate exceptional quality. Eligibility to apply early for tenure is determined by the Provost and Vice President for Academic Affairs, after consultation with the appropriate Dean or Department. In such cases, the usual tenure consultation procedures will be followed, unless the candidate is being hired from outside the University, in which case, other procedures, appropriate to the circumstances, will apply.

### **2.7.2 Procedures for Tenure for Non-Law Faculty Members**

During the spring semester, eligible faculty members and librarians with faculty status will be invited by the Provost and Vice President for Academic Affairs to apply for tenure. A written application must then be submitted by the candidate to the Provost and Vice President for Academic Affairs to initiate the tenure process. The application must address the criteria stated in Section 2.5.1 *et seq.* The Applicant consents to the distribution of these materials by the Provost and Vice President for Academic Affairs to all parties involved in making the tenure decision.

The following schedule of deadlines will typically apply to the tenure process. On or before:

March 1	Notification of eligibility to apply for the following academic year
May 1	Notification of intent to apply for the following academic year
September 1	Tenure application materials submitted
October 1	Report and recommendation from the Department Review Committee
November 15	Report and recommendation from the School Review Committee
January 15	Report and recommendation from appropriate Dean
February 15	Recommendation from Academic Council
April 15	Recommendation from Provost and Vice President for Academic Affairs
May 15	Decision by the President

Tenure can be granted only by the President of St. Mary's University. In deciding whether to grant tenure the President shall consider the recommendation of the Department Review Committee (DRC), the School Review Committee (SRC), the recommendation of the School Dean or Executive Director of the Blume Library for librarians with faculty status, the vote of Academic Council, and the recommendation of the Provost and Vice President for Academic Affairs. The following section 2.7.4 provides that the opinion of the Tenure Procedures Review Committee, should it have been empaneled, shall become a part of the record for the information of the President. An individual who is a member of more than one review body may participate in discussions at all relevant levels, but may only vote once, at the level of their choosing.

An Applicant can withdraw his or her tenure application without prejudice at any stage of the review process prior to the submission of the recommendation of the Provost and Vice President for Academic Affairs and all other tenure materials to the President.

A faculty member applying for tenure will be permitted to add new materials to the tenure application until the application is forwarded from the Academic Council to the Provost and Vice President for Academic Affairs for review and consideration. No new materials can be added or considered after that point unless submitted as part of an appeal process as described in Section 2.7.4. Additions to the tenure application are limited to only those substantive materials that directly relate to one or more criteria for evaluating faculty performance found in Section 2.5 of the Faculty Handbook. Examples of such materials include, but are not limited to: scholarly manuscripts or books accepted for publication, receipt of external awards confirming outstanding accomplishments in the area of teaching, scholarship, and/or service, major external competitive funding awarded for research, or comparable indicators of success in teaching, scholarship, or service. Materials that are not considered appropriate and cannot be added to the application materials once the application is submitted include, but are not limited to: additional student

course evaluations, peer evaluation of teaching, letters of support from peers, administrators, or students, and internal awards. The Provost and Vice President for Academic Affairs will determine whether new materials are sufficiently significant to be added to the application materials after the review process has begun. If added, the new materials will be evaluated in similar manner to all original materials.

The highest professional standards shall be practiced at all levels of the review process. Tenure application materials will be fully and carefully reviewed by those charged with making recommendations, and only factual information and the criteria found in Section 2.5 of the Faculty Handbook will be considered in evaluating the tenure application materials. All discussions, reports, and recommendations will be kept confidential and flagrant violations of confidentiality will be subject to disciplinary action. Absentee voting is permitted only in unusual circumstances and must be approved by the Provost and Vice President for Academic Affairs. Abstentions should be exercised only in limited, unusual circumstances.

### **2.7.3 Levels of Review**

#### **2.7.3.1 The Department Review Committee (DRC)**

The DRC is charged with the first stage of reviewing application materials. The DRC consists of at least three members. All tenured members of the Applicant's Department will constitute the DRC. If a department has fewer than three tenured faculty members, the Dean and Department chair work with the Applicant to appoint tenured faculty members from the School to serve on the DRC. If the chair of the Department is untenured, she or he can participate in the review of the application materials, but cannot vote on the application. The chair of the DRC is elected from the tenured faculty of the Department.

The DRC is responsible for conducting a thorough and objective review of the application materials. The chair is responsible for writing a report that addresses the Applicant's qualifications for tenure based upon criteria found in section 2.5 of the Faculty Handbook and includes the recommendation of the DRC. The report provides, in summary form, the votes cast by the DRC members; any member of the DRC may write and submit a dissenting report. The chair of the DRC informs the Applicant of the outcome of the DRC review. The report(s) become(s) part of the tenure application materials to be reviewed by the next level of the review process.

For faculty members from the Blume Library and the Law Library, the DRC is composed of all tenured Blume Librarians for Blume Library Applicants and all tenured Law Librarians for the Law Library Applicants. The DRC elects a chair from among its members. If there are fewer than three tenured faculty members in either library, the Library Director of the affected department and Provost work with the Applicant to appoint additional tenured faculty members to serve on the DRC.

#### **2.7.3.2 The School Review Committee (SRC)**

The SRC conducts the second level of review. The SRC is comprised of five tenured faculty members and two alternates elected from the tenured faculty members of each School; the SRC reviews all tenure applications from the School. The election of the SRC(s) occurs in the early fall, after tenure application materials are submitted. If there are no Applicants from a School, the SRC for that School is not created. Deans are not eligible to serve on the SRC. No more than two SRC members can be from the same Department. The Provost and Vice President for Academic Affairs is responsible for oversight of the elections. The chair of the SRC is elected from among the members of the SRC. The members of the SRC serve for one tenure cycle and are eligible for reelection.

The SRC is responsible for conducting a thorough, objective, and independent review of the application materials, including the report(s) of the DRC. The chair of the SRC is responsible for writing a report that addresses the Applicant's qualifications for tenure based upon criteria found in section 2.5 of the Faculty Handbook, and includes the recommendation of the SRC. The report provides, in summary form, the votes cast by the SRC members; any member of the SRC may write and submit a dissenting report. The report(s) become(s) part of the tenure application materials to be reviewed by the next level of the review process.

For faculty members from the Blume Library and the Law Library, the SRC is comprised of five tenured faculty members appointed in both the Blume Library and the Law Library. When a Blume Librarian is an Applicant, the

committee is comprised of two Blume Librarians and three Law Librarians. When a Law Librarian is an Applicant, the committee is comprised of two Law Librarians and three Blume Librarians. If there are fewer than five tenured faculty members in the combined libraries, the library directors work with the Provost to appoint additional tenured faculty members to the SRC for a total of five tenured faculty members.

### **2.7.3.3 The School Dean or Executive Director of the Blume Library for Blume Librarians**

The Dean of the Applicant's School or the Executive Director of the Blume Library for Blume librarians with faculty status is responsible for communicating to the Applicant the results of the SRC review and for conducting a thorough, objective, and independent review of the application materials, including the reports of the DRC and SRC. The Dean or Executive Director is responsible for writing a report that addresses the Applicant's qualifications for tenure based upon criteria found in section 2.5 of the Faculty Handbook, and includes the recommendation of the Dean or Executive Director. The Dean's or Executive Director's report becomes part of the tenure application materials to be reviewed by the next level of the review process.

### **2.7.3.4 The Voting Members of the Academic Council**

The Provost and Vice President of Academic Affairs determines which members of Academic Council participate and vote in the tenure process. The voting members of Academic Council review all application materials, including the reports of the DRC, the SRC, and the Dean or Executive Director. Following deliberations, the voting members of Academic Council vote to support or not support the Dean's or Executive Director's recommendation. The report and recommendation of the Dean or Executive Director, the vote of the Academic Council, and all previous reports are submitted for review to the Provost and Vice President for Academic Affairs.

### **2.7.3.5 The Provost and Vice President for Academic Affairs**

The Provost and Vice President for Academic Affairs is responsible for communicating to the Applicant the results of the Dean's recommendation and the vote by Academic Council and for conducting a thorough, objective, and independent review of the applications, including all previous reports and recommendations. The Provost and Vice President for Academic Affairs is responsible for writing a report that addresses the Applicant's qualifications for tenure based upon criteria found in section 2.5 of the Faculty Handbook and includes his/her recommendation. The report and recommendation of the Provost and Vice President of Academic Affairs and all previous reports and recommendations are submitted to the President for review.

### **2.7.3.6 The President**

The President is the only University official who has the authority to grant tenure. In making that decision, the President will consider the report and recommendation of the Provost and Vice President for Academic Affairs and the written reports and recommendations made at each level of review. The President will notify the Applicant of the decision to grant or not grant tenure. The notification to the Applicant will include a rationale for the President's decision.

## **2.7.4 Review of Tenure Procedures for Non-Law Faculty**

### **2.7.4.1 Description of the Tenure Procedures Review Committee**

The tenured and tenure-track faculty members from each of the Schools shall elect one tenured faculty member from the School as its representative to serve on the Tenure Procedures Review Committee (the Review Committee) during the current academic year. The election shall be held during the fall semester at a time selected by the Provost and Vice President for Academic Affairs, who shall also prescribe the procedures for the elections. When convened, the Review Committee member from the Applicant's School shall not participate in the review. The chair of the Review Committee shall be the senior eligible member. Each eligible member of the Review Committee may submit an individual opinion, if desired, and such opinion may include comments or suggestions.

The Provost and Vice President for Academic Affairs shall promulgate and publish uniform rules governing the procedures to be followed in the conduct of the Review Committee meetings. These rules may be amended, from

time to time, by the Provost and Vice President for Academic Affairs, who shall also be empowered to rule on specific questions of procedure upon request of the chair of the Review Committee. As to each specific case, the Provost and Vice President for Academic Affairs shall furnish relevant materials and summaries; however, the Review Committee may consult with the Applicant and reviewers from any and all review levels used in the tenure process.

#### **2.7.4.2 Review Process Prior to the Recommendation of the Provost and Vice President for Academic Affairs**

The Provost and Vice President for Academic Affairs shall promptly notify each Applicant as to the recommendation of the Dean or Executive Director of the Blume Library and the vote of the Academic Council. Within seven calendar days of such notification, the Applicant may deliver to the Provost and Vice President for Academic Affairs a written request for review by the Review Committee based upon either: 1) alleged noncompliance with the provision of the Faculty Handbook regarding tenure and/or written rules and written instructions promulgated by the Provost and Vice President for Academic Affairs; and/or 2) the existence of new, compelling, substantive materials relevant to meeting the requirements for tenure. Within seven calendar days of the delivery of such request, the Review Committee shall be convened. The Review Committee will consider the written appeal, but may also consult with the Applicant and reviewers from any or all levels of review.

The Review Committee member from the Applicant's School shall not participate in the review. The remaining members shall render a written opinion as to: 1) whether the provisions of the Faculty Handbook regarding tenure, as well as the written rules and written instructions promulgated by the Provost and Vice President for Academic Affairs, have been reasonably complied with by the review committees, the Dean or Executive Director, and the Academic Council; and/or 2) whether the new materials submitted by the Applicant can be added to the tenure application materials for consideration by the Provost and Vice President for Academic Affairs. Each member of the Review Committee may submit an individual opinion if desired and such opinion may include comments or suggestions. The opinion (or opinions) of the Review Committee shall be delivered to the Applicant and the Provost and Vice President for Academic Affairs within 20 working days after the date of the request for review. Such opinion(s) shall become a part of the record of information submitted to the President, along with the tenure recommendation of the Provost and Vice President for Academic Affairs and the recommendations of all previous reviews.

#### **2.7.5 Granting Tenure**

The President grants tenure taking into account the recommendations made through the consultation process.

#### **2.7.6 Promotion to Rank of Professor and Granting of Tenure in the School of Law**

(Continues to be found in the Faculty Handbook – Section 2.7.2.2, Pg. 61)

## **APPENDIX J**

### **Approved by the Board of Trustees Resolution of April 24, 2020**

Notwithstanding any provision of the Faculty Handbook to the contrary, the President may implement salary reductions for all faculty members covered by this Handbook. Salary reductions may take the form of uniform across the board salary reductions or tiered reductions based on salary amount, as determined by the President given the financial condition of the University and/or projected student enrollment at the time the President implements such reductions. In addition, any such salary reductions shall be similar to salary reductions imposed on the salaried staff of the University. The President may implement such salary reductions for the 2020-2021 and 2021-2022 Academic Years. Notwithstanding any provision of the Faculty Handbook to the contrary, in the event that the afore authorized salary reductions are insufficient to mitigate the issues created by this emergency, the President, in consultation with the Provost, Academic Deans, and Faculty leadership, is authorized to institute layoffs of faculty with 90 days' notice to the individual faculty members affected.

The Board specifically finds the foregoing is in the best interest of the University.