

(NOTE: The following appendices describes the policy in effect at the time this Handbook was published. Copies of any subsequent revisions will be available in departmental and divisional offices and in the Office for Academic Affairs.)

~~February, 1995, changes~~

~~The Appendix A Committee is responsible for recommending changes in Appendix A. That committee has agreed to recommend each of the changes shown in this draft.~~

~~Effective October, 1994~~

APPENDIX A

POLICIES AND GUIDELINES FOR FACULTY PARTICIPATION IN THE SELECTION AND EVALUATION OF DEANS AND DEPARTMENT CHAIRPERSONS AND IN THE REVIEW OF ACADEMIC PROGRAMS

A. Basic Principles

Academic excellence is essential to the educational mission of The University of Alabama. Such excellence is achieved in an environment of mutual confidence, collegial participation, effective leadership, and strong academic programs. To foster that environment, it is University policy that the faculty* ~~shall have the opportunity~~ *are expected* to participate in the selection of deans and departmental chairpersons and that the advice of the faculty shall be actively and systematically sought concerning possible improvements in academic programs and *in* administrative leadership of academic ~~programs~~ *divisions and departments*.

The process by which the views of the faculty shall be sought is based on six understandings:

1. Final authority over the selection and retention of deans and other academic administrators rests with the President but primary authority for the selection and retention of associate deans, assistant deans, and departmental chairpersons rests with the academic dean.
2. *Normally, no person shall be appointed as a dean or a departmental chair who has not received a positive tenure recommendation from the relevant academic departmental tenure committee or, where the smallest relevant academic unit is the division, from the divisional tenure committee, of The University of Alabama.*
- ~~2.3.~~ The evaluation and advice of the faculty shall be systematically obtained and considered prior to the appointment of deans and chairpersons.
- ~~3.4.~~ Program direction, program quality, and the performance of deans and departmental chairpersons shall be evaluated periodically and an important consideration in this process shall be the evaluations made by the faculty.
- ~~4.5.~~ It is the responsibility of the faculty to participate in reviews of programs and leadership and to provide reasons for their recommendations which can be considered by the administration when making decisions. Faculty members who fail to participate fully in the leadership evaluation process, either by making no recommendation or failing to give reasons for a recommendation, impair the administration's ability to make an appropriate decision.
- ~~5.6.~~ Faculty participation in the evaluation of administrative performance shall be accomplished by providing the opportunity for formal evaluations at five-year intervals except as hereinafter provided.
- ~~6.7.~~ Program direction and program quality shall be considered by higher administrators when considering faculty evaluation of the leadership of academic administrators. Normally, the nature and timing of academic program reviews shall be left to the discretion of the higher administrators, but these reviews must be reasonably extensive and current and must involve opportunities for faculty members to express their views about the program. There shall be a new program review by the faculty, concurrent with the leadership evaluation, if the higher administrators decide that a program review is needed or if the faculty, through a timely petition signed by at least 25 percent of the total faculty or by a timely vote supported by at least one-third of the total faculty, requests that a program review be conducted.

In the following policies and procedures governing the selection and evaluation of deans* and departmental chairpersons, there exists an intended degree of latitude and procedural flexibility to accommodate differences and preferences among academic divisions and departments. Each academic division and each department may adopt more specific formal procedures provided that these procedures are consistent with the University policies and guidelines stated herein and provided that they are approved by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* and/or the academic dean, as may be appropriate.

B. Policies and Guidelines for Selecting Deans

The President of The University of Alabama, acting through authority granted by the Board of Trustees, appoints deans. The process of searching for

and appointing a dean will conform to the Affirmative Action Plan of the University and all prevailing federal and state regulatory requirements. In addition, appointments will be made only after considering (1) the evaluations and advice of the faculty of the academic division and (2) the advice of a search committee, as described below:

1. When a vacancy occurs, the President or a designated representative shall meet with the divisional faculty before deciding on the nature of the search and the size and composition of a representative search committee. Faculty members elected from the academic division will constitute a majority of the search committee; secret ballot election by the divisional faculty, either acting as a whole or by departments according to procedures approved by the divisional faculty, shall govern the elected faculty membership on the search committee. Other members of the search committee will be appointed by the President. Usually, the President will appoint a staff member from the Office for Academic Affairs to serve as a non-voting member on the search committee and to provide liaison and logistical support. Giving due regard to advice and concerns expressed by the faculty, the President will designate one of the elected faculty members to chair the search committee.
2. The search committee, working in cooperation with the President and the Office for Academic Affairs and with appropriate participation from constituent groups, shall establish selection criteria, announce and advertise the position in a manner appropriate to the nature of the search, and coordinate the review and evaluation of candidates for the position. Throughout the search process, the committee shall solicit, encourage, and provide for faculty participation and the participation of other constituent groups. Faculty members should have ample opportunity to review the credentials of qualified candidates, except that the search committee may protect the identity of candidates who request confidentiality during the initial screening process. On the basis of faculty evaluations and its own judgment, the search committee will reduce the list of candidates to those deemed to be best qualified for the position. The committee and the President will select those to be interviewed from this reduced list. Interviews scheduled should allow for discussions with the President, the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, deans, chairpersons, search committee members, faculty, and, where appropriate to the nature of the search, with students, alumni, and others.

Following these interviews, and other information gathering procedures appropriate to the nature of the search, every reasonable effort should be made to obtain the views of the divisional faculty and appropriately interested constituent groups. The advice of the divisional faculty may be determined by individual written evaluations, by an expression of faculty sentiment at a called faculty meeting, or by such other means as the search committee may consider appropriate. General support of the divisional faculty normally will be necessary for further consideration of a candidate.

3. The search committee shall submit to the President, through the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, a summary of evaluations and advice received from the divisional faculty on each person interviewed and its own advice. In the event the President does not secure the appointment of a dean from the list of those candidates who have general faculty support, the search process normally shall be continued until a dean acceptable to the President and the faculty is successfully recruited. Except in extraordinary circumstances, the President shall select a dean from those candidates who have general faculty support. If it should become necessary to reopen the search, the President and the search committee may confer to establish further direction; if it appears desirable, a new search committee may be formed.
4. The President will make interim or acting appointments when necessary; such appointments will be made only after considering any advice and concerns stated by the faculty. The President, as soon as is practicable, will organize a formal search to replace the interim or acting dean. Interim or acting appointees who have served for more than one year shall be subject to review and the faculty's advice as to continuation upon a written petition therefor to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* by at least 25 percent of the total divisional faculty or upon a vote of one-third or more of the total divisional faculty.

C. Policies and Guidelines for Evaluation of Deans and Review of Divisional Programs

It is the policy of The University of Alabama that faculty members in each academic division shall have periodic opportunities to evaluate the leadership and the programs of their division and that the views of the faculty concerned shall be an important component of any personnel decision by the President resulting from the leadership evaluation. The Office for Academic Affairs will establish a schedule for the leadership evaluations and program reviews of each academic division. An evaluation and a review shall be scheduled in each academic division at least once every five years except that the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* may vary the schedule by as much as one year if a change in the leadership of a division occurs or is anticipated or if other circumstances arise in which it becomes desirable to do so.

~~At the beginning of the fall or spring semester in which a division's leadership evaluation is to be conducted, the Academic Vice President shall meet with the divisional faculty to discuss the size and composition of a Leadership Evaluation Committee and to consider whether a review of the direction and quality of the divisional program also is needed. One of the duties of the Leadership Evaluation Committee shall be to conduct a review of the divisional programs if such a review is necessary. A review of the divisional program is necessary if:~~

1. Early in the fall or spring semester in which a division's leadership evaluation is scheduled, the Provost/Vice President for Academic Affairs shall circulate a mail ballot to the divisional faculty posing two questions:

(a) Is it desirable to conduct an evaluation of the division's leadership?

(b) Is it desirable to conduct a review of the direction and quality of divisional programs?

The Provost/Vice President for Academic Affairs, after receiving the results of this vote, shall meet with the divisional faculty to consider whether a leadership evaluation and/or a program review is to be conducted and, if there is to be an evaluation or review, to discuss the size and composition of the appropriate committee.

2. A leadership evaluation is necessary if:

(a) the Provost/Vice President for Academic Affairs states, during his or her meeting with the divisional faculty, that a leadership evaluation will be conducted; or

(b) at least 25 percent of the total divisional faculty indicated on the mail ballot that a leadership evaluation was desirable; or

(c) a resolution requesting a leadership evaluation receives the support of at least one-third of the total divisional faculty during the meeting of the divisional faculty and the Provost/Vice President for Academic Affairs.

If a leadership evaluation has not already been decided upon under provisions a) or b), then the Provost/Vice President for Academic Affairs, during his or her meeting with the divisional faculty, will ask that the resolution described in c) be brought forward for a vote.

3. A program review is necessary if:

(a) the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs states, during his or her meeting with the divisional faculty, that a program review will be conducted; or

(b) at least 25 percent of the total divisional faculty indicated on the mail ballot that a program review was desirable; or

~~b)~~(c) a resolution requesting a program review receives the support of at least one-third of the total divisional faculty during the meeting ~~between~~ of the divisional faculty and the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs.

~~c)~~ no later than two weeks after the Academic Vice President meets with the divisional faculty, he or she receives a petition, signed by at least 25 percent of the total divisional faculty, requesting a program review.

If a program review has not already been decided upon under provisions a) or b), then the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs, during his or her meeting with the divisional faculty, will ask that the resolution described in ~~b)~~ (c) be brought forward for a vote ~~(see Divisional Program Reviews)~~.

4. A single committee will be selected to conduct the leadership evaluation and/or program review if either or both is necessary. The size and composition of ~~the this~~ ~~Evaluation~~ Committee, or Review Committee, or Evaluation/Review Committee will be decided by the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs except that faculty members elected by the divisional faculty will constitute a majority of the ~~Evaluation~~ Committee and, in the event the Committee consists of nine or more persons, elected faculty members will constitute at least two-thirds of the Committee. Other members of the ~~Evaluation~~ Committee will be appointed by the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs; these may include persons other than divisional faculty. Secret ballot election by the divisional faculty, either acting as a whole or by departments according to procedures approved by the divisional faculty, shall govern the elected faculty membership on the ~~Evaluation~~ Committee. One of the elected faculty members shall be designated by the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs to serve as chairperson.

D. Divisional Leadership Evaluations

The faculty of each division is encouraged to adopt an evaluation plan and procedure, to be revised as necessary, which future ~~Evaluation~~ Committees can consider when deciding how to conduct their evaluations; any such plan should include suggested evaluation criteria.

Evaluation by Faculty. The following policies and guidelines for obtaining the divisional faculty's advice on the division's leadership are to be employed:

1. a meeting of the Dean with the divisional faculty, ~~the Committee~~, and appropriate members of the central administration, including the President if he desires, at which the Dean shall present a "state of the college" report; this report may, at the Dean's discretion, include presentations by members of the Dean's staff and faculty members, and shall include whatever divisional data and program information the Dean or the ~~Evaluation~~ Committee consider pertinent to the evaluation process.

2. an opportunity, no more than six weeks after the election of faculty members on the ~~Evaluation~~ Committee, for each faculty member to evaluate from a ~~college-wide~~ divisional perspective (a) the organization and management of affairs within the division, and (b) any other areas of concern. Faculty members shall have a clear opportunity to respond to any question by stating that they have little or no basis for judgment.

3. an opportunity for each faculty member to submit ~~a confidential~~ an anonymous written statement of reasons for a recommendation that the divisional leadership be continued or changed. Faculty members are expected to state any reasons they have for believing that the dean has or has not helped the college make progress in meeting its mission and goals. The procedure by which this opportunity for written statements is provided should establish clearly (a) that participation is expected and (b) that recommendations will be processed in a manner designed to derive an accurate reflection of the faculty's advice.

The evaluation and advice provided by the divisional faculty shall be collected by the Committee and held in the strictest confidence by each member of the ~~Evaluation~~ Committee. The Committee shall develop a summary* of the faculty's evaluations and recommendations, together with the supporting

justification which was provided. The summary of recommendations shall include the number of faculty members who made no recommendation, the number who gave no reasons but recommended reappointment or non-reappointment of the Dean, a summary of the reasons given for recommending reappointment or non-reappointment, and any other information contained in the recommendations from the faculty which will help the administration to understand the nature and prevalence of faculty views concerning the Dean's performance. The Committee shall compile verbatim quotes of the full set of reasons given by the faculty for their recommendations concerning reappointment of the Dean, grouping similar reasons together so that the set of reasons given by an individual cannot be identified; this compilation of verbatim quotes shall be attached to the report forwarded to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* and the President, but shall not be made available to the Dean. The Committee shall meet with the Dean to discuss the preliminary results of the evaluation and shall then decide whether additional information should be sought. The final results of the evaluation, including any advice provided by other constituent groups, shall be transmitted solely to the Dean, the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, and the President. With due regard to protecting the confidentiality of the more sensitive results of the evaluation process, the chairperson of the ~~Evaluation~~ Committee shall make an oral report to the faculty concerning the general results of the evaluation and shall circulate to the faculty such specific results of the evaluation as the ~~Evaluation~~ Committee, the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, and the President may consider appropriate.

Decision by President. Upon receiving the Committee's report, and after any other evaluations, discussions, and clarifications which the President and/or the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* consider necessary, the President will communicate his or her decision to those concerned, normally no later than one month following submission of the Committee's report. Should the President's decision differ from the weight of faculty opinion and advice, the President or the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* will meet with the divisional faculty to discuss the President's views. Then, if the faculty so chooses, it may transmit through the President's Office to the Chancellor, and through the Chancellor to the Board of Trustees, its concerns regarding the President's decision.

Early Leadership Evaluations. Upon a written petition to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* requesting an early evaluation, signed by at least 25 percent of the total faculty of the division, or upon a vote of one-third or more of the total divisional faculty requesting an early evaluation, an early evaluation of divisional leadership shall be initiated, except that ~~only one early evaluation may be called for during the interval between regularly scheduled leadership evaluations.:~~

(a) only one early evaluation may be called for during the interval between regularly scheduled leadership evaluations; and

*(b) if an early evaluation results in the continued appointment of the Dean, the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* may schedule the next leadership evaluation to occur as late as five years after that early evaluation. No additional early evaluation can be called for before the date when a leadership evaluation would have occurred had there been no call for an early evaluation.*

Early evaluations shall be conducted in the same way as regularly scheduled evaluations and with the same options for concurrent program reviews. The ~~Evaluation~~ Committee shall solicit the divisional faculty's evaluation and advice as prescribed above no later than six weeks after the petition is delivered or the vote taken; the President normally will communicate his or her decision to those concerned within one month following the ~~Evaluation~~ Committee's report. The time for the ~~Evaluation~~ Committee to complete its activities may, however, be adjusted by the Committee to accommodate those periods of the year during which members are not, or may not be, available to participate in the process, provided that such adjustments in time shall not defeat the purpose or unreasonably impede the progress of the procedures prescribed herein.

E. Divisional Program Reviews

The President and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* shall consider any available reviews of program direction and program quality when considering the results of Divisional Leadership Evaluations. External and/or internal reviews (e.g., accreditation reviews; internal reviews of departments for ACHE), if sufficiently extensive and current, and if they provided adequate opportunities for faculty members to express their views about the program, may supply the information needed. The decision as to whether additional information is needed is a joint responsibility of the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* and the faculty. In making such a program review, the Review Committee or Evaluation/Review Committee shall observe the following policies and principles:

1. Program direction and quality may be influenced by many factors other than the quality of divisional leadership. An appropriate distinction should be made between a report on the program and a report dealing with the dean's leadership of the program.
2. An important consideration in the review shall be the views of the faculty. Each faculty member shall have an opportunity, no more than six weeks after the election of faculty members on the ~~Evaluation~~ Committee, to assess from a ~~college-wide~~ *divisional* perspective (a) the direction in which the division is headed and the progress it is making as a whole, (b) the overall quality of the divisional curriculum, (c) the commitment to faculty scholarship and productivity, (d) student quality, (e) financial support and resources available within the division for teaching, research, and service. Faculty members shall have a clear opportunity to respond to any question by stating that they have little or no basis for judgment.

The assessment and advice provided by the divisional faculty shall be collected by the ~~Evaluation~~ Committee and held in the strictest confidence by each member of the Committee. The Committee shall develop a summary* of the faculty's assessments, together with the supporting justification which was provided. The Committee shall meet with the Dean to discuss the preliminary results of the review and shall then decide whether additional information should be sought. The final results of the review, including any from other constituent groups, shall be transmitted solely to the Dean, the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, and the President. With due regard to protecting the confidentiality of the more sensitive results of the review process, the chairperson of the ~~Evaluation~~ Committee shall make an oral report to the faculty concerning the general results of the review and shall circulate to the faculty such specific results of the review as the Committee, the ~~Academic Vice President~~ *Provost/Vice President for Academic*

Affairs, and the President consider appropriate.

F. Policies and Guidelines for Selecting Departmental Chairpersons

Departmental chairpersons** are appointed by the Dean of the academic division, subject to review and final approval by the Office for Academic Affairs and the President. The process of searching for and appointing departmental chairpersons will conform to the Affirmative Action Plan of the University and all prevailing federal and state regulatory requirements. In addition, appointments will be made only after considering (1) the evaluations and advice of the faculty of the academic unit and (2) the advice of a search committee, as described below:

1. When a vacancy occurs, the Dean of the academic division shall meet with the departmental faculty before deciding on the nature of the search and the size and composition of a representative search committee; committees of the whole may be appropriate in small academic units. Faculty members elected from the department *** will constitute a majority of the search committee; secret ballot election by the departmental faculty shall govern the elected faculty membership on the search committee. Other members of the search committee will be appointed by the Dean. Usually, the Dean or a person from the Dean's office will serve as a non-voting member on the search committee to provide liaison and logistical support. Giving due regard to the advice and concerns expressed by the faculty, the Dean will designate one of the elected faculty members to chair the search committee.
2. The search committee, working in cooperation with the Dean and with appropriate participation from constituent groups, shall establish selection criteria, announce and advertise the position in a manner appropriate to the nature of the search, and coordinate the review and evaluation of candidates for the position. Throughout the search process, the committee shall solicit, encourage, and provide for faculty participation, and the participation of other constituent groups. Faculty members should have ample opportunity to review the credentials of qualified candidates except that the search committee may protect the identity of candidates who request confidentiality during the initial screening process. On the basis of faculty evaluations and its own judgment, the search committee will reduce the list of candidates to those deemed to be best qualified for the position. The committee and the Dean will select those to be interviewed from this reduced list. Interview schedules of candidates should allow for discussions with the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, the search committee members, individual faculty, and, where appropriate to the nature of the search, students, and others. Following these interviews, and other information gathering procedures appropriate to the nature of the search, every reasonable effort should be made to obtain the views of the departmental faculty and appropriately interested constituent groups. The advice of the faculty may be determined by individual written evaluations, or by expression of faculty sentiment at a called faculty meeting, or by such other means as the search committee may consider appropriate. General support of the departmental faculty normally will be necessary for further consideration of a candidate.
3. ~~It shall be the responsibility of the search committee to~~ *The search committee shall* submit to the Dean a summary of the evaluations and advice received from the departmental faculty on each final candidate or person interviewed and also its own advice. In the event the Dean does not secure the appointment of a chairperson from the list of candidates who have general faculty support, the search process normally shall be continued until a chairperson acceptable to the Dean and the faculty is successfully recruited. Except in extraordinary circumstances, the Dean shall select a chairperson from those candidates who have general faculty support. If it should become necessary to reopen the search, the Dean and the search committee should confer to establish further direction; if it appears desirable, a new search committee may be formed.
4. The Dean will make interim or acting appointments when necessary; such appointments will be made only after considering any advice and concerns stated by the faculty. The Dean, as soon as practicable, will organize a formal search to replace the interim or acting chairperson. Acting or interim appointees who have served for more than one year shall be subject to review and the faculty's advice as to continuation upon a written petition therefor to the Dean by at least 25 percent of the total departmental faculty or upon a vote of one-third or more of the total departmental faculty.

G. Policies and Guidelines for Evaluation of Chairpersons and Review of Departmental Programs

It is the policy of The University of Alabama that faculty members in each academic department shall have periodic opportunities to participate in evaluation of the leadership and the programs of their department and that the views of the faculty concerned shall be an important component of any personnel decision by the Dean resulting from the leadership evaluation. The Dean, in consultation with the Office for Academic Affairs, will establish a schedule for the leadership evaluations and program reviews of each department within the division. A leadership evaluation shall be scheduled in each academic department at least once every five years except that the Dean, in consultation with the Office for Academic Affairs, may vary the schedule by as much as one year if a change in the leadership of a department occurs or is anticipated or if other circumstances arise in which it becomes desirable to do so.

~~At the beginning of the fall or spring semester in which a department's leadership evaluation is to be conducted, the Dean shall meet with the divisional faculty to discuss the size and composition of a Leadership Evaluation Committee and to consider whether a review of the direction and quality of the divisional program also is needed. One of the duties of the Leadership Evaluation Committee shall be to conduct a review of the divisional programs if such a review is necessary. A review of the divisional program is necessary if:~~

1. *Early in the fall or spring semester in which a department's leadership evaluation is scheduled, the Dean shall circulate a mail ballot to the divisional faculty posing two questions:*
 - (a) *Is it desirable to conduct an evaluation of the department's leadership?*
 - (b) *Is a current review of the direction and quality of the department's programs desirable?*

The Dean, after receiving the results of this vote, shall meet with the departmental faculty to consider whether a leadership evaluation and/or a program review is to be conducted and, if there is to be an evaluation or review, to discuss the size and composition of the appropriate committee.

2. A leadership evaluation is necessary if:

(a) the Dean states, during his or her meeting with the departmental faculty, that a leadership evaluation will be conducted; or

(b) at least 25 percent of the total departmental faculty indicated on the mail ballot that a leadership evaluation was desirable; or

~~b)(c) a resolution requesting a program review receives the support of at least one-third of the total divisional faculty during the meeting between of the divisional faculty and the Dean.~~

~~c) no later than two weeks after the Dean meets with the divisional faculty, he or she receives a petition, signed by at least 25 percent of the total divisional faculty, requesting a program review.~~

If a ~~review~~ leadership evaluation has not already been decided upon under provisions a) or ~~c)(b)~~, then the Dean, during his or her meeting with the departmental faculty, will ask that the resolution described in ~~b)(c)~~ be brought forward for a vote (~~see Departmental Program Reviews~~).

3. Reviews of academic programs in a department are scheduled periodically as required by various external groups such as accrediting agencies or the Alabama Commission on Higher Education. However, because the results of these reviews may not be timely or germane to the current direction and quality of academic programs in a department, a program review may be called for in conjunction with a leadership evaluation. A program review is necessary if:

a) the Dean states, during his or her meeting with the departmental faculty, that a program review will be conducted; or

b) at least 25 percent of the total departmental faculty indicated on the mail ballot that a current program review was desirable; or

c) a resolution requesting a current program review receives the support of at least one-third of the total departmental faculty during the meeting of the departmental faculty and the Dean.

If a program review has not already been decided upon under provisions a) or b), then the Dean, during his or her meeting with the departmental faculty, will ask that the resolution in c) be brought forward for a vote.

4. A single Committee will be selected to conduct the leadership evaluation and/or program review if either or both is necessary. The size and composition of the ~~Evaluation~~ Committee, or Review Committee, or Evaluation/Review Committee will be decided by the Dean except that faculty members elected by the faculty shall constitute a majority of the Committee; secret ballot election by the departmental faculty shall govern the elected faculty membership on the ~~Evaluation~~ Committee. The Dean may appoint up to three other members of the Committee; these may include persons other than departmental faculty. One of the elected faculty members shall be designated by the Dean to serve as chairperson.

H. Departmental Leadership Evaluations

The faculty of each department is encouraged to adopt an evaluation plan and procedure, to be revised as necessary, which future ~~Evaluation~~ Committees can consider when deciding how to conduct their evaluations; any such plan should include suggested evaluation criteria.

Evaluation by Faculty. The following policies and guidelines for obtaining the departmental faculty's advice on the department's leadership are to be employed:

1. a meeting of the Chairperson with the departmental faculty, the Committee, and appropriate members of the central administration, including the President if he desires, at which the Chairperson shall present a "state of the department" report; this report may, at the Chairperson's discretion, include presentations by faculty members, and shall include whatever data and program information the Chairperson or the Committee consider pertinent to the evaluation process.

2. an opportunity, no more than six weeks after the election of faculty members on the Committee, for each faculty member to evaluate from a departmental perspective (a) the organization and management of affairs within the department, and (b) any other areas of concern. Faculty members shall have a clear opportunity to respond to any question by stating that they have little or no basis for judgment.

3. an opportunity for each faculty member to submit an anonymous written statement of reasons for a recommendation that the ~~department-wide~~ departmental leadership be continued or changed. Faculty members are expected to state any reasons they have for believing that the Chairperson has or has not helped the department meet its mission and goals. The procedure by which this opportunity is provided should establish clearly (a) that participation is expected and (b) that recommendations will be processed in a manner designed to derive an accurate reflection of the faculty's advice.

The evaluation and advice provided by the departmental faculty shall be collected by the ~~Evaluation~~ Committee and held in the strictest confidence by each member of the Committee. The Committee shall develop a summary* of the faculty's evaluations, together with the supporting justification which was provided. The summary of recommendations shall include the number of faculty members who made no recommendation, the number who gave

no reasons but recommended reappointment or non-reappointment of the Chairperson, a summary of the reasons given for recommending reappointment or non-reappointment, and any other information contained in the recommendations from the faculty which will help the administration to understand the nature and prevalence of faculty views concerning the Chairperson's performance. The Committee shall compile verbatim quotes of the full set of reasons given by the faculty for their recommendations concerning reappointment of the Chairperson, grouping similar reasons together so that the set of reasons given by an individual cannot be identified; this compilation of verbatim quotes shall be attached to the report forwarded to the Dean and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, but shall not be made available to the Chairperson. The Committee shall meet with the departmental Chairperson to discuss the preliminary results of the evaluation and shall then decide whether additional information should be sought. The final results of the evaluation, including any advice provided by other constituent groups, shall be transmitted solely to the departmental Chairperson, the Dean and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*. With due regard to protecting the confidentiality of the more sensitive results of the evaluation process, the chairperson of the Committee shall make an oral report to the departmental faculty concerning the general results of the evaluation and shall circulate to the faculty such specific results of the evaluation as the Committee, the Dean, and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* may consider appropriate.

Decision by the Dean. Upon receiving the ~~Evaluation~~ Committee's report, and after any other evaluations, discussions, and clarifications which the Dean considers necessary, the Dean will communicate his or her decision to those concerned, normally no later than one month following submission of the Committee's report. Should the Dean's decision differ from the weight of faculty opinion and advice, the Dean will meet with the departmental faculty to discuss his or her views. Then, if the faculty so chooses, it may inform the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* and the President of its concerns regarding the Dean's decision.

Early Leadership Evaluations. Upon a written petition to the Dean requesting an early evaluation, signed by at least 25 percent of the total faculty of the department or upon a vote of one-third or more of the total departmental faculty requesting an early evaluation, an early evaluation of departmental leadership shall be initiated except that ~~only one early evaluation may be called for during the interval between regularly scheduled evaluations:~~

a) only one early evaluation may be called for during the interval between regularly scheduled evaluations; and

b) if an early evaluation results in the continued appointment of the department Chairperson, the Dean may schedule the next leadership evaluation to occur as late as five years after that early evaluation. No additional early evaluation can be called for before the date when a leadership evaluation would have occurred had there not been a call for an early evaluation.

Early evaluations shall be conducted in the same way as regularly scheduled evaluations and with the same options for concurrent program reviews. The ~~Evaluation~~ Committee shall solicit the departmental faculty's evaluation and advice as prescribed above no later than six weeks after the petition is delivered or the vote taken; the Dean normally will communicate his or her decision to those concerned within one month following the Committee's report. The time for the ~~Evaluation~~ Committee to complete its activities may, however, be adjusted by the Committee to accommodate those periods of the year during which members are not, or may not be, available to participate in the process, provided that such adjustments in time shall not defeat the purpose or unreasonably impede the progress of the procedures prescribed herein.

I. Departmental Program Reviews

The Dean and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* shall consider any available reviews of program direction and program quality when considering results of Departmental Leadership Evaluations. External and/or internal reviews (e.g., accreditation reviews; internal reviews of departments for ACHE), if sufficiently extensive and current, and if they provided adequate opportunities for faculty members to express their views about the program, may supply the information needed. The decision as to whether additional information is needed is a joint responsibility of the Dean and the faculty. In making such a program review, the ~~Evaluation Committee~~ *Review Committee or Evaluation/Review Committee* shall observe the following policies and principles:

1. Program direction and quality may be influenced by many factors other than the quality of departmental leadership. An appropriate distinction should be made between a report on the program and a report dealing with the chairperson's leadership of the program.

2. An important consideration in the review shall be the views of the faculty. Each faculty member shall have an opportunity, no more than six weeks after the election of faculty members on the ~~Evaluation~~ Committee, to assess from a ~~department-wide~~ *departmental* perspective (a) the direction in which the department is headed and the progress it is making as a whole; (b) the overall quality of the departmental curriculum; (c) the commitment to faculty scholarship and productivity; (d) student quality, (e) financial support and resources available within the department for teaching, research, and service; and (f) any other matters of concern. Faculty members shall have a clear opportunity to respond to any question by stating that they have little or no basis for judgment.

The assessment and advice provided by the departmental faculty shall be collected by the Committee and held in the strictest confidence by each member of the Committee. The Committee shall develop a summary* of the faculty's assessments, together with the supporting justification which was provided. The Committee shall meet with the Chairperson to discuss the preliminary results of the review and shall then decide whether additional information should be sought. The final results of the review, including any from other constituent groups, shall be transmitted solely to the Chairperson, the Dean, and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*. With due regard to protecting the confidentiality of the more sensitive results of the review process, the chairperson of the Committee shall make an oral report to the faculty concerning the general results of the review and shall circulate to the faculty such specific results of the review as the Committee, the Dean, and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* consider appropriate.

J. Implementation

Each academic division and department of the University may propose to the central administration the use of more specific guidelines and procedural details. As with any University policy, the provisions for faculty participation stated herein are subject to modification and change by the President whenever circumstances and experience may warrant. However, any such changes will be discussed fully with the Faculty Senate (acting on behalf of the faculty), deans, and chairpersons prior to their approval by the President.

Express provision for monitoring the effectiveness of this policy and for recommending any changes in the policies and guidelines herein as might become desirable shall be provided for by the establishment of an advisory committee of deans, departmental chairpersons, and faculty. The members of this committee shall be appointed by the President, except that the faculty appointees shall be from a list of persons furnished to the President by the President of the Faculty Senate. A faculty member will chair the advisory committee. This committee shall report to the President through the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* and shall be charged with (1) monitoring the effectiveness of the existing policies on faculty participation, (2) offering proposals for changes in the mechanism for faculty participation for consideration by the University community, (3) screening proposals for change from other sources, and (4) coordinating discussions and study by the faculty, deans, chairpersons, and the central administration of any proposed changes prior to their approval by the President.

~~This policy was approved during the spring semester, 1994.~~

APPENDIX B

MEDIATION AND GRIEVANCE SYSTEM

I. Introduction and Definitions

A. General Principles

In an academic community it is desirable that academic disputes (including grievances and sanctions) be settled fairly, rationally, expeditiously, and according to understood rules. It is important that faculty members participate as far as possible in their own governance and that of the University. ~~And~~ It is crucial that principles of academic rights, academic freedom, and contractual understanding be scrupulously upheld.

~~B. Mediation and Grievance System~~ *Scope and Purpose of the System*

This Mediation and Grievance System is designed to ensure that each faculty member who has a grievance will be able to obtain prompt consideration of the issue(s) by administrators at the departmental and divisional level. The faculty member may also request consideration by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, but this step is not required.

A faculty member who is not satisfied by the dean's decision, or who does not receive a timely decision from the dean, may appeal to the University Mediation Committee. The Mediation Committee will accept the faculty member's grievance for action if it decides that the ~~appeal describes action, as described in the appeal, would constitute~~ an improper and prejudicial action by an administrator or faculty committee and that the issues raised are sufficiently related to the concerns of an academic community. The ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* may, at the request of the faculty member, overrule a decision by the Committee to dismiss the grievance and instruct the Committee to accept the grievance for action.

After accepting a grievance for action the Mediation Committee will determine whether divisional administrators have had an adequate opportunity to deal with the issues, and may suggest additional administrative channels to be followed before further action is taken. The next step is for the Mediation Committee to ask the parties whether they are willing to try to resolve the issues through mediation.

It is expected that most grievances will be resolved through the normal administrative processes. The Mediation and Grievance Ssystem emphasizes the role of mediation when the grievant's appeals to administrators fail to produce a satisfactory solution. Problems which result in a grievance may not involve clear-cut distinctions between right and wrong. Mediation, when established as a matter of both practice and principle, can make it possible for the parties to reach a collegial resolution of honestly held differences of opinion.

If the issues cannot be resolved by administrative appeals or through mediation, then a faculty member whose grievance has been accepted for action becomes eligible to receive a full hearing before a Tribunal selected for that purpose. ~~And~~ Since mediation cannot succeed unless the parties choose to cooperate, the System permits the parties to bypass the mediation and move directly to a Tribunal hearing. This may be done at any time once any additional administrative appeals required by the Committee have been made.

C. Additional Aspects of the System

1. The Role of Attorneys

If the parties to a grievance agree to permit mediation efforts, then they may not be represented or accompanied by attorneys at any of the meetings called as part of the mediation process, though they are free to consult attorneys before or after such meetings. This rule is imposed in order to minimize the adversarial nature of mediation meetings. If the grievance is not settled by mediation, and a hearing before a Tribunal is scheduled, the faculty member has the option of deciding whether the parties may be represented or accompanied by attorneys during proceedings before the Tribunal; the opposing party may not be represented or accompanied by an attorney during proceedings before the Tribunal unless the faculty member exercises the same privilege.

2. Restrictions in Grievances

If a grievance concerns a procedural impropriety in a matter of retention, tenure, or promotion, the grievance must be presented to the Mediation Committee within 90 calendar days following the date of notification to the faculty member of the final decision made by the appropriate administrator in the matter of retention, tenure, or promotion.

The role of a hearing Tribunal is restricted when considering grievances arising from *retention, tenure, or promotion recommendations, or from recommendations made by properly constituted departmental or divisional faculty committees and any ensuing recommendations or decisions by administrators elected by the faculty or from recommendations made by the departmental or divisional faculty as a whole.* In such cases, the Tribunal will not substitute its judgment on the merits for that of the faculty committees or administrators. The Tribunal will restrict its attention to claims that the procedures followed were not in accord with the Faculty Handbook and any supplementary procedures adopted by the departmental and divisional faculties.

3. Sanctions by Administrators

The Mediation and Grievance System also includes procedures to be followed when an administrator seeks either to impose a severe sanction* on a faculty member or to dismiss a tenured or probationary faculty member or a full-time temporary faculty member before the end of the term specified by the Faculty Handbook or by a contract between the University and the individual. *Examples of severe sanctions include suspension from service for a stated period, reduction in academic year salary, or a violation of a written and duly approved departmental, divisional, or University policy, rule, or regulation that has a negative impact on the faculty member. Decisions made by administrators in the ordinary course of their administration that do not discriminate unfairly against the faculty member shall not be considered severe sanctions within the meaning of this Mediation and Grievance System. The Mediation Committee shall have the power to decide whether an action taken by an administrator constitutes a severe sanction; a decision adverse to the faculty member may be reversed upon appeal to the Provost/Vice President for Academic Affairs.*

D. Definitions of Some Terms

1. "University" means The University of Alabama in Tuscaloosa, Alabama.
2. "Faculty" or "Faculty members" means one or more persons with tenured or probationary appointments to the faculty of the University.
3. "Administrators" are faculty members whose assignment to administrative duties is at least 50 percent or who hold administrative assignments at or above the level of departmental chairperson.
4. A "work day" is any day on which the University is in session, excluding weekends, University holidays, and the periods between the last day of final examinations and the first day of ~~registration~~ classes for the next term.
5. A "work week" is five work days.
6. Explanations of other terms appear in later sections of this document.

E. Description of the Mediation Committee

The University Mediation Committee (herein sometimes referred to as the Committee) is composed of six faculty members who are not administrators and two administrators. The faculty members are elected by the Faculty Senate, at its regular November meeting, to staggered three-year terms, with two terms expiring on December 31 of each year. No more than two faculty representatives may be from any one academic division. Faculty members completing a term on the Committee are ineligible for re-election until two years have passed. Any faculty vacancy occurring on the Committee may be filled on a temporary basis by a majority vote of the faculty representatives remaining on the Committee; the Faculty Senate shall elect a faculty member to fill the remainder of the unexpired term. The President of the University or his or her designee chooses the administrative members from among the administrators of the University who are tenured or tenure-earning faculty members in one of the academic programs and who hold an administrative appointment in an academic area. Each January the Committee selects its chairperson from among the faculty representatives. The chairperson is responsible for coordinating and expediting the work of the Committee, ensuring that grievances normally are settled or are submitted to hearing Tribunals within no more than six weeks from the time the grievances are received by

the Committee.

II. Procedures

A. Administrative Resolution of Grievances

Faculty members who believe that an improper action by a University administrator or faculty committee has affected them prejudicially shall attempt to resolve their problems through discussions with administrators, first with the heads of their administrative subunits (if any), and then with their deans. Faculty members who are not satisfied with the response received at the divisional level have the option of appealing immediately to the Mediation Committee or of seeking an administrative solution from the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* before appealing to the Mediation Committee. Each administrator shall attempt to solve problems expeditiously. A faculty member who does not receive a decision within two work weeks after appealing to an administrator is entitled to appeal to the next higher administrator or, if the last appeal was at the divisional level, to the Mediation Committee.

B. Mediation ~~in~~ of Grievances

Faculty members who have been unable to resolve their grievances through appeals to the administration may submit a written appeal to the Mediation Committee. An appeal to the Mediation Committee will describe in detail the nature of the grievance and will state against whom the grievance is directed. It may contain any ~~factual or other data~~ *material* which the grievant deems pertinent to the case. ~~The Mediation Committee will transmit a copy of the appeal to the respondent. The respondent may submit a written response; the Committee will transmit a copy of any such response to the grievant.~~

The Mediation Committee will ~~begin by deciding whether~~ *decide whether at least some of the facts* alleged by the grievant will, if established, indicate that an administrator or a faculty committee has committed an improper and prejudicial action which is sufficiently related to the concerns of an academic community to be considered by the academic grievance system. The Committee ~~may ask the grievant to clarify statements in the appeal, acting either as a whole or through specifically designated members, may meet with the grievant in order to clarify allegations presented in the appeal.~~ If the Mediation Committee decides that the facts alleged by the grievant do not warrant action, notice of this decision will be given to the grievant in writing; such a decision by the Mediation Committee will be final, except that the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* may, at the request of the grievant, overrule the Committee and instruct the Mediation Committee to accept the case for action.

If the Mediation Committee decides that *at least some of the facts* alleged justify accepting the grievant's case for action (or if its decision to the contrary is overruled by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*), its next steps will be (1) *to notify the grievant;* (2) *to notify the respondent by giving the respondent a copy of the grievance;* (3) *to provide an opportunity for the respondent to submit a written response;* and (4) *to determine whether divisional administrators have had an adequate opportunity to consider and respond to the grievant's complaint.* The Mediation Committee may suggest additional administrative channels to be followed before it will proceed. When the Mediation Committee is satisfied that the petitioner has sought appropriate administrative reviews, it will decide whether to try to bring about a settlement through mediation. If in the opinion of the Mediation Committee such a settlement is not possible or is not appropriate, or if either of the parties declines to participate in mediation efforts, or if the Committee or one of the parties subsequently decides to stop the mediation, the Mediation Committee will report this decision to each of the parties and to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* and will take no further action unless the grievant requests that a formal hearing Tribunal be convened. Refusing to participate in mediation or demanding that mediation stop will not be considered evidence of bad faith on the part of either party.

The mediation process will be informal, with the Mediation Committee attempting to facilitate a resolution of the problem by whatever techniques and procedures the Committee believes to be appropriate. Every person involved in mediation is expected to respect the confidentiality of the process, and every effort will be made to maintain an atmosphere which encourages collegial resolution of the problem. In particular, neither party may be represented or accompanied by an attorney at any of the meetings called as part of the mediation process, though they may obtain legal advice outside the meetings.

The Mediation Committee will ensure that the parties receive appropriate assistance by assigning a member of the Committee to serve as an advisor for each of the parties who requests such aid; the parties may suggest the name(s) of Committee members whom they would prefer as advisors and the Committee will consider these suggestions when deciding whom to assign. The chairperson of the Mediation Committee will not serve as an advisor. The advisors assigned shall not be graduates of a law school; they may represent their advisees at meetings called as part of the mediation process and in any subsequent hearings, but will play no other role on the Mediation Committee in connection with a case on which they serve as advisors. Communications between an advisor and advisee shall be confidential throughout the proceedings provided for in this document. The advisors are not ~~qualified to give legal advice; any party who desires legal advice should consult an attorney~~ *meant to give, nor shall they give legal advice.*

The Mediation Committee *or members thereof* may meet privately with either of the parties or with other informed persons in order to explore the possibility of finding a resolution upon which the parties can agree.

The mediation process will continue until a settlement satisfactory to the parties is reached or until the Mediation Committee or one of the parties decides to stop mediation.

The Chair of the Mediation Committee shall maintain a file on each instance, which when closed shall be deposited in University Archives with access thereto limited to the President of the University. All other files of committee members relating to specific instances shall be destroyed when the instances are closed.

C. Formal Hearings

1. Requirements for Formal Hearings

A faculty member becomes eligible to receive a formal hearing by a Tribunal if (1) the faculty member's appeal to the Mediation Committee is accepted for action and (2) the Mediation Committee is satisfied that the faculty member has sought appropriate administrative reviews. In such instances, the Mediation Committee will help the parties establish a hearing Tribunal when requested to do so by an eligible faculty member.

The University is required to provide ~~an opportunity for~~ *to the affected faculty member the option of* a formal hearing by a Tribunal in cases where an administrator seeks to impose a severe sanction, ~~such as suspension from service for a stated period,~~ or to dismiss a tenured or probationary faculty member or a full-time temporary faculty member. ("Dismissal" means terminating an appointment before the end of the term specified by the Faculty Handbook or by a contract between the University and the individual.) Any such action by an administrator will be preceded by: ~~(1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement;~~ ~~(2). If a mutual settlement is not achieved, the faculty member will be provided~~ a written statement of charges, framed with reasonable particularity by the administrator; ~~(3), and there will be~~ an informal inquiry by a standing committee which will determine whether in its opinion proceedings should be continued, without its opinion being binding on the administrator. (In divisions which have a regular standing committee of faculty members elected to serve as advisors to the dean, the administrator may ask that committee ~~to perform the duties specified in (3); otherwise, these duties make the informal inquiry otherwise, the inquiry will be performed by the University Mediation Committee.~~) *If during the process the parties reach agreement, no further steps are necessary.*

If the administrator decides to proceed with the case after receiving the ~~advisory opinion described in (3) results of the informal inquiry,~~ the Mediation Committee will inquire whether the ~~respondent~~ *faculty member* waives the right to a hearing. If the ~~respondent~~ *faculty member* waives the right to a hearing, the University may impose the penalty requested by the administrator or any lesser penalty; otherwise, the Mediation Committee will help the parties establish a hearing Tribunal.

In formal hearings, the petitioner is the faculty member in cases involving grievances. The administrator is the petitioner in cases where an administrator seeks to impose a sanction or to dismiss the faculty member.

2. Constituting Hearing Tribunals

~~The~~ *Each* hearing Tribunal will consist of five members selected by the processes described below.

Each August, the ~~Academic Vice President-Provost/Vice President for Academic Affairs~~ and the President of the Faculty Senate will use a random selection process** to identify a panel of 60 tenured faculty members. Members of hearing Tribunals established during the ensuing year will be chosen from this panel. The same procedure will be followed to augment the panel by 10 or more persons whenever the University Mediation Committee finds that fewer than 45 panel members are available to hear a given case.

When a hearing Tribunal is to be established, the University Mediation Committee will give members of the panel an opportunity to recuse themselves. The central importance of faculty participation in University governance requires that panel members be able to recuse themselves only for compelling reasons such as bias or interest. The panel will be augmented if necessary in order to ensure that the number of panel members remaining after recusals is at least 45.

The Committee will *then* provide the two parties with a list of those who have not recused themselves. Each of the parties will have one work week in which to choose one person from the list to serve on the Tribunal. After the parties have made their choice(s) or the time for doing so has passed, the list will be reduced further by removing the names of any remaining administrators. The hearing Tribunal will consist of five members, including those chosen by the parties if any, with the other members selected from the reduced list by each party alternately striking a name from the list until only the requisite number of names remain. The faculty party shall have the first strike. If either party declines to strike, the other party may continue; if both parties cease to strike, the Tribunal will be completed by taking names in alphabetical order from those remaining on the list.

The Tribunal will elect its own chairperson from among the Tribunal members who are not administrators.

A person who leaves the University's employment during the course of a grievance may retain his or her seat on the Tribunal. In the event the person leaving the University chooses not to retain his/her seat, or if a Tribunal member is otherwise unable to continue, the remaining members

of the Tribunal shall proceed.

The University Mediation Committee, or designee from that Committee, will coordinate this selection process, will inform members of the hearing Tribunal of their selection, and will arrange a time and place for the Tribunal members to meet to elect their chairperson. Thereafter the Mediation Committee will have no role in the proceedings, except that the advisors appointed by the Committee will continue to assist the parties at their request.

Each August, the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* and the President of the Faculty Senate will select a senior faculty member to provide assistance to Tribunals established during the ensuing year. This liaison person will be responsible for supplying any support services or advice needed by Tribunals in arranging hearings and in establishing timetables and schedules which will result in fair and expeditious hearings. In particular, the liaison person will prepare a model set of timetables for Tribunals to consider when adopting their rules.

3. Procedures for in Cases Involving Formal Hearings

The hearing Tribunal, if it decides that it needs legal advice, shall, in consultation with the liaison person described above, retain an attorney to advise it; the Tribunal's attorney may be present at all sessions, including any prehearing meetings. The Tribunal's attorney may not be an employee of the Office of the University Counsel if that Office has had, or is expected to have, any connection with the case.

Each party will be permitted to choose an advisor who is ~~not~~ *neither an attorney nor a member of the Tribunal* to give assistance (but not legal advice) during the proceedings. The parties may consult attorneys before or after any session of the Tribunal. The faculty member has the option of deciding whether the parties may also be represented or accompanied by attorneys during proceedings before the Tribunal; the opposing party may not be represented or accompanied by an attorney during proceedings before the Tribunal unless the faculty member exercises the same privilege. The advisors (and attorneys of the parties when attorneys are involved) may accompany and represent the parties throughout the proceedings, performing any of the actions permitted to the parties.

The petitioner (either the faculty member in grievance cases or the administrator who seeks to impose a severe sanction or to dismiss a faculty member) will supply the respondent and the Tribunal with a written statement of specific charges at least twenty days prior to the hearing. The statement of charges will set forth the facts and issues which the petitioner wants the Tribunal to consider; this statement may differ from the appeal or statement which the petitioner made earlier in the Mediation and Grievance process. The respondent will supply the petitioner and the Tribunal with a written response to the charges as soon as possible and no later than one work week before the time set for the hearing.

The hearing Tribunal will consult the parties before setting a time for the hearing and may, with the consent of the parties, hold joint prehearing meetings with them in order (i) to simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, or (iv) achieve such other prehearing objectives as will make the hearing fair, effective, and expeditious.

A record (tape recorded or otherwise) of the hearing will be made by the hearing Tribunal. Each party may make an independent record of the hearing. The Tribunal will make a transcript of the hearing whenever the hearing concerns charges brought by an administrator, and a copy will be made available to the faculty member without cost.

The Tribunal, in consultation with the parties, will exercise its judgment as to whether the hearing, or portions of the hearing, should be public or private. The Tribunal may bar prospective witnesses from hearing the testimony of other witnesses.

Each of the parties, and the hearing Tribunal, shall have the right to name an observer. These observers will be permitted to attend all of the proceedings, public or private, except for deliberations of the Tribunal.

The hearing by a Tribunal is an administrative hearing and the proceedings will be informal rather than those used in courts of law. The Tribunal may admit any evidence which is of probative value in determining the issues, subject to the Tribunal's judgment as to the relevance, credibility, and weight of the evidence. The Tribunal may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own witnesses.

Each party will have the right to confront and cross-examine all witnesses. If witnesses cannot or will not appear, but the Tribunal determines that the interest of justice require admission of their statements, the Tribunal will identify the witnesses, disclose their statements, and if possible provide for interrogatories or depositions. Each party will have the right to rebut any evidence heard by the Tribunal.

The Tribunal may grant adjournments of reasonable length to enable either party to investigate evidence if the Tribunal believes a valid claim of surprise is made concerning that evidence.

The burden of proof rests with the petitioner and will be satisfied only by a preponderance of the evidence in the record considered as a whole.

The University administration will cooperate with the hearing Tribunal in securing witnesses and making available documentary and other

evidence needed by the parties or the Tribunal.

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by anyone concerned will be avoided so far as possible until proceedings have been completed.

The hearing Tribunal will make findings of fact concerning each allegation in the statement of charges, deciding whether the allegation has been established by a preponderance of the evidence. The Tribunal's findings of fact and recommendations will be based solely on the hearing record.

4. A Restriction on the Role of Hearing Tribunals

The role of a hearing Tribunal is restricted when considering grievances arising from *retention, tenure, or promotion recommendations, or from recommendations made by properly constituted departmental or divisional faculty committees and any ensuing recommendations or decisions by administrators elected by the faculty or from recommendations made by the departmental or divisional faculty as a whole*. In such cases, the Tribunal will restrict its attention to claims that the procedures followed were not in accord with the Faculty Handbook (and any supplementary procedures adopted by the departmental and divisional faculties); the functions of the Tribunal will be the following:

- a. to determine whether the recommendations or decisions of the faculty committee(s) and administrator(s) involved were made in accordance with the published policies of the department, division, and University, with the understanding that the hearing Tribunal should not substitute its judgment on the merits of the case for those of faculty committee(s) and administrator(s);
- b. to request reconsideration by faculty committee(s) or administrator(s) when the hearing Tribunal believes that proper procedures were not followed in considering the issues (in such instances, the Tribunal should indicate the respects in which it believes that the procedures may have been improper or inadequate);
- c. to provide copies of its report and recommendation to the faculty member, the faculty committee(s) and the administrator(s) concerned, and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*.

5. Findings and Reports of Hearing Tribunals

Except in the cases covered by Section II-C4, the Tribunal will report its findings and recommendations to the University President. The petitioner and respondent will be notified of the Tribunal's decision in writing and will be given a copy of the Tribunal's report to the President.

When hearing a case which involves dismissal of a faculty member or imposition of a severe sanction, the Tribunal will decide whether adequate cause for the proposed action has been established by the evidence in the record and will report its decision to the President of the University. If the hearing Tribunal finds adequate cause for dismissal, it also may report that the adequate cause involves "moral turpitude",*** warranting dismissal without normal notice or terminal pay. If the hearing Tribunal finds that adequate cause for dismissal or imposition of a severe sanction has been established, but believes that a less severe penalty would be more appropriate, it will so recommend, with supporting reasons.

In cases involving dismissal of a faculty member or in cases where the faculty member has prevailed, the Tribunal may recommend to the President that payment of a reasonable amount be made to the faculty member to help compensate the faculty member's attorney. *If the Tribunal makes no such recommendation, the President or the Provost/Vice President for Academic Affairs may request the Tribunal to do so.*

6. Review by the University President

The President's review will be based on the record of the hearing. Written arguments by the parties involved in the hearing or by their representatives will be accepted by the President if submitted within 10 days after the parties are notified of the Tribunal's decision. *Either* the decision of the hearing Tribunal will be ~~either~~ sustained or the proceeding *will be* returned to the Tribunal with specific objections. The Tribunal will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The President will make a final decision only after study of the Tribunal's reconsideration.

III. Approval, Modification, and Review

A. Approval

This Mediation and Grievance System was recommended by a voting majority of the faculty members of the University, voting majorities of the faculty members of a majority of the academic divisions of the University, by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, and was approved by the President.

B. Modification

Proposals for changing this Mediation and Grievance System will not take effect until they have received consent similar to that described in the previous paragraph for ratification of the original System.

C. Review

This Mediation and Grievance System will be reviewed ~~three years after implementation. Subsequent reviews will occur~~ whenever the following conditions are met: (1) at least three years have elapsed since the end of the preceding review and (2) a review is scheduled by the ~~Academic Vice President~~ ~~Provost/Vice President for Academic Affairs~~ or is recommended by the Faculty Senate.

APPENDIX C

ACADEMIC MISCONDUCT DISCIPLINARY POLICY

I. Academic Misconduct

A. Academic misconduct includes all acts of dishonesty in any academically-related matter and any knowing or intentional help or attempt to help, or conspiracy to help, another student commit an act of academic dishonesty. Academic dishonesty includes, but is not limited to, each of the following acts when performed in any type of academic or academically-related matter, exercise, or activity.

1. Cheating--using or attempting to use unauthorized materials, information, study aids, or computer-related information.
2. Plagiarism--representing the words, data, works, ideas, computer program or output, or anything not generated in an authorized fashion, as one's own.
3. Fabrication--presenting as genuine any invented or falsified citation or material.
4. Misrepresentation--falsifying, altering, or misstating the contents of documents or other materials related to academic matters, including schedules, prerequisites, and transcripts.

B. Except in divisions which have an alternate academic misconduct policy which has been approved by the ~~Academic Vice President~~ ~~Provost/Vice President for Academic Affairs~~, academic misconduct cases shall be resolved by the divisional academic misconduct monitor or the academic dean of the division in which the alleged action took place. However, the monitor or dean will consult the monitor or dean of the division where the student is enrolled and, with the concurrence of both deans, the responsibility for resolving an academic misconduct case can be transferred to the dean of the division in which the student is enrolled. Appeals from the monitor's decisions may be made to the academic dean; appeals from the academic dean's decisions may be made to the Office for Academic Affairs.

C. Penalties for academic misconduct can range from a reprimand to a penalty as severe as suspension for a definite time or even indefinite suspension. Academic deans have the authority to impose the full range of penalties. Divisional academic misconduct monitors may impose penalties only after receiving a voluntary written confession. Misconduct monitors are authorized to impose penalties up to but not including suspension, and may impose penalties of suspension or indefinite suspension if authority to do so has been delegated by the academic dean. All persons who admit to or are found guilty of an academic offense for which a penalty less than an indefinite suspension is imposed will receive a penalty of indefinite suspension if they admit to or are found guilty of another offense of academic misconduct.

II. Resolution by the Misconduct Monitor

A. A course instructor (or any other person(s)) who has reasonable cause to believe a student has engaged in an act of academic misconduct shall report the matter to the divisional academic misconduct monitor (appointed by the academic dean) of the division within which the alleged misconduct occurred. The instructor will take no other action in the matter until a decision has been reached by the monitor or the dean. When suspected incidents of academic misconduct occur in settings other than an academic division, the matter will be reported to and processed by the academic division in which the student is enrolled.

B. The monitor will discuss the circumstances involved with the course instructor (and/or other appropriate person(s)) and review any pertinent materials in order to determine if a reasonable basis exists for believing that academic misconduct may have occurred. If the monitor concludes that there is a reasonable basis for believing an act of academic misconduct may have been committed, the monitor will determine whether the student has been disciplined for any prior academic misconduct offense(s) (see V - Records) and will arrange a conference with the student. The monitor may invite the course instructor to attend any conference(s) with the student. The student will be informed at the start of the conference that an issue of possible academic misconduct exists and will be given a copy of this Academic Misconduct Disciplinary Policy. The monitor will call the student's attention to the following provisions:

1. The student is not required to make any statement at all regarding the matter under investigation.
2. The student may make a voluntary statement if he or she chooses.

3. The student has a right to present any evidence, supporting witnesses, and other information to the misconduct monitor.
4. The student has a right to be advised and represented by anyone of his or her choice.
5. The student is entitled to a recess in the conference for one week in order to take advantage of the rights listed in items 3 and 4.

C. At the conference, the student will be informed that one of three steps will be taken by the monitor.

1. The matter will be dismissed if evidence is presented which leads the monitor to conclude that there is not convincing proof that the student engaged in an act of academic misconduct.
2. The matter will be concluded at the conference level and a penalty imposed if the student makes a voluntary written admission that he or she engaged in an act of academic misconduct. (The penalty will be imposed by the dean if it is more severe than the monitor is authorized to impose; see I-C concerning penalties.) The student will be given written notice of the penalty. If the penalty imposed by the monitor includes assignment of a grade, the course instructor must approve the specific grade before the grade can be assigned.
3. The matter will be forwarded to the academic dean:
 - a. if it is not dismissed by the monitor and the student does not make a written admission of academic misconduct, or
 - b. if, within one week from the date the conference is concluded, either the student or the course instructor requests that there be further review.

III. Resolution by the Academic Dean

Any matter not resolved by the misconduct monitor will be resolved by the academic dean. The dean may act alone or in conjunction with a standing divisional committee or an ad hoc committee appointed by the dean, but the dean shall make the decision. The academic dean will arrange an individual or group conference(s) with the course instructor, the student, and any other appropriate persons, to discuss the matter in question. The student will be allowed to make a statement and to present evidence, witnesses, and other relevant materials; the student may be accompanied and advised or represented by anyone the student chooses.

The dean will seek the advice of the course instructor prior to assigning a grade penalty. However, the dean is not obligated to follow the instructor's recommendation since a penalty is being assigned rather than an evaluation of academic work.

Notice of the dean's decision will include a statement of the academic misconduct charges and will be sent to the student by certified mail with copies to the instructor and other involved parties; the student or the instructor may appeal the dean's decision to the Office for Academic Affairs if the appeal is filed within 15 working days of the date of mailing of the dean's decision. No penalty will be imposed until:

~~A:1.~~ there is a failure to file a timely appeal, or

~~B:2.~~ a decision on the appeal has been reached.

IV. Appeal

The dean will consider timely appeals from students or instructors who are not satisfied with the penalty imposed by the monitor. The dean will also make decisions concerning guilt and penalties for students who have not made an admission of misconduct.

The dean's decision(s) may be appealed to the Office for Academic Affairs within 15 working days of the mailing of the dean's decision(s). Appeals must be based on substantive grounds such as procedural errors, new evidence, or inconsistencies in penalties assigned.

When an appeal is received by the Office for Academic Affairs, an official from that office will schedule a conference(s) with the student and other concerned parties to discuss the reasons for the appeal. If meetings with the student and other concerned parties result in an agreeable solution to the matter, the appeal process will end. If no such solution is reached, the official from the Office for Academic Affairs will recommend to the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs, giving reasons for the recommendation, whether the appeal should be heard or denied. If the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs denies the appeal, the appeal process will end. If the appeal is to be heard, the official from the Office for Academic Affairs will convene a panel to resolve the issues that remain. The panel will consist of a person designated by the Vice President for Student Affairs, a person designated by the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs (not the official convening the panel), one student (appointed by the President of the SGA), and one faculty member (appointed by the President of the Faculty Senate); both the student and the faculty member will come from the division holding jurisdiction for resolving the alleged misconduct if it is possible to find such people who have no prior connection with the case. In cases involving graduate students, the faculty and student members of the appeal panel should hold graduate faculty or graduate student status respectively. The person designated by the ~~Academic Vice President~~ Provost/Vice President for Academic Affairs will serve as hearing administrator and will coordinate and preside at all meetings conducted to resolve the academic misconduct appeal.

The hearing by a panel is an administrative hearing and the proceedings will be informal rather than those used in courts of law. The panel may admit any evidence which is of probative value in determining the issues, subject to the panel's judgment as to the relevance, credibility, and weight of the evidence. The panel may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own witnesses. The student may be represented at the hearing by a person of his or her choice; if the student is represented by an attorney, then the other parties may be represented by a person from the Office of the University Counsel. Each party (or the representative of the party) will have the right to confront and cross-examine all opposing witnesses. The panel will decide each of the issues raised in the appeal. The panel's decision will be final and will conclude the process insofar as the University is concerned.

A decision contrary to the student's position must be supported by the votes of at least three of the four panel members. The panel will give written notice of its decision(s) to the student, the course instructor, the dean, and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*.

V. Records

The name, student number, and academic division of each University of Alabama student who admits or is found guilty of academic misconduct shall be forwarded to the Office for Academic Affairs together with a brief description of the offense and the penalty imposed.

APPENDIX D

UNIVERSITY-WIDE ACADEMIC GRIEVANCE PROCEDURES

I. Academic Grievances

A. A student academic grievance is broadly defined as a student complaint regarding an academic action taken by instructional or administrative personnel at The University of Alabama. An academic grievance may be filed by a student against university personnel including instructional personnel, administrators, or staff members at the University. Examples of academic grievances include, but are not limited to, allegations of unfairness in grading, alleged violation of a written or oral agreement with a student (e.g. course requirements for graduation), and alleged inconsistent applications of existing policies.

For a protest of a final course grade or other final comprehensive evaluations to be considered, the protest must be based upon one or more of the following grounds and upon allegation that the ground or grounds cited influenced the grade assignment to the student's detriment:

1. Arithmetic or clerical error.
2. Arbitrariness, possibly including discrimination based upon race, sex, religion, or national origin of the student.
3. Personal malice.

Grievances related to course grades normally should be filed during the semester in which the alleged action takes place, but such protest must be made not later than the last day of classes of the next succeeding regular semester. This grievance procedure is not available in cases where a decision has been appealed, and been afforded a committee hearing, and the appeal has been denied.

B. A student must file a grievance in the academic department (academic department is a phrase that also refers to academic program or area if these terms apply) of The University of Alabama in which the alleged action took place. Academic grievances shall be resolved by the department head in the division where the grievance took place. Grievances concerning matters that are not within the jurisdiction of a particular academic division and grievances against the divisional academic dean must be resolved by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*. Grievances against the department chairperson must be resolved by the divisional academic dean. Appeals from the academic dean's decisions may also be made to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*.

II. Resolution by Department Chairperson

A. A student who believes that an academic action has unjustly affected him/her may file a grievance with the department chairperson. The facts and circumstances which are bases for the academic grievance should be presented to the department chairperson in written form.

B. The department chairperson will schedule a conference with the student who has brought the grievance, reissue the student a copy of the University-wide Academic Grievance Procedures, ascertain the circumstances involved, and review any materials or circumstances pertinent to the grievance to determine if there seems to be a reasonable or sound basis for the academic grievance. If the chairperson decides there may be a reasonable or sound basis for the academic grievance, or if the student insists on filing the grievance anyway, then the department chairperson will arrange conferences with the student and other person(s) involved.

Prior to these conferences, the other person(s) involved will be given a copy of the written grievance and will be reissued a copy of the University-wide Academic Grievance Procedures. Both the student and other person(s) will be informed that the purpose of conferences scheduled by the department chairperson is to attempt to resolve the issue informally. Both parties will be informed that they have the right to present any evidence, supporting

witnesses, or any other relevant information during these conferences.

C. At the beginning of these conferences, the department chairperson will inform the student and other person(s) involved that the purpose of these meetings is to attempt to resolve the grievances informally. The department chairperson will act as intermediary between the student and other individual(s) with whom the student has a dispute. If a mutually satisfactory resolution can be reached, the academic grievance is resolved.

D. If a resolution cannot be reached informally between the student and other person(s) involved, then the matter will be forwarded to the academic dean to be resolved.

III. Resolution by Academic Dean

Any matter not resolved by the department chairperson will be resolved by the academic dean. The dean may act alone or in the conjunction with a standing divisional committee or an ad hoc committee appointed by the dean, but the dean will make the decision. The academic dean will arrange conferences with the faculty or staff member, student, and others, as may be appropriate, to discuss the matter in question. The student and other person(s) involved will be given an opportunity to make a statement, present evidence, witnesses, or materials pertinent to the academic grievance; during these conferences both parties can be accompanied or advised by anyone either party chooses. The academic dean, after careful deliberation, will render a decision.

Notice of the dean's decision will be sent by certified mail to the student with copies to the faculty or staff member and other involved parties; either party may appeal the dean's decision to the Office for Academic Affairs if the appeal is filed within 15 working days of the date of mailing of the dean's decision.

IV. Appeal

The dean's decision may be appealed to the Office for Academic Affairs within 15 working days of the mailing of the dean's decision. Appeals must be based on substantive grounds such as procedural errors, new information, or inconsistencies in the application of policies.

When an appeal is received by the Office for Academic Affairs, an official from that office will schedule a conference(s) with the student and other concerned parties to discuss the reasons for the appeal. If meetings with the student and other concerned parties result in an agreeable solution to the matter, the appeal process will end. If no such solution is reached, the official from the Office for Academic Affairs will recommend to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*, giving reasons for the recommendation, whether the appeal should be heard or denied. If the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* denies the appeal, the appeal process will end. If the appeal is to be heard, the official from the Office for Academic Affairs will convene a panel to resolve the issues that remain. The panel will consist of a person designated by the Vice President for Student Affairs, a person designated by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* (not the official convening the panel), one student (appointed by the President of the SGA), and one faculty member (appointed by the President of the Faculty Senate); both the student and the faculty member will come from the division holding jurisdiction for resolving the academic grievance if it is possible to find such people who have no prior connection with the case. In cases involving graduate students, the faculty and student members of the appeal panel should hold graduate faculty or graduate student status respectively. The person designated by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* will serve as hearing administrator and will coordinate and preside at all meetings conducted to resolve the academic grievance appeal.

The hearing by a panel is an administrative hearing and the proceedings will be informal rather than those used in courts of law. The panel may admit any evidence which is of probative value in determining the issues, subject to the panel's judgment as to the relevance, credibility, and weight of the evidence. The panel may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own witnesses. The student may be represented at the hearing by a person of his or her choice; if the student is represented by an attorney, then the other parties may be represented by a person from the Office of the University Counsel. Each party (or the representative of the party) will have the right to confront and cross-examine all opposing witnesses. The panel will decide each of the issues raised in the appeal. The panel's decision will be final and will conclude the process insofar as the University is concerned.

A decision contrary to the student's position must be supported by the votes of at least three of the four panel members. The panel will give written notice of its decision to the student, the faculty or staff member, the dean, and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*.

1995 Suggested Revision --

Appendix E is inserted under Chapter 3, Section VII "Supplemental Compensation Policy", p. 45

APPENDIX E

(NOTE: The following document describes the policy in effect at the time this Handbook was published. Copies of any subsequent revisions will be available in departmental and divisional offices and in the Office for Academic Affairs.)

THE UNIVERSITY OF ALABAMA

POLICY ON SUPPLEMENTAL COMPENSATION

~~A. Preamble~~

~~Supplemental compensation activities by faculty and staff members can support the University's missions of teaching, research, and service and are encouraged within the limits set by this policy.~~

~~Responsibility for adhering to the provisions and spirit of this compensation policy is one of the professional obligations a faculty or staff member assumes when accepting employment at the University. Any questions concerning the policy should be discussed with the appropriate administrative officer before beginning a supplemental compensation activity.~~

~~B. Definitions~~

~~1. "Faculty and Staff," as used in this document, refers to all Faculty, Academic Deans, Executives, and Administrative/Professional Staff who by nature of their work are exempt from the timekeeping and overtime provisions of the Fair Labor Standards Act. "Faculty" includes faculty members on sabbatical leave.~~

~~2. "Internal supplemental compensation" is any compensation paid through the University to any faculty or staff member in addition to his or her base pay.~~

~~3. "External supplemental compensation" is any salary or wages not paid through the University which a faculty or staff member receives for currently performed professionally related services.~~

~~4. "Supplemental compensation" refers to both internal and external supplemental compensation.~~

~~5. An academic year appointment covers the nine-month period beginning on August 16 and ending on May 15. A twelve-month appointment begins August 16 and concludes on the following August 15.~~

~~6. "Appropriate administrative officer" refers to that individual who determines the faculty or staff member's conditions of employment. The "appropriate administrative officer" for a faculty member normally is the dean of the school or college or division director. Reports and requests for approval from faculty members will be transmitted to the dean or director by the appropriate departmental chairperson and will include the chairperson's recommendation. If the faculty or staff member is a dean, or vice president, or other executive, the "appropriate administrative officer" is the person to whom the individual reports.~~

~~C. Supplemental Compensation~~

~~Reporting of all significant supplemental compensation activities is an integral part of establishing performance expectations between a faculty or staff member and the appropriate administrative officer, but no report or prior approval is required concerning a one-time external compensation activity if the activity takes less than half a day or if the compensation is no more than \$100. The reporting process and the nature of the report will be that specified by the division to which the individual is assigned.~~

~~Faculty and staff members shall not undertake compensated activities that will in any way (1) conflict with the lawful interests and goals of The University of Alabama, or (2) impinge on their primary responsibilities to The University of Alabama. In the case of externally compensated activities, faculty and staff members shall not (1) make use of property or personnel of The University of Alabama for the purpose of obtaining compensation from sources external to the University, except when such use is permitted by law and is a normal part of the individual's professional academic activities, or (2) use or permit the use of the name of The University of Alabama in a way that would suggest that the activity is sponsored or endorsed by the University, without prior authorization of the President.~~

~~1. (a) Each faculty member at the University is expected not only to be an effective teacher and to maintain an ongoing program of research and scholarly effort but also to exercise responsible academic citizenship; this typically includes advising students, serving as faculty advisor to student organizations, actively participating in professional associations, and engaging in other university activities where faculty participation is normal. Because supplemental compensation activity may infringe on these responsibilities, the faculty member is required to get prior approval from the dean or the dean's designated representative for any such activity. Deans, on their part, will respond with approval (or disapproval) promptly and normally will respond within one working day of receiving the request. The faculty member may proceed with the activity after receiving oral approval, but the dean will make a written record of the approval and will supply a copy to the faculty member. If the proposed activity is not approved, the dean will give the faculty member written notice of reasons for disapproving. Factors to be considered by the dean when deciding whether to approve supplemental compensation activities may include possible conflicts of interest, the amount of time the activity will require, and the appropriateness of arrangements to meet the faculty member's responsibilities.~~

~~(b) Staff members must fulfill their regular assignments. Any rescheduling of assignments during the time of a staff member's supplemental compensation activities must be described in writing and must have prior approval of the appropriate administrative officer.~~

~~2. Faculty members on academic year appointments may have no more than 39 supplemental compensation days (excluding weekends and holidays) during any academic year.~~

~~3. Faculty and staff on twelve-month appointments must make arrangements with the appropriate administrative officer in order to receive supplemental compensation. Their maximum number of supplemental compensation days is 28 (excluding holidays, weekends, and annual leave) in any 12-month appointment period.~~

~~4. Faculty members with a full-time Interim Term assignment may not exceed three days of supplemental compensation during that period. Faculty members with a full-time summer assignment may not exceed five days of supplemental compensation in any summer term.~~

~~5. A full-time University faculty or staff member may not hold an academic appointment with any other institution of higher education without written approval from the *Provost*/Academic Vice President.~~

~~An appropriate administrative officer who obtains information that a faculty or staff member has violated these standards will discuss the matter with the individual, and may, with documented evidence, take any additional steps (including sanctions) needed to ensure compliance.~~

~~D. Internal Supplemental Compensation~~

~~Each faculty and staff member of the University must have prior written approval for all internal supplemental compensation activities.~~

~~1. Other than in exceptional circumstances, all teaching is done as a part of the assigned work load and without supplemental compensation. If teaching for internal supplemental compensation takes place, it is done over and above the assigned work load and normally is limited to one three-hour or four-hour course per semester.~~

~~2. Receipt of internal supplemental compensation for externally sponsored research and service activities is subject to the current policies and regulations of the external sponsor. The statements which follow describe some of the policies in effect when this document was written.~~

~~(a) Whenever faculty and staff are to receive internal supplemental compensation under sponsored programs (e.g., contracts and grants), the proposal submitted must include, at the time of submission, a statement that such compensation will be consistent with University policy.~~

~~(b) Certain funding sources may require more specific documentation of both internal and external supplemental compensation activities; such conditions are specified in the terms of the agreement. Any faculty or staff member accepting such sponsorship is presumed to have accepted the conditions of the sponsoring agency. It is the responsibility of the faculty or staff member to provide any required documentation.~~

~~(c) Unless prior written approval is given by the sponsoring agency and the appropriate administrative officer, a faculty or staff member cannot: (1) receive internal supplemental compensation on a project under his or her direction; or (2) serve both on University assigned time and receive internal supplemental compensation for the same work.~~

~~(d) If federal funds are used, internal compensation for consultation may be paid to faculty and staff members by the University only if: (1) the consultation is across departmental lines and requires special expertise, or involves a separate or remote operation; (2) the activities involved are in addition to the regular negotiated work load of the faculty or staff member; (3) and such arrangements are specifically provided for in the agreement and/or approved in writing by the sponsoring agency.~~

~~3. (a) The remuneration for internal supplemental compensation activities depends upon negotiation between the faculty or staff member and the agency in question. Usually, the daily rate for internal compensation will not exceed (1) 1.5 percent of the academic year salary or (2) 1.15 percent of the twelve-month salary, and the pay for teaching a supplemental course will be no more than that for teaching a comparable course during a summer term.~~

~~(b) University faculty and staff members who engage in conferences, workshops, and seminars through the University's College of Continuing Studies will, except for such activities funded through a grant or contract, receive internal supplemental compensation at rates determined by negotiation with that College. These rates will be competitive to the extent that such rates are compatible with the projected revenue/cost of the program and with other relevant economic considerations.~~

~~E. Reporting Procedures~~

~~1. Deans and directors of academic units will submit an annual report by October 1 to the *Provost*/Academic Vice President summarizing supplemental compensation activities for their division. Other directors will provide annual summaries of supplemental compensation activities to their vice presidents by October 1.~~

~~2. Each division of the University has developed a process for reporting and summarizing supplemental compensation activities. Faculty and staff members must follow the procedures of the division to which they are assigned.~~

~~F. Conflict Provisions~~

~~The terms and conditions of any agreement between the University and external organizations, or between the University and particular employees, will prevail in the event of any conflict between that agreement and the provisions of this policy.~~

APPENDIX F E

ON PREVENTING CONFLICTS OF INTEREST IN GOVERNMENT-SPONSORED RESEARCH AT UNIVERSITIES

A Joint Statement of

The Council of the American Association of University Professors

and

The American Council on Education

December, 1964

The increasingly necessary and complex relationships among universities, Government, and industry call for more intensive attention to standards of procedure and conduct in Government-sponsored research. The clarification and application of such standards must be designed to serve the purposes and needs of the projects and the public interest involved in them and to protect the integrity of the cooperating institutions as agencies of higher education.

The Government and institutions of higher education, as the contracting parties, have an obligation to see that adequate standards and procedures are developed and applied; to inform one another of their respective requirements; and to assure that all individuals participating in their respective behalfs are informed of and apply the standards and procedures that are so developed.

Consulting relationships between university staff members and industry serve the interests of research and education in the university. Likewise, the transfer of technical knowledge and skill from the university to industry contributes to technological advance. Such relationships are desirable, but certain potential hazards should be recognized.

A. Conflict Situations

1. Favoring of outside interests. When a university staff member (administrator, faculty member, professional staff member, or employee) undertaking or engaging in Government-sponsored work has a significant financial interest in, or a consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between his or her Government-sponsored university research obligations and his or her outside interests and other obligations. Situations in or from which conflicts of interest may arise are the following:

- (a) Undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;
- (b) Purchase of major equipment, instruments, materials, or other items for university research from the private firm in which the staff member has the interest without disclosure of such interest;
- (c) Transmission to the private firm or other use for personal gain of Government-sponsored work products, results, materials, records, or information that are not made generally available. (This would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of Government-sponsored research results where there is significant additional work by the staff member independent of his or her Government-sponsored research);
- (d) Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government-sponsored activities. (The term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);
- (e) Negotiation or influence upon the negotiation of contracts relating to the staff member's Government-sponsored research between the university and private organizations with which he or she has consulting or other significant relationships;
- (f) Acceptance of gratuities or special favors from private organizations with which the university does or may conduct business in connection with a Government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. Distribution of effort. There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which he or she divides his or her effort among these various functions does not raise ethical questions unless the Government

agency supporting his or her research is misled in its understanding of the amount of intellectual effort he or she is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions he or she performs are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a staff member will devote a certain fraction of his or her effort to the Government-sponsored research, or he or she agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of his or her involvement is to be expected. Each university, therefore, should--through joint consultation of administration and faculty--develop procedures to assure that proposals are responsibly made and complied with.

3. Consulting for Government agencies or their contractors. When the staff member engaged in Government-sponsored research also serves as a consultant to a Federal agency, his or her conduct is subject to the provisions of the Conflict of Interest Statutes (18 U.S.C. 202-209 as amended) and the President's memorandum of May 2, 1963, Preventing Conflicts of Interest on the Part of Special Government Employees. When he or she consults for one or more Government contractors, or prospective contractors, in the same technical field as his research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on his other interests. In undertaking and performing consulting services, he or she should make full disclosure of such interests to the university and to the contractor insofar as they may appear to relate to the work at the university or for the contractor. Conflict of interest problems could arise, for example, in the participation of a staff member of the university in an evaluation for the Government agency or its contractor of some technical aspect of the work of another organization with which he or she has a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

B. University Responsibility

Each university participating in Government-sponsored research should make known to the sponsoring Government agencies:

1. The steps it is taking to assure an understanding on the part of the university administration and staff members of the possible conflicts of interest or other problems that may develop in the foregoing types of situations, and
2. The organizational and administrative actions it has taken or is taking to avoid such problems, including:
 - (a) Accounting procedures to be used to assure that Government funds are expended for the purposes for which they have been provided, and that all services which are required in return for these funds are supplied;
 - (b) Procedures that enable it to be aware of the outside professional work of staff members participating in Government-sponsored research, if such outside work relates in any way to the Government-sponsored research;
 - (c) The formulation of standards to guide the individual university staff members in governing their conduct in relation to outside interests that might raise questions of conflicts of interest; and
 - (d) The provision within the university of an informed source of advice and guidance to its staff members for advance consultation on questions they wish to raise concerning the problems that may or do develop as a result of their outside financial or consulting interests, as they relate to their participation on Government-sponsored university research. The university may wish to discuss such problems with the contracting officer or other appropriate Government official in those cases that appear to raise questions regarding conflicts of interest.

The above process of disclosure and consultation is the obligation assumed by the university when it accepts Government funds for research. The process must, of course, be carried out in a manner that does not infringe on the legitimate freedoms and flexibility of action of the university and its staff members that have traditionally characterized a university. It is desirable that standards and procedures of the kind discussed be formulated and administered by members of the university community themselves, through their joint initiative and responsibility, for it is they who are the best judges of the conditions which can most effectively stimulate the search for knowledge and preserve the requirements of academic freedom. Experience indicates that such standards and procedures should be developed and specified by joint administrative-faculty action.

1995 - Proposed Deletion of Appendix G from Faculty Handbook

~~APPENDIX G~~

(NOTE: The following document describes the policy in effect at the time this Handbook was published. Copies of any subsequent revisions will be available in departmental and divisional offices and in the Office for Academic Affairs.)

~~POLICIES GOVERNING FACULTY PARTICIPATION IN INSTRUCTIONAL TELEVISION*~~

Television instruction involves the cooperation of faculty members, students, administrative and technical staff of the television facilities, and the University administration. The responsibilities of all parties involved should be designed to increase the effectiveness of student learning, improve the quality of instruction, and extend instruction to meet expanding demands. The following policies are intended to implement these responsibilities and to

~~insure fair treatment of the interests of all parties concerned. This policy statement shall be attached to and become part of contracts for instruction by television.~~

~~Ownership~~

~~1. The tapes and films prepared through the instructional television facilities at The University of Alabama become the property of the institution. Faculty members may make other use of materials included in television presentations.~~

~~Release and Use~~

~~2. The tape and film will be released for use and distribution by the University in accordance with the provisions of a mutual agreement between the faculty member(s) and the University. If reuse or additional uses are desired on the part of either party, then a new agreement shall be contracted.~~

~~3. Unless designated by the University as archival material, a recording which has not been used for one calendar year will be erased. The faculty member(s) shall be permitted to purchase the recording at the cost to the University of purchasing replacement tape of the same quality.~~

~~Revision~~

~~4. Revision of recordings is possible prior to release, or at any time after the first use of the material under the following conditions: agreement between the faculty member and the University as to its desirability or, lacking agreement, upon a favorable decision of the Committee on Instructional Television; and adequate financial resources to effect the revision. The right to request revision remains with the faculty member after the termination of his or her employment with The University of Alabama. Termination, however, will not void agreements reached under contracts as provided in paragraph 2 above.~~

~~*This statement refers to the regular, systematic instruction for credit courses.~~

~~Compensation~~

~~5. A faculty member's participation in televised instruction, whether for live presentation or the original production of recorded programs, is to be regarded as a part of his or her regular departmental function. The regular salary of the faculty member is compensation for such participation, unless otherwise stipulated in an agreement.~~

~~6. The first preparation by an instructor of a course to be presented on television (either live or taped and whether or not it ever is presented), depending upon the amount of direct effort involved, may be considered as instruction equal to or more than the number of credit hours carried by the course, but normally shall not exceed twice the amount of the course credit. Additional credit, the amount depending upon the circumstances, may be given for supervision of the televised course. Subsequent preparations and/or revisions will be granted instructional credit, the amount dependent upon the circumstances. Released time arrangements shall be made by the instructor, the department head, and the dean, with approval of the Office for Academic Affairs.~~

~~7. Course recording prepared through the production facilities of the University may be leased to, or exchanged with, other educational institutions or broadcasting stations with the consent of the faculty member(s). At such time an agreement shall be reached regarding compensation for the faculty member(s).~~

~~8. If supplementary printed materials that may accompany recorded television programs are sold by the University, 25 percent of the selling price shall be paid to the faculty author(s).~~

~~9. When there is more than one faculty member or academic participant involved in the development of instructional television programs, the division of compensation deriving from the use of the materials by other institutions shall be negotiated between the parties and the University.~~

~~10. Upon the death of any party entitled to compensation according to these provisions for lease or exchange, payments shall be paid to his or her estate.~~

APPENDIX ~~H~~ F

CONSTITUTION FOR A FACULTY SENATE AT

THE UNIVERSITY OF ALABAMA

Article I. Purpose

The purpose of the Faculty Senate is to aid The University of Alabama in making judgments on questions of policy, development and operations and thereby to assist the University in its continuing quest for excellence. It seeks to accomplish this goal by:

1. Facilitating and encouraging meaningful input on matters of general faculty concern.
2. Providing a readily accessible channel of communication through which continual dialogue and exchange of information and ideas may be carried on between the Faculty and University Officials.

Article II. Responsibilities and Functions

The responsibilities of the faculty rest with the faculty as a whole, but faculty opinion will normally be articulated through a Faculty Senate as herein constituted.

The Faculty Senate has the responsibility and authority to deliberate issues of general faculty concern and to communicate the results of these deliberations and its recommendations to the President of the University.

The Senate receives information from the administrative officers of the University regarding pending policy decisions or it determines through independent study that certain policy decisions appear to be appropriate; in either instance its function is to aid in the formulation or re-formulation of University policy.

The function may be served in some instances by discussion in which Senate members contribute their advice for consideration by those who are responsible for formulation and implementation of policy regarding the matter in question. In particular instances, on the other hand, the Senate may choose to make formal statements by majority vote.

The Faculty Senate is entitled to be advised of the disposition of any recommendations it makes.

Some general matters appropriate for faculty deliberation include:

1. General policies for admission of students to the University and the establishment of academic standards and requirements for graduation.
2. Establishment of the terms and conditions of faculty service and well being.
3. Selection of a University President or Vice-President. The views of the Faculty Senate should be solicited and considered before an appointment is made. In the case of selection of a divisional Dean only the faculty of that particular division should be consulted.
4. Budgetary Matters: Reviewing past and current allocations; Faculty Senate will designate one of its members to be available to the President to serve on all groups which make budgetary decisions on a campus-wide basis. Such groups include those concerned with establishing need, establishing priorities for allocations, and deciding on allocations.
5. Establishment of the University calendar.
6. Major changes in academic or research programs which are of an interdivisional nature or which have significant interdivisional impact.

Repudiation by a majority vote of the faculties of 2/3 of the divisions voids an action of the Faculty Senate.

Article III. Apportionment of Senate Representation

Each division of the University, including colleges, schools, and the University Libraries, is represented in the Faculty Senate by one senator for each twenty persons, or fraction thereof, serving on the date of the election under a regular appointment* as an instructor, assistant professor, associate professor, or professor engaged in teaching or research at least half of a normal load during the regular year, or a librarian having corresponding rank and professional engagement.

Each division of the University shall elect alternate senators in a number equal to the number of its senators. Such alternate senators can substitute for any senator within the alternate's division of the University on request of the Senator. When serving for a senator, an alternate may perform any of the functions of a senator with the full power of the senator. No senator may be represented by other than a duly elected alternate from the same division of the University.

A person holding a joint appointment involving more than one division must choose the division through which to participate in senate representation.

The dean or corresponding administrative officer of each division will be responsible for certifying the number of persons who qualify under this section to be counted in determining the number of senators for the division.

Article IV. Elections

The divisions of the University will hold General elections for Senators and alternates by secret ballot within the first two weeks in April for a term of two years commencing August 15. In the divisional elections nominations may be made anonymously or from the floor. Only regular faculty members as defined in Article III are eligible for election to the Senate. However, the faculty of each division may determine who is eligible to vote in its particular election and in making this determination is not governed by the factors of eligibility to be counted for appointment purposes under Article III.

The faculty of a division may either elect its senators at large or assign them for election by any arrangement of faculty subgroups as determined by faculty vote.

The dean or corresponding administrative officer of each division will conduct the election.

Except for Special elections, election as a senator is for a two year term of office and to replace those senators whose terms are expiring. The Senate Secretary will notify the deans of the divisions by March 1 of the number of Senate vacancies which will occur that year in each division.

The term of office for a senator elected in a Special election is for the remaining portion of the term of the senator being replaced.

Article V. Organization and Procedures

A newly elected Senate will meet during the last week in August following its election to organize itself. The incumbent President will convene the organizational meeting and preside until its own presiding officer is elected, which will be the first order of business.

The Senate will elect from its membership a President, Vice-President, and a Secretary, and may establish standing and special committees and the manner of selecting Senate members to serve in those capacities.

The presiding officer of the Faculty Senate will call a meeting of the faculty of the University when so requested by a petition from one-fifth of the members of the faculty as determined by the total number of persons certified by the administrative officers of the divisions of the University at the time of the last General Senate election, by a vote of the majority of the Senators present at a meeting of the Senate, or by the President of the University.

The elected officers, the immediate past President of the Faculty Senate, and chairpersons of standing committees will comprise a steering committee. If the immediate past President of the Faculty Senate is no longer a senator, ex officio status in the steering committee will be automatic. The immediate past President who is no longer a senator will be privileged to attend all open and executive sessions of the Senate with right of debate but without vote. The steering committee will determine the agenda of all Senate meetings. Anyone may propose agenda topics for Senate meetings. A topic must be put on the agenda if as many as five senators, twenty faculty members or the President of the University request it.

The Senate will meet each month during August through April, according to a schedule. The steering committee may call special meetings at any time while the University is in session during the regular academic year or a summer term (not including the interim term), and must do so when as many as ten senators, forty faculty members or the President of the University request it.

A senator's absence from three meetings during a term of office without being represented by a duly elected alternate may vacate the office. The Senate shall be the judge of the reasonableness of the senator's absence without representation. Upon notification by the Senate, the dean of a division in which a senator's office is vacated shall hold an immediate Special election for a replacement.

The dean of a division also will hold Special elections to senate seats when these seats are vacant because of death of the senator, resignation of the senator from the Senate, resignation of the senator from the faculty of the University, or for vacancies caused by a change in the status of a senator of such nature that the senator no longer is eligible to hold the office under provisions of this constitution. Such Special elections will be held following notification by the Senate of a vacancy and as promptly as feasible after this notification.

Action to recall a Senate member from a division or faculty subgroup may be initiated by petition of not less than one-third of the voting members from that division or subgroup. Upon receiving this petition, the dean of the division shall notify the Senate member promptly and convene a special meeting of the voting members of the division to consider the petition. After opportunity for discussion of the substance of the petition, a secret vote shall be taken. If two-thirds of the voting members present vote to support the petition to recall the Senate member, the seat shall be declared vacant. The dean shall hold a Special election promptly to select a replacement and will notify the Senate President of the action. In such a meeting for recall and in all General and Special elections, a vote will be taken only after it is determined that a quorum is present as defined by the most recent edition of [*Robert's Rules of Order*].

The most recent edition of [*Robert's Rules of Order*] will govern the proceedings of the Senate except when they contravene a rule adopted by the Senate.

Article VI. Adoption

Approval of this Constitution by a simple majority vote of the eligible faculty and by the President of the University will have the effect of establishing a University of Alabama Faculty Senate as herein defined.

Article VII. Amendment

Amendments to this Constitution will originate in the Senate. An amendment will be proposed and debated at a meeting of the Senate, and following further debate will be voted on at the next subsequent meeting of the Senate. If the amendment receives a majority vote of the Senate, it will be presented to the faculty of the University for its action in a University-wide referendum. There will be a 30 day period between the announcement of the referendum and the date of the ballot. Amendments which receive a favorable vote of the majority of the faculty voting in the referendum will be presented to the President of the University for approval.

BYLAWS

THE UNIVERSITY OF ALABAMA FACULTY SENATE

Article I. Senate Officers

In all elections of Senate Officers--President, Vice President, and Secretary--elections will be by the vote of the majority of the senators voting, in a meeting at which a quorum of the Senate is present. Nominations will be made from the floor at the time of the election. Nominations and election of the Senate President will be completed before the floor is opened for nominations for Vice President, and the election of the Vice President will be made before nominations are received for the Office of Secretary.

Article II. Organization

Section 1. Steering Committee.

The Steering Committee is authorized to make representations in its own name in regard to any matter within the scope of the Senate's responsibilities and functions (as defined in Article II of the Constitution) when, in the Committee's judgment, circumstances require action before it is possible to convene a meeting of the Senate. In such instances, the Committee will be guided by its best judgment regarding the intention of the Senate if such intention is known.

Section 2. Standing Committees.

(1) There shall be standing committees on:

Academic Affairs (11)

Financial Affairs (9)

Planning and Operations (5)

Research and Service (5)

Student Affairs (5)

Senate Operations (3)

(2) Subject to reasonable exceptions to accommodate the needs of the Senate and the interests of senators, each senator ordinarily will have one standing committee assignment. The number of members shall be approximately that indicated in parentheses for the respective committees.

(3) After senators have been afforded an opportunity to register their preferences for committee assignments, the retiring Steering Committee shall appoint members of standing committees subject to confirmation by the Senate. Appointments may not be confirmed until the list of appointees has been furnished to senators. Standing committees will elect their chairpersons from among their members. Committees that recognize the need for co-chairs may elect them. All co-chairs elected shall represent their committees as members of the Steering Committee of the Senate. Standing committees may elect vice chairpersons. Such vice chairpersons are eligible to serve in the absence of chairpersons and can represent the committee to the Steering Committee and the Senate.

(4) Standing committees will inform themselves, on their own initiative or pursuant to specific instructions from the Senate, concerning matters of current concern within their respective jurisdictions. Standing committees, directly or through their chairs are expected to seek and maintain continual dialogues with the vice presidents in charge of the areas of University affairs in which the respective committees have jurisdiction. Monthly meetings are an example of a mechanism for such dialogues. The committees shall make such reports and recommendations to the Senate as they deem appropriate or as the Senate requires.

(5) Committee on Senate Operations.

A. The Committee on Senate Operations is responsible for continuous review of the Senate's organization and procedures and for recommending

changes it deems desirable in either the Constitution or the Bylaws.

B. The Senate Operations Committee will consider the reasonableness of all absences in excess of two by a senator from Senate meetings in which the senator is not represented by a duly elected alternate and will make a recommendation to the Senate whether the position should be declared vacant. The Operations Committee also will be responsible for determining if a Senate seat is vacant for reasons other than absence and will make appropriate recommendations to the Senate.

C. The Senate Operations Committee is responsible for interpreting the Constitution and Bylaws and may receive requests for interpretation from the Senate or the Senate President or may initiate action by itself. All such interpretations must be reported to the Senate and are subject to Senate concurrence.

D. The Senate Operations Committee is charged with responsibility for determining the constitutionality of the Senate Bylaws. Such determinations must be reported to the Senate and are subject to Senate concurrence.

(6) The chairperson of the Senate Committee on Financial Affairs will represent the Senate on all decision-making committees or bodies which have responsibility for establishing priorities and allocating funds within the University budget when the Senate is requested by the University President to provide such representation (Article II-4 of Constitution).

Section 3. Special Committees.

Special committees may be created by the Senate as needed. Unless the Senate directs otherwise, special committee members and chairpersons shall be designated by the same methods as for standing committees. Persons eligible to vote in Senate elections who are not members of the Senate may be appointed by special committees as their consultants.

Section 4. Subcommittees.

Standing and special committees may establish such standing or special subcommittees as they deem useful. Persons eligible to vote in Senate elections who are not members of the Senate may be appointed by subcommittees as their consultants.

Section 5. Parliamentarian.

The Senate President will nominate a parliamentarian, subject to Senate confirmation, to serve as recommended in the most recent revision of Robert's Rules of Order except where these Rules are contravened by a rule adopted by the Senate. This person will be a member of the Faculty, as defined in the Constitution, who is not a senator. It shall be the duty of the Parliamentarian to attend all meetings of the Senate and of the Steering Committee.

Article III. Procedures

Section 1. Meeting (Senate and Steering Committee).

(1) The times and places of all Senate meetings will be determined and published by the Steering Committee.

(2) The Steering Committee ordinarily shall hold regular meetings seven to fourteen days prior to regular Senate meetings. Special meetings of the Steering Committee can be called by the President of the Senate and shall be called upon the written request of three of the committee's members.

(3) All resolutions and original motions to be presented to the Senate must be in writing and should be mailed by the Senate Secretary with the agenda for the meeting.

Section 2. Agenda

(1) Except when the Steering Committee or the Senate orders otherwise, the customary order of business as described in Robert's Rules of Order will be followed.

(2) Agenda will be distributed to members during the week in advance of the meetings by the Senate Secretary except when exigent circumstances make it necessary, in the judgment of the Steering Committee, to prepare or change an agendum so soon before the meeting that advance circulation is impractical.

(3) The Steering Committee will employ whatever means are feasible and appropriate to give notice of pending agenda to all members of the Senate.

Section 3. Access to Senate Meetings.

(1) Any person may attend Senate meetings during other-than-executive sessions for the purpose of observing its proceedings.

(2) Anyone other than a senator may address the Senate only on invitation by vote of the Senate or on invitation by the President of the Senate after an

opportunity for the Senate to object and, in case there is objection, after approval of the invitation by the Senate.

(3) An executive session, from which all persons except senators are excluded, may be held by vote of the Senate. Motions to hold executive sessions will take precedence over other regular business.

(4) The privilege of the floor, including the right to address the Senate on any pending question subject to applicable rules or parliamentary procedure, is extended to one delegate representing the Retired Faculty Association of The University of Alabama, one delegate representing the Professional Advisory Committee, and one delegate representing the Office of Alumni Affairs.

Section 4. Minutes of Senate Meetings.

(1) Minutes of all Senate meetings shall be furnished to all senators as early as possible.

(2) Minutes of open Senate meetings are to be freely available to anyone within or without the University of Alabama: first, within the University; second, outside the University on request and if available.

(3) Divisional delegations are expected to adopt measures for effective and expeditious reporting of Senate actions to their constituencies.

(4) The official minutes of all open Senate meetings shall be available for inspection by all persons eligible to vote in the election of senators. The official minutes of executive sessions of the Senate shall be made available for this purpose only to the extent that the Senate may approve.

(5) Minutes of executive sessions of the Senate are confidential and are not to be released.

(6) Minutes of the Steering Committee may be made available outside the University of Alabama only by a majority vote of the Steering Committee that is asked for such material.

(7) Reports submitted to the Senate become part of the open-meeting minutes or executive-session minutes and are to be treated as those minutes.

Section 5. Committee Records.

(1) All Senate committees shall keep records of their meetings and proceedings, describing in summary form all noteworthy matters considered and noting all committee decisions and actions.

Section 6. Additional Responsibilities of the Senate Secretary.

(1) The Secretary has responsibility for conducting all University-wide referenda regarding proposed amendments to the Constitution.

(2) The Secretary is charged with keeping the official, up-to-date copies of the Constitution and Bylaws, and with assuring that a signed and dated notification of official approval by the Secretary is affixed to all copies of the Constitution and Bylaws.

(3) The Secretary will call the roll of senators at each meeting of the Senate. Any absences in excess of two by a senator will be reported by the Secretary to the Senate Operations Committee.

(4) It shall be a duty of the Senate Secretary to notify the deans of the divisions of the University of the need for regular and special elections of senators. In so doing, the Secretary will note the name of the Senator who previously held the position or of the need to elect additional senators.

(5) It shall be the duty of the Senate Secretary to publish a calendar of Senate meetings for the academic year at the beginning of each fall semester. It shall contain the times and locations of Senate meetings and the listing of the dates upon which the Senate must take actions such as the naming of members of official bodies of the University or the appointment of committees to nominate award recipients.

Article IV. Amendments of Bylaws

The Bylaws may be amended by a majority vote of the members of the Senate at a meeting subsequent to the meeting at which the amendment was proposed.

Approved: Wythe Holt

Secretary, Faculty Senate

Date: April 11, 1988

1995 Suggested Revision -- Appendix I is inserted under Chapter Three, Section III "Participation in Political Activities," p. 43

~~APPENDIX I~~

~~(NOTE: The following document describes the policy in effect at the time this Handbook was published. Copies of any subsequent revisions will be available in the Office for Academic Affairs.)~~

~~THE UNIVERSITY OF ALABAMA BOARD OF TRUSTEES~~

~~RULE 320-~~

~~Political Activities of University Personnel~~

~~1. Application of Rule.~~

~~This rule and any guidelines which may be promulgated hereunder apply to all administrative officers, faculty, staff or other employees of The University of Alabama System.~~

~~2. Policy.~~

~~The Board hereby reaffirms its historic position that the institution shall neither endorse nor support any candidate for nomination or election to any public office of the State of Alabama or any other political entity. Employees of the University do not surrender their civil and political rights and responsibilities, however, by virtue of their employment. Indeed, the Board of Trustees encourages the officials and employees of the University to fulfill their civic responsibilities as private citizens. But the Board shall continue to require that, consistent with state law, no University employee shall use or permit to be used University resources, time, or property for or on behalf of any political candidate, campaign, or organization or for any contribution or solicitation of any contribution to a political campaign or organization; nor shall any University employee lend or appear to lend the support of the University in connection with any contribution or solicitation of any contribution to a political campaign or organization. (Nothing in this rule is intended to discourage the impartial use of University facilities as a public forum, however.)~~

~~The Board recognizes that it is often difficult for the public to distinguish between the public and private activities of University employees, particularly when those employees occupy senior administrative positions within the institution. For that reason and because the University is a public institution, the Board wishes to guard against those actions that are illegal and improper as well as those that may create the appearance of impropriety. It is incumbent upon employees of the University to make clear in any political activity whatsoever that they are acting in a private and individual capacity and that their activities have neither University sponsorship nor support. It is also incumbent upon employees of the University to avoid any private actions of a collective nature that may lend or appear to lend the support of the University to political activity. Because of their prominent identification with the institution, the major administrative officers of the University have a particularly heavy obligation to insure that their activities are not misinterpreted or misunderstood.~~

~~No University employee may seek or hold public office and remain in the employ of the University if such activities could or would result in a conflict of interest or interfere with the employee's carrying out his University responsibilities. University employees who intend to seek election to public office must first obtain written consent from the Chancellor through appropriate reporting channels. In cases where the workload of the employee is the primary concern, Leaves of Absence during periods of running for office or serving in public office may be considered.~~

~~3. Report to the Chancellor.~~

~~If there exists a reasonable question whether a potential activity of the University employee is consistent with the policy of the Board on political activities of University personnel, the employee shall report the proposed activity to the Chancellor for approval through appropriate channels.~~

~~(Adopted August 23, 1978)~~

APPENDIX J G

THE UNIVERSITY OF ALABAMA

PATENT POLICY

In view of the far-reaching research in the various divisions of the University, it is inevitable that new discoveries and inventions will be made. The University of Alabama recognizes that the protection and control provided under the patent laws may have to be invoked to obtain the greatest public benefit and usefulness from the products of scientific research. It is recognized that employees of the University need assistance in determining and evaluating patentability and in prosecuting patent applicants of inventions made by them. Many such inventions involve equities beyond those of the inventor himself or herself since the use of University facilities, the assignment of duties as a condition of employment, and the use of research funds with contractual obligations regarding patent rights give rise to complicated questions concerning rights and equities of all concerned. Therefore, in order to appraise relative rights and equities of all parties concerned, to facilitate patent applications, licensing, equitable distribution of any royalties or other financial returns, to provide a uniform procedure in patent matters, and to serve the public benefit and interest, The Board of Trustees of The

University of Alabama (herein called University), on recommendation of the University Council and the President of the University, authorizes the establishment of a Patent Committee and the adoption of the patent policy as set forth herein.

1. The President of the University is hereby authorized to appoint a University Patent Committee composed of members representative of the entire University to administer the patent policy and to designate a Patent Administrator to administer the policies of the committee. This committee and the Patent Administrator shall serve at the pleasure of and their actions shall be subject to the approval and right of review of the President of the University.
2. Subject to the approval of the President of the University, the Patent Committee shall have power to adopt such rules and procedures as are deemed appropriate; to determine the interest of the University in all reported inventions; to cause all reported inventions to be investigated in order to evaluate the interest of the University in said invention (with due consideration given to the achievement of the inventor and the financial returns to the inventor and the University); to authorize the Patent Administrator to execute a release when the Patent Committee decides that the University has no interest in the invention or decides that the University does not desire to pursue the patenting or development of the patent; to authorize applications for patents on reported inventions and to retain patent counsel, in association with the University Attorney, for matters pertaining to patent applications; and to make recommendations to the President of the University with regard to the prosecution and protection thereof and any litigation that may arise therefrom. The Patent Committee shall also have power to do all things appropriate for the investigation of patent rights and for the exploitation of patent rights by direct exercise, exclusive or non-exclusive licensing, and make recommendations to the President of the University with regard to partial or total assignment or sale thereof. All questions concerning the methods by which the patent shall be commercially exploited shall be decided by the Patent Committee.
3. All faculty members and University employees, both while employed by the University and thereafter, shall report to the Patent Committee any invention or discovery which they have conceived or developed or which has been conceived or developed under their direction during their University employment.
4. Any such invention or discovery (1) which is the result of research carried on by or under the direction of any employee of the University and/or having the costs thereof paid from University funds or from funds under the control of or administered by the University or (2) which is made by an employee of the University and which relates to the inventor's field of work at the University, or (3) which has been developed in whole or in part by the utilization of University resources or facilities belonging to the University shall be assigned to the University or a University designated non-profit organization established for its benefit. In other situations the Patent Committee should determine that the University has no interest in the invention or discovery. Releases shall be executed by the Patent Administrator when the Patent Committee decides that the University has no interest in the patent or does not desire to pursue the patenting of the invention.
5. The Patent Committee shall cause each invention or discovery to be investigated in order to determine the interest of the University and, if the Patent Committee determines that the University has an interest in the invention which it desires to pursue, it shall undertake to obtain a patent on the invention. In determining whether or not the University has an interest in the invention, the Committee shall consider the benefits that might accrue to both the University and the inventor. The Patent Administrator and the Patent Committee are responsible for prompt action for the purpose of protecting the property rights of the inventor and the University.
6. As further consideration for the assignment rights set forth herein, the University agrees to pay annually to the inventor, his heirs and assigns, fifty percent (50%) of the royalties, fees, or other financial returns received by the University from such invention after a deduction of fifteen percent (15%) thereof for overhead costs, plus a deduction for costs of patenting and protection of patent rights. Recoupment of any unusual expenses paid by the University or the inventor may be allowed by the Patent Committee on patents assigned to the University or to a University designated non-profit organization established for its benefit.
7. The above policy shall not preclude the properly designated University officials from approving and executing research proposals, contracts, grants, and consulting agreements from or with the United States Government or its agencies, from or with corporations, or from or with individuals wherein the University's patent interest and the patent interest of the researcher, with his approval, are at variance with the above paragraphs; and the terms of said contracts, grants, and agreements shall prevail. Any of the above University officials may refer said proposals, grants, contracts, or agreements to the Patent Committee for recommendations prior to approval. To the extent the provisions of these proposals, contracts, grants, and agreements permit, the University shall administer such patents so as to make them broadly available in the public interest. This may be accomplished through non-exclusive licensing on a royalty-free, or on a reasonable royalty basis. Exclusive licensing may be utilized for limited periods when further development is needed on investment or risk capital is not readily available, or there is no other incentive for the development of the invention.
8. This statement of policy shall not apply to copyrights except as they may pertain to inventions covered by this policy. A separate copyright policy exists. See Appendix H.

APPENDIX K-H

DETERMINATION OF RIGHTS AND EQUITIES

IN COPYRIGHTABLE MATERIALS AT

THE UNIVERSITY OF ALABAMA

Materials produced by faculty and employees of the University shall be the exclusive property of the faculty member or employee, so far as copyright is concerned. It shall be the responsibility of the faculty member or employee to copyright appropriate material. University assistance, such as released time, research or secretarial assistance, the purchase of particular materials, etc., must be acknowledged appropriately.

In the event that extraordinary assistance (assistance exceeding usual department or area policy) is provided by the University, a division of royalty may be required. When extraordinary assistance is provided, it is the responsibility of the department chairperson or area head to notify the faculty member in writing that the assistance to be provided exceeds usual policy. The faculty member or employee is responsible for negotiating any division of royalty with the Office for Academic Affairs prior to signing a contract.

Two exceptions to this policy involve the following:

1. Materials developed as a result of work supported partially or fully by an outside agency through a contract or grant. In these instances, copyright shall be assigned in accordance with terms of the contract or grant.
2. Materials produced by faculty or employees of the University under specific assignment in which the individual is paid for production and/or writing of the materials. In these instances, an agreement shall be reached as to copyright and royalties at the time the agreement is negotiated.

Administration

The administration of the policies set forth herein shall be the responsibility of the Office for Academic Affairs, in consultation with a University copyright committee.

1995 Revisions - Proposed Deletion of this Appendix

~~APPENDIX L~~

~~THE CORE CURRICULUM~~

~~The purpose of the Core Curriculum is not to return to the past, but to establish a balance among legitimate interests in the present, so that professional education, general education, and freedom for electives are balanced in proportions that the University community deems appropriate. To achieve a general education while pursuing a specific concentration in a chosen field of study, each undergraduate student will construct a curriculum that includes the following:~~

~~A. Six semester hours of freshman English.~~

~~B. At least six semester hours in 300- and 400-level courses with a W designation, preferably in the student's major. The W designation indicates that one of the conditions for a passing grade is that students write coherent, logical, and carefully edited prose in a minimum of two papers, at least one of which will be graded and returned before mid-semester. All W designated courses are taught and graded by instructors who have at least the master's degree, preferably in classes not exceeding thirty-five students. The W requirement must be satisfied in courses taken on this campus.~~

~~C. At least six semester hours in M-designated courses. The M designation indicates that the course meets one of the following criteria: (a) The course requires substantial application of mathematical skills at or above the level of college algebra. (b) The course deals primarily with and illustrates modern mathematical ideas beyond the level of college algebra. The course should be of a general nature and not an advanced course designed primarily for majors. (c) The course deals primarily with modern symbolic logic. All M courses require College Algebra (MA 109) or a higher-level mathematics course as a prerequisite. College algebra does not have an M designation. Students who score high enough on The University of Alabama mathematics placement exam can take a course with the M designation without taking MA 109.~~

~~D. At least twelve hours in H-designated courses. An H designation indicates that the course deals primarily with questions of values, ethics, or aesthetics as they are represented in works of art, philosophy, theology, history (including Western Civilization), and literature (including sophomore English).~~

~~E. At least six semester hours of SS-designated courses. The SS designation indicates that the course deals primarily with the study of human behavior, social structures, or economics.~~

~~F. At least eight semester hours in NS-designated courses, including two semester hours of laboratory experience. The NS designation indicates that the course applies quantitative or inductive reasoning to a subject within the natural sciences.~~

~~G. Either two semesters of the same foreign language or equivalent credit by examination, or six semester hours of C-designated courses. The C designation is assigned to courses that require students to write programs and use the computer as a condition for passing the course, and that have~~

as a prerequisite an introductory computer programming course such as CS 112, CS 113, or GES 126.

A course carrying more than one designation may be counted toward fulfilling more than one requirement by the students who take that course. A student may satisfy some core curriculum requirements by demonstration of competence on a proficiency examination such as the CLEP subject examination.

Review of courses for the core curriculum is an ongoing process. New courses may be approved and added to the list of those that meet core curriculum requirements. The core designation for existing courses may be discontinued. A course carries core curriculum credit if the course is approved at the time the course is taken. The student must consult the core curriculum supplement in the appropriate schedule of classes to ensure that the core designation is in effect at the time the course is taken.

1995 Revision -

Appendix M is inserted under Chapter Three, Section II "Code of Conduct," p. 41

APPENDIX M

(NOTE: The following document describes the policy in effect at the time this Handbook was published. Copies of any subsequent revisions will be available in departmental and divisional offices and in the Office for Academic Affairs.)

STATEMENT ON PROFESSIONAL ETHICS

Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to the professor in his utterances as a citizen, in the exercise of his responsibilities to students, and in his conduct when resigning from his institution or when undertaking government-sponsored research. The *Statement on Professional Ethics* that follows, necessarily presented in terms of the ideal, sets forth those general standards that serve as a reminder of the variety of obligations assumed by all members of the profession. For the purpose of more detailed guidance, the Association, through its Committee B on Professional Ethics, intends to issue from time to time supplemental statements on specific problems.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to assure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the General Secretary and Committee B, to counsel with any faculty member or administrator concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of dismissal, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*.

The Statement

1. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him. His primary responsibility to his subject is to seek and to state the truth as he sees it. To this end he devotes his energies to developing and improving his scholarly competence. He accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. He practices intellectual honesty. Although he may follow subsidiary interests, these interests must never seriously hamper or compromise his freedom of inquiry.
2. As a teacher, the professor encourages the free pursuit of learning in his students. He holds before them the best scholarly standards of his discipline. He demonstrates respect for the student as an individual, and adheres to his proper role as intellectual guide and counselor. He makes every reasonable effort to foster honest academic conduct and to assure that his evaluation of students reflects their true merit. He respects the confidential nature of the relationship between professor and student. He avoids any exploitation of students for his private advantage and acknowledges significant assistance from them. He protects their academic freedom.
3. As a colleague, the professor has obligations that derive from common membership in the community of scholars. He respects and defends the free inquiry of his associate. In the exchange of criticism and ideas he shows due respect for the opinions of others. He acknowledges his academic debts and strives to be objective in his professional judgment of colleagues. He accepts his share of faculty responsibilities for the governance of his institution.
4. As a member of his institution, the professor seeks above all to be an effective teacher and scholar. Although he observes the stated regulations of the institution, provided they do not contravene academic freedom, he maintains his right to criticize and seek revision. He determines the amount and character of the work he does outside his institution with due regard to his paramount responsibilities within it. When considering the interruption or termination of his service, he recognizes the effect of his decision upon the program of the institution and gives due notice of his intentions.

~~5. As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his profession, and to his institution. When he speaks or acts as a private person he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.~~

~~December, 1995~~

~~APPENDIX N I~~

~~SEXUAL HARASSMENT AND FAMILIAL OR CONSENSUAL-SEXUAL RELATIONSHIPS~~

~~I. Sexual Harassment~~

~~This policy deals with sexual harassment of undergraduate and graduate students by an instructor or other university employee who is in a position to influence the student's grade or affect the student's academic success or professional future. However, the procedures described herein also may be used by any faculty or staff member who believes he or she is a victim of sexual harassment by a faculty member, chairperson or administrator. Sexual harassment is unethical and unacceptable, an abuse of authority that impairs the environment of trust essential to the academic enterprise. *Sexual harassment shall subject the offender to possible disciplinary action up to and including suspension or dismissal.*~~

~~Sexual harassment includes but is not limited to the following: verbal or non-verbal conduct with an inappropriate focus on gender or sexual history, characteristics, or preferences that is intimidating, demeaning, hostile or offensive; unwelcome verbal or physical advances; attempts to subject a person to unwanted sexual attention or to coerce a person into a sexual relationship; retaliation for a refusal to comply with sexual demands.~~

~~Sexual harassment is defined for purposes of this policy as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:~~

- ~~1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;~~
- ~~2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or~~
- ~~3. such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive learning or employment environment.~~

~~Examples of sexual harassment include intimidating, demeaning, or hostile behavior--either verbal or non-verbal---based upon an individual's gender or sexual preferences.~~

~~Any offer of special consideration to a student in return for sexual favors is also sexual harassment. Students~~Persons receiving such offers should report them by using any of the channels provided for reporting sexual harassment.

~~A. Reporting~~

~~(This paragraph was originally the second paragraph, which is now moved to the first paragraph). A victim of sexual harassment should report the incident immediately. Any delay in reporting makes it more difficult to establish the facts of the case and may encourage the harasser to continue or repeat the offensive behavior. The University will do everything possible to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Any attempt at retaliation by the accused (except legal action) will be treated as a new incident of sexual harassment.~~

~~All incidents of alleged sexual harassment by personnel in a school or college are handled by the Affirmative Action Coordinator of that division who is appointed by the Dean. Each Dean's Office can provide the name and office location of the Affirmative Action Coordinator.~~

~~To report an instance of sexual harassment, a student should see the Division Affirmative Action Coordinator, who is appointed by the dean. Any other employee of the university who is consulted concerning an incident of sexual harassment should determine who the Division Affirmative Action Coordinator is and arrange to have the complainant meet him or her.~~

~~Employees or students in an academic division who believe that they have been sexually harassed should report it to the Division Affirmative Action Coordinator. Any employee of the University who is consulted concerning an incident of sexual harassment should determine who the Division Affirmative Action Coordinator is and arrange to have the complainant meet him or her. Students who believe for any reason that they cannot communicate their concern effectively through the Division Affirmative Action Coordinator should consult the University Compliance Officer in the Office of Equal Opportunity Programs. University employees with a similar concern may consult either the University Compliance Officer or the Director of Human Resources.~~

~~The University will do everything consistent with enforcement of this policy to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Any attempt at retaliation by the accused (except legal action) will be treated as a new incident of sexual harassment.~~

B. Procedures

The initial discussion between the complainant and the Coordinator will be kept confidential, with no written record. The Coordinator will explain the options available under this policy and will counsel the complainant. If the complainant, after an initial meeting with the Coordinator, decides to proceed, the Coordinator will ask the complainant to provide a written statement describing the complaint. After receiving the written statement, the Coordinator will, in conjunction with the complainant, determine whether informal or formal procedures should be followed. If the Coordinator believes that the matter is sufficiently grave because it seems to be part of a persistent pattern or because of the nature of the alleged offense, or because the complainant seeks to have a sanction imposed, the the Coordinator will initiate a formal procedure by reporting the matter to the dean.

C. Informal Procedures

Informal procedures will include notifying the alleged offender of the complaint and will consist of whatever steps short of formal sanctions the Coordinator deems appropriate to effect an informal resolution acceptable to both parties, paying due regard to the need to maintain confidentiality. If the complaint can be resolved informally to the satisfaction of ~~the complainant~~, *both parties*, no written report will be made to the dean or other administrators, and no record will be placed in the offender's personnel file. However, the Coordinator will make a record of the case (providing a copy to the accused) and this record will be available to the dean in the event of a subsequent allegation that the same individual has committed an act of sexual harassment. If an informal resolution of the complaint cannot be achieved, the Coordinator will report the matter to the dean, who will follow the formal procedure described below.

D. Formal Procedures

In formal procedures the dean initially may conduct whatever inquiry he/she deems necessary and also will arrange conferences with the complainant, the alleged offender, and any other appropriate persons. The dean may act alone or in conjunction with an advisory committee which may be a standing divisional committee or an ad hoc committee appointed by the dean, but the dean shall make the decision. The dean will make a record of the case, noting his or her decision, and will provide a copy to the alleged offender, but no record will be placed in the alleged offender's personnel file unless a sanction is imposed. Possible sanctions against the offender range from a letter or reprimand to suspension or termination of employment*. *The dean will notify the complainant of the decision as soon as it is made. The complainant should treat this information as confidential and private.* A complainant not satisfied with the resolution achieved by the dean may discuss the matter further with the University ~~Affirmative Action~~ *Compliance Officer*.

II. Personal, Familial and Consensual-Sexual Relationships

~~Instructional personnel are expected to avoid or to recuse themselves from any situation which requires them to evaluate a person with whom they have a relationship which could make their evaluations suspect.~~

~~Moreover, every effort should be made to avoid having a faculty member teach a person in his or her immediate family; such an undesirable situation should occur only after consultation with the departmental chairperson or the dean and only when alternative arrangements are unreasonable.~~

~~Any amorous or sexual relationship, except marriage, is unethical when it occurs between an instructor or employee of the University and any student for whom he or she has a professional responsibility which could influence the student's grade or affect the student's academic success or professional future. Inherent in such professional responsibility is an element of power which the person in authority must not abuse or seem to abuse. Persons having professional responsibility for students may be subject to disciplinary action if a complaint is filed as a result of an amorous or sexual relationship with a student, even if both parties consented to the relationship.~~

~~Every effort should be made to avoid having faculty members teach or supervise members of their immediate family or anyone else with whom they have a relationship that could interfere with impartiality. Such an undesirable situation should occur only with approval of the departmental chairperson or the dean, and only when alternative arrangements are unreasonable. Otherwise, amorous or sexual relationships between instructors or supervisors and persons over whom they have professional authority are prohibited and may result in disciplinary action against the instructor or supervisor.~~

~~Persons who have an instructional or supervisory role over family members or those with whom they have consensual-sexual or personal relationships may be subject to charges of bias or coercion brought by the persons directly involved or by third parties who perceive that their own legitimate interests have been compromised. A complaint regarding consensual-sexual or personal relationships may allege sexual harassment, discrimination against the ~~student~~ *person* involved, preferential treatment for that ~~student~~ *person*, or actions which indicate a relationship with a student that could make evaluation of that ~~student~~ *person* suspect. Filing and disposition of such complaints will follow the process and disciplinary procedure described for complaints of sexual harassment (see Reporting in Section I *A of this policy*).~~

APPENDIX ΘJ

POLICY STATEMENT ON CONVERSION

FROM ADMINISTRATIVE TO FACULTY STATUS*

Administrators do not have tenure in office; tenure as a faculty member is a separate right. The following policy applies only to administrators who are

also tenured faculty members; other administrators who lose their administrative appointments and seek to become faculty members will, if successful, be considered new appointees and their status will be described in their letters of appointment. Loss of an administrative appointment cannot be the subject of a grievance.

A. Academic Year Salary

The summer salary of an administrator is thirty percent of his or her academic year salary. An administrator's salary may also include an additional amount designated as an administrative increment. An administrator who has a twelve month salary will be considered to have an academic year salary equal to:

$$\frac{\text{twelve month salary} - \text{administrative increment}}{1.3}$$

B. Entitlements

Administrative service entitles the appointee to administrative leave for the study and research necessary to return to faculty status, and for a gradual phasing out of any administrative increment in salary. These entitlements include the following:

Category A - those with 10 or more years administrative service receive two semesters of administrative leave and three-fourths of the administrative increment in the first year in faculty status, one-half in the second year, and one-fourth in the third year;

Category B - those with a least 5 but less than 10 years administrative service receive one semester and one summer of administrative leave and two-thirds of the administrative increment in the first year in faculty status, and one-third in the second year;

Category C - those with administrative service of more than one but less than 5 years receive one semester or one summer of administrative leave, and one-half of the administrative increment in the first year in faculty status.

Additional administrative leave may be granted in special cases. The eligibility for leave for administrators who have been assigned time for research or scholarly work during their administrative appointments will be reduced by the amount of time assigned to such activities.

C. Date of Conversion

The date of conversion from administrative to faculty status is subject to negotiation but normally will be the first working day after the end of the administrative appointment and will be no later than the following August 16. Administrative increments will begin to be phased out as soon as the administrative appointment ends.

D. Salary During Administrative Leaves

Normally, administrators will have been converted to academic year salaries before beginning administrative leave. In such cases, salary during leave (distributed on a 12 - month basis) will be one-half the academic year salary for each semester and thirty percent of the academic year salary for a summer. Any variation from this policy must be agreed upon before the leave begins.

E. Accrued Annual Leave

Administrators are expected to utilize all of their accrued annual leave prior to conversion to faculty status; any annual leave not taken by the time of conversion is lost.

APPENDIX P K

POLICY ON ACADEMIC MISCONDUCT IN SCHOLARLY ACTIVITIES

I. Definition of Academic Misconduct in Scholarly Activities

Misconduct in scholarly activities includes, but is not limited to, (1) fabrication, falsification, plagiarism, or similar practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting or reporting research or other scholarly and creative activity; (2) appropriation without due credit of another's ideas, including the improper use of privileged information; (3) willful or reckless failure to comply with legal requirements that relate to research, publication, and other scholarly and creative activity.

II. Procedures for Investigating Academic Misconduct

1. There shall be a University standing committee on academic misconduct in scholarly activities (henceforth referred to as the standing

committee). The standing committee shall be composed of three faculty members appointed by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* for staggered three-year terms. The committee shall report to the Assistant Vice President for Research.

2. Any person who believes that misconduct in scholarly activities has occurred in the University community shall report the incident to a member of the standing committee. In the remainder of this document, the person reporting alleged misconduct will be referred to as the complainant and the initial report will be referred to as an allegation. If the allegation is made to a person other than a member of the standing committee, that person shall advise the complainant to forward the allegation promptly to a member of the standing committee.

3. Any person whose conduct is considered under this policy shall be entitled to (1) confidential treatment to the extent possible; (2) a prompt and thorough investigation; and (3) an opportunity to comment on allegations and the findings of the standing committee and the investigating committee (see paragraph 13).

4. The standing committee and the investigating committee shall each take reasonable steps to avoid unwarranted damage to the positions and reputations of persons involved in the process.

5. All individuals involved in administering this policy shall take precautions against real or apparent conflicts of interest.

6. When the standing committee receives an allegation (or otherwise hears of evidence) of a possible incident of misconduct, the committee will decide if the alleged incident, were it to have occurred, would constitute misconduct under this policy. If the committee decides that the alleged incident falls under this policy, it will inform the subject of the allegation and will initiate an inquiry. During this inquiry, the committee shall gather such information and engage in such initial research as it believes necessary for it to determine whether to impanel an investigating committee.

7. The standing committee ordinarily shall complete its inquiry into an alleged incident of misconduct within 60 days of the time it learns of the incident. If this deadline cannot be met, then the standing committee shall inform the subject of the inquiry of the reasons for the delay. The standing committee also shall inform other individuals of the progress of its inquiry if the standing committee determines that such individuals have a compelling need to be informed.

8. If a member of the standing committee is the complainant or has any other conflict of interest in a particular case, that member shall recuse him or herself from the case and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* may appoint a temporary replacement. The standing committee may at any time request that the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* appoint a temporary committee member who possesses specific expertise helpful in evaluating the merits of a particular case.

9. If the standing committee decides not to initiate an investigation, it shall prepare a written report explaining the basis on which it determined that an investigation was not appropriate.

10. If the standing committee decides to initiate an investigation, it shall prepare a written report explaining the basis on which it determined that an investigation was appropriate.

11. The standing committee shall provide written notification of the results of an inquiry to the subject of the inquiry and to the complainant. The committee may comply with this requirement by providing the subject and/or the complainant with a copy of the full report referred to in paragraphs 9 and 10. In deciding whether to provide the subject and/or complainant with a copy of the report, the standing committee shall consider all relevant factors, including the need to protect the confidentiality or reputation of any person. If the standing committee decides to initiate an investigation, the notification to the subject shall include, at the minimum, a statement of the committee's conclusions. The subject may make written comments on the standing committee's conclusions within five days after being notified of them and such comments shall become a part of the standing committee's report.

12. The report required by paragraph 9, or the report required by paragraph 10 together with comments from the subject permitted by paragraph 11, shall be transmitted to the Assistant Vice President for Research. If the standing committee's decision is that an investigation is not appropriate, its report (required by paragraph 9) shall be sealed if the committee decides that there is reason to keep the inquiry confidential, and the Assistant Vice President shall secure the sealed report as required by paragraph 20 below. If the standing committee decides that an investigation is appropriate, the Assistant Vice President shall, upon receiving the report, do whatever is necessary to inform granting agencies and appropriate administrative officials that an investigation will be conducted.

13. If the standing committee decides to initiate an investigation, it will appoint an investigating committee. The standing committee shall consult with the appropriate dean(s) before choosing members of the investigating committee, but the ultimate responsibility for selecting members lies with the standing committee. The standing committee shall appoint persons whose knowledge and experience will permit them to conduct a thorough and authoritative investigation. An investigating committee normally will have at least three members. Neither the complainant nor any member of the standing committee may serve on the investigating committee.

14. The investigating committee shall gather information in order to determine whether misconduct has occurred. The investigating committee may consult with the standing committee but is not required to do so. The investigating committee may retain counsel, which may be, but is not required to be, University Counsel. The committee may retain appropriate consultants if the expertise of such consultants is needed to carry out a thorough and authoritative evaluation of the relevant evidence. The subject of the investigation may be asked to supply the investigating committee with appropriate information.

15. The investigating committee shall prepare a written report, supported by any relevant documentation, explaining the basis on which the committee made its determination. If the committee determines that misconduct has occurred, the committee may choose to: (a) express its opinion as to the seriousness of the misconduct; (b) recommend sanctions against the person(s) who committed the misconduct; (c) recommend actions for the appropriate college, school, or division to take to prevent future misconduct.

16. The subject of an investigation shall be provided a copy of the committee's report (prepared under paragraph 15) and shall be given an opportunity to comment in writing on the report. Such written comments shall become a part of the report and shall be included before the report is transmitted to appropriate dean(s) and to the Assistant Vice President for Research and the standing committee.

17. On receipt of a finding that a faculty member has engaged in academic misconduct, his or her dean may decide to take no action, may decide to impose minor sanctions, or may seek to impose a severe sanction under the provisions of Appendix B of the *Faculty Handbook*. The dean shall report any actions taken to the standing committee and to the Assistant Vice President for Research. If the dean decides to take no action, or to impose a minor sanction, the dean's report shall explain why he or she took no action or imposed a minor rather than a severe sanction.

18. On receipt of a finding that a graduate student or staff member has engaged in academic misconduct, as defined in this policy, his or her dean may take no action or may impose sanction in accordance with the student or staff handbook, whichever is applicable. The dean shall report any actions taken to the standing committee and to the Assistant Vice President for Research. If the dean decides not to impose sanctions, the report shall include an explanation of that decision.

19. The investigating committee shall bring to the standing committee's attention any deficiencies it perceives in these procedures. If the standing committee determines that these procedures should be modified, it shall make appropriate recommendations to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*.

20. The Assistant Vice President for Research shall retain in a secure place all reports, including written explanations under paragraphs 9, 10, 15, 17, or 18, and all documentation, pertaining to each incident of alleged misconduct, for a period of five years from the receipt of the report or explanation. However, the standing committee's report, with documentation, if the standing committee determines that an investigation is not warranted under paragraph 6 and that there is reason to keep the inquiry confidential, shall be sealed before forwarding to the Assistant Vice President for Research.

21. Insofar as the requirements of a granting agency are inconsistent with the requirements of this policy, the granting agency's requirements shall be considered a part of this policy and followed in the investigation of an incident of possible misconduct involving a grant from the agency. The Assistant Vice President for Research shall ensure that the University complies with the requirement of each granting agency, including requirements that the University report to the agency concerning allegations and/or findings of misconduct and inform the standing committee and any investigating committee(s) of any relevant regulations. The Assistant Vice President for Research may add appendices to this policy that identify the inconsistencies between the particular requirements of a granting agency and this policy.

22. To permit the Assistant Vice President for Research to ensure compliance with the reporting requirements of each granting agency, the standing committee shall inform the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* each time it impanels an investigating committee. The standing committee and/or each investigating committee also shall inform the Assistant Vice President for Research of each incident of alleged misconduct at any time that the committee determines that the incident (a) poses an immediate health hazard; (b) presents an immediate need to prevent misappropriation or damage to property or funds; (c) presents an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is(are) the subject(s) of the allegations as well as his or her (their) co-investigators and associates, if any; (d) seems likely to be publicly reported; or (e) might reasonably be expected to lead a criminal investigation. The Assistant Vice President for Research, when informed of an incident of alleged academic misconduct, shall notify each University administrator whom he/she determines has an immediate need to know of the incident.

23. These procedures shall be published in the faculty, staff, and student handbooks.

24. These procedures shall not limit or interfere with the University's ability, under other policies, to discipline a student for misconduct in research, publication, creative, or other scholarly activities.

25. All deans and department heads shall take action to ensure that all persons engaged in research in their college, school, or department are aware of these procedures.

03/05/90

APPENDIX L

THE UNIVERSITY OF ALABAMA

CRITERIA AND PROCEDURES FOR APPOINTMENTS

TO ENDOWED CHAIRS AND PROFESSORSHIPS

Introduction

Endowed chairs and professorships enhance the quality of programs in higher education through both the recognition and contributions of the chair holders and professors. The positions are among the highest and most prestigious appointments in academe and they honor significant scholarly or creative achievement and academic excellence. Distinguished scholars who hold these positions make significant contributions to the research and teaching missions of the University. Moreover, they increase the visibility of the University and aid in attracting additional high-quality faculty, superior students, and external resources for research, instruction, and service.

Criteria and Procedures*

Criteria for appointments to endowed chairs and professorships must reflect the highest ideals of academic excellence and scholarly or creative achievement. While all appointments to these positions are made by The University of Alabama Board of Trustees, procedures for recruitment must be consistent with the University's Affirmative Action Plan, stipulations of the endowment, and other administrative procedures established in the various academic units. Involvement of the faculty, students, and others as may be appropriate is essential in the review and recommendation of candidates for endowed chairs and professorships.

I. General Criteria for Appointments

The following general criteria will be used in the review and recommendation of candidates for endowed chairs and professorships:

- 1. Convincing evidence of outstanding teaching performance and effectiveness.*
- 2. An outstanding record of productive research, publication, creative activity, and scholarly achievement appropriate to the discipline and fields of specialization.*
- 3. Evidence of a continuing record of exemplary academic and professional citizenship appropriate to the discipline or profession.*
- 4. Evidence of achievement of a professional status at the national or international level which will enhance the stature of the University's faculty.*

With respect to these criteria, each successful candidate should present a record sufficiently consistent in quantity and/or quality to warrant the expectation of continued performance and contributions at an outstanding level. Generally, specific qualifications required for particular endowed chairs or professorships will be based on these criteria. Position announcements will include specific qualifications and these qualifications will be employed by the search committee in the review and recommendation of candidates.

II. Procedures for Recruitment of Candidates for Endowed Chairs*

Procedures for recruitment and recommendation of candidates for endowed chairs will conform to the Affirmative Action Plan of the University and all prevailing federal and state regulatory requirements as well as stipulations of the endowment. While The University of Alabama Board of Trustees makes all appointments to endowed chairs, recommendations to the Board will be made only after considering (1) the evaluations and advice of the faculty of the department, school, or college, and (2) the advice of a search committee, as described below:

- 1. When a new endowed chair is established or when a vacancy occurs, the dean shall meet with the faculty of the academic unit before deciding on the nature of the search and the size and composition of a search committee. Faculty members from the academic unit will be appointed by the dean and will constitute a majority of the search committee. Other members of the search committee will be appointed by the dean in consultation with the Provost/Vice President for Academic Affairs. Usually, the Provost/Vice President for Academic Affairs will appoint a staff member from the Office for Academic Affairs to serve as a non-voting member on the search committee and to provide liaison and logistical support. Giving due regard to advice and concerns expressed by the faculty, the dean will designate a faculty member appointed from the academic unit to chair the search committee.*
- 2. The search committee, working in cooperation with the dean and the Office for Academic Affairs and with appropriate participation from constituent groups, shall announce and advertise the position in a manner appropriate to the nature of the search, and coordinate the review and evaluation of candidates for the position. Throughout the search process, the committee shall solicit, encourage, and provide for faculty participation and the participation of other constituent groups. Faculty should have ample opportunity to review the credentials of qualified candidates provided that the search committee may protect the identity of candidates who request confidentiality during the initial screening process. On the basis of faculty evaluations and its own judgment, the search committee will reduce the list of candidates to those deemed to be best qualified for the position. The committee and the dean will select those to be interviewed from this reduced list. Interviews scheduled should allow for discussions with the President, the Provost/Vice President for Academic Affairs, deans, chairpersons, search committee members, faculty, and, where appropriate to the nature of the search, with students, alumni, and others, including the Chancellor or designated representatives.*

Following these interviews, and other information gathering procedures appropriate to the nature of the search, every reasonable effort should be made to obtain the views of the

faculty in the academic unit and appropriately interested constituent groups. The advice of the faculty may be determined by individual written evaluations, by an expression of faculty sentiment at a called faculty meeting, or by such other means as the search committee may consider appropriate. General support of the faculty in the academic unit normally will be necessary for further consideration of a candidate. In cases where the appointment includes the award of tenure, action by the tenured faculty in accordance with normal procedures in the academic unit is necessary before the dean makes a recommendation to the Provost/Vice President for Academic Affairs and President.

3. It shall be the responsibility of the search committee to submit to the dean both a summary of evaluations and advice received from the faculty on each person interviewed and the search committee's own advice. The dean makes a recommendation to the Provost/Vice President for Academic Affairs and President who, in turn, recommend the candidate to the Chancellor and The University of Alabama Board of Trustees. In the event the search committee and dean do not find a successful candidate for presentation to the Provost/Vice President for Academic Affairs and President, the search process normally shall be continued until a candidate acceptable to the search committee and dean and to the faculty is successfully recruited. Except in extraordinary circumstances, the Provost/Vice President for Academic Affairs and President shall recommend to the Board the appointment of an endowed chair from those candidates who have general faculty support. If it should become necessary to reopen the search, the dean and the search committee may confer to establish further direction; if it appears desirable, a new search committee may be formed. Appointments to endowed chairs in all cases are made by The University of Alabama Board of Trustees.

III. Procedures for Recruitment of Candidates for Endowed Professorships*

Procedures for the recruitment of endowed professorships generally will follow those for the recruitment of endowed chairs. Procedures will conform to the Affirmative Action Plan of the University and all prevailing federal and state regulatory requirements as well as the stipulations of the endowment. While The University of Alabama Board of Trustees makes all appointments to endowed professorships, recommendations to the Board will be made only after considering (1) the evaluations and advice of the faculty of the department, school, or college and (2) the advice of a search committee. Exceptions to the recruitment procedures for endowed chairs may occur under the circumstances described below:

1. In some cases, income from the corpus for an endowed professorship may not be sufficient to justify a national or international search to fill a new or vacant position. In these cases, the dean may organize an internal search for candidates from within the department, school, or college. The dean will meet with faculty in the academic unit to determine the size and composition of the search committee. Faculty members from the academic unit will be appointed by the dean and will constitute a majority of the search committee. Other members may be appointed to the committee by the dean in consultation with the Provost/Vice President for Academic Affairs. The dean may choose to chair the committee or may designate a faculty member appointed from the academic unit to chair the search committee. The responsibilities of the search committee and the procedures for recommendation of the candidate are similar to those for recruitment and recommendation of an endowed chair. Appointments to endowed professorships in all cases are made by The University of Alabama Board of Trustees.

~~DRIFT 11/09/94~~

APPENDIX M

PRINCIPLES AND PROCEDURES FOR

MERGER OR DISCONTINUANCE OF ACADEMIC UNITS

I. PRINCIPLES

The University's mission in teaching, research, and service includes providing a liberal education as well as advancing and disseminating highly specialized knowledge. However, to allocate its resources effectively, the University must from time to time merge or discontinue academic units (e.g., colleges, institutes, departments, programs) when they are no longer central to the institution's mission or when these units can be maintained only by using funds essential for units whose continuance is deemed more critical to the University's mission.

The University of Alabama Board of Trustees has responsibility for approval of the University's mission, role, and scope, and for the degree programs offered by the University. The Board delegates to the President responsibility for administration of the University and its programs of instruction, research, and service. Decisions to merge or discontinue academic units are the responsibility of the President. The President will seek the advice of administrators and faculty within the University in considering such decisions and will ensure that all faculty and staff who might be affected by merger or discontinuance of programs are consulted before a final decision is made and that the decision will consider the needs of current students. The President will base decisions to merge or discontinue an academic unit essentially on educational considerations that reflect long-range judgments that the overall educational mission of the University will be enhanced by the merger or discontinuance.

II. PROCEDURES

A standing committee called the University Committee on the Merger or Discontinuance of Programs (referred to hereafter as the Committee) will represent the faculty as a whole in cases where merger or discontinuance could result in termination of a faculty appointment (i.e., termination of an appointment with tenure or a probationary or special appointment before the end of the specified time).^{*} Its function will be to determine whether merger or discontinuance of an academic unit would benefit the educational mission of the University as a whole. This determination will be based essentially on educational considerations similar to those that affect the President's decision and the recommendations by deans and the Provost/Vice President for Academic Affairs. Examples of factors that may be considered include program viability (based on demand for a program and the potential for growth), and the need to avoid duplication, or to effect economies in management, or to strengthen related programs. An academic unit's record of excellence will be a consideration in decisions regarding merger or discontinuation, but will not be the decisive factor.

The Committee shall consist of nine tenured faculty members who are not members of the University Mediation and Grievance Committee, with three members elected by the Faculty Senate, three elected by the Graduate Council, and three elected by the Council of Deans. The three persons elected by each group will serve staggered three-year terms, with a new member elected each fall semester for a term to begin at the start of the following spring semester.^{**} No person elected by a group shall be a member of that group at the time

of election, and the Council of Deans shall not elect any person who is a current member of the Council of Assistant and Associate Deans. No two of the three serving members elected by a group shall be faculty members of the same college or school (other than the Graduate School). Members completing a term on the Committee are not eligible for reelection until two years have passed. The Committee elects its own chairperson from among its members at the start of each spring semester.

When the dean, after consultation with the Provost/Vice President for Academic Affairs and any other appropriate deans or department chairs, believes it necessary to consider a merger or discontinuance of an academic unit, the dean shall proceed as follows.

1. The dean shall convene a meeting of the appropriate faculty. At this meeting the dean shall explain the reasons for considering a merger or discontinuance and propose the terms and conditions of any changes in faculty status resulting from the proposed merger or discontinuance, such as termination of faculty positions, reassignment of faculty, modifications in research or teaching assignments, changes in reporting channels, or retraining that would be provided to facilitate continued employment of faculty. The dean shall ask the faculty to introduce any information in support of continuation of the academic unit or to suggest alternatives. This information may be conveyed to the dean orally or in writing, individually or in groups, and must be received within a reasonable period of time following the meeting (normally two weeks). In addition, any faculty member with tenure who believes that reassignment or modifications in research or teaching assignments is tantamount to termination of his/her appointment with the University shall inform the dean in writing, providing reasons for his/her concern, within a reasonable period of time (normally two weeks).

2. If, after a reasonable period following the meeting with the unit in question (normally two weeks), the dean decides to continue considering the proposed merger or discontinuance, the dean shall convene a second meeting of the appropriate faculty and convey to them a summary of whatever information has been assembled and the alternatives suggested. For those tenured faculty members who indicated to the dean in writing that they believe their reassignments or other modifications in faculty assignments are tantamount to termination of their appointment with the University, the dean shall provide a written statement explaining plans for continued employment in a faculty position within the University. Those tenured faculty members not satisfied by the dean's written statement of explanation shall indicate their concerns to the dean in writing requesting that the merger or discontinuance be reviewed by the Committee; such a request will be dealt with as described in Item #4 below. The dean shall allow a reasonable period following this second meeting for the faculty to respond to any information or alternatives discussed in the meeting and to respond to the written statement of explanation (normally two weeks).

3. If the dean decides to continue considering the proposed merger or discontinuance, he or she shall convey the reasons for considering a merger or discontinuance, along with a summary of all responses received, to the Council of Deans, the Faculty Senate, and in cases that might affect graduate programs, to the Graduate Council. (A copy of the summary conveyed by the dean will be available to the faculty in the office of the academic unit under consideration.) Such notification is to provide opportunity to identify consequences that may have been overlooked or elicit suggestions for alternatives. The dean shall allow a reasonable period (normally thirty days during the fall and spring semester) for these groups to respond.

4. If, after receiving any responses from the groups in step 3 above, the dean decides to proceed with consideration of the merger or discontinuance and no faculty appointments are to be terminated, then the dean shall proceed directly to Step 5. However, when the proposed merger or discontinuance includes termination of tenured faculty appointments of probationary or special appointments without appropriate notification or in cases where tenured faculty have requested a review as in Item #2 above, the dean shall forward a summary of the information gathered to the University Committee on the Merger or Discontinuance of Programs, requesting the Committee to determine whether the merger or discontinuance is based essentially on educational considerations. The Committee shall have a summary of all data gathered and shall have access to the original materials from which the summary has been compiled. The Committee is free to gather other material at its discretion; it may seek advice from knowledgeable parties on campus or elsewhere. Normally the committee should complete its work within thirty days, but it may extend this period in difficult cases. The committee will convey its report to the dean.

5. If the dean, after receiving information and recommendations from all groups, decides to proceed with the merger or discontinuance, the dean shall submit a recommendation to the Provost/Vice President for Academic Affairs. This recommendation will include all information and advice regarding the proposed merger or discontinuance that has been offered by individuals or groups including, when appropriate, the report of the Committee. The dean's recommendation will include proposed provisions to allow students already enrolled to complete their degree requirements.

6. The Provost/Vice President for Academic Affairs is responsible for reviewing the recommendation for merger or discontinuance from the dean, and for ensuring that all steps in these procedures have been followed. The Provost/Vice President for Academic Affairs may ask for additional information or clarification concerning items included in the dean's recommendation, and may seek advice from knowledgeable parties on campus or elsewhere. The Provost/Vice President for Academic Affairs will make a recommendation to the President.

7. The President, after studying the recommendation from the Provost/Vice President for Academic Affairs, and obtaining any additional information, clarification, or advice that he or she thinks necessary, will make the decision whether to merge or to discontinue academic units. If the President decides to merge or discontinue units, provisions shall be made to allow students already enrolled to complete their degree requirements. Every effort will be given to finding continued employment at the University for administrative, technical, or clerical staff members whose jobs might be lost.

8. In cases where the merger or discontinuance above is a merger or discontinuance of colleges or schools, the Provost/Vice President for Academic Affairs will perform the duties assigned to the dean in this document, and the first recommendation shall be made to the President rather than to the Provost/Vice President for Academic Affairs.

III. ADDITIONAL CONSIDERATIONS

The University shall make every reasonable effort to provide other suitable positions for faculty members whose appointments are lost due to a decision to merge or discontinue a unit. Probationary faculty members whose appointments are lost due to a decision to merge or discontinue a unit, may have their appointments terminated with appropriate notification. If placement in another position at the University for a tenured faculty member would be facilitated by a reasonable period of training, financial and other essential support for such training will be proffered. If no position is available within the University, with or without reasonable retraining, the tenured faculty member's appointment may be terminated. Notice of termination to faculty members will be provided consistent with policies published in the Faculty Handbook.

If the University is unable to provide suitable employment for a tenured faculty member who is displaced by the merger or discontinuance of academic units, the University shall

provide at least one year of notice, or at least one academic year of severance pay. In determining the date of severance and the amount of severance pay, the University will consider the faculty member's service to the University, and will be mindful of the interests of faculty members who are approaching eligibility for vesture in the retirement system or eligibility for retirement.

Any tenured faculty member whose appointment is terminated because of merger or discontinuation of a unit, or who believes changes in his/her assignments are tantamount to termination of appointment, and who questions whether the University followed the policy described in this document, is entitled to appeal to the University Mediation and Grievance Committee. This Committee shall function as a hearing committee and report its findings and recommendations to the President and to the faculty member involved. The hearing will be limited to questions as to whether the University has followed the policy described in this document; the decision to merge or discontinue the unit shall not be at issue. The hearing need not conform in all respects to a proceeding conducted before a Hearing Tribunal (as described in the Mediation and Grievance policy), but shall provide the essentials of an on-the-record adjudicative hearing.

APPENDIX N

SEXUAL ASSAULT POLICY

A. Commitment

*The University of Alabama is committed to maintaining a supportive and safe educational environment, one which seeks to ensure the well-being of all members of its community. This commitment reflects the institution's adherence to its mission, to its various policies supporting its mission, and to relevant state and federal laws. **The University of Alabama will not tolerate acts of sexual assault and will seek to support members of its community who are victims of sexual assault.***

B. Definition

Sexual Assault is defined for purposes of this policy as:

1. Any form of nonconsensual sexual contact by a member of the University community, whether such person is known or unknown to the victim, against another member of the University community, including:

a. Nonconsensual sexual intercourse committed by physical force, coercion, or an actual or implied threat;

b. Attempted nonconsensual intercourse or other nonconsensual sexual contact that places a member of the University community in fear of immediate physical harm or injury; or

c. All other forms of sexual misconduct which violate applicable state and/or federal law.

2. A person shall be deemed not to have knowingly and/or voluntarily consented within the meaning of this policy if, at the time of the sexual assault, the person is incapable of giving consent because of mental incapacitation, physical impairment, alcohol or drug consumption, or loss of consciousness.

C. Reporting Process

The University strongly encourages individuals to report sexual assaults to the appropriate law enforcement agencies and University officials. Reporting an assault is the only effective way that action can be taken against the alleged attacker. Victims are encouraged to use the following procedures:

1. Individuals should first contact the University Police or local police authorities. Both agencies may be reached by calling Emergency 911.

2. Individuals may also contact the following University administrative offices for assistance:

a. The Women's Center (348-5040)

b. The Office of Student Life (348-6114)

(1) On-call dean (394-1566 - beeper)

(2) Assistant Vice President for Student Affairs: Dr. Kathleen Randall (348-8228)

D. University Disciplinary Process

The University of Alabama is committed to providing an investigative hearing process that is sensitive, fair, supportive, and respectful of the rights

and needs of all involved. The complainant and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; both the complainant and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Interim measures may be taken to ensure the safety of the complainant, of the accused and of witnesses. To obtain additional information concerning University disciplinary proceedings refer to the Code of Conduct in the Student Handbook or contact the University of Alabama Women's Center for further information.

A full range of disciplinary actions may be taken if the accused is found guilty through the University Disciplinary process. Possible sanctions are listed in the appropriate student, staff, and faculty handbooks.

E. Medical and Counseling Support Services

*It is very important for victims of sexual assault to obtain **immediate medical care** following a sexual assault, whether or not the sexual assault is reported, to ensure the victim's well-being and to document, collect and properly preserve physical evidence of the assault.*

1. In addition to care of obvious injuries, medical attention is needed to protect the victim from sexually transmitted diseases or the possibility of pregnancy. Immediate medical attention can be received at the nearest local hospital emergency room. In order to preserve physical evidence of the assault, victims should not change clothes, bathe, douche, or use the toilet before seeking medical care. The Russell Student Health Center can provide students with assistance and information concerning other medical resources available.

2. Confidential counseling for student victims of sexual assault or rape is available through the University's Counseling and Psychological Services Center. CAPS and the Women's Center can also provide referral information for students, staff and faculty to other community resources.

F. Women's Center Sexual Assault Victim Advocate

The University of Alabama Women's Center provides a Sexual Assault Victim Advocate Program. This program provides needed support in a time of crisis to victims of sexual assault. The advocate will help victims, their families, and friends by providing information and support. For example, modifications to living arrangements for the victim and the accused, if residing in University housing, may be provided if requested and if reasonably available. Also, rearrangement of academic class schedules for the victim and the accused may be provided if requested and if reasonably available. The Women's Center Sexual Assault Victim Advocate can be contacted at 348-5040.

G. Educational Programs

The University of Alabama is committed to providing preventive, informative, and supportive programs for all members of the University community. Campus-wide programs coordinated by the Women's Center are designed to increase safety awareness, develop self defense techniques, improve communication skills between women and men, help prevent acquaintance and stranger rape, build self-esteem, and provide information on steps to take in the event of a sexual assault.

The entire University community is urged to take responsibility for themselves by taking advantage of educational programs offered at the University, by reviewing literature available at the Women's Center, and by avoiding conditions which may pose a threat to their personal safety. Individuals are encouraged to report potentially unsafe areas or circumstances to the Department of Public Safety.

Revised Spring, 1995

APPENDIX O

QUALIFICATIONS FOR THE GRADUATE FACULTY

OF THE UNIVERSITY OF ALABAMA

The purpose of the Graduate Faculty at The University of Alabama is to set standards for graduate work and provide graduate instruction. It is the responsibility of the Graduate Faculty in each division to elect its representative(s) to the Graduate Council, which acts for the faculty in matters relating to graduate work. There are three categories of members: full, associate, and temporary. Only members of the Graduate Faculty may teach courses numbered 500 or above, and only members of the Graduate Faculty may chair thesis and examining committees. Only full members may chair dissertation committees.

A. Criteria for Full and Associate Members

The dean of each academic division has the responsibility of nominating members to serve on the Graduate Faculty who meet the following criteria:

1. (a) *Hold the Ph.D. or other terminal degree, and*

(b) *Hold the rank of at least Assistant Professor in a full-time, tenure-track position.*

2. *Full and associate members must demonstrate ability and continuing interest in the graduate program and in research or creative activity. Full members must show a strong, continuing record of productive research, publication, creative activity, and scholarly activity appropriate to the discipline. These broad requirements are best interpreted by each department and college considering their unique aspects.*

3. *Be recommended by the departmental graduate faculty, department chairperson, and dean of the academic division.*

These nominations will then be acted upon by the chairperson of the Graduate Council, the dean of the Graduate School.

B. Terms of Appointment

Full and associate members are appointed for six-year renewable terms.

C. Temporary Membership

Temporary membership may be extended to well-qualified individuals, who do not satisfy the above criteria, to perform specific functions for specific time periods, not to exceed one calendar year. They should be recommended by the departmental graduate faculty, department chairperson, and dean of the academic division. These nominations will then be acted upon by the chairperson of the Graduate Council, the dean of the Graduate School.