



# Faculty Handbook 2016

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## Preamble

United States University is a for profit university governed by a Board of Trustees and is an accredited, independent institution of higher education. The University's administrative center and main campus is located in Mission Valley area of San Diego, California.

Anything in this Faculty Handbook notwithstanding, the Board of Trustees is the governing body of United States University. All of the activities and affairs of United States University will be conducted by or under the direction of the Board of Trustees. The President of United States University is the chief executive officer and has, subject to the control of the Board of Trustees, authority over all University affairs and activities. The Board of Trustees, the administration, and the Faculty recognize the Faculty Senate as the primary Faculty governance body representing the Faculty in matters pertaining to the Faculty. The Faculty has the right and obligation to advise and confer with the President, the Provost, Vice Presidents, Deans, and other administrative officers on issues affecting the status, responsibilities, and welfare of the Faculty.

This Faculty Handbook governs the rights and responsibilities of the Faculty at United States University. In the event of a conflict between the Faculty Bylaws and the Faculty Handbook this Faculty Handbook will control.

## Statement of Shared Governance

United States University is committed to shared governance and believes it to be a fundamental ingredient of a healthy academic institution and an essential right and responsibility of a scholarly community. United States University agrees with the American Association of University Professors' recognition that shared governance allows United States University to benefit from the accumulated wisdom and knowledge of its Faculty and provides a structure that includes an elected Faculty governance body, the Faculty Senate, through which Faculty and administrators work together to promote United States University's mission.

Therefore, United States University is committed to support:

- the faculty's fundamental role in making academic decisions,
- the protection of legitimate faculty aspirations,
- the existence of clear and varied channels of communication that are understood by all constituents,
- the implementation and preservation of academic standards and
- the promotion of the welfare of the students.

United States University is a complex entity, and the tasks of governance must be apportioned and delegated within the structures approved by the Board of Trustees, The interdependence and cooperation of administration, faculty and the board of Trustees are essential to legitimate and effective governance.

# Chapter 1

## Scope and Definitions

### Scope

This Faculty Handbook is limited to the description of the rights, responsibilities, and ranks of, and appointment and personnel policies and procedures for United States University faculty. Other documents that govern important aspects of academic and faculty-related matters are the Faculty Senate Constitution and Bylaws, and United States University policies, procedures, and catalogues. Faculty are mandated to adhere to applicable laws, policies, and procedures at all times.

The documents described are not intended to create express or implied contractual obligations.

### Approval of Changes

The President and Board of Trustees must approve all amendments to the Faculty Handbook after those amendments have been approved by the Provost and a majority vote of the Faculty Senate.

### Violation of Faculty Handbook Policies

The Faculty Senate will investigate relevant reports of violations of the Faculty Handbook. If a violation is substantiated, the Faculty Senate will recommend actions to the Provost to correct or redress these violations.

The documents described herein are not intended to create express or implied contractual obligations.

### Definitions

Throughout this Faculty Handbook, the following definitions apply:

#### Faculty

"Faculty" refers collectively to all faculty, including Core Faculty (full-time and part-time), Affiliate Faculty, and Adjunct Faculty.

"Full-time Core Faculty" refers to salaried faculty responsible for exercising 100% of academic and shared governance responsibilities at USU as described in faculty workload.

"Part-time Core Faculty" refers to salaried faculty responsible for exercising 50% of academic and shared governance responsibilities at USU as described in faculty workload."

"Affiliate Faculty" refers to part-time salaried faculty with a defined teaching load and specific project assignments. Affiliate Faculty are scholars and professionals affiliated with the University who, in addition to teaching particular courses in their area of expertise, may also perform additional academic duties as specified.

"Adjunct Faculty" refers to part-time faculty employed by the University on a course-by-course basis and whose sole obligation is to teach. Adjunct Faculty are scholars and professionals whose primary affiliation is not with the University, who, because of their special expertise, are contracted to teach particular courses in the areas of their specialization.

"Visiting Faculty" refers to Faculty with short term appointments, whose appointment and academic rank is based upon distinguished scholarship and service to the community.

**Colleges**

"Colleges" are academic units within United States University, concerned with instruction, the creation and development of knowledge related to given fields of practice, and contributing to the total intellectual development of the students. Through its Colleges, United States University offers undergraduate and graduate degrees, as well as certificate programs.

Colleges are created or disbanded only by action of the Board of Trustees upon the recommendation of the President. The President and the Provost will engage in substantive discussion with the College Dean, the College's Faculty, and the Faculty Senate before making a recommendation to the Board of Trustees concerning the creation or disbandment of a College.

**Division**

A "division" is an element of a College defined by academic and intellectual content, as well as by disciplinary needs or professional curricular requirements.

Divisions are created or disbanded by authority of the Provost after substantive discussion with the College Dean, the College's Faculty, and the Faculty Senate. The College Dean will engage in substantive discussion with the College's Faculty before making a final recommendation to the Provost.

**Program**

A "program" is an organized sequence of courses offered for academic credit, the successful completion of which leads to the awarding of a degree, credential, or certificate.

Programs may be changed by the authority of the Provost and upon the recommendation of a College Dean and after substantive consultation with the Faculty Senate. The Program Review Process plays an important role in programmatic modification.

Programs are established or discontinued by the authority of the Board of Trustees.

**Provost**

The Provost is the chief academic officer of United States University, with primary responsibility for maintaining the integrity and academic excellence of United States University's academic programs in consultation with the Faculty. The Provost reports to the President.

**College Dean**

A College Dean is the chief academic officer of a College, with primary responsibility for maintaining the integrity and academic excellence of the College's programs in consultation with the College Faculty. College Deans report to the Provost.

# Chapter 2

## Faculty Appointments

### Types of Appointments

#### Core Faculty

A Core Faculty member is appointed in a College by the Provost at a rank listed and described in this Faculty Handbook with all the responsibilities and rights of University Faculty.

A Full-time Core Faculty member who holds a joint appointment (an appointment in more than one College or one Program simultaneously) will be considered as a full-time, core faculty member. A full-time core faculty refers to salaried faculty responsible for exercising 100% of academic and shared governance responsibilities at USU as described in faculty workload.

A Part-time Core Faculty members refers to salaried faculty responsible for exercising 50% of academic and shared governance responsibilities at USU as described in faculty workload.

Core Faculty status requires faculty members to actively participate in the academic life of United States University and to be available for sufficient hours to fulfill their academic responsibilities to their students, programs, colleges, and United States University.

#### Affiliate Faculty

Affiliate Faculty members are employed under an Affiliate Faculty contract for a period not to exceed one year. The Provost approves Affiliate Faculty contracts upon the recommendation of the appropriate College Dean. If necessary, Affiliate Faculty contracts may be renewed for subsequent terms not to exceed one year. Each renewal will require College Dean review and recommendation to the Provost for approval.

Affiliate Faculty contracts will specify teaching assignments and fully describe additional academic duties to be performed for the contract period. No Affiliate Faculty member will be deemed employed in the absence of an Affiliate Faculty contract signed by the Provost.

#### Adjunct Faculty

Adjunct Faculty are employed under a single course teaching contract. No Adjunct Faculty member will be deemed employed in the absence of an Adjunct Faculty contract.

#### Visiting Faculty

Visiting Faculty are individuals who hold or have held professorial rank (assistant professor, associate professor, or professor) at another institution of higher education and who are appointed to teach or to teach and pursue other duties at USU for a limited period of time. Such time is to be agreed upon in writing between the visiting professors and the Provost. The college recognizes their academic standing and accords them the usual privileges of ranked faculty, but they hold no voting rights on University committees.

### Initial Core Faculty Appointments

#### Definition

An initial appointment occurs when a person is employed in one of the approved academic ranks listed in this Faculty Handbook if the individual's previous status was either:

- not in the employ of United States University; or
- in the employ of United States University without Core Faculty rank

## **Guidelines for Initial Appointments**

No Core Faculty Member will be deemed appointed in the absence of a letter of appointment signed by the Provost or President.

Official notification to a faculty member of his or her appointment will be contained in a signed letter of appointment, which will include the term of appointment, the assigned rank, the assigned College(s), and other conditions of employment in accordance with the Faculty Handbook.

## **Initial Core Faculty Hiring**

### **Funding**

When budgeted positions are approved by the President, United States University will provide sufficient funds to the College's budget to carry out adequate search activities. Funds will be allocated for:

- advertising each new or replacement faculty position;
- interviewing a group of qualified candidates; and
- bringing qualified candidates to United States University's campus

It is the responsibility of the College Dean, prior to initiating a search, to assure that funding is or will be available for the appointment.

It is the policy of United States University that no commitment, formal or informal, may be made in the recruitment of a Faculty member to a budgeted position prior to the approval of the Provost.

### **Recruitment: Policies and Procedures**

United States University's recruiting program is directed toward obtaining the most qualified person for the position authorized.

- The College Dean identifies new or open Faculty positions.
- The College Dean will provide a justification for a new Faculty opening and a recommendation for approval to the Provost.
- Upon receiving official approval for the position and search from the Provost, the College Dean will initiate the search process and will lead the process.
- The time period and specific procedures for the recruitment of a new Core appointee will be determined by the College Dean in collaboration with faculty. All recruiting is subject to the limitation that appointments must conform to established University policies and the Handbook.
- The Dean, with the help of Human Resources, will conduct a thorough and determined search for candidates both inside and outside United States University. It is United States University's policy to provide equal opportunity for all applicants and employees. United States University does not discriminate on the basis of race, ethnicity, national origin, religion, age, sex, marital status, sexual orientation, pregnancy, medical condition, physical or mental disability, or veteran status. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, and other benefits. The equal employment opportunity policy adopted by United States University requires the institution to follow a set of procedures ensuring the fair consideration of women and designated minority group candidates. The responsibility for

compliance with the equal employment opportunity policy resides in the first instance with the administrator making the hiring recommendation.

- Production of advertising copy and placement of ads will be coordinated through the College Dean. All advertising copy should state that United States University does not unlawfully discriminate in any of its policies, procedures or practices on the basis of race, ethnicity, national origin, religion, age, sex, marital status, sexual orientation, pregnancy, medical condition, physical or mental disability, or veteran status.
- The College Dean will forward recommendations, with additional justification as appropriate, to the Provost who will make the final appointment decision. Upon receipt of the College Dean's recommendation, the Provost may elect to either the recommendation or return it to the College Dean for reconsideration.

# Chapter 3

## Academic Rank

### General Guidelines

United States University strives to select Faculty who demonstrate particular competence in and enthusiasm for the art of teaching, and in doing so weighs academic and intellectual components that contribute to the well-being of United States University. Eligibility for rank is based in part on the academic degrees held. Possession of minimum qualifications for a rank makes a Core Faculty member eligible for that rank but does not entitle him or her to that rank. Rank and term of initial appointment are determined solely by the Provost in accordance with the provisions of this Chapter.

### Minimum Qualifications for Core Faculty Ranks

United States University has a tradition and an ongoing intention of welcoming excellent scholar-practitioners to the faculty.

#### Instructor

An Instructor shall:

- Hold at least a Master's degree from a recognized graduate school with concentration in the appropriate specialty area.
- Have evident ability as a teacher in higher education with substantial promise for successful development as a faculty member and University community member.

#### Assistant Professor

An Assistant Professor shall:

- With rare exception, hold an appropriate earned doctorate or other terminal professional degree from a recognized graduate school.
  - Under exceptional circumstances, a Core Faculty member may be appointed to the rank of Assistant Professor without a terminal degree provided that the Core Faculty member under consideration is actively engaged in completing the appropriate terminal degree.
  - In such cases, the responsible College Dean, in consultation with the College faculty, will make a recommendation to the Provost.
  - The Provost, in consultation with the Faculty Senate, will make the final appointment determination.
- Demonstrate ability as a teacher and mentor in higher education.
- Provide substantial evidence of professional expertise in one's area of specialization, commitment to the basic mission and goals of the University, and the potential to function as an engaged University citizen.
- Demonstrate additional strength in one of the following areas:
  - Involvement in scholarly or creative activities;
  - Involvement in service to the profession;
  - Involvement in service to the community.
- Has a maximum of five (5) years of teaching experience.

#### Associate Professor

An Associate Professor shall:

- Hold the appropriate earned doctorate or terminal professional degree from a recognized graduate school.

- Demonstrate established excellence in teaching and mentoring in higher education.
- Provide substantial evidence of contributions to and reputation in one's field of expertise, demonstrated translation of the University mission and goals into one's teaching and professional activities, and demonstrated contributions as a productive member of the academic community.
- Demonstrate additional strength in one of the following areas:
  - Contributions in scholarly and creative activities (e.g., publications, performances);
  - Contributions to the profession in service activities;
  - Contributions to community in service activities.
- Shall have a minimum of 5 years of full-time teaching at the rank of Assistant Professor, except in extraordinary circumstances.

### **Professor**

A Professor shall:

- Hold the appropriate earned doctorate or terminal professional degree from a recognized graduate school.
- Demonstrate superior performance in teaching and mentoring in higher education.
- Provide substantial evidence of accomplishments and leadership in one's field of expertise, demonstrated accomplishments and leadership in translating the University mission and goals into one's teaching and professional activities, and demonstrated accomplishments and leadership as an exemplary citizen of the academic community.
- Demonstrate additional strength in one of the following areas:
  - Accomplishments and leadership in scholarly and creative activities (e.g., publications, performances)
  - Accomplishments and leadership to the profession in service activities;
  - Accomplishments and leadership to the community in service activities.
- Have a minimum of 5 years of full-time teaching at the rank of Associate Professor, except in extraordinary circumstances.

### **Application of Qualifications for Academic Rank**

No Core Faculty member previously hired by the University shall lose their appointed academic rank by application of the qualifications set forth in this Faculty Handbook

### **Faculty Orientation**

Faculty hired to fulfill core functions at the University will be oriented to the policies and procedures of the institution by the Human Resources Administrator. In addition, each Dean will provide information regarding additional and/or supplemental policies and procedures of the hiring college.

# Chapter 4

## Faculty Roles

### Core Faculty

Primary responsibilities of members of the Core Faculty at United States University include teaching, mentoring, and advising; University and College governance; scholarship and creative contribution; professional service; and community service. These responsibilities include program assessment, oversight of curriculum, mentorship of adjunct faculty, student advising, curriculum development, peer review of faculty colleagues in the College participation on search committees for faculty and designated academic administrators, professional development, and participation in governance. Core Faculty are expected to maintain ethical standards and behavior.

### Definitions

A 'program' is a substantive track of education with its own core of classes leading to a named degree within the University.

A 'specialization' or 'concentration' is a track within a named degree program that allows for a particular focused area of study.

A 'certificate' is a standalone curriculum that does not necessarily lead to a named degree but is offered to those who want documentation of a level of achievement in a tightly-focused area of study. Students taking courses in a certificate program may be awarded academic credit (units) upon successful completion of a course within the certificate curriculum.

### Faculty's Role in Governance

Subject to the provisions of the Preamble of the Faculty Handbook and the Statement of Shared Governance set forth herein, the faculty and the administration meaningfully share the obligation and privilege of serving as architects of United States University's mission, as ultimately determined by the Board of Trustees. Governance and the creation of policies that guide institutional health are responsibilities that cut across the entire University, including the Board of Trustees, United States University's administrators, and the Faculty.

Faculty participate formally in governance through Faculty governance bodies such as the Faculty Senate. They also are expected to participate on important decision-making bodies, including but not limited to, those charged with hiring academic administrators (including College Deans, the Provost, and the President), discussing budgetary decisions that affect faculty work and welfare, and development of the mission and goals of United States University.

### Faculty Participation in Academic Administration Search Process

The Provost and College Deans provide important academic leadership for United States University. These positions are critical to United States University and the Faculty, and Faculty have an interest in the process of their appointment and performance.

### Provost

The President is responsible for appointing the Provost with input from the University community. The Faculty will be represented on the search committee for the Provost. Faculty will have opportunities to provide input to the search committee during the search process. The search committee will provide to the President an assessment of the strengths and weaknesses of the final candidate(s) based on input from the various sources.

## **College Deans**

The Provost is responsible for appointing the Deans with approval of the President. Faculty will be represented on the search committee for the Dean. The search committee will solicit input from Faculty, staff, and students. The search committee will provide the Provost with an assessment of the strengths and weaknesses of the final candidate(s) based on input from the various sources.

## **Academic Leadership Performance Feedback**

Faculty may provide feedback on the performance of senior academic leadership in conjunction with the Faculty review process.

## **Key Core Faculty Role**

Faculty are responsible for:

- Providing leadership to program faculty, particularly in modeling and ensuring adherence to program, college, and University policies and decisions;
- Leading program improvement efforts, including active contribution to and participation in the Educational Effectiveness program, academic program review, and annual student learning assessments; leading the improvement of curriculum to ensure that student needs and learning objectives are met;
- Maintaining selected programmatic accreditations and certifications;
- Recommending the selection of program faculty;
- Developing, monitoring, and executing program budgets;
- Recruiting, developing, and evaluating all program, program specialization, and associated academic certificate faculty to establish and maintain a vital academic community;
- Setting, in collaboration with program faculty and the College Dean, performance expectations for program faculty;
- Maintaining a climate that promotes creativity and intellectual innovation.
- Recommending promotion, reappointment, deferral, non-reappointment, and merit actions;
- Outreach to community and prospective students;
- Developing, updating, and disseminating any program-unique policies and procedures necessary to ensure both program excellence and compliance with College and University policies and procedures.

## **Key Academic Organization**

### **Faculty Senate**

By virtue of faculty appointment, every faculty member at United States University is a member of the Faculty Senate. Faculty Senate affairs are conducted through the Faculty Senate Executive Board and its standing committees.

The Faculty Senate is a deliberative and collaborative body, with responsibility for furthering and protecting shared academic governance and faculty members' welfare. To this end, the Faculty Senate is granted specific legislative and advisory authority by the President as set forth in the Faculty Senate Constitution. Procedures for the exercise of the Faculty Senate's authority are described in the Faculty Senate Bylaws.

The administration will engage in substantive discussion with the Faculty Senate regarding the development and implementation of policies that affect faculty work and welfare, including those areas set forth in the Faculty Senate Constitution.

The Faculty Senate Executive Board members will circulate materials to, and inform their constituents of, the content of University Faculty Senate discussions, and will solicit the opinions of their constituents upon matters before the Faculty Senate Executive Board. Faculty members who accept their election to the Faculty Senate Executive Board thereby declare their individual commitment to work through it for the realization of the Faculty Senate's goals and to represent their constituents.

## **Violations of Faculty Handbook Policies**

### **Reporting Violations to Handbook Policies**

Faculty who believe that any of the policies set forth in the Faculty Handbook may have been violated, or who have any concerns related to faculty work or welfare that are not resolved informally, should report those complaints to the Faculty Senate. Faculty who wish to contest personnel actions, including those related to appointment, reappointment, promotion, merit, or discipline for cause, or who believe they have been subject to unlawful discrimination or harassment as described in this Faculty Handbook or other United States University Policies, should proceed according to the grievance process set forth in this Faculty Handbook.

### **Referring Complaints**

Faculty should refer all complaints regarding violations of Faculty Handbook policies to the Faculty Senate.

The appropriate Faculty Senate committee may investigate relevant and material complaints of such violations. If necessary, relevance and materiality will be determined by a majority vote of the Faculty Senate Officers. If the Faculty Senate Officers find that a violation has occurred, the Faculty Senate Officers may, in writing, recommend corrective action(s) to the Provost, with a copy to the reporting Faculty member. The Provost will provide a written response to the Faculty Senate Executive Board. No investigation or determination by the Faculty Senate Officers shall impair or substitute for the process by which a disciplinary action is determined or the process of any subsequent grievance, as prescribed by the Faculty Handbook.

### **Faculty Rights and Responsibilities**

**Due Process:** Faculty are entitled to the rights of due process. These include the right to be notified in a timely manner of any complaints or grievances against them and the right to respond to those complaints or grievances.

### **Academic Freedom**

The right to academic freedom is the right of every faculty member.

Academic freedom is defined as the freedom of thought and expression as it applies to teaching, publication, oral presentation, and extramural activities. It includes the right of faculty members to choose and use materials that they deem appropriate to program or course goals in their classes without interference.

Institutions of higher education exist for the common good. The welfare and strength of United States University and of society at large depend on the uninhibited search for truth and its free expression. Academic freedom is based upon the premise that scholars are entitled to immunity from coercion in matters of thought and expression, and on the belief that the mission of United States University can be performed only in an atmosphere free from administrative or political constraints and tolerant of thought and expression. Academic freedom is fundamental for the protection of the rights of both the faculty in teaching and the student in learning. Academic freedom is also essential to protect the rights of the faculty to freely discuss and debate all ideas, however controversial or unpopular, within United States University or

before the broader community. The exercise of academic freedom cannot serve as cause for discipline, dismissal, or non-reappointment. Academic freedom does not include communication or material presented in class that constitutes discrimination, sexual harassment, illegal behavior, or encourages students or others to engage in criminal or unethical behavior.

In the event a faculty member's choice of course materials is challenged, the burden will be on the challenger to establish by material evidence that the challenged material is academically inappropriate for the course. The College Dean will be the academic administrator charged with oversight of this process. Determination as to the appropriateness of the course material in question will be made within 60 calendar days of the date that the College Dean receives written challenge to the academic appropriateness of the material in question.

Notwithstanding the broad right of faculty members to select and use academically appropriate materials for their courses, faculty members should be sensitive to the possibility that some students in a course may find certain materials to be personally offensive. Faculty members can elect to alert students at the beginning of their courses to any potentially controversial course materials.

A faculty member who alleges a violation of his or her academic freedom should notify in writing the President of the Faculty Senate. The President of the Faculty Senate will direct the faculty member's complaint to the Faculty Senate Professional development committee for investigation. The Committee will investigate the charge to determine the merits of the complaint. The Committee will report its findings to the Senate and, if warranted, recommend a remedy. The Faculty Senate will render a finding and recommendation within 60 calendar days of the written notice to the Faculty Senate.

Faculty members who believe that a violation of academic freedom may have resulted in an adverse personnel decision should contact the President of the Faculty Senate in writing. The Senate will investigate this claim and provide its findings to the Provost, with a copy to the faculty member, within 60 calendar days of receiving the faculty member's written notification. The Faculty Senate's findings will be considered in any subsequent personnel or grievance proceedings.

### **Academic Responsibility and Professional Ethics**

The primary justification for and purpose of academic freedom to serve society's need for independent criticism and new ideas. Members of the academic community, guided by a conviction of the worth and dignity of the advancement of knowledge, recognize this fundamental responsibility.

The primary responsibility of the faculty is to advance and preserve a body of common knowledge, and to seek and state truth as they see it. To this end, faculty members devote their energies to enhancing their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never hamper or compromise their freedom of inquiry.

As teachers, faculty members encourage the free pursuit of learning by their students. They hold before students the best scholarly standards of their discipline. They demonstrate respect for the student as an individual, and adhere to their proper role as academic guides and advisors. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of student work reflects the true merit of that work.

As colleagues, faculty members have obligations that derive from their membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas, they show due respect for the opinions of others. They acknowledge academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of responsibilities for the governance of the institution.

United States University Faculty members seek above all to be effective teachers and professional practitioners, and mentors. They are expected to bring the currency of their daily professional activities into the classroom. Although they observe the stated regulations, they maintain their rights to criticize them and seek revision. Faculty determine the amount and character of work they perform outside United States University with due regard to their primary commitment to the University and paramount responsibilities within it. Faculty members ensure that their outside work does not interfere with their responsibilities to United States University.

Faculty are expected to acknowledge, understand, and play the appropriate role in implementing all academic policies and procedures.

Faculty members have the rights and obligations of all citizens. When faculty members speak or act as private persons, they must avoid creating the impression that they speak or act for United States University. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

### **Code of Conduct**

Faculty are seen as leaders in the classroom and are expected to provide a model of ethical behavior for both students and others in the community. Faculty are also expected to know and adhere to the stated policies and procedures of United States University.

For purposes of this section, an individual has "professional responsibility" for another individual at the University if he or she performs functions including, without limitation, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid awards, or other remuneration, or that may impact other academic or employment opportunities.

Specific guidelines regarding ethical conduct include, without limitation, the following:

- Faculty must provide their students with the contractually agreed upon number of contact hours in each of the classes they teach, with their full attention and consideration devoted during that contact time to the promotion of their students' achievement of the goals, objectives, and competencies described in the relevant University and college course syllabus guidelines.
- Faculty must treat and grade all students fairly and objectively. Faculty members are required to implement United States University's equal opportunity policy to ensure that there is no discrimination in the treatment of students, including teaching, grading, counseling, or other academic activities, on the basis of race, ethnicity, national origin, religion, age, sex, marital status, sexual orientation, pregnancy, medical condition, physical or mental disability, veteran status, or other prohibited categories.
- Faculty will not exploit students for the faculty member's private advantage.
- Faculty must not require students to reveal personal information that might be used for research data without written informed consent and insuring that the student will suffer no penalty for non-revelation.
- Faculty must refrain from involvement in an intimate or otherwise inappropriate relationship with any student who is enrolled in their courses or with students with whom they have a professional relationship or responsibility within the context of United States University.

United States University is committed to providing an environment free from harassment of or discrimination against any student, faculty member, or other employee on the basis of race, ethnicity, national origin, religion, age, sex, marital status, sexual orientation, pregnancy, medical condition, physical or mental disability, veteran status, or other prohibited categories.

Sexual harassment constitutes unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. Sexual harassment includes many forms of offensive behavior and includes harassment of a person who is the same sex as the harasser. Sexual or gender harassment includes, without limitation:

- Unwanted sexual advances;
- Offering employment or academic benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct, e.g., leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters;
- Verbal conduct, e.g., making or using derogatory comments, epithets, slurs and jokes;
- Verbal sexual advances or propositions;
- Verbal abuse of a sexual nature; e.g., graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations;
- Harassment based on a person's gender, such as targeting a person for offensive or hostile treatment because she is a woman; and
- Physical conduct, such as impeding or blocking movements, touching, or assault.

Such conduct constitutes harassment when submission to the conduct is made either an explicit or implicit condition of receiving employment or academic benefits; when submission to or rejection of the conduct is used as the basis for an employment or academic decision; -or when the harassment interferes with an employee's work performance or a student's academic performance, or creates an intimidating, hostile, or offensive work or academic environment.

Every reported student complaint of harassment will be investigated thoroughly, promptly and in a confidential manner by the Office of the Provost. The faculty member must be informed at the same time the investigation is initiated. United States University will not tolerate retaliation against any student, faculty member, or other employee for cooperating in an investigation or for making a complaint.

United States University is required to refrain from discriminating against an otherwise qualified student, faculty member, or employee, including applicants, and to make reasonable accommodation to disabled students, faculty members, and other employees, provided that the accommodation does not require it to change the fundamental nature or essential curricular components of its programs. Reasonable accommodation may include modification of examination procedures and providing auxiliary aids where necessary. Faculty members are to consult with the Dean and the ADA Coordinator if reasonable accommodations are sought.

Faculty must report any conduct by a student that could result in discipline action to the Office of the Provost.

### **Conflict of Interest**

A conflict of interest typically occurs when outside employment or consulting arrangements put in question the impartiality, judgment, effectiveness, or productivity of a faculty member in the course of performing his or her duties or responsibilities. In addition, faculty members should not engage in direct competition with

United States University either personally or through a firm in which they have a substantial interest.

## **Chapter 5:**

### **Faculty Workload**

#### **Core Faculty Workload**

Faculty workload is defined in terms of both commitment of time and commitment of effort or performance. Faculties are professionals and, as such, plan the use of their own time to fulfill their commitments and meet other professional responsibilities.

The commitment of time includes (1) the obligation to meet course contact hours and (2) establish posted office hours. The commitment of effort includes instruction of courses and all other aspects of teaching, scholarship and service to United States University. Faculty must plan their time to accommodate the irregular nature of much academic work.

This section sets forth workload standards for Core Faculty in the five Service Domains. Individual workloads may vary from these standards as described below. These standards are intended to help Core Faculty plan and schedule their work; they do not define the standards of performance used to evaluate faculty for merit, reappointment or promotion.

#### **Domain One: Teaching and Advising**

Teaching is the most important responsibility of Core Faculty members. The full-time Core Faculty teaching load will be established in consultation with the Dean\*. Academic advising is central to the role of a faculty member. Normally, approximately -70% of a Core Faculty member's annual workload should be committed to Domain One activities. Significant deviation from this standard needs to be approved and documented by the appropriate Dean.

Teaching Load:

Full-time Core Faculty: Maximum two (2) courses per session/thirty six (36) credits per year

Part-time Core Faculty: Maximum one (1) course per session/twelve (12) credits per year

Office Hours for Student Advising:

Full-time Core Faculty: Minimum fifteen (15) hours per week

Part-time Core Faculty: Minimum seven (7) hours per week

Adjunct Faculty (recommended): Minimum one (1) hour for each class

\*Dean, with Provost approval, may reallocate teaching load and office hours to accommodate special circumstances.

#### **Domain Two: Governance**

While it is recognized that the time committed to governance activities may vary from week to week, Core Faculty are expected to be available to serve the College, or United States University's needs. Normally, approximately 20% of a Core Faculty member's annual workload should be committed to Domain Two activities.

**Domains Three:**

Scholarly and Creative Contributions, Professional Service, Community Service.

During any one given year, Core Faculty are expected to devote approximately 10% of their professional life to one of the three remaining Evaluation Domains: Scholarly and Creative Contributions, Professional Service, or Community Service. Core Faculty members make an intentional choice of focus domain, in consultation with their College Dean.

**Application of Standards**

These workload standards are only the minimum expected activities faculty should plan engage in; they do not represent expected results or outcomes on which Core Faculty will be evaluated for reappointment, promotion, or merit.

**Release Time**

Except under special circumstances, release time is only made available to Core Faculty with significant administrative responsibilities.

**Criteria**

The following criteria will govern the assignment of release time:

- Program size, determined by the number of course sections taught in the program, inclusive of program specializations and academic certificates;
- Responsibility for off-campus sites, including campuses and off site locations (e.g. clinical supervision)
- Outside agency accreditation or certification visits scheduled for the applicable academic year;
- University Educational Effectiveness Program Review scheduled for the applicable academic year; and
- Special projects or additional supervisory responsibilities assigned during the applicable academic year.

**Office Hours**

Faculty office hours are used for advising students and for service to the University community. Faculty are required to provide regular, published office hours to fulfill their advising responsibilities to students and to meet their other Program, College, and University responsibilities.

Full-time Core Faculty: Minimum of fifteen (15) hours per week

Part-time Core Faculty: Minimum of seven (7) hours per week

Adjunct Faculty (recommended): One (1) hour for each class teaching

\*Dean, with Provost approval, may reallocate teaching load and office hours to accommodate special circumstances.

**Responsiveness**

Faculty are expected to respond to phone and email messages in a reasonably timely manner. Core Faculty are expected to participate in Program and College meetings, professional development seminars, and serve on appointed and elected committees, unless on other University business or academic leave.

Faculty members are expected to submit grades according to University policy and as stated in University catalog.

Federal financial aid guidelines require that the University maintain accurate student attendance records. Faculty members must maintain student attendance records and submit those records to the Registrar's Office on the schedule set forth for grades in the grade submission policy.

Faculty members may receive requests for information on a student or students from various University administrative offices and College Deans. Faculty are expected to respond to these requests in a prompt manner.

Core Faculty may be required to attend trainings deemed critical by the College Dean or the Provost.

### **Course Syllabi**

Faculty will prepare a course syllabus which describes clearly the scope, objectives, expectations, required readings, and grading criteria for the course in a manner consistent with full implementation of United States University's syllabus standard for that course.

At the first class meeting or when the first class of a course goes live online, faculty will provide each student a course syllabus which has been prepared for use in that course.

# Chapter 6

## Criteria for Reappointment, Promotion and Merit

### General Revisions

United States University strives to appoint, reappoint, promote, and reward faculty who demonstrate particular competence, an enthusiasm for the art of teaching, and support for United States University core values and mission. In selecting, appointing, reappointing, promoting and rewarding faculty, the University weighs all the academic and intellectual components that contribute to the success of its students and the well-being of its faculty, its Colleges, and its spirit of shared inquiry.

### Faculty Service Domains

The activities listed for each Faculty Service Domain are presented as examples of the kinds of activities that fall within those domains. These lists are not intended to be all-inclusive, nor does this Faculty Handbook attempt to quantify the level of activity that satisfies a given service requirement. The levels of activity in each service domain are likely to vary among Core Faculty members. In addition to the activities described in this Chapter, other factors may be considered in the evaluation process. Such factors can include the faculty member's academic and professional expertise in the context of the University's current and emerging requirements and his or her demonstrated support of the University's mission and core values.

### Domain One: Teaching and Advising

Teaching is the faculty's most important contribution to United States University.

Core Faculty under formal evaluative review will make a written self-assessment of their teaching to be included in the Faculty Portfolio.

Faculty will provide evidence of teaching excellence, including, but not limited to, samples of course syllabi, course outlines, assignments, and graded student work

Teaching performance may be evaluated by classroom observations conducted by peers and other qualified members of the academy from within the Core Faculty member's College, including Program Chairs, academic directors, and the College Dean. Class observations will be subject to a preliminary consultation with the Core Faculty member. Observers must provide written feedback to the Core Faculty member in a timely manner.

The results of student evaluation may be used as one element in the evaluation of a Core Faculty member's teaching, but will not serve as the sole indicator of Core Faculty performance in this area.

Other factors to be considered in the assessment of teaching performance may include use of innovative teaching methodologies, evidence of self-improvement of teaching skills, and demonstration of professional practice in the clinical setting, as applicable.

When evaluating a Core Faculty member's teaching effectiveness, consideration must be given to the variety of demands placed on Core Faculty by the types of teaching called for in various disciplines and at various levels, and the number of different course preparations.

Core Faculty participation in ongoing student mentoring and academic advising will be evaluated by the degree to which students receive accurate and complete information to guide the student's progression towards degree, certificate, or certification completion.

### **Domain Two: Governance**

The active participation of Core Faculty in policy development and decision making processes at the College and University levels is critical to maintaining United States University as an effective institution of higher education activities in the service of Shared Governance may include, but are not limited to, the following:

- Effective participation in student development activities and College committees;
- Participation in College and University planning activities;
- Service to United States University and students (e.g. committees, Faculty Senate work, special assignments, task forces, or projects);
- Assuming special administration responsibilities or assignments that foster the mission and welfare of United States University
- Participation in the recruitment, selection, appointment, and mentoring of Faculty;
- Program service such as staffing classes, participating in scheduling meetings, writing reports, reviewing course outlines, and participating in assessment activities; and
- Development of and participation in professional growth programs for full-time and part-time faculty.

### **Domain Three: Creative Contributions**

At United States University, an institution committed to the scholar-practitioner model, scholarly and creative activities enrich the academy and the various disciplines represented in the academy by improving teaching, increasing the expertise of faculty within their disciplines, and contributing to the further development of those disciplines. Scholarly and creative contributions may include, but are not limited to, the following:

- Publication of scholarly books, monographs (including textbooks and texts), articles, or studies that have been subject to favorable external review by academic peers and other experts in the field;
- Production of research which has been subject to external peer review and presented or published;
- Essays or articles that appear in externally peer-reviewed publications or other media;
- Film and video productions and other creative achievements that are disseminated and externally reviewed by academic peers and experts in the field;
- Preparation, submission and receipt of grants;
- Presentation of scholarly papers or other work at professional meetings, conferences, or symposia;
- Curricular or program development when it has been reviewed externally by academic peers, accrediting bodies, or experts, and presented or published in an externally refereed venue; editing or refereeing the work of peers for publication or presentation;
- Invited presentations;
- Invitation to be chairperson or discussant at professional conferences; and
- Presentation in areas of expertise for peer-reviewed continuing education units required for state or national licensure.

### **Domain Four: Professional Service**

Professional service includes contributions to local, national, and international professional organizations through active committee and board membership; policy and guideline development roles; and recognized contribution to a relevant field. Professional service activities may include, but are not limited to, the following:

- Organizing seminars, panels or colloquia;
- Outreach to the community with a view toward forming relationships that benefit United States University;

- Exemplary professional practice (e.g. organization and supervision of training programs, continuing education programs, consulting)
- Service to and participation in professional organizations and societies; and
- Service to the community-at-large that is relevant to one's academic discipline;

### **Domain Five: Community Service**

Community service includes contributions to local groups or organizations; task force or policy development for those organizations; and presentations or other training and educational activities in the service of those organizations. Community service activities may include, but are not limited to, the following:

- Demonstrated consistent, commitment over the year to one or more community organizations;
- Private professional practice;
- Task force activity or policy development activities in community services organizations;
- Presentations, workshops, group or panel presentations, educational lectures for community services organizations;
- Policy implementation activities in community services organization;
- Volunteer activities at community services organizations; and
- Leadership in community organizations.

# Chapter 7

## Processes for Core Faculty Reappointment, Promotion and Merit

### General Provisions

#### Faculty Portfolio

The Faculty portfolio is a Core Faculty member's academic personnel record which is prepared by the Core Faculty member for purposes of considering personnel actions under the relevant criteria, as described in this handbook. The Faculty Portfolio will contain only material relevant to these purposes. Final decisions concerning reappointment, reappointment deferral, non-reappointment, and promotion will be based primarily upon the material contained in the Core Faculty member's Faculty Portfolio.

#### Form and Content of the Faculty Portfolio

Core Faculty will prepare the Faculty Portfolio based on a format provided by the Provost and approved by the Faculty Senate. The following materials must be placed in a Faculty member's Faculty Portfolio:

- A summary of all teaching evaluations and teaching assignment information;
- Written self-assessments of teaching, scholarship, and service.

Materials which may be placed in a Core Faculty member's Faculty Portfolio at the discretion and direction of the Core Faculty member include, but are not limited to, the following:

- Information regarding teaching performance, including peer and administrative observations and evaluations, and a statement of teaching philosophy;
- information concerning professional activities and externally peer-reviewed publication, including publication of books, monographs, articles, research papers, or juried media presentations;
- presentations at conferences or professional associations; or receipt of instructional, curricular or other educational grants;
- information concerning University and public service, including participation in peer review; service to a College, or program; or service on the Faculty Senate or other committees;
- letters of evaluation and support.

#### Access to Faculty Portfolio

Faculty Portfolios are retained in the Office of the Provost during the review process. Core Faculty members will have access to their Faculty Portfolios, upon request.

Other parties authorized to access a Core Faculty member's Faculty Portfolio are:

- Dean of the Core Faculty member's College;
- the President, and the Board of Trustees;
- President of the Faculty Senate;

To preserve the integrity and authenticity of the Faculty Portfolio, neither the Office of the Provost nor any other party will make copies of a Faculty Portfolio. The Core Faculty member may request copies of some parts of his or her portfolio.

#### University Academic Promotion Committee

The President of the Faculty Senate may delegate to the Professional Development Committee to perform the duties set forth in this Faculty Handbook.

## **Safeguards to Ensure Due Process**

The following safeguards are provided in the Core Faculty review process:

- A Core Faculty member must be informed promptly by the Office of the Provost when any materials are placed in his or her Faculty Portfolio. A Core Faculty member may challenge the inclusion of materials in his or her Faculty Portfolio by written appeal to the Provost.
- Opportunity for the Core Faculty member to review all material in the Faculty Portfolio.
- Clearly defined grievance procedures, as described in this Faculty Handbook.
- Procedural Safeguards in the Review Process.
- Before any review regarding reappointment or promotion is initiated, written notice will be provided to the Faculty member of his or her impending review and all relevant deadlines, with a copy to the appropriate College Dean.

At each stage of the process, Core Faculty members will have the right to:

- Ask questions;
- Supply pertinent information and evidence;
- Suggest, where relevant, names of persons to be solicited for letters of evaluation;
- Provide in writing to the College Dean names of persons who, for reasons set forth by the faculty member, might not objectively evaluate the Faculty member's qualifications and performance. Such statements will be included in the Faculty Portfolio.

## **Promotion**

Under normal circumstances Core Faculty become eligible for promotion upon meeting the following requirements:

### **Promotion to Assistant Professor**

A Core Faculty member at the Instructor rank will be eligible for the rank of Assistant Professor if the Core Faculty member has been conferred the terminal degree in his or her discipline or an allied field. Promotion to the rank of Assistant Professor from the rank of Instructor is considered to be an initial appointment at the Assistant professor rank and subject to the requirements and procedures for initial appointments.

### **Promotion to Associate Professor**

A Core Faculty member at the Assistant Professor rank will be considered eligible for promotion to the rank of Associate Professor if the Core Faculty member has been at the rank of Assistant Professor at United States University for at least three years with the terminal degree in his or her discipline or an allied field.

### **Promotion to Professor**

A Core Faculty member at the Associate Professor rank will be considered eligible for promotion to the rank of Professor if the Core Faculty member has been at the rank: of Associate Professor at United States University for at least five years and has a minimum of ten years full-time faculty experience at a recognized institution of higher education.

## **Reappointment, Deferral, and Non-reappointment**

- In the event that an Instructor, Assistant Professor, Associate Professor or Professor, on applying for reappointment following his or her initial appointment, has been unable to perform at a level consistent with his or her rank as described herein, a reappointment decision can be deferred by extending the current appointment for one year. Letters of evaluation recommending a reappointment deferral should describe specific areas in which the Core Faculty member must improve in order to qualify for full reappointment. Letters of evaluation will also make specific suggestions for improvement. A reappointment deferral will include a remediation professional development plan, approved by the College Dean in cooperation with the Core Faculty member, to

be described in the Core Faculty member's Letter of Appointment. This remediation plan will be included in the Core Faculty member's Faculty Portfolio for the next reappointment cycle.

- The Core Faculty member has the right to request deferral of the reappointment decision to a later time in the year. By doing this, the faculty member gives up the right to be notified according to the timelines established herein.
- A Core Faculty member may, on the basis of some special or unusual circumstance (e.g., to allow implementation of a long-term grant or approved research project), request that the Provost initiate a review process and issue a reappointment notification decision letter.
- Notification of Reappointment, Deferral, or Non-Reappointment decisions will be made in a timely manner

### **Review for Reappointment and Promotion**

In reviewing Core Faculty for reappointment or promotion, College Deans, and the Provost will be guided by the criteria previously described. Faculty Portfolios will be the primary source of information for considering requests for reappointment or promotion.

### **Letters of Recommendation for Reappointment and Promotion**

All recommendations for reappointment and promotion decisions will take the form of Letters of Recommendation describing in detail the basis for the evaluation of the Core Faculty member's performance in five areas:

- Teaching and advising;
- Scholarly and creative activities;
- Professional service;
- Community service; and
- Shared governance.

Letters of Recommendation should refer to evidence contained in the Faculty Portfolio. Where evidence not included in the Faculty Portfolio is used as the basis for evaluation, that evidence should be clearly identified.

### **Review Process**

The review process for reappointment and promotions will occur in the following order and conform to the deadlines established by the Provost.

### **Core Faculty Member Application**

To request promotion or reappointment consideration, Core Faculty members shall:

- Send a letter of application and their current Faculty Portfolio to the Provost. The Core Faculty member shall also send copies of the letter of application to their College Dean.
- Core Faculty members who wish to be considered for reappointment or promotion should submit their application no later than the due date provided in the current Academic Promotion Calendar.

### **College Dean Recommendation**

The College Dean will review the application materials and submit his or her Letter of Recommendation to the Provost.

### **Provost Decision**

After review and consideration of all the recommendations and responses to the recommendations received regarding reappointment or promotion, the Provost decides and informs the Core Faculty member of their reappointment, promotion, or non-reappointment by letter, with copies to the College Dean. A copy of the

decision letter is also filed in the Core Faculty member's Faculty Portfolio.

### **Merit Increase**

The period of review for merit will begin on the date on which the Core Faculty member last submitted an application for a merit increase, but not to exceed the previous two years. Merit salary increases will be effective on January 1st of each year.

### **Merit Levels**

Merit is awarded at one of three levels, determined by the Core Faculty member's achievement as documented in the portfolio.

- **Level One:** Exceptional; exceeds all expectations.
- **Level Two:** Very good; exceeds some expectations.
- **Level Three:** Good; meets expectations

If a Core Faculty member does not meet expectations in any service domain, the Core Faculty member will not be considered for merit. A Core Faculty member who qualifies for one of the levels for merit, but whose salary is at the top of the salary range for his or her rank, will receive the merit award as a one-time payment. If the Faculty member wishes to challenge the recommendations at any level of the merit increase review process, he or she can do so by writing.

### **Assessment of the Merit Increase Review Process**

The Faculty Senate will report to the Provost any substantive concerns regarding perceived inequalities or other problems in the merit process, unless the perceived inequalities exist at the Provost level in which case the report is submitted to the President.

# Chapter 8

## Faculty Discipline and Dismissal for Cause And Involuntary Leave

### **Discipline and Dismissal for Cause**

A Faculty member may be disciplined or dismissed before the expiration of his or her appointment for cause, which includes violation of the provisions and policies set forth in this Faculty Handbook or other documented University policies. Non-reappointment is not considered either a discipline or dismissal for cause. Faculty may be placed on involuntary leave with full pay and benefits during the discipline for cause process.

In any case where the Provost considers that cause exists for pursuing the charge(s) against a faculty member, the Provost will send a written notification to the faculty member informing him or her of the charges. The notification should specify the Faculty Handbook or University policy that the faculty member is alleged to have violated, the specific circumstances of the alleged violation, and any evidence submitted to the Provost to support the allegation. The faculty member has the right to review and copy all evidence and documents supporting the charge(s).

The faculty member has 10 calendar days from the time the written notification is issued by the Provost to respond to the charge(s) in writing. During that 10 day time period the Faculty member will be given an opportunity to meet with the Provost to discuss both the charge(s) and any evidence and documents submitted supporting the charge(s).

Within 10 calendar days after receipt of the faculty member's response to the charge(s), the Provost will provide a written decision detailing the proposed action and rationale for that action to the faculty member. A copy of the decision will be provided to the President, the President of the Faculty Senate, and the appropriate College Dean. The decision of the Provost may not be appealed; except for the rights that may exist to file a grievance in accordance with the provisions of this Faculty Handbook.

Disciplinary action should be progressive except in cases of serious misconduct, and the faculty member should be given an opportunity to correct offending behavior before the next step is taken. Progressive disciplinary actions include, but are not limited to:

**Letter of Warning:** A letter of warning indicates that both the faculty member and the Administration are aware of the charge(s). Such a letter is to remain in the faculty member's personnel file for three years. The faculty member has the right to submit a letter of rebuttal which will be placed in the faculty member's personnel file. After three years, if no other disciplinary action is brought against the faculty member, the Letter of Warning and any associated rebuttal letter are removed from the personnel file and the matter is considered closed and cannot be used in further personnel actions.

**Formal Letter of Reprimand:** A formal letter of reprimand places the faculty member on notice that the incident or situation investigated is of a serious nature and requires an acknowledgement and corrective actions by the faculty member. This letter is retained in the faculty member's personnel file indefinitely. The faculty member may file a grievance in accordance with the grievance policy outlined in this handbook.

**Leave from Duties without Pay:** When the discipline for cause process results in this level of disciplinary action, the faculty member is immediately placed on leave without pay for a maximum of 30 calendar days during which time the faculty member retains rights to health benefits. The faculty member may file a grievance in accordance with policies set forth in this Handbook. If the grievance process results in a decision to overturn the leave without pay determination, United States University will pay the faculty member any wages and benefits withheld.

Dismissal: When the discipline for cause process results in this level of disciplinary action, the faculty member has 15 calendar days from receipt of the notification of dismissal to file a grievance pursuant to the policies of this Faculty Handbook. If the faculty member files a grievance, the faculty member's wages and benefits continue for a maximum of 60 calendar days during the grievance process. If the grievance process results in a decision to overturn the dismissal without pay determination, United States University will pay the faculty member any lost wages and benefits withheld. If the Faculty member does not file a grievance, the faculty member's employment with United States University is terminated at the end of the 15 calendar days, and all wages and benefits will cease.

### **Reductions in Positions**

Faculty positions may be eliminated if reductions become necessary due to the elimination of a College or program, reorganization, or a condition of financial exigency. In all such cases United States University will make a reasonable best effort to transfer the affected faculty member to another position within United States University. Retirement benefits accrued through University service will not be forfeited as a result of such action. Length of service and rank may be given consideration for determining retention when any reduction in faculty becomes necessary.

In cases of faculty reductions described above, the President or the Provost will meet with the officers of the Faculty Senate to describe the conditions that necessitate the action(s) to be taken and explain any plan to reassign the affected faculty members.

# Chapter 9

## Faculty Grievances

### Authority

The President is empowered by the Board of Trustees to take action relating to initial appointments, reappointments, non-reappointments, promotions, discipline or dismissal for cause, or elimination of faculty positions. In such actions the President may be advised by the Provost, the College Dean(s), and the applicable faculty committee(s), or such other person or persons the President deems appropriate or necessary. The Provost is authorized by the President to take action relating to initial appointments, reappointments, non-reappointments, promotions, discipline or dismissal for cause, or elimination of faculty positions. In such actions the Provost may be advised by the College Dean(s) and the applicable faculty committee(s) or such other person or persons the Provost deems appropriate or necessary.

### Faculty Grievance Procedures

The following procedures are established to enable Core Faculty members to seek a review of personnel decisions. These grievance procedures are intended to implement United States University's policy of equal employment opportunity, and to ensure that no faculty will be subject to unlawful discrimination on the basis of academic freedom; race, ethnicity, national origin, religion, age, sex, marital status, sexual orientation, pregnancy, medical condition, physical or mental disability, or veteran status in any activity under the control of United States University. United States University is committed to providing an environment that is free of harassment or discrimination of any student, Faculty member, or other employee on the basis of race, ethnicity, national origin, religion, age, sex, marital status, sexual orientation, pregnancy, medical condition, physical or mental disability, or veteran status. Any dispute relating to a Faculty member's employment with United States University, including any decision regarding non-reappointment, promotion, merit increase, academic freedom, discipline or dismissal for cause, or involving a complaint of discrimination or violation of prescribed procedures, may be reviewed under these procedures.

The Provost will be responsible for processing the grievance under these grievance procedures, including grievances arising out of alleged unlawful discrimination and harassment, except when the Provost is named in the grievance. In such cases, the President will designate an individual to assume this role. The Office of Human Resources will be provided copies of all complaints alleging unlawful discrimination and harassment.

A grievance must be made in writing no later than 30 calendar days from the date that the faculty member was notified of the decision or action giving rise to the grievance, except as otherwise provided herein. The grievance should be specific, include the evidence upon which it is based, and specify the remedy sought. The grievance shall be filed with the Provost.

For any grievance filed pursuant to the provisions of this Faculty Handbook the Provost will appoint a review panel in cases involving allegations of discrimination, discipline for cause or non-reappointment. In all other cases, the appointment of a review panel will be within the discretion of the Provost.

If a review panel is not appointed, the Provost will discuss the matter with all parties to the grievance, investigate and ascertain the facts, obtain any necessary additional information, prepare written findings and recommendations, and notify the Faculty member of those written findings and recommendations. The Provost will make every attempt to present the faculty member with the written findings and recommendations within 30 calendar days of the filing of the grievance.

If a review panel is to be appointed, the Provost will appoint the review panel within 15 calendar days of receipt of the grievance. Once appointed, the review panel should begin its review within 15 calendar days and, once the review has begun, should make every attempt to complete its review and prepare its draft

report within 30 calendar days of appointment.

A review panel will consist of three Core Faculty members. All three members must be impartial. One panel member will be chosen by the grievant and another by the College Dean. A third member who is acceptable to both the grievant and the Dean will be selected by the Faculty Senate President.

Once the review panel is appointed, the Provost, together with the Faculty Senate President, will coordinate review of the grievance by informing the review panel of its advisory role, defining the issues, and providing the panel with necessary information and resources to enable the review panel to conduct the review, including but not limited to space, recorders, and travel funds.

Review panel proceedings should be conducted in an informal, non-adversarial manner that provides appropriate protection for the privacy of the grievant. The review panel must meet in person for all deliberations. All review panel hearings will be closed matters, except that participants to the grievance may attend. Each party to the grievance may be present, if he or she chooses, at interviews conducted by the review panel unless such presence is determined by the panel to have potential influence on the statements or other evidence being gathered.

The parties to the grievance may be represented by legal counsel, but such legal counsel may not be present at review panel hearings. The panel may interview persons involved with the grievance, and solicit and review pertinent evidence. The review panel will make every effort to prepare a draft report within 30 calendar days of the panel's appointment. Upon receipt of the draft report, the parties will have 10 calendar days in which to review the report for errors of fact and notify the review panel of its claims of such errors. Within 10 calendar days thereafter the review panel will submit its final report and its advisory recommendations to the Provost and to the parties.

Within 15 calendar days following the receipt of the review panel's final report, the Provost will render a written decision regarding the grievance.

The grievant may appeal the decision to the President within 15 calendar days of receipt of the Provost decision. The President shall independently consider all documents and facts involved with grievance process. The President will provide a decision on any appeal within 15 calendar days. The decision of the President is final and will be binding on the parties so as to preclude any further action on the grievance under the Faculty Handbook.

## **Binding Arbitration**

### **Claims**

After exhaustion of the Faculty Handbook grievance procedures, all claims, including but not limited to all contract, tort, and equity actions and alleged violations of state and federal statutes, including wrongful termination or discipline, between the parties (including United States University's trustees, officers, and employees) arising out of or pertaining in any way to the Faculty member's appointment, non-reappointment, termination for cause, or any alleged breach of the Letter of Appointment or the Faculty Handbook must be submitted to final and binding arbitration.

### **Arbitration Procedures and Rules**

The arbitration will be conducted before a licensed arbitrator within the County of San Diego under its Commercial Arbitration Rules. If anything in this 'Faculty Handbook conflicts with the Commercial Arbitration Rules, the Commercial Arbitration Rules will prevail. The demand for arbitration must be submitted in writing within 90 days from the decision of the President.

**Costs, Expenses and Attorney's Fees**

United States University will advance all arbitration fees, and all of the costs and expenses incurred in connection with the arbitration hearing, including all of the fees of the arbitrator. The arbitrator may award to the prevailing party in the arbitration any costs incurred in connection with the arbitration, except attorney's fees. Each party to the arbitration shall be responsible for their own attorney fees.

**Final Award**

The arbitrator will submit a written decision to the parties to the arbitration.

**Changes to Arbitration Provision**

Notwithstanding any provision in this Chapter, the parties agree that United States University, in its sole discretion, may make such changes to this Handbook as required to comply with any applicable law or regulation and that, with such changes, the arbitration will remain binding on the parties.

# Chapter 10

## Copyright Policy

### Copyright Infringement Policy

United States University affirms the obligation of its faculty, staff, and students to comply with all Federal laws (Title 17, United States Code) regarding copyright. This principle underlies United States University's commitment to encouraging the responsible use of the intellectual property of others. This policy affirms that copyright legislation exists to encourage the generation and distribution of intellectual works in order to advance the public good. Copyright law gives copyright holders (writers, publishers, artists, etc.) the exclusive rights to distribute, copy, perform, or publicly display, their own original works. The University recognizes its obligation to inform members of the campus community about this law, and to promote, within the various University constituencies, the exercise of the rights and responsibilities granted under this law.

All members of the community are responsible for understanding the University's copyright policy and shall be accountable for actions that willfully disregard it. United States University's responsibility in this area is to provide faculty members, associates and students access to resources that allow determination of permitted uses. Faculty, staff and students are responsible for seeking guidance and complying with the law. United States University assumes that any questions regarding copyright, as they apply to materials for instructional or other University use, will be resolved prior to the use of those materials on any University-owned equipment or in any University-sanctioned activities. All members of the University community are responsible for complying with University guidelines regarding the legal use of copyrighted materials, regardless of their format or the purpose of that use, and for complying with the requirements of copyright law, including obtaining required permissions to use copyrighted materials. Faculty, staff, and students shall not exercise any rights under copyright law in a work owned by others unless one of the following applies:

- the work is in the public domain.
- the use of the work qualifies as fair use under copyright law.
- the use is permitted under Section 110 regarding performance or display of certain works in educational settings
- they have prior written permission from the copyright holder or have paid appropriate royalties or licensing fees in exchange for usage rights.

Members of the USU community who willfully disregard this policy do so at their own risk and assume any liability, which may include criminal, and/or civil penalties.

### The University Affordability and Opportunity Act (CAOA) of 2008

The University Affordability and Opportunity Act of 2008, which amends and extends the 1965 Higher Education Act, requires that institutions of higher education receiving Federal funding create institutional policies regarding the infringement of copyright. It mandates that they inform and educate their communities about copyright infringement, and that they certify that they have developed policies to prevent it.

Section 488 of the law requires that institutions of higher education, as part of that program make an annual disclosure that does the following:

- Informs students that the unauthorized distribution of copyrighted material (including peer-to-peer file sharing) may subject them to civil or criminal liability
- Summarizes the penalties for violation of Federal copyright laws
- Describes the institution's policies regarding unauthorized peer-to-peer file sharing, including what disciplinary actions may be taken against students who engage in the unauthorized distribution of copyrighted materials using the institution's information technology system

## **Peer-to Peer File Sharing-Penalties**

(The following statement is adapted from: <http://www.copyright.gov/help/faq/faq-fairuse.html>)

Uploading or downloading works protected by copyright without the authority of the copyright owner is an infringement of the copyright owner's exclusive rights of reproduction and/or distribution. Anyone found to have infringed a copyrighted work may be liable for statutory damages up to \$30,000 for each work infringed and, if willful infringement is proven by the copyright owner, that amount may be increased up to \$150,000 for each work infringed. In addition, an infringer of a work may also be liable for the attorney's fees incurred by the copyright owner to enforce his or her rights. Members of the United States University community, including students, faculty, and staff, who are found to have, using the University's information technology system, downloaded or uploaded works protected by copyright may be subject to disciplinary action as appropriate.

Whether or not a particular work is being made available under the authority of the copyright owner is a question of fact. But since any original work of authorship fixed in a tangible medium (including a computer file) is protected by Federal copyright law upon creation, in the absence of clear information to the contrary, most works may be assumed to be protected by Federal copyright law.

Since the files distributed over peer-to-peer networks are primarily copyrighted works, there is a risk of liability for downloading material from these networks. To avoid these risks, there are currently many "authorized" services on the Internet that allow consumers to purchase copyrighted works online, whether they be music, e-books, or motion pictures. By purchasing works through authorized services, consumers can avoid the risks of infringement liability and can limit their exposure to other potential risks such as viruses, unexpected material, or spyware.

For more information on this issue, see the [Register of Copyrights' testimony before the Senate Judiciary Committee](#).

## **Digital Millennium Copyright Act (DMCA) of 1998**

The DMCA was developed in response to concerns regarding the ease with which digital materials may be pirated and distributed, as well as to help clarify how copyright relates to those materials. The DMCA criminalizes the development of technologies that are intended to circumvent devices (such as passwords or encryption) that limit access to copyrighted material, and it also criminalizes the act of circumvention itself. Institutions of higher education that act as Internet Service Providers are granted limited liability for copyright infringement involving the use of their networks under the DMCA if they take certain steps. These involve designating a local agent who would be responsible for receiving "take-down" notices regarding instances of infringement over the local network and for then effecting the "take-down" of the infringing material; they must have procedures in place for terminating the accounts of those who repeatedly appear to be infringing or who attempt to circumvent electronic safeguards for copyrighted content; they must take measures to guard against illegal access and additional distribution of copyrighted materials; they must develop a copyright policy and a copyright education program; and they may only utilize lawfully acquired copies.

## **Copyright Implications for USU**

While the provisions of the University Affordability and Opportunity Act focus primarily on students, and specifically on peer-to-peer file sharing, and the DMCA deals with digital materials, it is important for all USU constituencies to respect copyright law and to set an example for members of the USU community in their use of the intellectual works of others, regardless of the format of the materials or the technologies used to access them.

## Fair Use of Copyrighted Works

Fair use is a one-time arrangement. If you need to use the same material a second time (or multiple times) you must obtain permission. And, more than that, you must obtain that permission prior to each new use of the material (i.e., for each course in which it is used) unless an arrangement for multiple usage has been made with the copyright holder. The idea of fair use applies only when there is "spontaneity" involved in the usage of the material, that is, if there was insufficient time to obtain permission between the determination that the material would be used and its actual usage for an educational purpose.

If you are unsure of whether a use of copyrighted materials may constitute a fair use, faculty, staff and students should educate themselves regarding the limits of fair uses and should in each instance perform a careful, good faith fair use analysis based on the four factors identified in section 107 of the federal Copyright act.

When using materials that are covered under fair use, students and faculty must include (directly on the paper copies or on any electronic copy) a statement indicating that the copy or electronic presentation has been prepared under the fair use exemption of the U.S. Copyright Law and is restricted from further use. You are required to document your fair use analysis as a defense against claims of copyright infringement. It is recommended you use the Fair Use Checklist ([Fair use checklist](#)) and that this completed form be kept for a minimum of five years following the date of the last copyrighted item.

The Fair Use Checklist and variations on it have been widely used for many years to help educators, librarians, lawyers, and many other users of copyrighted works determine whether their activities are within the limits of fair use under U.S. copyright law (Section 107 of the [U.S. Copyright Act](#)). [Fair use is determined](#) by a balanced application of [four factors](#) set forth in the statute: (1) the purpose of the use; (2) the nature of the work used; (3) the amount and substantiality of the work used; and (4) the effect of the use upon the potential market for or value of the work used. Those factors form the structure of this checklist. Congress and courts have offered some insights into the specific meaning of the factors, and those interpretations are reflected in the details of this form.

Unless you know for certain that an item is not covered by copyright, or you are confident that your use of the item falls within the fair use guidelines, you are obligated to seek permission for the use according to United States copyright law.

## Obtaining Permissions

It is the responsibility of the individual (whether faculty, staff, or student) who is using copyrighted materials to seek permission to use those materials if fair use does not apply. You must obtain a letter or other documentation from the holder of the copyright or his/her legal designee that grants the individual the right to use the specified portion of the work for a specified purpose on a specified occasion or for a specified period of time. The method for obtaining permission may vary depending upon the nature of the material you wish to copy, but the general process is outlined below. Links to websites that give more specific information are provided.

- First determine if permission is needed. <http://www.librarycopyright.net/>
- You can contact the Copyright Clearance Center, a non-profit organization that provides content licensing services. For many titles, you can apply online, pay the licensing or royalty fee to the CCC, and receive instant permission. The process can, on rare occasions, take weeks or months. The CCC does not work with all publishers or rights holders.
- If you are not working with the Copyright Clearance Center or another content licensing service, contact the publisher of the materials you would like to use (if the publisher is still in business) directly. Look specifically for a "permissions department." You may be asked to fill out a permission request form or to write a letter detailing your request.

- Write the letter or fill out the publisher's form. You should include the following kinds of information:
  - Title of the work, author/editor, date of publication, publisher, volume and issue number (if the work is from a periodical), and edition of the material you wish to use
  - Describe the material to be used, including page numbers, chapters, edition, and copyright date and include a photocopy of what you want to use
  - The number of copies you will be making
  - If you will be using the material in a publication that will be sold, how many sales are anticipated?
  - If you are using the material for a class, what dates will it be used?
  - The form of distribution of the material-will it be distributed for a class, in a newsletter, in a trade book, or a magazine article?
  - Will the material be sold?
- Always give appropriate credit to the source of your material, even if the material is no longer under copyright or is exempt from the need for permission under fair use.

### **More Information on Copyright and Seeking Permissions**

#### **General Websites for copyright information:**

- [U.S. copyright office](#)
- [Higher education committee](#)
- [Permission faqs](#)
- [Stanford copyright and fair use center](#)
- [Crash course in copyright](#)
- [Copyright information center](#)
- [Creative commons](#)

#### **Additional fair use determination checklists:**

- [Copyright basics](#)
- [Fair use checklist](#)

#### **What is in the public domain (from Washington State University):**

- [University publishing](#)

#### **Links for various campus constituencies:**

- [The campus guide to copyright compliance](#)
- [Reproduction of copyrighted works by educators and librarians](#)

#### **Steps for getting permissions as outlined by some institutions of higher education:**

- [UC copyright](#)
- [Academic and educational permissions](#)
- [Vassar University guide to copyright](#)

#### **Where to start for permissions for music and other audio materials, still images (including photos), and moving pictures and computer files:**

- [Asking for permission](#)
- [MPL music publishing](#)
- [How to get photo copyright permission](#)

#### **Getting permission to use materials from the internet:**

- [Permission template](#)

#### **Resources for Legal Downloading:**

- <http://campusdownloading.com/legal.htm>
- <http://www.riaa.com/toolsforparents.php>
- <http://www.mpaa.org/contentprotection/get-movies-tv-shows>

### **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at Copyright Office at [www.copyright.gov](http://www.copyright.gov).

# Chapter 11

## Faculty Salary Schedule

Professional salaries are based upon a salary schedule to be established for the 2015 academic year by the Board of Trustees on recommendation of the President.

Upon recommendation of the Provost, the President will bring forward annually to the Board of Trustees the current year salary schedules for approval. Decisions regarding annual adjustments and the faculty salary schedule are based upon the financial situation of United States University.