



National University *FACULTY POLICIES*

November 2018



NATIONAL
UNIVERSITY

A Private Nonprofit University Serving the Public Good™

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Preamble

National University is a private, non-profit public benefit corporation governed by a Board of Trustees and is an accredited, independent institution of higher education. The administrative center is located in La Jolla, California. Major campuses are located in California, Nevada, and other locations as approved.

Anything in these *Faculty Policies* notwithstanding, the Board of Trustees is the governing body of National University. All of the activities and affairs of National University will be conducted by or under the direction of the Board of Trustees. The President, who reports to the Board of Trustees through the Chancellor of the National University System, 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, School Deans, and other administrative officers on issues affecting the status, responsibilities, and welfare of the Faculty.

These *Faculty Policies* govern the rights and responsibilities of the Faculty at National University. In the event of a conflict between the *Faculty Bylaws* and the *Faculty Policies*, these *Faculty Policies* will control.

National University is a member of the National University System (NUS). NUS is an alliance of operationally independent and separately accredited, non-profit educational institutions and for-profit entities which provides support services for educational institutions. NUS is operated through System Management Group (SMG). SMG is a supporting organization under Section 509(a) (3) of the Internal Revenue Code (the Code), established to support publicly supported charities which are members of NUS.

National University is dedicated to making lifelong learning opportunities accessible, challenging, and relevant to a diverse student population. Its aim is to facilitate educational access and academic excellence through exceptional management of University operations and resources, innovative delivery systems and student services, and relevant programs that are learner-centered, success-oriented, and responsive to technology.

National University's central purpose is to promote continuous learning by offering a diversity of instructional approaches, by encouraging scholarship, by engaging in collaborative community service, and by empowering its constituents to become responsible citizens in an interdependent, pluralistic, global community.

The Chief Executive Officer of SMG is the Chancellor of NUS. The Chancellor has such powers as may be delegated by the SMG Board of Trustees.

The Chancellor is an ex-officio member of the Board of Trustees of each affiliate of NUS and provides advice and leadership to NUS member institutions. In addition, the President of each member reports to the Chancellor from an operational standpoint, subject to each member's Board of Trustees.

Statement of Shared Governance

National 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. National University agrees generally with the philosophy in the 1966 Statement on Government of Colleges and Universities which indicates that shared governance allows National University to benefit from the accumulated wisdom and knowledge of its Faculty and provides a structure that includes the elected Faculty governance bodies (the Faculty Senate, Graduate and Undergraduate Councils), through which Faculty and administrators work together to promote National University's mission.

National University, therefore, 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.

National 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.

ARTICLE 1 SCOPE AND DEFINITIONS

1.1 Scope

The scope of these *Faculty Policies* is limited to the description of the rights, responsibilities, ranks of, and appointment and personnel policies and procedures for National University's full-time Faculty. The *Faculty Policies*, together with the Faculty member's current letter of appointment, constitute the contract between the Faculty member and National University. The National University Policy and Procedures expressly include Faculty, unless superseded by these *Faculty Policies*.

1.1.1 Governance Documents

1.1.1.1 The Faculty's role in National University governance is described and codified throughout these *Faculty Policies*, and in the *Faculty Bylaws*, the *Graduate Policies*, and the *Undergraduate Policies*. Other policies and procedures are described and codified in the current editions of the *National University General Catalog* and the *National University Policy and Procedures*. The scope of each of these documents is described therein.

1.1.1.2 In the event of a conflict between the *Faculty Policies* and *Faculty Bylaws*, the *Faculty Policies* will prevail. In the event of a conflict between the *Faculty Bylaws* and the *Graduate Policies* or *Undergraduate Policies*, the *Faculty Bylaws* will prevail.

1.1.1.3 Revisions to the documents mentioned in Article 1.1.1.2 will not change the order of precedence set forth in Article 1.1.1.2.

1.1.1.4 The National University Policy and Procedures, to the extent possible, expressly includes Faculty members.

1.1.1.5 The documents described in 1.1.1.3 and 1.1.1.4 are not intended to create express or implied contractual obligations. Additional responsibilities are described in The National University Policy and Procedures.

1.1.2 Amending Governance Documents

The President and Board of Trustees must approve all amendments to the *Faculty Policies* and *Faculty Bylaws* after those amendments have been

approved by a majority vote of the Faculty Senate and the Faculty. The amendment process is detailed in Article 16.

1.1.3 The Faculty Senate will investigate relevant reports of violations of these *Faculty Policies*.

1.2 Definitions

Throughout these *Faculty Policies*, the following definitions apply:

1.2.1 Faculty

1.2.1.1 "Faculty" refers collectively to all full-time Faculty.

1.2.2 School and Colleges

1.2.2.1 Schools and Colleges are academic units within National University, concerned with instruction and research, and contributing to the total intellectual development of the students. Through its schools and colleges, National University offers undergraduate and graduate degrees, as well as credential and certificate programs.

1.2.2.2 In these *Faculty Policies*, the term "School" is used for both Schools and Colleges.

1.2.2.3 Schools 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 School Dean, the School's Faculty, the Faculty Senate, and the Undergraduate and Graduate Councils before making a recommendation to the Board of Trustees about the creation or disbandment of a school.

1.2.3 Department

1.2.3.1 A Department is an element of a School defined by academic and intellectual content, as well as by disciplinary needs or professional curricular requirements.

1.2.3.2 Departments are created or disbanded by authority of the President after substantive discussion with the Provost, the School Dean, the School's Faculty, the Faculty Senate, and the Undergraduate and Graduate Councils. The School Dean will engage in substantive discussion with the School's Faculty before making a final recommendation to the Provost.

1.2.4 Program

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

1.2.4.2 Programs may be added, deleted, or changed following the recommendations to the Provost of the applicable Academic Program Director, Department Chairs, School Academic Affairs Committees, School Deans, and the Undergraduate Council or Graduate Council.

1.2.5 Region

A region is a geographic organization of Campuses. Campuses house Faculty offices, as well as classroom facilities and student support staff.

1.2.5.1 The creation or elimination of Regions or Campuses requires action by the Board of Trustees upon the recommendation of the President. The President will confer with the academic leadership team including the Provost, School Deans, and the Faculty Senate.

1.2.6 Provost

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

1.2.7 School Dean

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

1.3 Guidelines

Guidelines provide flexible procedures for or explanations of academic processes within the scope and definition of accepted Policies. They are developed by the applicable Faculty governing body or academic administrative office. These Guidelines are shared with the Faculty Senate. A Guideline is approved by the applicable Faculty governing body, the Provost, and the President.

ARTICLE 2**NATIONAL UNIVERSITY FACULTY****2.1 Full-time Faculty**

Full-time Faculty are members of National University whose primary responsibilities are teaching, scholarship, and service. These responsibilities include oversight of curriculum, mentorship of part-time Faculty, student advising, curriculum development, peer review of Faculty colleagues in the school and regions, participation on search committees for Faculty and designated academic administrators, professional development, and participation in governance. Full-time Faculty are expected to maintain ethical standards and behavior.

2.1.1 Faculty determine their teaching assignments in collaboration with the Department Chair(s) and School Dean(s) in accordance with Article 3.0 and in the best interest of student retention, progression and graduation.

2.2 Faculty's Role in Governance

Subject to the provisions of the Preamble and the Statement of Shared Governance, the Faculty and the administration meaningfully share the obligation and privilege of serving as architects of National 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, National University's administrators, and the Faculty.

Faculty participate formally in governance through Faculty governance bodies such as the Faculty Senate, Undergraduate Council, and Graduate Council. They also are expected to participate on important decision-making bodies, including, without limitation, those charged with hiring academic administrators (including School Deans, the Provost, and the President), discussing budgetary decisions that affect Faculty work and welfare, and development of the mission and goals of National University.

2.3 Faculty Participation in Academic Administration Search Process

The Provost and Deans provide important academic leadership for National University.

These positions are critical to National University and the Faculty, and Faculty have an interest in the process of their appointment.

2.3.1 Provost

The President is responsible for appointing the Provost with input from the University community. The President will constitute a Search Committee and 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 candidate(s) based on input from the various sources.

2.3.2 School Dean

The Provost is responsible for appointing the School Deans with input from the President. The Provost will constitute a Search Committee and the Faculty will be represented on the Search Committee for the School Deans. Faculty will have opportunities to provide input to the Search Committee during the search process. The Search Committee will provide to the Provost an assessment of the strengths and weaknesses of the candidate(s) based on input from the various sources.

2.3.3 Other Academic Administrators

The Associate Provost is recruited and appointed by the Provost. Associate Deans are recruited and appointed by the Dean. The Faculty will be represented on each of the search committees for each of these positions as designated respectively by the Provost or the School Dean.

2.4 Faculty Feedback

Faculty will provide feedback on the performance of the Provost and School Dean in accordance with Article 15.

2.5 Faculty Leadership Roles

Faculty may not serve concurrently as chair of more than one permanent University-wide committee or governance body. The groups included under this section are the Faculty Senate, Graduate Council, Undergraduate Council, and University Faculty Personnel Committee.

2.6 Department Chairs

The Department Chair is responsible for the overall academic quality and consistency of Departmental programs. Each department has a designated Chair who cannot take the role of Academic Program Director, except in the case of small programs (or where there is a lack of qualified candidates) with approval of the School Dean and Provost. Department Chairs serve in this capacity as full-time Faculty members.

The Chair may receive an additional month's pay in exchange for a reduction in academic leave of four weeks which is then used to maintain consistent involvement in the department throughout the academic year. This option is left to the Chair's consent and it is approved in consultation with the School Dean.

The work assignment and workload of a Department Chair, including the teaching assignment, scholarship, and university service is determined by the Department Chair in consultation with the School Dean and subject to the latter's approval.

2.6.1 Appointment

Department Chairs are appointed for a renewable three-year term.

The School Dean will solicit written nominations for Department Chair from the pool of full-time Faculty who hold the rank of Professor or Associate Professor and have a minimum of five years of full-time faculty experience in higher education. The School Dean will select two candidates from the written nominations and will subsequently provide these two names to the Provost's Office. The Provost or the Provost's designee will conduct a Departmental election with the Department's full-time faculty for the selection of the Department Chair.

The School Dean performs an annual evaluation of the Department Chair prior to the beginning of the new fiscal year. The evaluation consists of a review of performance of responsibilities, achievement of objectives for the department, and Faculty and student feedback. The annual evaluation is submitted to the Department Chair and the Provost.

2.6.1.1 The School Dean will solicit feedback from Faculty in accordance with the process described in Article 15 prior to reappointment of the Department Chair.

2.6.1.2 The School Dean may remove a Department Chair during or at the end of the term of appointment.

- 2.6.2 **Qualifications for Appointment:** Qualifications for appointment as Department Chair include, without limitation, all of the following:
- A terminal degree in a related discipline;
 - A minimum of five years of full-time faculty experience in higher education, including a record of scholarship;
 - Rank of Associate Professor or Professor. If the candidate is an Assistant Professor and is eligible for promotion to Associate Professor, such promotion must occur before the appointment as Department Chair. In the event that a qualified Associate Professor or Professor is not available to serve as Chair, an Assistant Professor may be appointed on an interim basis; and
 - Demonstrated leadership.
- 2.6.3 **Department Chair Duties:** The Department Chair has the following duties:
- 2.6.3.1 The Department Chair is responsible for the overall academic quality and consistency of the Departmental courses throughout National University.
- The Department Chair is responsible for annual review of each program within the Department to ensure viable enrollment, curriculum quality, and student success (retention, persistence, graduation).
- 2.6.3.2 The Department Chair participates in the oversight of full-time Faculty, associate faculty, and adjunct faculty within the Department by viewing end-of-course evaluations, Program Annual Reviews (PAR), and Annual Activities Reports (AAR), as well as by consulting with Faculty in the department. The Chair recommends changes to programs, courses, and teaching or staffing based on that assessment.
- 2.6.3.3 The Department Chair provides feedback to Faculty and associate faculty on their annual Faculty Development Plans (FDP) and reviews their AAR.
- The Department Chair will engage in due diligence to verify the accuracy of the material in the FDPs and the AARs.
- 2.6.3.4 The Department Chair assesses the financial requirements of the Department and proposes to the School Dean an annual budget to meet those requirements.
- 2.6.3.5 The Department Chair assesses Faculty resources and makes recommendations to the School Dean for new Faculty positions as well as the recruitment and selection of new Faculty in consultation and deliberation with the Department Faculty.
- The Department Chair is responsible in this capacity for the coordination of recruitment and selection of Faculty for the Department. Activities include:
- consultation with the School Dean to constitute a search committee;
 - review of the position advertisement;
 - advertisement of positions at professional conferences and in professional publications;
 - advising of the Search Committee and Department staff in developing the interview process and schedule;
 - interviewing of candidates; and
 - making recommendations to the School Dean for the selection of Faculty.
- 2.6.3.6 The Department Chair consults with full-time Faculty in preparing dossiers and merit letters, reviews Faculty dossiers and merit requests, and makes recommendations regarding reappointment, promotion, and merit.
- 2.6.3.7 The Department Chair consults, reviews, and makes recommendations for Program Annual Reviews and Five-year Program Reviews.
- 2.6.3.8 The Department Chair represents the Department in School leadership meetings and the Council of Chairs.
- 2.6.3.9 The Department Chair maintains a climate that promotes academic excellence, creativity and intellectual innovation.
- 2.6.3.10 The Department Chair maintains open and regular communication with all Department Faculty.
- 2.6.3.11 The Department Chair conducts regular Department meetings.
- ## 2.7 Lead Faculty
- Lead Faculty are full-time Faculty or associate faculty of National University who are assigned academic leadership and administrative responsibilities for particular programs or courses.

2.7.1 Academic Program Director

The Academic Program Director is responsible for the academic leadership of a specific program. Every program is assigned to a full-time Faculty member who is the Director. Generally, no Academic Program Director may lead more than one active program.

The workload of the Academic Program Director, including the teaching assignment, scholarship, and university service is determined by the Academic Program Director in consultation with the Department Chair and subject to the consent of the School Dean.

The Academic Program Director is appointed for a three-year renewable term by the School Dean in consultation with the appropriate Department Chair(s) before the start of the fiscal year.

The Department Chair performs an annual written evaluation of the Academic Program Director prior to the beginning of the new fiscal year. The evaluation consists of a review of performance of responsibilities, achievement of objectives for the program, and Faculty and student feedback. The annual evaluation is submitted to the Academic Program Director and the School Dean.

The Department Chair or School Dean may remove the Academic Program Director prior to the end of the three-year renewable term.

The Academic Program Director has the right to appeal the decision to the Provost. The decision of the Provost is final.

2.7.1.2 Academic Program Director Qualifications

Generally, the Academic Program Director must hold a terminal degree in the program discipline or a closely related discipline, have at least five (5) years' experience in the field, and a record of scholarship.

2.7.1.3 Academic Program Director Responsibilities

The responsibilities of the Academic Program Director include:

- maintaining the academic currency and rigor of the program and the courses required in the program;
- assuring that the Program Learning Outcomes are consistent with the approved curriculum;

- assessing the program annually by submitting a complete Program Annual Review;
- conducting a five-year program review at appropriate intervals;
- setting standards for course shells within the program;
- maintaining external accreditation where relevant;
- recommending adjunct faculty to teach in the program;
- acting as a resource to Faculty who teach in the program;
- participating in the course assessment of Faculty within the program by viewing the student responses and comments;
- commending Faculty;
- recommending changes in the program or courses, teaching or staffing of the program or courses;
- mentoring students as they progress through the program; and
- responding to inquiries from students and other parties concerning program courses.

2.7.2 Regional Lead

Certain regions require a Regional Lead to assist in recruiting and hiring adjunct faculty and staffing onsite programs in the region. If no Regional Lead is assigned, the duties for staffing individual courses default to the appropriate Academic Program Director.

The workload of the Regional Lead, including his or her teaching assignment, scholarship, and university service is determined by the Regional Lead in consultation with the Department Chair and with the consent of the School Dean. Generally, the increased workload required for this assignment is provided by treating one of the Faculty's assigned courses as an overload.

2.7.2.1 Regional Lead Appointment

The Regional Lead is appointed for a three-year renewable term by the School Dean in consultation with the appropriate Department Chair(s) before the start of the fiscal year. The designation as Regional Lead is indicated on the Faculty member's annual Faculty Development Plan.

The Department Chair or School Dean may remove a Regional Lead prior to the end of the three-year renewable term.

The Regional Lead has the right to appeal the decision to the Provost. The decision of the Provost is final.

2.7.2.2 Regional Lead Responsibilities

The responsibilities of the Regional Lead include:

- recommending full-time Faculty and adjunct faculty to teach courses offered in a specific region;
- recruiting, interviewing, and staffing adjunct faculty in courses offered in the region;
- acting as a resource to Faculty and associate and adjunct faculty who are assigned to teach courses offered in the region;
- participating, in consultation with the appropriate Academic Program Director, in course assessment of adjunct faculty by reviewing end-of-course evaluations for courses offered in the region; and
- responding to inquiries from students and other parties concerning courses offered in the region.

2.7.3 Staffing Lead

Certain larger academic programs utilize a Staffing Lead to assist in administering the program. The Staffing Lead is responsible for staffing certain courses in that program. If no Staffing Lead is assigned, the duties of staffing default to the Academic Program Director.

The workload of the Staffing Lead, including his or her teaching assignment, scholarship, and university service is determined by the Staffing Lead in consultation with the Department Chair and with the consent of the School Dean. Generally, the increased workload required for this assignment is provided by treating one of the Faculty's assigned courses as an overload.

2.7.3.1 Staffing Lead Appointment

The Staffing Lead is appointed for a one-year renewable term by the School Dean in consultation with the appropriate Department Chair(s) before the start of the fiscal year. The designation as Staffing Lead is indicated on the Faculty member's annual Faculty Development Plan.

The Department Chair or School Dean may remove a Staffing Lead prior to the end of the one-year renewable term.

2.7.3.2 Staffing Lead Responsibilities

The responsibilities of the Staffing Lead include:

- recommending full-time Faculty and adjunct faculty to teach courses assigned to the Staffing Lead;
- recruiting, interviewing, and staffing adjunct faculty in courses assigned to the Staffing Lead;
- act as a resource to Faculty, associate and adjunct faculty who are assigned to teach courses overseen by the Staffing Lead;
- participating in the course assessment of adjunct professors by reviewing end-of-course evaluations for courses that have been assigned to the Staffing Lead; and
- responding to inquiries from students and other parties concerning the courses assigned to the Staffing Lead.

2.7.4 Course Lead

The Course Lead is a subject matter expert who is responsible for the academic leadership of a specific course. Every course is assigned to a Course Lead. If no Course Lead is assigned, the Course Lead responsibilities default to the Academic Program Director.

The workload of the Course Lead, including his or her teaching assignment, scholarship, and university service is determined by the Course Lead in consultation with the Department Chair and with the consent of the School Dean. Generally, the increased workload required for this assignment is provided by treating one of the Faculty's assigned courses as an overload.

2.7.4.1 Course Lead Appointment

The Course Lead is appointed for a one-year renewable term by the School Dean in consultation with the appropriate Department Chair(s) before the start of the fiscal year. The designation as Course Lead is indicated on the Faculty member's annual Faculty Development Plan.

The Department Chair or School Dean may remove a Course Lead prior to the end of the one-year renewable term.

2.7.4.2 Course Lead Responsibilities

The responsibilities of the Course Lead include:

- assuring that the course content is current and consistent with the Program Learning Outcomes and, if available, Course Learning Outcomes;
- monitoring the master course shell for currency and fidelity to the approved curriculum;

- recommending full-time Faculty and adjunct faculty to teach the course;
- acting as a resource to Faculty, associate and adjunct faculty who are assigned to teach the course;
- participating in consultation with the Academic Program Director in the course assessment of adjunct faculty by viewing end-of-course evaluations;
- commending Faculty, associate and adjunct faculty;
- recommending changes to the Course Learning Outcomes, the teaching, or the staffing of the course; and
- responding to inquiries from students and other parties concerning the course.

2.8 Council of Chairs

The Council of Chairs will be comprised of the Department Chairs from all Schools and will serve as a deliberative and consultative body whose functions include studying matters related to academic programs and making recommendations to the President, the Provost, the School Deans, the Faculty Senate, the Graduate Council and the Undergraduate Council.

2.9 Faculty Senate

The Faculty Senate is a deliberative and collaborative body, with responsibility for furthering and protecting shared academic governance and Faculty members' welfare. The constitution and the procedures of the Faculty Senate are described in the *Faculty Bylaws*. Faculty Senate activities include, but are not limited to: conducting studies; researching and preparing reports; and making recommendations to the President, the Provost, the Provost's Council, the Council of Chairs, the Graduate Council, and the Undergraduate Council on any and all issues pertaining to the work and well-being of the Faculty. The administration will engage in substantive discussion with the Faculty Senate regarding the development and implementation of policies that affect Faculty work and welfare. The Faculty Senate 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. The Faculty Senate especially concerns itself with the processes by which major University decisions about personnel and academic policy are made, with a view to obtaining and disseminating

information about decision-making. University Faculty members who accept their election to the Faculty Senate thereby declare their individual commitment to work through it for the realization of the Faculty Senate goals and to represent their constituents.

2.9.1 Faculty who believe that any of the *Faculty Policies* 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 should proceed according to the Grievance process described in Article 11 of these *Faculty Policies*.

2.9.2 Faculty Senate Complaint Guidelines and Inquiry Procedure

Faculty members should refer all complaints of violations of the *Faculty Policies* and/or *Faculty Bylaws* 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. If, after an investigation pursuant to the following procedures has been completed, the Faculty Senate finds that a violation(s) has occurred, the Faculty Senate may make a written recommendation of actions to correct the violation to the Provost, with copies to the reporting Faculty member. The Provost will provide a written response to the Faculty Senate on the recommended corrective actions. No investigation or determination by the Faculty Senate shall impair or substitute for the process by which a disciplinary action is determined or the process of any subsequent grievance, as prescribed in Article 11, et seq. of the *Faculty Policies*.

2.9.2.1 Definitions

A **complainant** is a Faculty member and/or the Faculty Senate.

A **complaint** is an allegation or a registration of dissatisfaction that falls within the parameters of the *Faculty Policies* and/or *Faculty Bylaws*. A complaint can be filed against any person or office within the National University Academic community.

A **grievance** is a personnel action as defined in *Faculty Policies* Article 11, et seq., and is not subject to an inquiry or investigation by the Faculty Senate.

2.9.2.2 Guidelines

2.9.2.2.1 Informal Resolution

If at all possible, before filing a formal complaint, the complainant should make every effort to resolve the concern through informal methods of resolution and/or communication processes as defined in individual School and/or Departmental policies. If no such School or Departmental policy exists, the complainant is still encouraged to attempt to resolve the concern through informal methods.

2.9.2.2.2 Initiation of a Complaint Inquiry by Complainant

To initiate a review for investigation the complainant shall complete a **Complaint Form** which includes the following information:

- a clear and concise statement of the alleged violation of *Faculty Policy* or *Faculty Bylaws*;
- a description of the specific facts or actions that constitute the complaint;
- a chronology of the facts or actions which constitute the complaint, including names, dates, and places necessary for a complete understanding of the complaint;
- a copy of any supporting documentation, including, but not limited to, emails or memorandum;
- if an informal resolution was attempted, documentation of the results of the informal resolution, communication process or a written description of these; and
- a list of recommended actions requested to remedy the concern as provided within the *Faculty Policies* or *Faculty Bylaws*.

The request for review to initiate an inquiry should be prepared and presented to the Senate within 30 working days of the date of occurrence, or the date of the informal attempt of resolution, which should be no more than 10 working days from the occurrence.

2.9.2.2.3 Procedures

2.9.2.2.3.1 The complaint will be received and verified by the Faculty Senate Chair and the Chair of Faculty Senate Faculty Rights and Welfare Committee (FRWC). If the Faculty Senate Chair and the Chair of the FRWC determine the complaint meets the

requirements as provided in the previous section, the complaint will be presented at the next Faculty Senate Meeting for further review.

2.9.2.2.3.2 The Faculty Senate will review the complaint to determine whether the complainant presents a concern that would warrant and authorize the Senate Faculty Rights and Welfare Committee, or other appropriate Faculty Senate Committee, to initiate an inquiry. Verification includes the following:

- A. Certification that the subject of the complaint is within the parameters established by *Faculty Policies* Article 2.9.1;
- B. If determined to be the subject of a grievance, advise the complainant of the determination, and forward the issue to the Provost for disposition;
- C. Certification that the complaint is properly filed, within the time limit required in *Faculty Policies* (30 working days), which will include the date of the violation and date of the complainant's first knowledge of violation;
- D. Certification that the complainant is a current Faculty member and the complaint is against a current Faculty member, or department. Faculty members may not file a complaint on behalf of another Faculty member. Anonymous complaints will not be considered by the Faculty Senate;
- E. Certification that the complaint meets the following threshold of merit, including the following:
 - i. the complaint must cite an *Faculty Policy*, or *Faculty Bylaw*. If no such Policy or bylaw exists, the complaint should be returned to the Faculty member for further re-consideration;
 - ii. if the complaint cites a variable act, (e.g. a unilateral change to an FDP, an improper assignment to a course) and it is determined that act was not taken, the complaint should be returned to the Faculty member for re-consideration;
 - iii. the complainant must have attempted to resolve the matter informally, and provided support of having done so, which should include attempts to resolve via emails, telephone conversation and/or attempts to meet face-to-face; and
 - iv. the complaint is not an allegation of violation of State or Federal law. In such case, the complaint will be referred immediately to the University's in-house counsel.

2.9.2.2.3.3 If the complaint is referred to the Senate Faculty Rights and Welfare Committee, the Chair of the Committee shall advise the complainant in writing of the Faculty Senate's decision to initiate an inquiry or not.

If the complaint warrants an inquiry, the Chair of the Senate Faculty Rights and Welfare Committee will initiate an inquiry plan. This plan will include:

- A) The Chair of the Faculty Senate will offer the assignment of a Faculty Advocate as provided in *Faculty Policies* Article 2.9.3. The Faculty Advocate shall, if appropriate,
 - i) conduct a review of the complaint;
 - ii) conduct a pre-inquiry of the matter; and
 - iii) offer to meet informally and confidentially with the Faculty member to determine whether there is an opportunity to resolve the issue without an inquiry or not, and should an informal resolution of the complaint be available, the Faculty Advocate, if named, will notify the Faculty Senate Chair, and a stay will be imposed on any inquiry by the Faculty Senate.
- B) Upon determination that there is no opportunity to resolve the matter informally, the Chair of the Senate Faculty Rights and Welfare Committee should appoint the rest of the inquiry investigation committee, which should be no fewer than four additional Faculty members and no more than six additional Faculty members. Notice will be provided to pertinent parties that an inquiry is proceeding. In all cases, notice will be provided as follows:
 - i) the individual (or Department) against whom the violation of *Faculty Policies* and/or *Faculty Bylaws* is alleged, will be given copies of the documents gathered in the filing of the charge, including any documentation of attempts to resolve the complaint informally;
 - ii) if the complaint is regarding the Provost or Office of the Provost, the Provost and the President will receive notice from the Chair of the Senate Faculty Rights and Welfare Committee of the commencement of the inquiry;
 - iii) if the complaint is regarding the complainant's School Dean, the School Dean and the Provost will receive notice from the Chair of the Senate Faculty Rights and Welfare Committee of the commencement of the inquiry;
 - iv) if the complaint is regarding the complainant's Department Chair, the Department Chair and complainant's School Dean will receive notice from the Chair of the Senate Faculty Rights and Welfare Committee of the commencement of the inquiry; and
 - v) if the complaint is regarding another Faculty member, the Faculty member and the Department Chair of the Faculty member against whom the complaint is made will receive notice from the Chair of the Senate Faculty Rights and Welfare Committee of the commencement of the inquiry. (In the case of a Faculty member accused of violation of *Faculty Policies* or *Faculty Bylaws*, the Chair of the Faculty Senate will offer the accused Faculty member an opportunity to meet with and work with a member of the Faculty Advocate panel.)
- C) Assignment of an inquiry team (subcommittee). The make-up of the inquiry team will include one Faculty member to be chosen by the individual against whom the complaint is made.
- D) Timeline for the inquiry.
- E) Initial list of persons to be contacted and/or interviewed.
- F) Documentation needed in support of the inquiry. All documentation will be shared with and maintained by the Chair of the Senate Faculty Rights and Welfare Committee.

2.9.2.2.3.4 At the conclusion of the inquiry, the subcommittee will prepare a written summary of its findings and recommendations. The subcommittee will present its findings to the full Senate Faculty Rights and Welfare Committee. FRWC will review and edit the report as necessary. Once approved by the FRWC, the Chair of the FRWC will submit the report to the Faculty Senate, in executive session, for its approval. After formal acceptance by a vote of the Faculty Senate, a copy of the report will be provided to the Provost, complainant and those listed as parties to the complaint.

2.9.2.2.3.5 General Provisions

The complainant bears the burden of proving the charge. Panel members should require substantial evidence to support a charge, meaning evidence that would persuade an objective person to support the conclusion.

No reprisals of any kind shall be taken by or against any participant because of the complaint process or inquiry.

Should a complaint with identical facts be filed by multiple parties, the Faculty Rights and Welfare Committee may consolidate the allegations and have the resolution apply to all.

A complaint may be resolved at any time during the process by mutual agreement of the complainant and the party against which the complaint is alleged. A complaint withdrawn may not be refilled.

2.9.3 Faculty Advocate

A Faculty member may request or name an advocate to help mentor, advocate, support, witness and/or observe during the following processes:

- 1) Complaint;
- 2) Grievance; or
- 3) Disciplinary Action.

2.10 Graduate Faculty and Undergraduate Faculty

All full-time Faculty are considered to be members of the Undergraduate Faculty. Eligibility and application procedures for membership in the Graduate Faculty are described in the *Graduate Policies*.

2.11 Undergraduate Council

The purposes of the Undergraduate Council, terms of office, and methods used to elect members are described in the *Faculty Bylaws* and in the *Undergraduate Policies*, but are subject to the *Faculty Policies*. The Undergraduate Council is empowered to develop, approve, implement and monitor procedures, and to recommend policies for use in the domain of undergraduate education. Its responsibilities are to:

- 2.11.1 Develop and recommend policies concerning the nature and scope of undergraduate programs, including courses of study offered by the Departments of instruction;
- 2.11.2 Develop and recommend policies and regulations governing admission to undergraduate programs;
- 2.11.3 Establish, recommend, and monitor requirements for completing undergraduate programs; and

- 2.11.4 Establish written guidelines, in collaboration with the Provost, for undergraduate programs and assessment.

2.12 Graduate Council

The purposes of the Graduate Council, terms of office, and methods used to elect members are described in the *Faculty Bylaws* and in the *Graduate Policies*, but are subject to the *Faculty Policies*. The Graduate Council is empowered to develop, approve, implement, and monitor procedures, and to recommend policies for use in the domain of graduate education. Its responsibilities are to:

- 2.12.1 Develop and recommend policies concerning the nature and scope of graduate-level programs, including courses of study offered by the Departments of instruction;
- 2.12.2 Develop and recommend policies and regulations governing admission to graduate programs;
- 2.12.3 Establish, recommend, and monitor requirements for completing graduate programs;
- 2.12.4 Establish and recommend criteria for becoming a member of the Graduate Faculty;
- 2.12.5 Determine on a yearly basis members of National University Faculty who have primary responsibility at the graduate level; and
- 2.12.6 Establish written guidelines in collaboration with the Provost, for graduate programs and assessment as needed.

2.13 School Academic Affairs Committee

The School Academic Affairs Committee is responsible for approving new programs and modifications to existing programs within a School.

- 2.13.1 Members must be elected to the School Academic Affairs Committee in an election conducted by the Committee on Nominations and Elections.
- 2.13.2 There will be no more than nine members on each School Academic Affairs Committee.

2.14 University Faculty Personnel Committee

The University Faculty Personnel Committee's (UFPC) responsibility varies according to the

personnel action under review. The UFPC is comprised of one full-time Faculty at the rank of Professor and a second full-time Faculty at the rank of either Professor or Associate Professor from each school in the university. The two members from each school will be elected through a school-wide election conducted by the Committee on Nominations and Elections and will serve a two-year term. Committee members may not be elected for consecutive terms. Members' terms will be staggered.

2.14.1 The Committee will perform the following functions:

2.14.1.1 Review Faculty dossiers and sabbatical requests, and the recommendations of the Department Chairs, School Personnel Committees, and Deans regarding all promotion, reappointment, and sabbatical requests, and provide a separate recommendation to the Provost that strives for balance and equity across National University; only full professors will review promotions.

2.14.1.2 Recommend, to the Provost, a recipient of the Distinguished Teaching Award based upon a review of materials submitted by full-time Faculty who have been nominated for this award by students, other Faculty, or administrators.

2.14.1.3 Meet all specified timelines as indicated in the Guidelines for Faculty Assessment at National University, which is published annually by the Provost.

2.14.2 Department Chairs may not serve as members of the UFPC.

2.14.3 A Faculty member may not serve on the UFPC and a School Personnel Committee in the same year.

2.14.4 Faculty members serving on the UFPC who are under review must recuse themselves from any committee discussions or actions on their own file, from any other circumstance that would give the appearance of a potential bias, or when requested to do so by the Faculty member under review.

2.15 School Personnel Committees

The purpose of the School Personnel Committee (SPC) is to ensure that Faculty members are given the fairest, fullest and most comprehensive assessment of their professional work by colleagues within their School. Each School within National University will elect the members of a SPC. The

SPC will make recommendations concerning reappointment, promotion, merit, and sabbatical requests.

2.15.1 Election to the SPC will be for a two-year term, effective on the first day of each academic year (July 1). A Faculty member may not serve consecutive terms on the SPC. Members' terms will be staggered in order to ensure continuity and consistent application of standards.

2.15.2 Members of SPCs will be elected by the full-time Faculty of the School in a School-wide election conducted by the Committee on Nominations and Elections. The SPC will consist of three to six members. This committee should be comprised of Faculty members at the rank of Professor or Associate Professor; however, an Assistant Professor with a minimum of three years of full-time faculty experience may be considered. It is recommended that the Committee membership reflect the geographic and Departmental distribution of the School's Faculty.

2.15.3 The SPC will elect its own chair.

2.15.4 Department Chairs may not serve as members of a SPC.

2.15.5 A Faculty member may not serve on the SPC and the UFPC in the same year.

2.15.6 Faculty members serving on the SPC who are under review must recuse themselves from any committee discussions or actions on their own file, from any other circumstance that would give the appearance of a potential bias, or when requested to do so by the Faculty member under review.

2.16 Committee on Nominations and Elections

Membership for this committee will be comprised of two elected representatives from each School, one representative from the Faculty Senate elected by a majority vote of the Senate, and one representative appointed by the Provost. The representatives from each School will be elected by the School in an election conducted by the Committee on Nominations and Elections. The Chair of the Committee will be elected by this Committee by July 30 of each year. The Committee will give regular reports and be accountable to the Faculty Senate. The reports will be given by the Chair of the Committee even if the Chair is not a member of the Faculty Senate.

- 2.16.1 Each member of the committee will serve a two-year term. A committee member will serve no more than two consecutive terms. In order to ensure continuity and the consistent application of standards, members' terms will be staggered so that the terms of a School's representatives will not end in the same year.
- 2.16.2 Members of the Committee on Nominations and Elections may be removed by a majority vote of the voting members of the Committee and a two-thirds vote of the Senate for failing to adequately perform the duties expected by a member of the Committee.
- 2.16.3 When a School fails to elect at least one representative, the Senate will invite a Faculty member from that School to serve for a one-year term. An elected representative will be sought for the next available election.

2.17 Faculty Rights and Responsibilities

2.17.1 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.

2.17.2 Academic Freedom

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

- 2.17.2.1 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.
- 2.17.2.2 Institutions of higher education exist for the common good. The welfare and strength of National 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 National 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 National 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 behavior.

- 2.17.2.3 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 School Dean will be the academic administrator charged with oversight of this process. The School Dean will request the Academic Program Director or Course Lead Faculty to perform an assessment of the allegedly inappropriate material and make a determination of the appropriateness of the materials. If the Academic Program Director's or Course Lead Faculty's or the Department Chair's materials are in question, the School Dean will request a Faculty member in the discipline to assess the materials and make a determination. 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 may elect to alert students at the beginning of their courses to any potentially controversial course materials. Faculty members may, but are not required to, provide suitable alternative materials for students who find particular course materials to be personally offensive.

- 2.17.2.4 A Faculty member who alleges a violation of his or her academic freedom should notify in writing his or her representative on the Faculty Senate and the Chair of the Faculty Senate. The Chair will direct the Faculty member's complaint to the appropriate Faculty Senate 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 Senate will render a finding and recommendation within 60 working days of the written notice to the Faculty Senate.

2.17.2.4.1 Faculty members who believe that a violation of academic freedom may have resulted in an adverse personnel decision should contact their representative on the Faculty Senate and the Chair of the Faculty Senate in writing. The Senate will investigate this claim and provide its findings to the Provost, the President, and the Faculty member, for use in any subsequent personnel or grievance proceedings.

2.17.3 Academic Responsibility and Professional Ethics

2.17.3.1 The primary justification for academic freedom is service to 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.

2.17.3.2 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.

2.17.3.3 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. This includes incorporating best practices and appropriate curricula that answer to Program and Course Learning Outcomes. 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.

2.17.3.4 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.

2.17.3.5 Faculty members seek above all to be effective teachers and scholars. 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 National University with due regard to their paramount responsibilities within it, as described in Articles 2.17.5 and 2.17.6. In making these judgments, Faculty members ensure that their outside work does not interfere with their responsibilities to National University.

2.17.3.6 Faculty are expected to be cognizant of, and play the appropriate role in, implementing all academic policies and procedures.

2.17.3.7 Faculty members have the rights and obligations of all citizens. When Faculty members speak or act as private persons, they avoid creating the impression that they speak or act for National 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.

2.17.4 Code of Conduct

2.17.4.1 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 National University. Specific guidelines regarding ethical conduct include, without limitation, the following:

2.17.4.1.1 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 course syllabus as described in the School guidelines. Documented, repeated failure to provide students with the contractually agreed upon number of hours of instruction may subject a Faculty member to discipline following due process as provided in Article 10.

2.17.4.1.2 Faculty must treat and grade students fairly and objectively, and without reference to 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 members are required to implement National University's policy of equal opportunity 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.

2.17.4.1.3 Faculty will not exploit students for the Faculty member's private advantage.

2.17.4.1.4 Faculty must not require students to reveal personal information that might be used for research data.

2.17.4.1.5 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 National University.

2.17.4.1.6 National 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, or veteran status.

2.17.4.1.6.1 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;
- Physical conduct, such as touching, assault, impeding or blocking movements.

2.17.4.1.6.2 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.

2.17.4.1.6.3 Every reported student complaint of harassment will be investigated thoroughly, promptly and in a confidential manner by the Vice President for Student Services. The Faculty member must be informed at the same time the investigation is initiated. National University will not tolerate retaliation against any student, Faculty member or other employee for cooperating in an investigation or for making a complaint.

2.17.4.1.7 National 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 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.

2.17.4.1.8 Faculty must report any conduct by a student that could result in disciplinary action to the Office of Student Affairs. The procedures for reporting and investigating such conduct are described in the General Catalog.

2.17.4.1.9 Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a Faculty member, supervisor, or other member of the National University community and any person for whom they have a professional responsibility. Among these dangers are that a student or employee may feel coerced into an unwanted relationship because they fear that refusal to enter into the relationship will adversely affect their

education or employment; that conflicts of interest may arise when a Faculty member, supervisor, or other member of the National University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

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 upon other academic or employment opportunities.

2.17.5 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 an employee in the course of performing his or her duties or responsibilities. In addition, Faculty members should not engage in direct competition with National University either personally or through a firm in which they have a substantial interest, nor should they use National University resources (laboratories, studios, equipment, computational facilities, and/or human resources) for non-University purposes more than incidentally without reimbursing National University.

Before contemplating outside employment or consulting activities, Faculty should disclose potential conflicts to their Department Chair and School Dean.

2.17.6 Conflict of Commitment

Full-time employment outside of National University is a violation of policy and will result in termination. A conflict of commitment arises when a Faculty member assumes outside professional commitments or responsibilities that interfere with the Faculty member’s discharge of professional obligations to National University. Not all outside commitments are necessarily impermissible. Commitments and responsibilities for which the Faculty member receives remuneration may not exceed the equivalent of eight hours out of a 40-hour work week away from full-time Faculty duties. Such activity which may lead to a conflict of commitment must be included in the Faculty member’s Faculty Development Plan. Should such activity arise during the year the Faculty member must inform the Department Chair and the School Dean.

2.18 Faculty Availability for Students

Faculty are committed to offering a quality education that meets the dynamic needs of an accelerated learning environment. To fulfill this commitment, they are available to their students and potential students with timely responses to inquiries that facilitate student success. Faculty will be available to students for virtual or in-person consultation during the nine and a half months of their contract excepting holiday recesses.

Faculty are generally expected to respond to student inquiries within 24 to 36 hours during work days; but it is also recognized that best practices require that student-faculty interactions typically take place on a faster time-scale when teaching an online class where expedited feedback is a necessary element to student success. Faculty should provide four published office or accessibility hours per week (preferably across a minimum of two days) in which students can reach the faculty member by phone, in person, or email.

Potential students should receive a response to questions from the Academic Program Director or designee within five working days. Academic Program Directors should be available to students and potential students for virtual or in-person consultation and mentorship.

In order to support the mission of National University, the Faculty share decision making and responsibility for the quality of academic programs. The Faculty need to make themselves available for

participation in Department, School, and University or shared governance meetings up to eight (8) hours per week while not on academic leave.

2.19 Provision for Course Outlines

Faculty members will prepare a course outline which describes clearly the scope, objectives, expectations, and grading criteria for the course in a manner consistent with full implementation of National University's syllabus for that course.

- 2.19.1 Faculty members will provide to the Department Chair or other appropriate party the course outline which has been prepared for each course. This will be done prior to the first meeting of the course.
- 2.19.2 At the first class meeting or when the class goes live online, Faculty will provide each student a course outline which has been prepared for use in that course.

ARTICLE 3 FACULTY WORKLOAD

While this section provides information about institutional norms for Teaching, Scholarship, and Service, this section is not to be used as the means of evaluation. For Faculty Evaluation Criteria, see Article 8.

3.1 Preamble and Definition

Full-time Faculty are professionals who play critical roles in this organization. They are available to students; committed to the university; responsible for teaching, scholarship and service; and are essential for student success.

3.1.1 Full-time Faculty Workload

This section sets forth workload standards for full-time Faculty in the areas of teaching, scholarship and service. Individual workloads may vary from these standards as described below, but in aggregate the total workload should not exceed these standards. These standards are intended to help Faculty plan and schedule their work; they do not define the standards of performance used to evaluate Faculty for merit, reappointment or promotion. Individual workload is documented in the Faculty member's Faculty Development Plan, as described in Article 3.5.

3.2 Teaching

Teaching provides the foundation of the National University experience and thus defines the Faculty's main responsibility to students and the university. Teaching includes the preparation of curricula and development and implementation of courses, student advising and feedback, capstone, dissertation and project mentoring, and conducting independent studies. Teaching also extends beyond the classroom to include on-going content preparation and development of delivery modalities for adult learners so that Faculty maintain an innovative curriculum that reflects up-to-date subject matter, technological literacy, and current methodology in the Faculty member's profession.

3.2.1 Course Load

Full-time Faculty teach a maximum load of seven (7) courses per academic year, a minimum of four (4) courses. The Provost or the Provost designee may elect to release individual faculty from the four (4) course minimum. Faculty may teach an additional one-course overload annually subject to agreement from the School Dean.

3.3 Scholarship

Scholarship contributes to the advancement and distribution of the body of knowledge and creativity just as it benefits the university by ensuring that its Faculty have up-to-date mastery of their profession. To that end, full-time Faculty are expected to maintain a consistent commitment to scholarship in their chosen area (or areas) of specialization. Examples of scholarly activity are described in Article 8.5.

3.3.1 Defining Scholarship

Scholarship takes on different forms depending on the Faculty member's discipline and the nature of the scholarly work in which she or he is engaged. No single standard based on, for example, the number of presentations or publications in a given year can be applied to measure the scholarly or creative work of Faculty across National University.

3.3.2 Scholarship Norms by Rank

The normal level of scholarship for each Faculty Rank is as follows:

3.3.2.1 Instructor

Participation in academic or professional conference(s) or substantial progress toward completion of a terminal degree.

3.3.2.2 Assistant Professor and Clinical Assistant Professor

Regular submission of scholarly work, averaging one conference annually, for presentation at peer-reviewed academic or professional conference(s) in the Faculty member's field of subject matter expertise, evidence of annual progress in the Faculty member's research agenda towards peer-reviewed or juried publications, or equivalent work appropriate to the discipline.

3.3.2.3 Associate Professor and Clinical Associate Professor

The ranks of Associate Professor and Clinical Associate Professor require evidence of peer-reviewed or juried scholarship. Faculty holding the rank of Associate Professor or Clinical Associate Professor are expected to regularly submit their scholarly work for presentation at academic or professional conferences in the Faculty's field of subject matter expertise (averaging one conference annually), to demonstrate annual progress towards completion of peer-reviewed or juried publications, and to publish peer-reviewed or juried scholarship during the Faculty member's contract period (averaging one publication every three years during that period).

3.3.2.4 Professor and Clinical Professor

The ranks of Professor and Clinical Professor require evidence of a consistent record of peer-reviewed or juried scholarship. Faculty holding the rank of Professor or Clinical Professor are expected to regularly submit their scholarly work for presentation at academic or professional conferences in the Faculty's field of subject matter expertise (averaging one conference annually), to demonstrate annual progress towards completion of peer-reviewed or juried publications, and to publish peer-reviewed or juried scholarship during the Faculty member's contract period (averaging one publication every two years during that period).

3.4 Service

While it is recognized that service activities vary from week to week, full-time Faculty are expected to be available to serve the needs of the Department,

School, or National University with an average commitment of approximately eight hours per week. Any variation from this standard should be negotiated and agreed upon by the Faculty member and his or her Department Chair and documented in his or her Faculty Development Plan.

3.4.1 Defining Service

Service is comprised of Faculty activities, outside of teaching and scholarship, that helps to develop, innovate, and maintain academic programs and fulfill the needs of the communities in which Faculty are involved. Internally, these include shared governance in the University, the Schools, the Departments, and the academic programs. Externally, these include various professional activities and involvement in the local, national, or global communities outside of the University.

3.4.2 Course Reassignment

For certain service assignments, including those outlined below, the course load is reduced to provide a balanced workload. The course reassignments are subject to a University-wide maximum of 300 course reassignments, as approved by the Provost. The course reassignments do not include sabbaticals as course reassignment.

3.4.2.1 Leadership

The following Faculty positions receive course reassigned time equal to the number of courses indicated:

- Chair of the Faculty Senate: three courses per year
- Chair of the Graduate Council: one course per year
- Chair of the Undergraduate Council: one course per year
- Chair of the Council of Chairs: one course per year
- Chair of the University Faculty Personnel Committee: one course per year
- Member of the University Faculty Personnel Committee: one course per year
- Chair of the Committee on Nominations and Elections: one course per year
- Chair of the Faculty Senate Spring Symposium Committee: one course per year
- Chair of the Graduate Council Program Review Committee: one course per year
- Chair of the Graduate Council Assessment Committee: one course per year

- Chair of the Undergraduate Council Program Review Committee: one course per year
- Chair of the Undergraduate Council Assessment Committee: one course per year
- Chair of the School Assessment Committee: one course per year

The following positions have variable reassignment time determined by the following guidelines, and subject to approval by the Provost:

Department Chair: one to three courses per year and the possibility that one course they teach could be designated as an overload (see section 3.6 below)

Academic Program Directors: one to two courses per year (see section 3.7 below)

3.4.3 Service Norms by Rank

The following subsection defines the standard service load by rank, and the maximum service load by rank. The maximum is a guide and does not preclude Faculty from choosing to do more service.

3.4.3.1 Instructor

The normal service load for an Instructor is serving in two service positions or the equivalent. The maximum load is three service positions or the equivalent.

3.4.3.2 Assistant Professor and Clinical Assistant Professor

The normal service load for an Assistant Professor or Clinical Assistant Professor is serving in two positions, including one at the School or University level, or the equivalent agreed on in the FDP. The maximum load is three service positions or the equivalent.

3.4.3.3 Associate Professor and Clinical Associate Professor

The normal service load for an Associate Professor or Clinical Associate Professor is serving in two positions, including one at the School or University level, or the equivalent agreed on in the FDP. The maximum load is three service positions or the equivalent.

3.4.3.4 Professor and Clinical Professor

The normal service load for a Professor or Clinical Professor is serving in two positions, including one

at the School or University level, or the equivalent agreed on in the FDP. The maximum load is three service positions or the equivalent.

3.5 Faculty Development Plan and Annual Activities Report

Faculty will provide an Annual Activities Report (AAR) to their Department Chair at the end of each Academic Year. An initial draft of the Faculty Development Plan (FDP) for the coming Academic Year will be provided to the Department Chair on the date provided by the Provost in the annual calendar discussed in Article 9.6.1. However, this date may be no earlier than April 1. The Department Chair and School Dean will review these documents, provide feedback and request changes, if needed, and approve a final version of the FDP on the date provided by the Provost in the annual calendar discussed in Article 9.6.1. However, this date may be no later than June 30.

3.5.1 Faculty Development Plan and Annual Activities Report

Newly hired Faculty will work with the Department Chair to develop a FDP covering the remainder of the academic year. The FDP should be approved and in place within one month following the new Faculty member's date of hire.

3.5.2 Faculty Development Plan (FDP)

The FDP outlines planned professional activities in the areas of teaching, scholarship, and service, as well as planned academic recess, from July 1 through June 30 of the coming academic year. The FDP is developed by the Faculty member in collaboration with the Department Chair, taking into account the preferences of the Faculty member, the needs of Department, School, and National University as a whole. Any deviations from the normative expectations noted in Article 3.0 should be agreed upon by the Faculty member, the Department Chair and the School Dean. An electronic template form for the FDP (and AAR) will be developed and as needed revised by the Provost in collaboration with the Faculty Senate. Both the Provost and the Faculty Senate must approve the revision.

3.5.2.1 Deviations from the FDP

Changes to an FDP during the year that affect the Faculty member's workload or responsibilities in any area, are negotiated between the Faculty member and the Department Chair and approved

by the School Dean. Significant additions to the Faculty member's workload are addressed by comparable workload reductions, monetary stipend, or designation of a course as an overload. Such additions to the Faculty member's workload that are not accompanied by comparable reductions or stipend will be considered in the Faculty member's evaluation for merit.

3.5.3 Annual Activities Report (AAR)

The AAR is a brief report of the Faculty member's activities and accomplishments during the preceding academic year. The AAR is made in the form of comments under each section (teaching, scholarship and service) of the preceding year's FDP and should specifically note areas in which the Faculty member's activities fulfilled or varied from the FDP for that year.

Faculty who have submitted a Merit Letter during the academic year are relieved from also having to submit an AAR during that academic year.

3.5.3.1 Feedback

The Chair will communicate any concerns regarding the AAR to the Faculty member in writing.

3.5.4 Right to Refuse Additions to Workload

If a Faculty member is meeting minimum standards of teaching, scholarship, and service, the Faculty member has the right to refuse any workload increase request without fear of retaliation on, but not limited to, the consideration of merit, promotion or reappointment.

3.6 Department Chairs

Department Chairs are eligible for one to three (1 to 3) course reassignments. If an additional course reassignment is in order, but would reduce workload below the four-course minimum, one course in their teaching load will be designated as an overload.

Course reassignment for Department Chairs can be calculated based on any of the following non-cumulative gauges negotiated between the School Dean and Chair:

1. Number of Department Faculty, including Associate Faculty:
 - 1 course reassignment (0–10 Faculty);
 - 2 course reassignment (11–25 Faculty);
 - 3 course reassignment (> 25 Faculty)

2. Number of Department Programs:

- 1 course reassignment (1–3 programs);
- 2 course reassignment (4–7 programs);
- 3 course reassignment (> 7 programs)

3. Headcount of Students

- 1 course reassignment (under 300 students);
- 2 course reassignment (between 301 and 750 students);
- 3 course reassignment (more than 750 students)

If the criteria for course reassignment is met in two categories, the Chair will automatically receive that non-cumulative gauge/level of course reassignment.

If the criteria for course reassignment is met at the top level in all three categories, the Chair will receive an overload.

3.7 Academic Program Directors

Academic Program Directors are eligible for one to two (1 to 2) course reassignments based on any of the following non-cumulative gauges. Academic Program Directors are also eligible for other course reassignments mentioned in this Article.

1. Number of Courses in Program:

- 1 course reassignment (less than or equal to 12 courses);
- 2 course reassignment (greater than 12 courses)

2. Number of Sections Staffed by Director:

- 1 course reassignment (less than or equal to 35 sections);
- 2 course reassignment (greater than 35 sections)

3. Headcount of Students

- 1 course reassignment (less than or equal to 200 students);
- 2 course reassignment (greater than 200 students)

If the criteria for course reassignment is met in two categories, the Academic Program Director will automatically receive that non-cumulative gauge/level of course reassignment.

3.8 Other Program and School Leadership

Regional, Staffing and Course Leads may receive one course designated as an overload and may (at the discretion of the Dean) receive a course reassignment.

3.9 Five-Year Program Review

Academic Program Directors or Faculty overseeing five-year program reviews may receive a one course reassignment during the first year of the review, subject to Provost approval.

ARTICLE 4 ACADEMIC RANK

4.1 General Guidelines

National 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 National University. Eligibility for rank should be based in part on the academic degrees held. Possession of minimum qualifications for a rank makes a Faculty member eligible for that rank but does not entitle him or her to that rank. Rank and term of initial appointment are determined by the President in accordance with the provisions of this Article and are set forth in a letter of appointment. Criteria for reappointment and promotion are delineated in Article 8; processes for reappointment and promotion are described in Article 9.

4.2 Minimum Qualifications for Faculty Ranks

4.2.1 Professor

4.2.1.1 Terminal degree in the primary discipline taught or in a discipline that is recognized within the field as related.

4.2.1.2 A minimum of ten (10) years of full-time faculty experience in higher education is normally expected for appointment to the Professor rank.

4.2.1.3 Evidence of excellence in teaching, scholarship, and service.

4.2.2 Associate Professor

4.2.2.1 Terminal degree in the primary discipline taught or in a discipline that is recognized within the field as related.

4.2.2.2 A minimum of five years of full-time faculty experience in higher education is normally expected for appointment to the Associate Professor rank.

4.2.2.3 Evidence of excellence in teaching, scholarship, and service.

4.2.3 Assistant Professor

4.2.3.1 Terminal degree in the primary discipline taught or in a discipline that is recognized within the field as related.

4.2.3.2 Evidence of or potential for excellence in teaching, scholarship, and service.

4.2.4 Instructor

4.2.4.1 Master's degree in primary discipline taught or in a discipline that is recognized within the field as related.

4.2.4.2 Evidence of, or potential for, excellence in teaching and service.

4.2.5 Clinical Professor

4.2.5.1 Qualified terminal degree.

4.2.5.2 A minimum of 10 years clinical care experience in the field related to the clinical appointment.

4.2.5.3 Evidence of excellence in teaching and in scholarship or service to the discipline.

4.2.6 Clinical Associate Professor

4.2.6.1 Qualified terminal degree.

4.2.6.2 A minimum of five years clinical care experience in the field related to the clinical appointment.

4.2.6.3 Evidence of excellence in scholarship or service to the discipline.

4.2.7 Clinical Assistant Professor

4.2.7.1 Qualified Clinical degree.

4.2.7.2 A minimum of two years clinical care experience in the field related to the clinical appointment.

4.2.7.3 Evidence of or potential for excellence in the clinical teaching area.

ARTICLE 5 FACULTY APPOINTMENTS: CLASSIFICATIONS

5.1 Types of Appointment

5.1.1 Full-time, Regular

5.1.1.1 A Faculty member may be appointed in a School by the President at a rank listed and described in Article 4.2 with all the responsibilities and rights of School and University Faculty.

5.1.1.2 A Faculty member who holds a joint appointment (an appointment in more than one School or one Department simultaneously) will be considered as a full, regular voting member of both Schools or Departments for School elections or votes. However, a joint appointee will have only one vote on University Faculty matters.

5.1.1.3 Regular full-time Faculty status requires Faculty members to participate actively in the academic life of National University and, except when on academic recess, to be available for sufficient hours to fulfill their academic responsibilities to their students, Departments, Schools, regions, and National University as described in Article 2.18 of these *Faculty Policies*.

5.1.2 Visiting

5.1.2.1 A Faculty member may be appointed as a Visiting Faculty member in a School as described in Article 5.1.1 for a period not to exceed one year. The contract may be renewed after discussion with the full-time Faculty in the Department/School, the Department Chair, and the School Dean for up to one year.

5.1.2.2 The official notification of appointment to Visiting Faculty will indicate that the appointment expires at the end of the period stated.

5.1.2.3 A Visiting appointee may participate in School activities, but may not vote in School elections.

5.1.3 Special Presidential Appointment

The President has the authority to make special full-time Faculty appointments.

5.1.3.1 Such appointments will be outside the normal budgeted positions of a School.

5.1.3.2 Such appointments will normally be on a one-year contractual basis.

5.1.3.3 A full-time, special Presidential appointee will participate in and have voting privileges in School activities.

5.1.3.4 Presidential appointees are required to complete Faculty Development Plans and Annual Activities Reports, as described in the *Faculty Policies*.

5.1.3.5 Renewal of such appointments is at the sole discretion of the President.

5.1.4 Time Bases for Appointments

Members of the full-time Faculty will receive a nine and a half month appointment.

5.1.4.1 A full-time Faculty member's two and a half months of academic recess is planned leave time. University holidays are not considered academic recess.

5.1.4.2 A full-time Faculty member should take an academic recess during the relevant academic year.

5.1.4.3 Full-time Faculty members must receive prior approval from the Department Chair and School Dean for taking any part of their academic recess in order to assure that all Faculty responsibilities can be reassigned during the leave period. This approval will normally happen during the initial review of the Faculty Development Plan (FDP). Changes to the FDP must be made in accordance with Article 3.5.2. Once approved through the FDP process, academic recess may not be revoked.

5.1.4.4 If a Faculty member is asked to perform service to National University that interferes with a previously approved period of academic leave scheduled toward the end of the year, the School Dean will offer an agreed upon stipend if the academic leave cannot be rescheduled prior to the end of the year. The Faculty member has the right to refuse to cancel or reschedule his or her academic leave.

ARTICLE 6 FACULTY APPOINTMENTS: POLICIES AND PROCEDURES

The President will have full power of appointment and the final authority to approve appointments to all Faculty ranks.

6.1 Initial Full-time Appointments

6.1.1 An initial appointment occurs when a person is employed in one of the ranks listed in Article 4.2 if the individual's immediately previous status was either:

- 6.1.1.1 not in the employ of National University or
- 6.1.1.2 in the employ of National University but not with a full-time Faculty rank.

6.1.2 Guidelines for Initial Appointments

- 6.1.2.1 No Faculty member will be deemed appointed in the absence of a letter of appointment signed by the President. An appointment may be made jointly in more than one School or Department.
- 6.1.2.2 Official notification to a Faculty member of an appointment will be contained in a signed letter of appointment, which will include the term of appointment, the assigned rank, any credit for existing service, the assigned School(s), and other conditions of employment in accordance with the *Faculty Policies*.

6.2 Initial Full-time Hiring: Procedures

6.2.1 Funding

- 6.2.1.1 When budgeted positions are approved by the President, National University will provide sufficient funds to the School's budget to carry out adequate search activities. Funds will be allocated for (i) advertising each new or replacement Faculty position, (ii) interviewing a group of qualified candidates, and (iii) bringing qualified final candidates to National University's campus(es) or academic or learning center(s).
- 6.2.1.2 It is the policy of National University that no commitment, formal or informal, may be made in the recruitment of a Faculty member to a budgeted position prior to the written approval of the Provost.
- 6.2.1.3 It is the responsibility of the School Dean, prior to initiating a search, to assure that funding is or will be available for the appointment.

6.2.2 Recruitment: Policies and Procedures

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

6.2.2.1 The School Dean, in collaboration with the Department Chair(s) and the School's Faculty, identifies new or open Faculty positions.

6.2.2.2 The School Dean will submit a justification for a new Faculty opening and a recommendation for approval to the Provost. Upon receiving official approval for the position and search, the School Dean, in consultation with the Department Chair, will notify School Faculty and appoint a Faculty Search Committee in accordance with Article 6.2.3.

6.2.2.3 Screening, interviewing, and selection of finalists for appointment to the regular full-time Faculty are accomplished by action of a properly constituted Faculty Search Committee.

6.2.2.3.1 A thorough and determined search for candidates will be made both inside and outside National University. It is National University's policy to provide equal opportunity for all applicants and employees. National 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 National University requires the Faculty to follow a set of procedures ensuring the fair consideration of women and designated minority group candidates. The responsibility for compliance with equal employment opportunity policy resides in the first instance with the administrator making the hiring recommendation. However, the extensive recruiting effort required for regular full-time Faculty appointments is not required for the following types of appointments:

- 6.2.2.3.1.1 Visiting titles for those individuals who are on leave from another educational institution;
- 6.2.2.3.1.2 Non-salaried appointments; and
- 6.2.2.3.1.3 Appointments for one year or less.

6.2.2.4 All recruiting is subject to the limitation that appointments must conform to established University policies and the *Faculty Policies*.

6.2.2.5 The time period and procedures for the recruitment of a new Faculty appointee will be determined by the Faculty Search Committee in collaboration with the School Dean.

6.2.2.6 Production of advertising copy and placement of ads will be coordinated through the School Dean, in consultation with the Faculty Search Committee. Faculty Search Committees will approve final advertising copy and placement in order to ensure academic quality. All advertising copy should state that National 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.

6.2.3 Composition of the Faculty Search Committee

The School Dean, in consultation with Department Chair and Faculty, will determine the members of Faculty Search Committee(s) for all full-time positions within the School. A Faculty Search Committee will include at least three (3) voting Faculty members from the Department [except where there is a new program or insufficient number of faculty to staff three positions], with representation from the campus and discipline for which the Faculty is being hired, except where Faculty for new programs are being selected, in which case Faculty from related disciplines will serve. Current technology may be used to provide an opportunity for Faculty participation. A Faculty member from another School may be invited to be a voting member of the Faculty Search Committee. A part-time Faculty member of the School may be invited to serve, but not as a voting member. The Faculty Search Committee will select its own chair.

The Department Chair will not serve on a Faculty Search Committee, but will coordinate the process, interview the candidates, and provide his or her independent recommendations to the School Dean.

6.2.4 Procedures for the Faculty Search Committee

The Faculty Search Committee will seek input from the School or Department Faculty, who will have the opportunity to review the applications and to interview the finalists, before the Faculty Search Committee meets for its final deliberations.

6.2.4.1 At the end of its screening and interview process, the Faculty Search Committee will submit a report of the search procedures and an unranked list of recommended candidates, with comments and appropriate documentation, to the School Dean. A copy of the report will be submitted to the Provost.

6.2.4.2 The School Dean, in consultation with the Department Chair, will submit a recommendation chosen from those final candidates to the Provost, with a copy to the Faculty Search Committee.

After a Level One reference check, the School Dean submits a recommendation of a minimum of two and maximum of four unranked candidates to the Provost. Recommendations from the Faculty Search Committee and the Department Chair should be included in this recommendation.

The Provost will make a recommendation to the President, who approves all Faculty appointments. The President, taking into consideration such recommendations, will select the successful candidate and make the appointment.

6.2.4.3 The complete files of the search and appointment procedures should be retained in the school for three years from the time of the final recommendation to the School Dean.

6.3 Initial Full-time Appointment Terms

Upon initial appointment, a full-time Faculty member, regardless of rank, will be granted a contract of 30 months, concluding on June 30. The Faculty member must apply for reappointment within the 12 months prior to the conclusion of the contract.

ARTICLE 7 FACULTY WELFARE AND DEVELOPMENT

7.1 Sabbatical Leave

A sabbatical leave will be for purposes that provide a benefit to National University.

7.1.1 A full-time Faculty member will be eligible for sabbatical leave after having served full-time for six years in higher education, with four of the six years in residence at National University, and at least six years after any previous sabbatical leave.

Application for sabbatical occurs in the Fall, and as detailed in the Sabbatical Leave Guidelines published annually by the Office of the Provost.

7.1.2 Typically, sabbatical leaves are granted for either a full academic year at one-half salary or for one-half academic year at full salary. Faculty on sabbatical are not eligible to serve on University Committees or teach courses.

- 7.1.3 The number and duration of sabbatical leaves granted by National University is contingent upon the availability of financial resources and the number of meritorious candidates.

7.2 Other Benefits

In addition to academic recess and other benefits provided in the *Faculty Policies*, Faculty are entitled to all rights and benefits specifically referenced in the University policies as applying to Faculty or all University employees, or provided by statute. Faculty may obtain a description of the benefits and eligibility requirements from the Department of Human Resources. Faculty are encouraged to visit NU online sites to review benefits, eligibility requirements, and employment policies applicable to Faculty. National University reserves the right to modify or amend such benefits at any time, but will discuss with the Faculty Senate prior to implementation any change that will increase costs or reduce benefits to the Faculty.

7.3 Disability

Faculty members are entitled to all disability leaves and other benefits provided by law or National University, including, without limitation, benefits provided under the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), the Americans with Disabilities Act (ADA), and the California Fair Employment and Housing Act (FEHA), Pregnancy Disability Leave, sick leave, health insurance, and any discretionary leave of absence. A Faculty member may schedule and take any annual leave available at the time the faculty submits the disability claim.

- 7.3.1 National University will assess each request for reasonable accommodation under these State and Federal laws individually and will engage in a good faith interactive process with the Faculty member to determine whether a reasonable and effective accommodation can be provided. The determination as to whether a finite leave of absence can be provided will include a careful analysis as to whether the requested leave will effectively allow the Faculty member to perform the essential functions of the job, with or without reasonable accommodation, including whether the Faculty member can show that he or she can meet essential attendance standards that meet the University's mission of providing its students with predictable and reliable class sequencing.

- 7.3.2 If a Faculty member's employment is terminated under this Section, the Faculty member will

receive payment of all earned salary, and other benefits under any National University benefit plan through the date of the Faculty member's termination. After the termination date, National will not pay to the Faculty member any compensation or other benefits.

ARTICLE 8 CRITERIA FOR REAPPOINTMENT, PROMOTION, AND MERIT INCREASE

National University strives to select and reappoint Faculty who demonstrate particular competence, an enthusiasm for the art of teaching, and support for National University's mission, vision, and core values. In selecting and reappointing Faculty, National University weighs all the academic and intellectual components that contribute to the well-being of its Faculty, its Schools and Departments, its students, and its spirit of shared inquiry.

Applications for reappointment and sabbatical are due in the Fall, and applications for promotion and merit are due in the Spring as defined by the Office of the Provost.

8.1 Reappointment, Reappointment Deferral, And Non-Reappointment

In general, applications for reappointment should demonstrate that the Faculty member has met all the expectations for his or her rank.

- 8.1.1 Faculty will be notified of reappointment, reappointment deferral, or non-reappointment decisions according to the timelines described in Articles 9.3.1-3.
- 8.1.2 Reappointments at the **Professor** rank are made for a minimum of eight years and up to ten years.
- 8.1.3 Reappointments at the **Associate Professor** rank are made for a minimum of six years and up to eight years.
- 8.1.4 Reappointments at the **Assistant Professor** rank are made for a minimum of four years and up to six years.
- 8.1.5 Reappointments at the **Instructor** rank are made for a minimum of two years and up to five years. Moving from **Instructor** to **Assistant Professor** is considered an initial appointment at the **Assistant Professor** rank with a thirty (30)-month appointment.

8.1.6 Reappointment Deferral

In the event that an **Instructor, Assistant Professor, Associate Professor** or **Professor**, on applying for reappointment following the first appointment, has been unable to perform at a level consistent with his or her rank as described in Article 3.0, a reappointment decision can be deferred through the extension of the current contract for one to two years. A one-year deferral may be extended once for one additional year. Letters of evaluation recommending a reappointment deferral should describe specific areas in which the Faculty member must improve in order to qualify for full reappointment and make specific suggestions for improvement. This reappointment deferral will include a remediation plan of professional development, approved by the School Dean in cooperation with the Faculty member, to be described in the Faculty member's Faculty Development Plan. This remediation plan will be included in the dossier for the next reappointment cycle.

8.2 Promotion

To be eligible for promotion, Faculty should demonstrate that they are capable of working at the level of the rank for which they are applying. Generally, this means they should provide evidence of having performed at that level. Evaluation for promotion takes place during the Spring Cycle.

8.2.1 Under normal circumstances, Faculty become eligible for promotion according to the following requirements:

8.2.1.1 A Faculty member at the **Instructor** rank will be reassigned to the rank of **Assistant Professor** if the Faculty member has been conferred the terminal degree in his or her discipline or an allied field.

8.2.1.2 A Faculty member at the **Assistant Professor** rank will be considered eligible for promotion to the rank of **Associate Professor** if the Faculty member has been at the rank of **Assistant Professor** for a minimum of five years.

8.2.1.3 A Faculty member at the **Clinical Assistant Professor** rank will be considered eligible for promotion to the rank of **Clinical Associate Professor** if the Faculty member has five years of qualified clinical care experience.

8.2.1.4 A Faculty member at the **Associate Professor** rank will be considered eligible for promotion to the rank of **Professor** if the Faculty member has been at the rank of **Associate Professor** for a minimum of five years and has a minimum of ten years full-time Faculty experience.

8.2.1.5 A Faculty member at the **Clinical Associate Professor** rank will be considered eligible for promotion to the rank of **Clinical Professor** if the Faculty member has ten (10) or more years of qualified clinical care experience and evidence of excellence in teaching.

8.3 Evaluation Criteria

No one set of evaluative criteria will satisfy the need for careful, caring, and honest professional assessment of the many roles and tasks assigned to a Faculty member. In selecting the areas on which evaluation will focus, the Faculty member will refer specifically to his or her Faculty Development Plan(s) submitted and approved by the Department Chair(s) and School Dean(s). Each Faculty member under formal evaluative review will make a written self-assessment to be included in the documentation submitted in support of the request for reappointment and/or promotion.

The activities listed in the following articles under the headings of teaching, scholarship and service are presented as examples of the kinds of activities that fall within those categories. However, these lists are not meant to be all-inclusive, nor do these *Faculty Policies* attempt to quantify the level of activity that satisfies a given area of commitment. The levels of activity in each area are likely to vary among Faculty members. In addition to the evaluative criteria described in this Article, other factors may be considered in the evaluation and reappointment process, including the Faculty member's academic and professional expertise in light of National University's specific and changing requirements, and demonstrated support of National University's core values and mission.

8.4 Teaching Performance

Teaching is the Faculty's most important contribution to National University.

8.4.1 Faculty under formal evaluative review will make a written self-assessment of their teaching to be included in the reappointment/promotion dossier.

8.4.2 Faculty will provide evidence of teaching excellence, including, but not limited to, samples

of course syllabi, course outlines, assignments, and graded student work.

8.4.3 Teaching performance will be evaluated by observations by peers, the Department Chair, and/or the School Dean. Class observations by peers, Department Chairs, or School Deans will be subject to a preliminary consultation with the Faculty member. Observers must provide written feedback to the Faculty member in a timely manner.

8.4.4 The results of student evaluations of instruction will be used as one element in the evaluation of a Faculty member's teaching but not as the sole indicator.

8.4.5 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.

8.4.6 Evaluation of Teaching

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

Evaluation of teaching is a complex process and should be based on multiple forms of evidence. Evaluation letters should comment on the following forms of evidence:

- The quality of the self-assessment of teaching;
- Evidence of appropriate academic rigor as demonstrated in course materials, graded student work, and GPA;
- Student end-of-course evaluations, including student comments;
- Peer/administrative evaluations; and
- Evidence of effective use of relevant teaching strategies or technologies and institutional and course learning outcomes.

8.4.7 Faculty participation in ongoing student academic advising will be a component of the evaluation of teaching.

8.5 Scholarship

Scholarship fulfills many functions, including but not limited to, expanding the body of knowledge

in a Faculty member's area/s of specialization or discipline and contributing to the enhancement of teaching in the profession through appropriate publications. Faculty should include a self-assessment of their scholarship. Scholarly activities may include, but are not limited to, the following:

8.5.1 Publication of scholarly books, monographs (including textbooks and texts), articles, or studies that have been subject to favorable external review by academic peers/experts in the field;

8.5.2 Production of research which has been subject to external peer review and presented or published;

8.5.3 Essays or articles that appear in externally peer-reviewed publications or other media;

8.5.4 Film and video productions and other creative achievements that are disseminated and externally reviewed by academic peers and experts in the field;

8.5.5 Preparation, submission and receipt of grants;

8.5.6 Presentation of scholarly papers or other work at professional symposia, meetings, conferences. (This does not include internal presentations at National University.);

8.5.7 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;

8.5.8 Editing or refereeing the work of peers for a recognized editorial board for publication or presentation;

8.5.9 Invitation to be chairperson or discussant at professional conferences;

8.5.10 Presentation in areas of expertise for peer-reviewed continuing education units required for state or national licensure.

8.5.11 General Expectations for Scholarship

Because Faculty scholarship may take many forms, because the nature of scholarship may vary

considerably from discipline to discipline, and because variations in workload expectations may differ based on the needs of the University, School, or Department, the expectations for scholarship outlined below are intended as general guidelines, not strict rules. Criteria may be different in Schools

or Programs pursuing or maintaining external accreditation.

Faculty scholarship in particular disciplines may take forms other than those noted below (e.g., creative writing, musical performance, video production, grant administration). In such cases, the expectations outlined below should be used as guidelines, not as strict requirements.

Expectations for scholarship should also take into account the quality of Faculty work; thus, a Faculty member who does not produce the quantity of work set forth below might still be considered to have met or exceeded expectations based on the high quality of the work produced.

As cited in *Faculty Policies* Article 2.17.3.2, practicing intellectual honesty is an essential part of professional ethics.

Instructor: Participation in an academic conference and/or participation in continuing education or specialty workshops required for licensing.

Assistant Professor: Annual presentation of scholarly work at peer-reviewed academic or professional conference(s) (i.e. averaging one conference for every year of the contract), or equivalent work appropriate to the discipline agreed upon by the Faculty member and the Department Chair. Publication or acceptance of at least one peer-reviewed manuscript during the Faculty's contract period following the initial appointment.

Associate Professor: Annual presentation of scholarly work at peer-reviewed academic or professional conference(s) (i.e. averaging one conference for every year of the contract) and publication of scholarly work in peer-reviewed publication (averaging one publication for every three years of employment at this level), or equivalent work appropriate to the discipline agreed upon by the Faculty member and his or her Department Chair. Certain publications, such as peer-reviewed books, are considered to be the equivalent of multiple publications for purposes of reappointment, merit, and promotion; and they are gauged by the number of chapters in which the Faculty member serves as primary author.

Professor: Annual presentation of scholarly work for presentation at peer-reviewed academic or professional conference(s) (i.e. averaging one

conference for every year of the contract) and publication of scholarly work in peer-reviewed publication (averaging one publication for every two years at this level), or equivalent work appropriate to the discipline agreed upon by the Faculty member and his or her Department Chair. Certain publications, such as peer-reviewed books, are considered to be the equivalent of multiple publications for purposes of reappointment, promotion, and merit; and they are gauged by the number of chapters in which the Faculty member serves as primary author.

8.5.12 Evaluation of Scholarship

As noted above, the evaluation of scholarship should also take into account the quality of that work; thus, a Faculty member who does not produce the quantity of work set forth above might still be considered to have met or exceeded expectations based on the high quality of the work. Factors that might be used to evaluate the quality of scholarship include:

- assessment of the quality of the work by Faculty with appropriate expertise in the field (reviewers who lack that expertise are encouraged to solicit the assistance of Faculty who possess it);
- the prestige or competitiveness of the venue, publication, or publisher in which it was presented or published;
- length (e.g., a 25-page journal article might be considered more substantive than a three-page newsletter article within the same discipline; a one-hour talk might be considered more substantive than a 15-minute talk);
- the nature of the Faculty member's contribution to work produced collaboratively (Faculty should specify their contribution to such works); and
- originality (e.g., original research might be considered to require more time and creative effort than work that summarizes or synthesizes original work done by others).

Faculty should comment on the quality of their work in their applications for reappointment, promotion, and merit.

8.6 Service

This may include service to the National University System, National University, the Faculty member's individual School, region, Department, profession, or community. Service activities may include, but are not limited to, the following:

8.6.1 Service to the National University System, National University, School, region, Department or program, and students (e.g., Department Chair work, committees, Faculty Senate work, special assignments, task forces, or projects);

8.6.2 Participation in the recruitment, selection, appointment, and mentoring of full-time Faculty and part-time faculty;

8.6.3 Program service such as staffing classes, participating in scheduling meetings, writing reports, reviewing course outlines, and participating in assessment activities;

8.6.4 Development of and participation in professional growth programs for full-time Faculty and part-time faculty;

8.6.5 Organization of seminars, panels or colloquia;

8.6.6 Outreach to the community with a view toward forming relationships that benefit National University;

8.6.7 Exemplary professional practice (e.g., organization and supervision of training programs, continuing education programs, consulting);

8.6.8 Service to and participation in professional organizations and societies;

8.6.9 Service to the community-at-large that is relevant to one's academic discipline;

8.6.10 Assuming special administrative responsibilities or assignments that foster the welfare of National University;

8.6.11 Working in a collegial manner with University colleagues and staff.

8.6.12 General Expectations for Service

In determining the service expectations for each faculty member, the needs of the program, Department, School, region, University, university system, and community should be considered. The following are baseline expectations for each rank.

Instructor: Expected to provide service primarily to the program and/or Department.

Assistant Professor: Expected to provide service primarily to the program and Department with some service at the School, University and/or system level.

Associate Professor and Professor: Expected to provide service to the program and Department, as well as to the School, University, and/or system.

8.6.13 Evaluation of Service

As noted above the evaluation of service should take into account both the quantity and quality of service. Evidence that might be used to evaluate the quality of service include:

- Self-assessment of the Faculty member's service contribution; and
- Any supporting documents (for reappointment and/or promotion) or references to those documents (for merit).

8.7 Merit Pay

The main purposes of merit pay are to reward meritorious performance and to motivate the Faculty to higher levels of performance.

In general, to qualify for merit, a Faculty member must be able to demonstrate that he or she has achieved the objectives of the FDP in all three areas and exceeded them in at least one area during the 12-month period prior to submitting their merit application. Faculty determined not to have met expectations in any one of the three areas will not be considered eligible for merit (See *Faculty Policies* Article 9.4).

The following are examples of Teaching, Scholarship and Service performance that might be considered worthy of merit. These lists are not intended to be prescriptive or exhaustive.

Teaching

- Particularly thoughtful self-assessment of teaching including evidence of ongoing improvement of teaching methods;
- Evidence of above average academic standards, expectations, and/or challenges for students;
- Particularly challenging course load (e.g., a number of large classes; new preparations; difficult preparations, etc.);
- Peer, Chair or School Dean assessments placing the Faculty member above the average in terms of classroom performance, course materials and response to student work; and
- Consistently high evaluations by students.

Scholarship

- Accomplishments which exceed typical expectations for the Faculty member's rank in either quality or quantity.

Service

- Article 8.6 lists some of the many possible forms Service may take; examples of meritorious levels of service might include:
- Activity in multiple, important committees or initiatives;
- Evidence of successful accomplishment of service goals; and
- Effective leadership of Department, School or University committees or initiatives.

8.7.1 Faculty at the ranks of Associate Professor and Professor (including those in clinical ranks) who apply for merit may be considered to have "met expectations" in the area of Scholarship for the preceding 12 months even if they do not have any peer-reviewed publications within that period, provided, in the case of Associate Professors, they have a publication or other comparable work averaging every three years or, in the case of Professors, averaging every two years. In the absence of any peer-reviewed publications within the past year, the Faculty member would be expected to have presented her or his work at a peer-reviewed conference or demonstrated other comparable scholarly achievements to report, unless otherwise agreed upon in the FDP.

A Faculty member may also be considered to have "exceeded expectations" if he or she does not have a peer-reviewed publication in the last 12 months but has presented work at two or more recognized conferences or has comparable scholarly achievements, or can demonstrate strong scholarly progress on a new project following a recent major publication such as a book.

8.7.2 Merit Levels

There are three merit levels, determined by the Faculty member's performance in the three areas of teaching, scholarship and service:

- **Level One:** the Faculty member is performing above expectations in one area and at expected levels in two areas.
- **Level Two:** the Faculty member is performing above expectations in two areas and at expected levels in one (provided one of the 'above expectations' is Teaching).

- **Level Three:** the Faculty member is performing above expectations in all three areas.

8.7.3 Merit Levels

If a Faculty member performs below expectation in any area, the Faculty member will not be considered for merit. A 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. Examples of expected and above expected levels of accomplishment will be provided by the Faculty Senate in collaboration with the Office of the Provost.

ARTICLE 9 PROCESSES FOR FACULTY REAPPOINTMENT, PROMOTION, MERIT, AND SABBATICAL LEAVE APPLICATIONS AND DECISIONS

9.1 General Provisions

9.1.1 Definition of the Faculty Review Dossier

The Faculty review dossier is a Faculty member's academic personnel record which is prepared by the Faculty member and retained by the Provost for purposes of considering personnel actions under the relevant criteria, as described in Article 8.0, and 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 Faculty member's review dossier.

9.1.1.1 A Faculty member must be informed promptly by the Provost when any materials are placed in his or her Faculty review dossier. A Faculty member may challenge the inclusion of materials in his or her Faculty review dossier by written appeal to the Provost.

9.1.2 Form and Content of the Faculty Review Dossier

Faculty will prepare the Faculty review dossier based on a format provided by the Provost and approved by the Faculty Senate. Dossiers prepared for requests for reappointment and promotion should include the following evidence demonstrating that the expectations described above have been met or exceeded (see Articles 8 and 9). In general, applications for reappointment should demonstrate that the Faculty member has

achieved the objectives of the FDPs. In addition, applications for promotion should demonstrate that the Faculty member met the expectations for the rank to which he or she is applying to be promoted for at least the preceding year. A reflection on FDPs and AARs for the period under review should be included in the dossier.

9.1.2.1 Teaching

Successful teaching is difficult to quantify and as such requires multiple forms of assessment. While multiple forms of evidence of the quality of teaching should be included in the Faculty member's dossier, it is also important that the Faculty member analyze this evidence in a carefully written self-assessment. This self-assessment should comment on strengths, areas of growth, and plans for improvement. The following is a suggested list of qualities to consider when writing the self-assessment:

- positive attitude and high respect for students;
- thorough and current knowledge of the subject matter;
- ability to motivate and challenge students;
- ability to engage students in the learning process, as evidenced by achievement of course and University learning outcomes;
- rigorous assessment of student learning and critical thinking;
- careful preparation and organization of instruction;
- use of a variety of teaching strategies;
- effective communication skills; and
- effective listening skills.

Documented evidence of teaching quality should include, but need not be limited to the following:

- a self-assessment of teaching that thoroughly analyzes and discusses the evidence presented in the dossier and the Faculty member's accomplishments, strengths, and plans for improvement;
- a current curriculum vitae;
- examples of course syllabi and course materials;
- examples of graded student work (as appropriate to the discipline);
- peer and/or administrative reviews;
- student comments on the teaching/learning process;
- student evaluation and GPA data; and
- a summary of all teaching evaluations and teaching assignment information.

9.1.2.2 Scholarship

Dossiers should include representative copies of scholarly work (e.g., papers, chapters, etc.) published or presented and letters of acceptance of work for future publication or presentation. Faculty should write a self-assessment commenting on their accomplishments in scholarship, the quality of their work, and plans for future scholarship. Faculty should keep in mind that some reviewers may not be familiar with the conferences, publications, and general scholarly standards of their disciplines; these should be explained as necessary in the self-assessment. All scholarship should be listed in a current curriculum vitae included in the dossier (See Article 3.3 and 8.5).

9.1.2.3 Service

Faculty should write a detailed self-assessment describing the nature and extent of their work in their various service activities. The following are areas of service to consider as applicable when writing the self-assessment:

- Program
- Department
- School
- Region
- University
- University System
- Community

Faculty may solicit letters from chairs of committees on which they serve describing the quality of their service to the committee.

9.1.2.4 Form and Content for Reappointment Letter to Full Professor Rank

After promotion to full Professor, the requirement for Faculty seeking reappointment is a five to seven page letter of reflection on teaching, scholarship and service that covers the Faculty member's performance over the previous contract period and a current vita. These letters will be reviewed using the same process as reappointment dossiers.

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

9.1.2.5.1 Information regarding teaching performance, including peer and administrative observations and evaluations, and a statement of teaching philosophy;

9.1.2.5.2 Information concerning externally peer reviewed research and professional activities, including publication of books, monographs, articles, or research papers; juried media presentations; presentations at conferences or professional associations; or receipt of instructional, curricular or other educational grants;

9.1.2.5.3 Information concerning University and public service, including participation in peer review; service to a School, Department or program; development of a professional growth program; or service on the Faculty Senate or other committees;

9.1.2.5.4 Letters of evaluation and support.

9.1.3 Access to Faculty Review Dossier

9.1.3.1 Faculty review dossiers are retained in the Office of the Provost, in the custody of the Office of the Provost Designee, during the review process. Faculty members will have access to their Faculty review dossiers, upon request, by making arrangements with the Office of the Provost Designee for an appointment to inspect the Faculty review dossier.

9.1.3.2 Other parties authorized to access a Faculty member's Faculty review dossier include:

9.1.3.2.1 Members of SPC of the Faculty member's School;

9.1.3.2.2 The Chair of the Faculty member's Department;

9.1.3.2.3 The Dean of the Faculty member's School;

9.1.3.2.4 The members of the UFPC;

9.1.3.2.5 The Office of the Provost Designee, the Provost, the President, and the Board of Trustees;

9.1.3.2.6 The Chair of the Faculty Senate Academic Personnel Committee; and

9.1.3.2.7 Any other individual approved in writing by the Faculty member and the Provost.

9.1.3.3 A log will be maintained at the front of each Faculty review dossier indicating each instance in which the Faculty review dossier is accessed by either the Faculty member or any other authorized party. The Faculty member and any other authorized party will have access to the log. Each authorized person is required to sign the log with the date and time of each review.

9.1.3.4 To preserve the integrity and authenticity of the Faculty review dossier, neither the Office of the Provost nor any other party will make copies of a Faculty review dossier. The Faculty member may request copies of some parts of his or her dossier from the Office of the Provost. The dossier will not be removed from the Office of the Provost until the review process has been completed and the Faculty member is notified of the decision.

9.1.4 Safeguards to Ensure Due Process

The following safeguards are provided in the Faculty review process:

9.1.4.1 Notification of the Faculty member by the Office of the Provost of the addition of any material to the review dossier as required in 9.1.1.1.

9.1.4.2 Opportunity for the Faculty member to review all material in the Faculty review dossier.

9.1.4.3 Opportunity for the Faculty member to contribute to the Faculty review dossier. In order to allow the Faculty member to respond in writing to any comments by reviewers, copies of all letters of review by Department Chairs, SPC, Deans, the UFPC, and the Provost must be provided to the Faculty member by the author of the letter at least one week before the deadline for the next level of review.

9.1.4.4 Clearly defined grievance procedures, as described in Article 11.0.

9.1.5 Procedural Safeguards in the Academic Personnel Review Process

9.1.5.1 Before any review regarding reappointment or promotion is initiated, the Office of the Provost will provide written notice to the Faculty member of his or her impending review and all relevant deadlines, with a copy to the Department Chair, School Dean(s), and the Chair of the SPC.

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

9.1.5.2.1 Ask questions;

9.1.5.2.2 Supply pertinent information and/or evidence;

9.1.5.2.3 Suggest, where relevant, names of persons to be solicited for letters of evaluation;

9.1.5.2.4 Reviewers at all levels are expected to recuse themselves if, for any reason, they might hold bias

that makes their review lack objectivity. This would include not reviewing colleagues that hold higher ranks. Additional insurance of objectivity is provided in the following mechanism which Faculty under review may choose to use.

Faculty members have the right to provide in writing to the School 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 review dossier.

9.1.6 Personnel Files

The Office of the Provost will also maintain a separate personnel file for each full-time Faculty member. These files will include, but are not limited to, letters of appointment and personnel actions. Faculty members will have access to their own file upon request to the Office of the Provost.

9.2 Academic Personnel Review Process for Reappointment and Promotion

In reviewing Faculty for reappointment and/or promotion, Department Chairs, SPCs, School Deans, the UFPC, and the Provost will be guided by the criteria described in Article 8.0. Faculty dossiers will be the primary source of information.

All recommendations will take the form of letters describing in detail the basis for the evaluation of the Faculty member's performance in three areas: teaching, scholarship and service. Letters should refer to evidence contained in the dossier, including the letters of other reviewers, and may note any lapses of evidence in the dossier. Where evidence not included in the dossier is used as the basis for evaluation, that evidence should be clearly identified.

9.2.1 Recommendation of Department Chair

The Department Chair will submit a copy of this recommendation simultaneously to the Faculty member, the SPC, the School Dean, the UFPC, the Provost, and the Chair of the Faculty Senate Academic Personnel Committee for inclusion in the Faculty review dossier.

9.2.2 Recommendation of SPC

The SPC will submit a copy of this recommendation simultaneously to the Faculty member, the Department Chair, the School Dean, the UFPC,

the Provost, and the Chair of the Faculty Senate Academic Personnel Committee for inclusion in the Faculty review dossier.

9.2.3 Recommendation by the School Dean

The School Dean will submit a copy of this recommendation simultaneously to the Faculty member, the Department Chair, the SPC, the School Dean, the UFPC, the Provost, and the Chair of the Faculty Senate Academic Personnel Committee for inclusion in the Faculty review dossier.

9.2.4 Recommendation of UFPC

The UFPC will submit a copy of this recommendation simultaneously to the Faculty member, the Department Chair, the SPC, the School Dean, the Provost, and the Chair of the Faculty Senate Academic Personnel Committee for inclusion in the Faculty review dossier.

9.2.5 Recommendation of the Provost

The Provost will send copies of his or her recommendation simultaneously to the Faculty member, the Department Chair, the SPC, the School Dean, the UFPC, and the Chair of the Faculty Senate Academic Personnel Committee for inclusion in the Faculty dossier.

9.2.6 Decision of the President

After review and consideration of all the recommendations and responses to the recommendations received regarding reappointment and/or promotion, the President decides and informs the Faculty member in writing of the personnel action. In addition, the Department Chair, the SPC, the School Dean, the Chair of the Faculty Senate Academic Personnel Committee, the Chair of UFPC, and the Provost are informed of this decision.

9.2.7 Letters of Recommendation

Letters of recommendation must be sent by the established deadlines so that Faculty members have adequate time and opportunity to submit written responses prior to subsequent reviews of the dossier as set forth in 9.2.8.

9.2.8 Faculty Response to Recommendations

The Faculty member may, at any point in the review process, submit a written response to any

of the letters of review. This letter should be submitted to the Office of the Provost for inclusion in the Faculty review dossier. However, previous levels of review may not respond to such responses.

While previous reviewers have access to dossiers, they are not allowed to provide a response.

9.3 Notice of Reappointment Decisions

9.3.1 Faculty reappointment will occur in the Fall of each year prior to the end of the contract period. Faculty whose current appointment is for less than two years will receive a letter regarding the reappointment decision at least three months before the end of the appointment period.

9.3.2 Faculty whose current appointment is for at least two years but less than three years will receive a letter regarding the reappointment decision at least six months prior to the end of the appointment period.

At the end of the reappointment process, Faculty who will not be reappointed will receive an additional six-month contract to end the appointment.

9.3.3 Faculty whose current appointment is for three or more years will receive a letter regarding the reappointment decision at least 12 months before the end of the appointment period.

9.3.4 For initial reappointment requests, the period to be reviewed will be the current period of appointment.

For subsequent reappointment requests, the period of review will begin on the date of last review.

9.3.5 To allow for letters regarding the reappointment decision to be issued per Articles 9.3.1-3, the Provost will notify individual Faculty members of the relevant timelines and deadlines for submitting their applications for reappointment at least two months prior to the earliest date by which their applications would be due.

9.3.6 A 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 the Provost to recommend that a review and letter regarding the reappointment decision be furnished earlier or later than the dates specified in Articles 9.3.1-3.

9.3.7 In recommending reappointment, reappointment deferral, or non-reappointment, the Department Chairs, SPCs, Deans, the UFPC, and the Provost will identify the area(s) of performance which constitute the basis for their recommendation(s).

9.4 Merit Process

If the Board approves Faculty merit pay increases, the merit percentage levels will be provided at the earliest time possible prior to the beginning of the merit cycle each year.

9.4.1 Merit Process

Applications for Merit are provided by Faculty to the Office of the Provost via the appropriate system. These are reviewed by the Department Chair, the School Personnel Committee, the School Dean, and the Provost. Each of these reviewers will provide a recommendation. The President makes the final decision. The dates for these events will be part of the timeline established by the Provost as required in Article 9.6.1. The Merit review process will begin no earlier than March 1 and end no later than June 30 in each Academic Year. The Provost will insure that the timeline accommodates the needs of the Board of Trustees.

9.4.2 The Faculty member will send a letter, not to exceed three pages, to the Provost's Office requesting a merit salary increase. In this letter the Faculty member reports his or her meritorious performance based on the criteria outlined for his or her rank in the Faculty Policies, including all addendums and any additional information that supports the application for merit. This letter will also include discussion about the quality of work done in exchange for course reassignment. In the case of Professors and Associate Professors (including those in clinical ranks) who have not published in the period under review, the letter should indicate whether they have published or produced other comparable work in the last two or three years based on rank expectations.

9.4.3 The Department Chair will evaluate the Faculty's request based on the FDP and the letter submitted by the Faculty member. The Department Chair will send a recommendation, including the recommended merit level, if merit is recommended, with any supporting documents, to the Faculty member, the SPC, and the Chair of the Faculty Senate Academic Personnel Committee. The Chair's letter should explain his or her rationale for the recommendation, based on his or her evaluation of the Faculty member's performance.

- 9.4.4 The SPC will review the Faculty member's application and the Chair's recommendation, and will in turn send its recommendation, including the recommended merit level, if merit is recommended, with any supporting documents, to the Faculty member, the School Dean, and the Chair of the Faculty Senate Academic Personnel Committee. The SPC's letter should explain its rationale for the recommendation, based on its independent evaluation of the Faculty member's performance.
- 9.4.5 The School Dean will review the Faculty member's application and the recommendations of the Chair and SPC, and will in turn send a recommendation, including the recommended merit level and percentage to be awarded if merit is recommended, with any supporting documents, to the Faculty member, the Provost, and the Chair of the Faculty Senate Academic Personnel Committee. The School Dean's letter should explain his or her rationale for the recommendation, based on his or her independent evaluation of the Faculty member's performance.
- 9.4.6 The Provost will review the Faculty member's application and the recommendations of the Chair, SPC, and School Dean, and will in turn send a recommendation, including the recommended merit level and percentage to be awarded, if merit is recommended, with any supporting documents, to the Faculty member, the President, and the Chair of the Faculty Senate Academic Personnel Committee. The Provost's letter should explain his or her rationale for the recommendation, based on his or her independent evaluation of the Faculty member's performance.
- 9.4.7 The President will review all submitted documents and make the final decision.
- 9.4.8 If the Faculty member wishes to challenge the recommendations at any level, he or she can do so by writing to the next level of review and sending a copy to the Chair of the Faculty Senate Academic Personnel Committee. Such letters must be forwarded, along with the recommendation letters and any supporting documents, to all subsequent levels of review. However, previous levels of review may not respond to such letters.
- 9.4.9 The Faculty Senate, through the Faculty Senate Officers, 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.
- 9.4.10 Merit salary increases will be effective July 1 of each academic year.
- 9.4.11 Deadlines for submission of merit applications and evaluations by reviewers will be published each year as described in Article 9.4.
- ## 9.5 Sabbatical Leave Process
- 9.5.1 An eligible Faculty member may apply for sabbatical leave by submitting an application to the School Dean, the SPC, and the UFPC, with a copy being sent to the Department Chair and the Office of the Provost.
- 9.5.1.1 A sabbatical leave application will include a statement of the purpose and expected outcomes of the sabbatical; a description of the proposed project(s); National University resources, if any, that would be required; and a statement of the length of leave requested, which will not exceed one academic year.
- 9.5.2 The SPC will review all sabbatical leave applications from its School, rank them, and forward its rankings and recommendations to the School Dean. The SPC will also inform each Faculty member from its School who has applied for a sabbatical leave of its recommendation concerning, and ranking of, that Faculty member's individual application, with a copy being sent to the Department Chair, the Chair of the UFPC, and the Office of the Provost.
- 9.5.3 The School Dean will rank all sabbatical applications received from the SPC. The Dean will forward recommendations and rankings, along with a copy of the SPC's recommendations and rankings, to the UFPC, with copies to the SPC, the Provost, and the Department Chair. The School Dean will also inform each Faculty member from his or her School who has applied for a sabbatical leave of his or her recommendation concerning, and ranking of, that Faculty member's individual application.
- 9.5.4 The UFPC will rank all sabbatical applications received from the Dean and the SPC. The UFPC will forward recommendations and rankings, along with a copy of the Deans' and the SPCs' recommendations and rankings, to the Provost, with copies to the Deans, the SPCs, and the Department Chairs. The UFPC will also inform each Faculty member who has applied for a sabbatical leave of its recommendation concerning, and ranking of, that Faculty member's individual application.

9.5.5 The Provost will make a recommendation regarding the granting of sabbatical leaves to the President. Copies of this recommendation will be sent to the SPCs, the UFPCs, and the School Deans. The Provost will also send a copy of his or her recommendation regarding an individual Faculty member's application for sabbatical leave to that Faculty member and to the Department Chair.

9.5.6 The President's decision to award a sabbatical leave must be approved by the Board of Trustees.

9.5.7 Upon completion of a sabbatical leave, the recipient will write a report that summarizes the outcomes of the sabbatical, the goals achieved, the benefits to National University, and the use of resources. The report will be submitted to the Provost, the UFPC, and the Faculty member's Dean, Department Chair and SPC.

9.5.8 Application Timetable

Applications for Sabbatical leaves will adhere to the following schedule:

1. Applications for a sabbatical will be considered according to the preceding Fall reappointment/promotion timeline, and must be submitted by the same date as dossiers for that timeline.
2. Applicants will be notified of the approval or non-approval of their application after the Board of Trustees meeting usually held in February.

The summary report of the results of the sabbatical leave will be due no later than two months after the return of the Faculty member at the conclusion of the leave.

9.6 Calendar of Due Dates

9.6.1 On or before July 15th of each academic year, or at least two months prior to the earliest date by which applications would be due, a calendar of due dates for the various stages of the evaluation process leading to letters of reappointment, reappointment deferral, non-reappointment, awarding of merit increases, promotion, and sabbaticals will be published by the Provost. The stages in the evaluation process for which due dates will be published include the following: the submission of the Faculty development plan, the Faculty review dossier, and materials required for

merit and sabbatical requests; the submission of recommendations by the Department Chairs, SPCs, School Deans, the UFPC, and the Provost; and notification of final decisions regarding all Faculty personnel actions. Evaluations for promotion will only take place during the Spring review cycle.

9.6.2 Each reviewer or reviewing body will be allowed at least two weeks to review applications and make recommendations.

9.6.3 Faculty members who wish to be considered for reappointment, promotion and merit pay increases should indicate their request in writing to the Department Chair and to the Provost no later than the applicable due date as stated in the timeline published by the Provost.

9.6.4 Presidential Appointees requesting reappointment will submit a letter requesting reappointment to their School Dean and the Provost. The letter of request and copies of the current year's Faculty Development Plan and the preceding year's Annual Activities Report (per Article 3.5) are due no later than June 1. The School Dean will write a recommendation to the Provost. The Provost will review the School Dean's recommendation and write a recommendation to the President. The process described above is advisory. Reappointment is at the sole discretion of the President.

ARTICLE 10 FACULTY DISCIPLINE FOR CAUSE AND INVOLUNTARY LEAVE

10.1 Discipline for Cause

A Faculty member may be disciplined or dismissed before the expiration of his or her appointment only for cause, which is limited to violation of University policies, the full-time Faculty Agreement, or section 2.17 of the *Faculty Policies* ("Rights and Responsibilities"). 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.

10.1.1 Any allegation of Faculty misconduct should immediately be submitted in written form to the attention of the Provost. Upon receiving a report of misconduct, the Provost may conduct an initial inquiry to determine whether the allegations have merit and whether a formal investigation is warranted. Such an initial inquiry will be

completed as expeditiously as possible with a goal of completing it within thirty (30) working days. This inquiry is not a formal hearing but a review of facts to determine whether a full investigation is warranted or whether facts do not support the need for an investigation.

The individual for whom disciplinary action is being considered will be given written notice of the allegations, including references to the time, place, others present, etc., when the alleged acts occurred. The letter will specify the policy the Faculty member is alleged to have violated and the specific circumstances of the alleged violation.

Regardless of whether the Provost decides to conduct an initial inquiry, the accused Faculty member will be invited to make a response in writing to the Provost regarding the allegations of misconduct.

Based on the allegations, the initial inquiry (if any), and the response of the accused, the Provost shall make a decision falling into one of two categories:

1. That insufficient grounds have been presented to warrant further pursuit of the allegation and, therefore, that the accused Faculty member will be subject to no discipline or only minor discipline. The Provost will maintain sufficiently detailed documentation of inquiries to permit a later assessment, if necessary, of the reasons for determining that an investigation was not warranted.
2. That there is sufficient evidence for major discipline and that a formal investigation is warranted. If so, the Provost will notify the accused in writing summarizing the evidence received, relevant interviews, and the conclusions of the initial inquiry, if any. Allegations of misconduct that are found to be false and maliciously motivated may themselves become the basis of disciplinary action.

10.1.2 If the Faculty member admits the charge(s), the disciplinary procedure described in Article 10.1.6 will be followed.

10.1.3 If the Faculty member disputes the charge(s), the Provost will appoint a designee to conduct the initial investigation within thirty (30) working days of the conclusion of the initial inquiry. The designee will be an NU full-time Faculty member and/or staff member with knowledge and background appropriate to conduct the investigation

and who has no conflict of interest in conducting the investigation. The investigation will follow the due process procedures as provided by *Faculty Policies*. It will include the review of the allegations, evidence, documents, witnesses, experts and the initial Faculty response (if any). The Faculty member should be interviewed as well. Attorneys may not appear with or on behalf of the accused Faculty member or any witness during the investigation.

A copy of the preliminary results and findings of the investigation should be provided to the Provost, who then has the opportunity for further inquiry. When final, the results and findings will be provided to the Faculty member within ten (10) working days of completion of the investigation. The Faculty member has the right to review and, if necessary, make copies of all evidence collected during the investigation. The Faculty member has ten (10) working days from documented receipt of the investigation report to respond in writing. The Faculty member will be given an opportunity to meet formally with the Provost to discuss the findings of the investigation within ten (10) working days of the Provost receiving the Faculty member's response.

10.1.4 Within ten (10) working days after receiving the Faculty member's response to the investigative report, the Provost will reach a decision on discipline and determine the appropriate sanctions to take against the accused Faculty member. The Provost will then provide a letter detailing the proposed action and sanctions and rationale to the Faculty member. Upon receipt of the letter detailing the proposed action and rationale, the Faculty member will have fifteen (15) working days to respond in writing. The Faculty member may challenge the rationale for the proposed decision and/or the validity of the evidence used to reach that decision.

10.1.5 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, without limitation:

10.1.5.1 **Letter of Warning:** A letter of warning indicates that the Administration is not taking any immediate steps on the matter at this point, but indicates that both the Faculty and the Administration are aware of the situation. Such a letter is to remain in the Faculty's personnel file for three years. After three years the letter is removed,

and the matter is considered closed and cannot be used in any further personnel actions. The Faculty member has the right to submit a letter of rebuttal which will be placed in the Faculty member’s personnel file.

10.1.5.2 **Formal Letter of Reprimand:** A formal letter of reprimand places the Faculty member on notice that the incident or situation investigated, warrants a reprimand 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 Article 11. The grievance process begins at 11.2.1 for the appeal of a discipline for cause under Article 10.

10.1.5.3 **Leave from Duties without Pay:** The Faculty member is immediately placed on leave without pay for a maximum of thirty (30) working days during the academic year but retains health benefits. The Faculty member may file a grievance in accordance with Article 11. The grievance process begins at 11.2.1 for the appeal of a discipline for cause under Article 10.

If the grievance process results in a final decision to overturn the leave without pay, National University will reimburse the Faculty member for any lost wages.

10.1.5.4 **Dismissal:** The Faculty member is immediately dismissed. When the discipline for cause process results in this level of disciplinary action, the Faculty member has fifteen (15) working days from documented receipt of the letter to file a grievance under Article 11. The grievance process begins at 11.2.1 for the appeal of a discipline for cause under Article 10. In certain circumstances, if the Faculty member files a grievance, the Faculty member’s salary and benefits continue for a maximum of ninety (90) working days during the grievance process. If the grievance process results in a decision to overturn the dismissal without pay, National University will reimburse the Faculty member for any lost wages. If the Faculty member does not file a grievance, the Faculty member is terminated at the end of the thirty (30) working days and all salary and benefits will cease.

10.1.6 After making a final decision, the Provost will advise the Faculty member of, and provide the reasons for, the decision and any disciplinary action. A copy of the decision will be provided to the President, the Chair of the Faculty Senate, and

the School Dean. The decision of the Provost may not be appealed, but under three levels of disciplinary action (10.1.5.2-4) the Faculty member may file a grievance in accordance with Article 11. The grievance process begins at 11.2.1 for the appeal of a discipline for cause under Article 10.

The process of a formal misconduct investigation will be conducted as expeditiously as possible with a goal of being completed within one hundred twenty (120) working days. This period includes conducting the investigation, preparing the report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the Provost for the final decision.

10.2 Reductions in Positions

Faculty positions may be eliminated if reductions in Faculty become necessary due to the elimination of a School, Department, or program; reorganization; or a condition of financial exigency. This potentially necessary tool for National University will not be construed as placing any Faculty in “at will” employment. In all such cases, National University will make a reasonable best effort to transfer the affected Faculty member to other positions within National 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 in any reduction in Faculty numbers.

10.2.1 In all such cases, the President or the Provost will meet with the officers of the Faculty Senate to formally document the conditions that necessitate the action(s) to be taken pursuant to Article 10.2 and provide a plan to reassign the affected Faculty members.

10.2.2 Faculty terminated under Article 10.2 will continue to receive full salary and benefits for 50 percent of the remaining time on the Faculty member’s contract up to a maximum of one year. To receive the severance benefit, the Faculty member will enter into an agreement with the University, releasing the University from any liability and terminating all claims by the Faculty Member, including, but not limited to, wrongful termination.

ARTICLE 11 FACULTY GRIEVANCES

Only 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 is advised by the Provost, the School Dean(s), and the applicable Faculty committee(s). The Provost may be 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 is advised by the School Dean(s) and the appropriate Faculty committee(s).

11.1 Ombudsman

The President shall, after consultation with the Faculty Senate, appoint a University Ombudsman. The Ombudsman will be responsible for:

- 1) Intervention and informal resolution of disputes arising from issues between full-time Faculty members and other faculty members, Department Chairs, School Deans and staff members.
- 2) Intervention and informal resolution of allegations of *Faculty Policies* violations by full-time Faculty members.
- 3) Review of allegations of *Faculty Policies* violations and directing the full-time Faculty members to proper body for resolution.
- 4) Counseling Faculty members on proper procedure for filing a complaint or grievance when there has been an allegation of *Faculty Policy* violation.

The Ombudsman shall report to the Provost and the Faculty Senate on a semi-annual basis, a summary of all activity brought to the office, including the nature of the disputes and the resolutions.

All interactions with the Ombudsman will be confidential, unless (1) specifically waived by the Faculty member so that a particular action may be taken, (2) there is a reporting requirement under National University policies or *Faculty Policies*, or (3) in circumstances which have in place a legal statutory reporting requirement.

11.2 Faculty Grievance Procedures

The following procedures are established to enable

full-time Faculty members to seek a review of personnel decisions if they have reason to believe that prescribed procedures have not been followed.

Any dispute relating to a Faculty member's employment with National University, including any personnel decision regarding non-reappointment, promotion, merit increase, academic freedom, discipline or dismissal for cause, or violation of prescribed procedures, may be reviewed under these procedures.

The Provost will be responsible for processing the grievance under the Faculty grievance procedures, except when the Provost is named in the grievance. In such cases, the President will designate an individual to assume this role. The equal employment opportunity officer will be provided copies of all complaints alleging unlawful discrimination and harassment.

11.2.1 Formal Procedures

11.2.1.1 A formal grievance, to be heard, must be made in writing no later than thirty (30) working days from the documented date that the Faculty member was made aware of the decision or action giving rise to the grievance, except in cases of dismissal as described in Article 10.1.5.4, when time for filing is fifteen (15) working days. The grievance should be specific as to the policies alleged to have been violated, include the evidence upon which it is based, and specify the remedy sought. The grievance is filed directly with the Provost by the Faculty member who alleges the violation. However, if the grievance is against the Provost, then the grievance will be sent to the President who will review the grievance and appoint an alternate to the Provost for this process.

11.2.1.2 If the grievance is filed pursuant to Articles 10.1.5.2-4. The Provost will convene a review panel in cases involving discipline for cause, non-reappointment; involuntary reassignment to another region, School or Department; or termination of employment. In all other cases, the convening of a review panel will be within the discretion of the Provost. In the case of involuntary reassignment to another region, School or Department, the Faculty Member has thirty (30) working days to file a grievance and must file the same procedure as provided in Articles 10.1.5.2-4.

11.2.1.3 If a review panel is not convened, the Provost will discuss the matter with all parties to the grievance, investigate and ascertain the facts, obtain any necessary additional information, and prepare

written findings and recommendations. The Provost will make every attempt to resolve the matter within 30 working days.

11.2.1.4 If a review panel is convened, the Provost, or designee, will make the necessary appointments within fifteen (15) working days of receipt of the request for a review panel. Once established, the review panel should begin its review within fifteen (15) working days and, once the review has begun, should complete its review and its draft report within forty five (45) working days.

11.2.1.5 A review panel will consist of three full-time Faculty members. All three members should be impartial. One will be chosen by the grievant and another by the School Dean. A third member will be selected by the Faculty Senate Faculty Rights and Welfare Committee. The selection of the member by the Faculty Senate Faculty Rights and Welfare Committee must occur during an officially convened Committee meeting. The selection needs to be confirmed by the Faculty Senate Officers and the Provost. This third member will chair the panel. If the third member of the review panel cannot be selected by the Faculty Senate Committee or designee within ten (10) working days, then the Faculty Senate Officers and the Provost will appoint a member of the full-time Faculty as the third member of the review panel.

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

11.2.1.7 Review panel proceedings should be conducted in an informal, non-adversarial manner. The review panel must meet in person for all deliberations. The hearing will be closed except to participants. Each party to the grievance may be present, if he or she chooses, at interviews conducted by the panel unless such presence is judged by the panel to have potential influence on the statements being gathered. If such a determination is made by a majority vote of the panel, the session will be recorded and the recording made available to the parties. University Counsel may serve in an advisory capacity but may not be present at hearings. Should a conflict of interest be identified, and after consultation and approval by the

Administration, independent, outside counsel may be appointed to assist the panel. No more than ten (10) hours of consultation is allowed per grievance, however. The panel may interview persons involved and solicit and review pertinent evidence; these interviews do not need to be in person. While the interviews need not be in person, the use of synchronous tools shall may be used to allow the panel and the interviewee to be “face-to-face”. This process, including the development and delivery of the draft report, is to be completed within forty five (45) working days of the commencement of the review. Upon documented receipt of the panel’s draft report, the parties have ten (10) working days in which to review it for errors of fact. Subsequently, the review panel will submit its findings and its advisory recommendations to the Provost, the parties, the Senate Officers, and the Chair of the Faculty Senate Faculty Rights and Welfare Committee. If the Provost is a named party to the grievance, the panel will also send its report to the President. Each party to the grievance will receive copies of any written material or other evidence submitted by the other.

11.2.1.8 Within fifteen (15) working days following the receipt of the review panel’s report, the Provost will render a written decision regarding the grievance.

11.2.1.9 The grievant may appeal the Provost’s decision to the President within fifteen (15) working days of documented receipt of the notification of the Provost’s decision. If the Provost is a named party to the grievance, the grievant may submit a response to the panel’s recommendations to the President within fifteen (15) working days of documented receipt of the panel’s final report. The President shall independently consider all documents and facts provided by the dismissal for cause investigation, grievance process and the grievant. The President will provide a decision on the appeal within fifteen (15) working 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 Policies*.

Confidentiality and Other Matters

Except as disclosures are reasonably necessary in the investigation, hearing, and final disposition of a grievance, the grievant, members of hearing bodies, Grievance Panel, and others having knowledge of a grievance are expected to preserve the confidentiality of the grievance, provided that any individuals accused in a grievance of misconduct shall be informed of the grievance and given the opportunity to respond to the charges.

A grievance may be withdrawn by the Faculty member at any time prior to report from the Grievance Panel. The withdrawal of a grievance shall not preclude the School Dean or the Provost from investigating the charges contained in the grievance or related matters. A grievance withdrawn may not be refiled.

- 11.2.1.10 If a grievance is determined to be unfounded, a letter of warning will be placed in the personnel file of the grievant pursuant to Article 10.1.5.1.

11.3 Binding Arbitration

11.3.1 Claims. After exhaustion of the Faculty grievance procedures, all unresolved claims, including all contract, tort, and equity actions and alleged violations of State and Federal statutes, including wrongful termination or discipline, between the parties (including National 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 Policies* must be submitted to final and binding arbitration in the State of California.

11.3.2 Procedures

Arbitration Rules. The arbitration will be conducted before the American Arbitration Association under its Commercial Arbitration Rules at the location of the University headquarters. If anything in these *Faculty Policies* conflicts with the Commercial Arbitration Rules, the Commercial Arbitration Rules will prevail. The demand for arbitration must be submitted in writing within one year from the date the actions giving rise to the claims occur. The responding party must serve any reply within ten (10) working days. The arbitrator will establish any deadlines reasonably required to facilitate the arbitration.

11.3.3 Powers of Arbitrator: The arbitrator will have the powers to:

- issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence;
- order depositions to be used as evidence;
- enforce the rights, remedies, procedures, duties, liabilities, and obligations of discovery as if the arbitration were a civil action;
- conduct a hearing on the arbitral issues; and
- enter and serve an award after the arbitration hearing is concluded.

11.3.4 Costs and Expenses

National University will pay arbitration fees and the costs and expenses incurred in connection with the arbitration to the extent that they exceed those dollar amounts that would be incurred if the claims had been resolved in a civil lawsuit. The arbitrator may award the prevailing party any costs (but not attorney's fees), arbitration and witness fees, and expenses actually incurred by the party.

11.3.5 Final Award

Within ten (10) working days after completion of the arbitration, the arbitrator will submit a tentative decision in writing, specifying the reasoning for the decision and any calculations necessary to explain the award. The parties will have five (5) working days in which to submit comments about the tentative decision. The final award may be entered as a judgment in any court having jurisdiction.

11.3.6 Changes to Arbitration Provision

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

ARTICLE 12 COPYRIGHT POLICY

12.1 Copyright Law

12.1.1 The Copyright Act of 1976 provides that when a work is prepared by an employee within the scope of his or her employment the employer, not the employee (i.e., the work's creator or author), is the author for copyright purposes.

12.1.2 Copyright law protects a work from the time it is created in a fixed form. The moment you create a work in a tangible medium of expression, your work is copyrighted and is protected by the copyright law. Ideas cannot be copyrighted; only the expression of ideas. Even though copyright protection is automatic, you and the University may choose to register work with the U.S. Copyright Office.

12.2 Copyright Ownership

12.2.1 Generally, National University will claim an interest in works created by Faculty members only when their creation was part of administrative duties or a specific assignment made by a Department Chair, School Dean, or other National University administrator. Upon its creation, a copy of any such work will be delivered by the author to the person who oversees the author's administrative duties or to the person who made the specific assignment, as the case may be, who will inform National University administration responsible for the administration of National University's copyright policy of the existence of such work.

12.2.2 In such cases, the Faculty member may be required to enter a Proprietary Information and Inventions Agreement with National University. A Faculty member's general obligation to produce scholarly works as defined in Article 3.3 and 8.5 does not constitute either an administrative duty or a specific assignment.

12.2.3 National University is committed to maintaining traditional incentives for scholarly work and its dissemination while protecting, within the framework of copyright law, the rights of Faculty members and National University. Faculty members on their own or in a collective may write and produce copyrightable materials, copyright those materials, and receive royalties that result from their use. Such materials include, but are not limited to, books, articles, artwork, computer software, film, and videotape.

12.2.4 Students who are not employees own any copyrightable works, including dissertations, developed in connection with coursework.

12.2.5 Faculty members are hereby granted a perpetual license to use copyright material they have produced that under this policy are owned by National University.

12.3 Proper Use of Copyrighted Material

12.3.1 The policy of National University is to respect the intellectual property of others. With this central goal in mind, National University will make reasonable efforts to ensure that administrators, Faculty, staff, and students use copyrighted material in a manner that is consistent with the spirit and the letter of the law as set forth in the Federal Copyright Act (Title 17 of the U.S. Code).

12.3.2 Faculty may not violate Copyright Law, when providing course materials.

ARTICLE 13 FACULTY SALARY SCHEDULE

Professional salaries are based upon a salary schedule established by the Board of Trustees on recommendation of the President. All Faculty salary schedules are published and issued by the President.

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 National University and the state of the economy.

ARTICLE 14 BUDGET

The Faculty Senate Budget Committee will meet with the Chief Financial Officer of the University to review the University's previous year's budget expenditures, the proposed coming fiscal year's budget and the audit prepared by the University's CPAs by June 15. The Budget Committee will be provided copies of these reports ten (10) working days prior to the meeting.

ARTICLE 15 FACULTY FEEDBACK

On an annual basis, Faculty members will receive standard surveys to provide feedback on their respective Chairs, School Deans, and the Provost. The purpose of the feedback is not to evaluate the Provost, School Deans and Department Chairs, but rather to provide relevant feedback on specific areas focused on the respective responsibilities of each position. All data will be treated confidentially. The raw data will be reviewed by the President for the Provost, by the Provost for each School Dean, and by the Provost and respective School Dean for each Department Chair. Summary data will be provided to the President, and the data may be shared with the Faculty Senate Officers at the President's discretion. Each year, the taskforce will review the effectiveness of the feedback system and revise as needed, by the President.

ARTICLE 16 AMENDMENT PROCESS

This section details the process for amending these *Faculty Policies*.

16.1 Proposed amendments can originate from either the Administration or the Faculty.

16.1.1 Proposed amendments from the Faculty can be petitioned by a two-thirds (2/3) vote of the Faculty Senate or a petition from twenty (20) percent of the full-time Faculty who are covered by the *Faculty Policies*.

16.1.1.1 A Petition from the full-time Faculty must be certified by the Faculty Senate Secretary and must contain at least five (5) petitioners from each College or School. No more than fifty (50) percent of the petitioners can be from one school.

16.1.2 All petitions, regardless of their origin, must contain a justification for the changes sought.

16.2 The scope of the change sought must be a single subject. The entire document, or in most cases an entire article, may not be changed by one amendment.

16.3 Either the Administration or Faculty may propose no more than two amendments in a given year. Up to four additional amendments may be proposed if they are jointly proposed by the Administration and the Faculty Senate.

16.4 The petitions will be examined by the Faculty Senate at the November Faculty Senate meeting each year. If a petition conforms to the requirements stated above, a discussion process between representatives of the Faculty Senate and the Administration will take place. Generally, the Faculty Senate representatives will be the Faculty Senate Chair and one person elected by the Faculty Senate. Generally, the Administration representatives will be the President and the Provost. If an agreement is reached between these parties, the Proposed Amendment will be sent back to the Faculty Senate for a vote.

16.5 If the Faculty Senate vote is a simple majority affirming the Proposed Amendment, it will be sent to the Faculty for a vote.

16.6 If the Faculty vote is affirmative, the Proposed Amendment will be sent to the President for consideration.

16.7 When the President agrees with the Proposed Amendment, it will be taken to the Board of Trustees for a vote.

16.8 If the Board of Trustee approves the Amendment, the *Faculty Policies* will be revised as follows:

16.8.1 The *Faculty Policies* will be reissued noting the current year and the new language will be incorporated into the document.

16.8.2 Typically, the effective date of the amended *Faculty Policies* will be on the July 1 occurring after the process of amending the *Faculty Policies* is complete.



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