



# **Faculty Rules of Procedure**

Approved April 13, 2013

# **A**

## **Faculty Activities**

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### **Section A-1**

In principle, the College encourages faculty research and participation in professional, educational, and public activities beyond the classroom, and it is the responsibility of the Faculty member to determine that such activities do not interfere with the fulfillment of his or her other obligations to the College.

### **Section A-2**

The faculty member is obligated to keep the College informed of major outside commitments to teaching, lecture programs, consulting activities, and other employment and to discuss in advance with the Dean of the Faculty any such commitments that involve the use of College facilities or significant amounts of Faculty time.

### **Section A-3**

No formal application shall be finally submitted for a research grant or other grant that is to be administered by the College except after approval by the President.

# **B**

## **Conditions of Appointment of Faculty Members**

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### **Section B-1**

The precise terms and conditions of every appointment or reappointment shall be stated in writing and be in possession of both the faculty member and the College before the appointment is consummated. There are three types of appointment contracts, tenure track, tenured and visiting (as described in Article IV, Section 4 of the Constitution.)

### **Section B-2**

Notice that a tenure track appointment for a fixed term will not be renewed or extended shall be given to the faculty member in writing as soon as such decision is made and, unless delay is caused by a bona fide emergency situation, shall also be in accordance with the following schedule:

1. If the individual has been a member of the Faculty for less than two years, as early as possible before the beginning of the Christmas recess of the last year of his or her appointment.

2. If the individual has been a member of the Faculty for two or more years, at least 12 months prior to the date of termination of his or her appointment.

### **Section B-3**

Visiting appointments terminate as described in the appointment letter without further notice of non-renewal.

### **Section B-4**

Once a faculty member has acquired academic tenure, the presumption of both the Faculty and the College is for continuation of service from year to year in the absence of written notice to the contrary. The College will provide annually a statement of the salary established for the ensuing year and, as occasion requires, written notice of promotions and of other specific changes of terms, such as approval of leaves.

### **Section B-5**

Except for matters covered by Section B-3 above, the College shall notify all Faculty members not later than May 15 of each year concerning their status for the next academic year, including rank and (unless unavoidable budgetary conditions forbid) prospective salary.

### **Section B-6**

A faculty member may ask the Committee on Advancement and Tenure to reconsider any decision affecting employment status pursuant to Article VII, Section 5 of the Constitution. A policy describing procedures for any such reconsideration shall be determined by the Faculty and shall be published in the Faculty Handbook. In no case shall requests for reconsideration limit a faculty member's right to submit a formal appeal to the Appeals and Review committee, as per Article VIII, Section 2 of the Faculty Constitution.

### **Section B-7**

Normally, academic tenure will apply only to full-time academic members of the Faculty, but it may occasionally be desirable to accord it to personnel having additional employment outside the College. A faculty member having academic tenure who reduces his or her employment at the College to a continuing part-time basis shall not necessarily lose his or her status of academic tenure as a result. All special cases involving part-time employment shall be accepted or rejected on their individual merits.

### **Section B-8**

An individual on academic tenure will retain such status during official leaves of absence.

# C

## Sabbatical Leaves and Leaves of Absence

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### Section C-1

Effective classroom teaching at Reed demands a serious, active engagement with the scholarly materials of one's field. The purpose of a sabbatical leave is to encourage scholarship, research and/or creative endeavor so as to maintain and enhance the intellectual quality of the Faculty and to help ensure thereby the highest quality teaching. A sabbatical leave is defined as one semester or one year of Reed College employment at full pay, without teaching or administrative responsibilities and devoted to independent inquiry and/or creative endeavor. (For the purposes of Section C the term "sabbatical leave of one semester at full pay" shall be interpreted to include sabbatical leave of one year at half pay.)

### Section C-2

Requests for sabbatical leave must be approved by the President upon recommendation of the Committee on Academic Policy and Planning. All such requests should include a description of the research or other professional activity to be pursued during the sabbatical period. Requests should also be accompanied by a statement from the faculty member's department – and from the relevant Humanities staff and/or interdisciplinary program, where appropriate – regarding the curricular impact of the proposed sabbatical leave.

### Section C-3

For faculty members on academic tenure, eligibility for sabbatical leave is earned after every twelve semesters – consecutive or otherwise – of full-time teaching at the College (except in unusual cases as described in Section C-4 and Section C-7). Semesters of part-time teaching will accumulate on a pro-rated basis. Faculty members on academic tenure whose probationary period was three or four years of full-time teaching at Reed because of full-time teaching experience prior to joining the Reed Faculty and who did not enjoy sabbatical leaves at their previous institutions may request that some or all of the prior full-time teaching experience accrue toward eligibility for the first post-tenure sabbatical leave. Such requests may be made at or after the time of appointment, and will be considered on a case-by-case basis by the President in consultation with CAPP. For untenured tenure-track faculty who take a one-semester sabbatical leave at full pay under the provisions of Section C-5, that semester will count as one of the twelve semesters required for subsequent sabbatical eligibility. Semesters of unpaid leave taken by untenured tenure-track faculty will not count as one of the twelve semesters required for subsequent sabbatical eligibility.

## **Section C-4**

In unusual circumstances, a sabbatical period may occur earlier or later than the normally scheduled semester or year of eligibility (as described in Section C-3). Requests for early or late sabbatical leave must be based on clear and compelling reasons having to do with departmental or programmatic staffing or extraordinary scholarly opportunities, and must be endorsed by the relevant department and/or program. Where an early sabbatical period occurs, the number of semesters of full-time teaching at the College required for subsequent sabbatical eligibility will increase equivalently. Where a late sabbatical period occurs, the number of semesters of full-time teaching at the College required for subsequent sabbatical eligibility will decrease equivalently. However, in all cases (except in unusual cases as described in Section C-7) at least eight semesters of full-time teaching at the College must intervene between consecutive sabbatical periods.

## **Section C-5**

A one semester sabbatical leave at full pay will be awarded to all untenured tenure-track faculty whose probationary period is either five or six years of full-time teaching at Reed, whose initial appointment was not deferred because of extramural professional development opportunities, who have earned the terminal degree in an appropriate field, and who submit proposals that are judged to be excellent by the Paid Leave Award Committee, as described in Section C-8. (For individuals who fall into this category except that their original proposals are not judged to be excellent, the Paid Leave Award Committee shall communicate its concerns through the Dean of the Faculty, and shall invite revised proposals for reconsideration in the same academic year.) Normally, untenured faculty will take their sabbatical leaves in the third or fourth year of the probationary period.

## **Section C-6**

For tenured faculty members, sabbatical periods may be for one semester at full pay or one year at full pay. Eligibility to apply for a full year sabbatical at full pay will be determined by the President in consultation with CAPP, as described in Section C-2. Full year sabbatical leaves at full pay will be granted only on the basis of a research proposal submitted to the Paid Leave Award Committee and judged excellent by that committee, as described in Section C-8. (For individuals who fall into this category except that their original proposals are not judged to be excellent, the Paid Leave Award Committee shall communicate its concerns through the Dean of the Faculty, and shall invite revised proposals for reconsideration in the same academic year.) Further, the Paid Leave Award Committee will consider and evaluate such research proposals from only those tenured faculty members who also successfully certify that they have either received significant support – which may or may not be faculty salary support – for their projects from extramural funding entities recognized for supporting research or creative endeavor in the relevant field or are seeking such support for their projects from at least two such extramural funding entities. Typically, certification will be achieved by submitting to CAPP complete copies of the extramural grant applications (excluding confidential letters of recommendation that the extramural funding entities may require). In cases where extramural grant proposals will be submitted only after the Paid Leave Award Committee makes its decisions, those decisions will be provisional,

pending subsequent submission of extramural proposals to CAPP and certification by CAPP. The Dean of the Faculty will annually provide a list of recognized funding entities, and will work closely with CAPP and individual departments to ensure that the list is appropriately inclusive and up to date. In cases where it is unreasonable to expect the faculty member to apply for extramural grant support – for example, in disciplines where such support is entirely unavailable – the Dean of the Faculty will work closely with CAPP and the individual faculty member to find an approach that may successfully address the spirit of this requirement. CAPP will have the final decision as to whether a faculty member's extramural applications for support are sufficient – in terms of the type of support requested, the purposes for which the support are sought, and the relative standing of the extramural entity – to make the faculty member eligible to apply for a full year sabbatical at full pay. In the event that extramural grant applications submitted to CAPP under this program are successful, the College's financial support for the faculty member's sabbatical will in all cases be reduced by an amount equal to the total amount of support that the faculty member will receive from extramural entities for salary and benefits (excluding extramural funds explicitly designated for summer salary). However, all sabbatical-eligible faculty are entitled (subject to the provisions of Section C-2) to one semester of college-paid sabbatical regardless of extramural support. In the absence of a research proposal that the Paid Leave Award Committee judges excellent, or if CAPP determines that the individual has failed to certify that he or she is seeking appropriate extramural support, the sabbatical period will in all cases be for one semester at full pay.

### **Section C-7**

In unusual circumstances, the Paid Leave Award Committee may consider a single proposal from a tenured faculty member for two non-consecutive semesters of sabbatical at full pay, the first of which would occur after six semesters of full-time teaching at the College and the second of which would occur during one of the subsequent semesters of the same sabbatical cycle for that faculty member. (This modifies Section C-3 and Section C-4.) Eligibility to apply for two non-consecutive semesters of sabbatical at full pay will be determined by the President in consultation with CAPP, as described in Section C-2. Such applications will be approved only on the basis of a research proposal submitted to the Paid Leave Award Committee and judged excellent by that committee, as described in Section C-8, and only after a determination by the CAPP (1) that the proposal is based on considerations involving extraordinary and important research opportunities that require two non-consecutive semesters of sabbatical at full pay instead of one full year of sabbatical at full pay and (2) that such opportunities are sufficiently important to outweigh considerations of curricular and pedagogical continuity that reflect the centrality of the College's teaching mission. Further, the Paid Leave Award Committee will consider and evaluate such research proposals from only those tenured faculty members who successfully certify that they are also seeking to obtain financial support from extramural funding entities, following the same procedures, and subject to the same rules and limitations, described in Section C-6.

### **Section C-8**

Untenured faculty who request a one semester sabbatical leave at full pay and who are eligible for this under Section C-5, and tenured faculty who request a full year sabbatical

(or two non- consecutive semesters of sabbatical) at full pay and who are eligible for this under either Section C-6 or C-7, must submit a full research proposal to the Paid Leave Award Committee. A full research proposal must include:

1. A completed cover page.
2. A brief (300 word) description of the project, intended for a non-specialists audience.
3. A detailed description of the relationship of the project (not to exceed 1500 words), comprising both a specific statement of the hypotheses to be tested, the questions to be answered, or the goals to be achieved and an account of the project's significance to the field, the curriculum, and the faculty member's intellectual and/or professional development.
4. A description of the relationship of this award to other possible sources of funding, and the total funding required to complete the project.
5. A curriculum vitae and a summary of outcomes of recent leaves or summer research projects.
6. Two letters of support. To the extent possible, letters should come from persons with expertise in the relevant field or area of specialization. At least one of these letters should come from outside of the institution.

The Paid Leave Award Committee will be appointed by the President with the approval of CAPP and CAT. The committee will be composed of one representative from each division of the College. One member of the committee shall be designated Chair by the President with the approval of CAPP and CAT. Committee service will be for two year terms, staggered for purposes of continuity. Faculty members planning to apply in any given year for one semester sabbaticals under C-5 or for one year sabbaticals (or two non-consecutive semesters of sabbatical) under either C-6 or C-7 are not eligible to serve on the committee in that year.

### **Section C-9**

Requests for unpaid leaves of absence may be granted by the President upon the recommendation of CAPP. All such requests should be accompanied by a statement from the faculty member's department -- and from the relevant Humanities staff and/or interdisciplinary program, where appropriate -- regarding the curricular impact of the proposed unpaid leave of absence. Requests for unpaid leave should be made in a timely fashion so that the College has a reasonable opportunity to secure a satisfactory replacement, if necessary.

### **Section C-10**

A single continuous period of leave – composed of sabbatical and unpaid leave in any combination – shall not exceed four semesters except in extraordinary circumstances and in no event shall exceed six semesters. (This restriction does not apply to leaves covered by Section C-13 and/or C-14.)

### **Section C-11**

Any single period of leave of either one semester or one year in duration, and in any combination of sabbatical and unpaid leave, must be both preceded and followed by

at least four consecutive semesters of full-time teaching. Any single period of leave of either three or four semesters in duration, and in any combination of sabbatical and unpaid leave, must be both preceded and followed by at least six consecutive semesters of full-time teaching. Upon the recommendation of the Committee on Academic Policy and Planning, the President may grant exceptions to this rule. However, such exceptions will presuppose professional development opportunities of extraordinary benefit to the College and will be granted only when exigencies of scheduling are such that similar opportunities are unlikely to be available at another time. (The restrictions described in this Section do not apply to leaves covered by Section C-13 and/or C-14.)

### **Section C-12**

After completing a sabbatical, the faculty member will summarize the activities undertaken as a written report to the Dean of the Faculty on achievements during a sabbatical, including copies of materials produced, publications, etc. The Dean of the Faculty will place a copy of this report in the faculty member's permanent evaluation file. The faculty member is expected to report on his or her research in a form suitable for dissemination to the Reed community (for example, as a colloquium or a published document).

### **Section C-13**

In accordance with the requirements of ORS 659.630, parental leave will be granted upon the request of a faculty member. The faculty member shall provide written notice of the dates of intended parental leave. This notice must be received by the College at least 30 days before the anticipated date of birth or the date of physical custody of an adopted child under six years of age. In the event of premature birth, maternal incapacity due to birth rendering her unable to care of the child, or the unanticipated taking of custody of an adopted child, the faculty member shall give the College notice of revised dates of parental leave within seven days after birth or taking custody. In order to reduce the impact on operations of the College, including staffing requirements and class offerings, informal notification should be provided as soon as is practical. Parental leave will be for 12 weeks in duration. Faculty will receive one-half of their contractual salary amount during the parental leave. In no event shall the parental leave extend beyond one year from the date of birth.

### **Section C-14**

The College may require that a faculty member accept a leave of absence for reasons of health, whether or not the individual requests such a leave, on the following conditions:

1. If the individual disagrees on the need for the leave, he or she may appeal to the Appeals and Review Committee.
2. A person required to take leave under this paragraph shall receive every benefit that would be available to a faculty member who qualified for total disability benefits under any applicable disability plan maintained by the College.
3. A special leave of absence under this paragraph shall be reviewed at least once every two years.



# D

## Resignations of Faculty Members

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### Section D-1

A faculty member who contemplates resigning or is seriously negotiating other employment shall not delay informing the College of his or her intentions longer than is necessary to protect his or her rights and convenience in seeking employment.

### Section D-2

A faculty member who concludes a binding agreement to accept employment elsewhere is obligated to notify the College immediately.

### Section D-3

Except in emergency situations, a faculty member is under obligation not to submit a resignation less than six weeks before the end of spring semester to take effect at the end of the academic year. If such a resignation is submitted, the College may refuse to accept the resignation and the faculty member is obligated to conform to the College's decision.

# E

## Retirement of Faculty

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### Section E-1

Faculty members whose appointment began prior to September 1, 2001, and who retire both after ten or more years as a member of the Faculty and at the age of fifty-five years or above attain, upon retirement, the title "emeritus" or "emerita" and become eligible for retiree benefits, as specified in written college policies concerning such benefits. Faculty members whose appointment began on or after September 1, 2001, and who retire both after twenty or more years as a member of the Faculty and at the age of fifty-five years or above attain, upon retirement, the title "emeritus" or "emerita" and become eligible for retiree benefits, as specified in written college policies concerning such benefits.

### Section E-2

Emeritus members of the Faculty shall retain all normal faculty library privileges. Emeritus members of the Faculty shall retain e-mail accounts as long as they wish, and the College will make reasonable efforts to supply emeritus faculty with technical computing support and, where appropriate and necessary, with equipment, according to policies published in the Faculty Handbook. Where possible and desirable, according

to mutual agreement among affected persons and departments, emeritus faculty may retain certain laboratory facilities and research privileges. Emeritus faculty may be principal investigators for research projects, and consonant with the efficient allocation of staff resources, are entitled to assistance in applying for external grants. In accordance with policies established by the Dean of the Faculty and published in the Faculty Handbook, emeritus faculty may be assigned office space and may receive secretarial support.

## **F**

### **Complaints and Charges Brought against Members of the Faculty**

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#### **Section F-1**

##### **Preliminary Considerations and Procedures**

1. Any member of the Student Body, Staff, or Faculty who has a complaint against a member of the Faculty should first consider informal resolution of the matter through discussion with the faculty member in question or through mediation under Honor Council auspices.
2. Complaints shall be limited to alleged violations of the Honor Principle, alleged violations of duly enacted policies and regulations of the College or alleged violations of the statement of professional ethics enacted as Appendix I of the Constitution of the Faculty.
3. If an informal resolution is deemed inappropriate or cannot be obtained, the complainant may bring the matter to the attention of the Dean of the Faculty. The complainant should present the complaint as soon as possible after the alleged misconduct occurs. Whenever possible, the initial discussion between the complainant and the Dean of the Faculty shall be kept confidential, with no official written record.
4. No sanction shall be recommended or imposed for speech, writing, or other action protected by the provisions of Article V of the Constitution of the Faculty.
5. These procedures, including the procedures of Sections G and H, shall be executed within the time periods specified, or if circumstances prohibit this, in as expeditious a manner as possible.

#### **Section F-2**

##### **Formal Complaints or Charges**

1. Any member of the Student Body, Staff, or Faculty may file with the Dean of the Faculty a formal signed complaint against a faculty member. If after discussion with the complainant, the Dean (or his or her designee) concludes that the complaint is without foundation or cannot reasonably be investigated due to the passage of time, and if no duly enacted policy or compelling legal reason mandates further investigation, he or she shall dismiss the complaint. In all other cases, the faculty member shall receive a copy of the signed complaint and shall have five working days in which to reply and to state his or her position. Every effort shall be made to protect the complainant from retaliatory action.

The Dean of the Faculty (or his or her designee) shall promptly discuss the complaint and the response with the complainant and the accused faculty member. A resolution of the complaint may be agreed to by the faculty member, the Dean of the Faculty (or his or her designee), and the complainant. If no such agreement is reached within ten working days after a complaint has been filed, the Dean of the Faculty shall forward the complaint to the Chair of the Grievance Review Panel, unless the alleged conduct appears to warrant fixed term suspension or termination of tenure or of fixed-term appointment prior to expiration, in which case the Dean shall consult with the Committee on Advancement and Tenure as to whether to initiate proceedings under the provisions of Section H of these Rules of Procedure.

2. In the absence of or independent of a formal signed complaint, the Dean of the Faculty (after informal inquiries and consultation with the Committee on Advancement and Tenure), or the Committee on Advancement and Tenure itself, may determine that an investigation of unprofessional conduct may be warranted according to the procedures of Section G or Section H. Any informal inquiries undertaken by the Dean or the Committee shall be strictly limited to determining whether a formal investigation is warranted. If the Dean or the Committee on Advancement and Tenure determines that possible charges do warrant investigation according to the procedures of Sections G or H, the faculty member in question shall promptly receive a written statement of the nature and grounds of the possible charges to be considered and shall have five working days from receipt of this statement in which to reply and to state his or her position. The Dean of the Faculty and the Committee on Advancement and Tenure shall have five working days from receipt of the faculty member's reply to determine whether the possible charges require investigation.

If the Dean of the Faculty and the Committee on Advancement and Tenure determine that plausible grounds for investigation or adverse action do not exist, the Dean of the Faculty shall immediately so inform the faculty member in writing. If the Dean of the Faculty or the Committee determines that plausible grounds for adverse action may exist, the Dean, the Committee, and the faculty member are bound in good faith to seek an informal resolution of the matter among themselves before formal steps are taken. If a resolution does not seem possible or is not agreed to within fifteen working days of the determination that grounds for adverse action may exist, and if the alleged conduct appears to warrant a sanction less than fixed-term suspension or termination, such as a warning or reprimand, the Dean of the Faculty shall promptly forward charges to the Chair of the Grievance Review Panel. If the Dean of the Faculty or the Committee on Advancement and Tenure determines that the alleged conduct appears to warrant fixed term suspension or termination of tenure or of fixed-term appointment prior to expiration, then the Dean of the Faculty or the Committee on Advancement and Tenure, whichever has so determined, shall promptly initiate proceedings pursuant to Section H.

3. In the event that a hearing according to the procedures of Sections G or H overlaps in time with a personnel review affecting title, salary, or term of service of the accused faculty member, that review shall be suspended pending the final outcome of those procedures.
4. In the event that a hearing according to the procedures of Sections G or H comes about because of an allegation submitted to the Committee on Advancement and Tenure, that allegation shall normally remain in the faculty member's evaluation file. In cases where such an allegation is discredited by a hearing that clears the accused faculty member of wrongdoing, the Committee on Advancement and

Tenure shall either insert a statement to that effect into the evaluation file or delete the discredited allegation.

5. The Dean of the Faculty, the Committee on Advancement and Tenure and the President, and any Grievance Hearing Board or Investigating Committee, shall make every effort to safeguard as fully as possible the confidentiality of any disciplinary proceeding according to the procedures of Sections G or H.

### **Section F-3 Record Keeping**

1. If sanctions have been imposed under the provisions of Section G or H, and appeal is unsuccessful, a statement of these sanctions and of their grounds shall be placed in the faculty member's evaluation file. Informal or mediated resolutions of complaints or charges may stipulate that an appropriate statement be placed in the faculty member's evaluation file.
2. All other records arising from formal complaints or charges against members of the Faculty, all other records arising from informal resolutions reached through interaction with the Dean of the Faculty or the Committee on Advancement and Tenure, and records arising from mediation through the Honor Council which results in acknowledgment of injury to a community member, shall be kept by the Dean of the Faculty in confidential complaint files separate from all other records pertaining to a faculty member. A Hearing Board or Investigating Committee shall not consult these files except when considering what sanctions to recommend in a case where allegations have been substantiated through the procedures of Sections G or H. The Committee on Advancement and Tenure shall not consult these files except when determining whether to initiate proceedings pursuant to Section F-2 above. As stated in the Community Constitution, these files shall be maintained for the duration of a faculty member's employment at Reed, or longer if legally required, and shall be destroyed at the end of that period.

## **G**

### **Procedures for Sanctions Less than Fixed-Term Suspension or Termination**

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#### **Section G-1**

1. Within five working days of the receipt of a complaint filed by a member of the Community or of charges forwarded by the Dean of the Faculty or the Committee on Advancement and Tenure, the Chair of the Grievance Review Panel shall appoint from that panel a Grievance Hearing Board, made up of three members of the Faculty, taking care that the board is composed in a way likely to be impartial with respect to these allegations. The Hearing Board shall meet not more than five working days after its appointment to discuss the allegations, and shall normally complete its deliberations within twenty working days from receipt of a complaint or charges.

2. The Hearing Board shall conduct an investigation, call witnesses, and gather information it deems necessary to assist it in reaching a determination as to the merits of the allegations. Unless the Hearing Board concludes that the allegations are without merit, it shall invite any parties to a dispute to appear before it and to confront any adverse witnesses.
3. In any appearance before a Hearing Board, a complainant and the alleged offender each have the right to be accompanied by not more than two advisers from within the Reed Community, each of whom shall be a currently enrolled student or a current member of the Faculty or Staff. No such adviser may participate in the hearing as representing any party, or in any other way. Legal counsel, including College counsel, shall not be permitted to observe or participate in any appearance before or meeting of a Hearing Board.
4. In arriving at its ultimate determination as to the merits of the allegations, the Hearing Board shall be guided by a standard of the preponderance of the evidence in the information before it, considered as a whole.

## **Section G-2 Report of the Hearing Board**

1. In cases arising from a formal complaint, the Hearing Board shall communicate its determination as to the merits of the allegations in writing to the complainant. A summary of the basis for the board's determination shall be provided to the complainant upon request. In all cases, the Hearing Board shall supply the Dean of the Faculty and the person charged with a report consisting of its determination as to the merits of the allegations, any recommendations for sanctions against the faculty member, and a statement of the evidence gathered in the course of its investigations.
2. If the Hearing Board recommends seeking fixed term suspension or termination of tenure or of fixed-term appointment prior to expiration, the report of the Hearing Board shall immediately be forwarded to the Committee on Advancement and Tenure, at which point the procedures of Section H shall come into force. If the Hearing Board recommends the imposition of some lesser sanction, such as a warning or reprimand, the Dean of the Faculty shall forward this recommendation to the President, who shall determine whether to impose that sanction.
3. The affected faculty member may appeal to the Appeals and Review Committee any action by the President that is based on a recommendation by a Hearing Board.

## **H**

### **Procedures for Fixed-Term Suspension or Termination of Academic Tenure or of Fixed Term Appointment Prior to Expiration for a Reason Other than Financial Exigency**

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## Section H-1

Proceedings for termination or fixed-term suspension for a reason other than financial exigency shall be carried out as follows:

1. Prior to or in lieu of Section H proceedings, the College and the faculty member may agree to arbitration or mediation. If such a resolution of the matter cannot be agreed upon, either the Committee on Advancement and Tenure or the Dean of the Faculty, after consultation between them, may present formal charges against the faculty member to the Committee on Tenure. The burden of proof of the charges shall lie with the Dean or the Committee on Advancement and Tenure, whichever has initiated the proceeding, and will be satisfied only by clear and convincing evidence in the record considered as a whole.
2. The Committee on Tenure shall consist of the Faculty members of the Appeals and Review Committee with the following exceptions:
  - a. If the person whose termination or fixed-term suspension is proposed is a member of the Committee, he or she shall withdraw until his or her case is completed.
  - b. Any member of the Committee who feels in his or her own judgment that he or she cannot participate impartially in a particular case shall withdraw for the duration of the case.
  - c. Vacancies because of one or two withdrawals shall be filled by faculty members chosen by the remaining members of the Committee. If there are more than two vacancies because of withdrawals, all of the vacancies shall be filled by faculty members elected by the Faculty from nominees of the Committee on Advancement and Tenure in a number equal to twice the number to be elected.
3. The Committee on Tenure shall promptly appoint an Investigating Committee of five faculty members on academic tenure, one of whom shall be chosen from among three nominated by the individual under investigation, one of whom shall be chosen from among three nominated by the President, and one of whom shall be chosen from among three nominated by the Committee on Advancement and Tenure. The Investigating Committee shall choose its own chair.
4. The Investigating Committee shall investigate the charges, hold hearings, and make recommendations as follows:
  - a. The person charged shall be fully informed in writing of the charges against him or her and shall have the opportunity to respond to the charges, to confront witnesses in hearings and to cross-examine them, to be heard in his or her own defense, to produce witnesses in his or her own behalf and to have with him or her at most two academic advisers of his or her own choosing. Where witnesses cannot or will not appear, but the Investigating Committee determines that the interests of justice require admission of their statements, the Investigating Committee will identify the witnesses, disclose their statements, and if possible provide for interrogatories. Legal counsel, including College counsel, shall not be permitted to observe or participate in any appearance before or meeting of the Investigating Committee.
  - b. The Investigating Committee may see all documents held by the College that pertain to the case. The Committee shall hold such hearings as may be necessary to fully explore the charges. If the charges include that of academic incompetence, testimony may include that of teachers and other scholars

- from the College or from other institutions of higher learning. A complete stenographic record of all hearings shall be kept and a transcript shall be prepared and supplied to the person charged upon his or her request. The hearings shall be open to the Faculty only if the person charged so requests.
- c. The Investigating Committee shall normally complete its investigation within thirty working days of its appointment. Upon the completion of its investigation, the Investigating Committee shall meet, consider the evidence, and reach its conclusions by a secret ballot in which the chair shall have the right to vote.
  - d. If the proceedings have arisen from a formal complaint, the complainant shall receive a written statement of the Investigating Committee's determination as to the merits of the allegations, and upon request, a statement of the grounds for this determination. The Investigating Committee shall submit a written report to the President, the person charged, and to the Dean of the Faculty or the Committee on Advancement and Tenure, whichever has initiated the proceedings. The report shall include a summary of the Committee's findings and recommendations for the disposition of the case and shall have attached a transcript of any hearings of which transcripts have been prepared. If the Investigating Committee concludes that adequate cause for suspension or termination has not been established by the evidence in the record, it will so state in its report. If the Investigating Committee concludes that an academic penalty less than suspension or termination would be more appropriate, it will so recommend in its report, with supporting reasons.
5. The President or his or her designated representatives shall have the right to attend any hearings or meetings of the Investigating Committee or the Committee on Tenure as an observer.
  6. The President may seek clarification or further information from the Investigating Committee, and this additional information will become a part of the report of the Committee. Within five working days of receiving the final report of the Investigating Committee, the person accused may submit a written statement of his or her position to the President. If the President rejects the recommendations of the report, the President will state the reasons for so doing, in writing, to the Investigating Committee and to the faculty member, and will provide an opportunity for response before transmitting the case to the Board of Trustees. The faculty member or the President may request a review and recommendation from the Appeals and Review Committee, based on the record of the Investigating Committee hearing, supplemented by any written statements which the Investigating Committee, the President, or the affected faculty member may wish to submit.
  7. If the President recommends termination or fixed-term suspension, the President will transmit to the Board of Trustees the entire record of the case. The Board of Trustees' review will be based on this record, and the Board of Trustees will provide opportunity for argument, oral or written or both, by the principals in the case or by their representatives. The decision of the Investigating Committee will either be sustained or the proceedings returned to the Committee with specific objections. The Investigating Committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Trustees will make a final decision only after study of the Committee's reconsideration.
  8. The President, after consultation with the Committee on Tenure, may suspend a person charged during the proceedings only if immediate harm to him or

herself, the College, or others is threatened by his or her continuance. Any such suspension shall be with pay.

9. The Board of Trustees shall fix the financial arrangements with respect to termination. In the case of tenured faculty, unless the grounds for termination include personal conduct covered by Article VI, Section 1.C of the Constitution, the individual shall receive 12 months' salary from the date of termination at his or her prevailing rate. Fixed-term suspension shall normally extend over not more than one academic year. Such suspension will be without pay or benefits, except for health insurance benefits.

## I

### **Proceedings for Termination because of Financial Exigency**

Approved April 13, 2013

#### **Section I-1**

Proceedings for termination because of financial exigency shall be carried out as follows:

1. The existence and extent of a bona fide financial exigency shall first be discussed with the Faculty and all means of meeting the exigency shall be analyzed.
2. Only after consultation with the Committee on Academic Policy and Planning, the President or the Board of Trustees may carry out the termination.
3. The person terminated may, after receiving notice of termination, request a written statement from the President giving the reasons for his or her being selected for termination and may appeal the decision to the Appeals and Review Committee. In event of appeal, the person terminated may make such written or oral presentation as he or she desires and may present witnesses and other evidence in his or her behalf. He or she may be accompanied by an academic advisor or legal counsel of his or her own choosing or both.
4. The Board of Trustees shall fix the financial arrangements with respect to termination. In the case of tenured faculty, the individual shall receive 12 months' salary from the date of termination at his or her prevailing rate; however, the College and the individual shall use reasonable efforts to obtain another position for the individual and, if another position is obtained, the termination pay shall cease when pay from the new position begins.

## **Appendix I**

### **AAUP Statement on Professional Ethics**

Approved April 13, 2013

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and



improving 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 professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

## **Appendix II**

### **Resolutions Adopted by the Faculty Governing Conduct of Faculty Meetings**

Approved April 13, 2013

1. The practice of using a tabling motion to cut off discussion of an issue before the Faculty is prohibited in meetings of the Faculty. (September 6, 1962)
2. New business may be introduced at special Faculty meetings by two-thirds vote of those present, provided that a quorum of 60 percent of the Faculty not on

- leave or sabbatical is present when this procedure is invoked. The Clerk shall be responsible for determining the existence of such a quorum. (September 29, 1969)
3. Regular and special meetings of the Faculty shall be considered to be closed to all members of the community except those defined as Faculty in Article I, Section 1 of the Faculty Constitution of Reed College. Other community members, for example staff or students, may be invited to attend and participate as non-voting members upon invitation by the Faculty. (March 30, 1970)
  4. A Motion to reconsider shall require at least 48 hours written notice to the Faculty. (December 7, 1970)
  5. The Committee on Academic Policy and Planning shall report its findings and recommendations to the Faculty on all matters except new courses before spring vacation. (November 27, 1972)
  6. A motion to ban smoking at Faculty meetings. (May 14, 1973)