APPENDICES

The following materials are not part of the Faculty Handbook. They are for informational purposes only.
According to the revised form of the Faculty Handbook, dated September 2, 1970, "the Faculty consists of the President, the vice presidents, the deans, professors, associate and assistant professors, instructors, and such other officers as the President may designate."

According to the Faculty Handbook as amended November 15, 1971, "The Faculty consists of the President, the vice presidents, the academic deans, professors, associate and assistant professors, instructors, and such other academic officers as are both designated by the President and confirmed by a vote of the Faculty." A footnote to this sentence reads: "The requirement of confirmation by the Faculty is necessary only for those individuals designated by the President after adoption of the amendment."

There are individuals therefore who, being neither ranked members of academic departments nor professional librarians, are Faculty:

a) Those individuals who are Faculty by virtue of the September 2, 1970, Faculty Handbook are:

   Mr. Kenneth E. DeCrane
   Mrs. Mary K. Kirkhope

b) Those individuals who are Faculty by virtue of presidential designation (see Appendix B) are:

   Mr. Cornelius Brown, Jr.
   Mr. Donald F. Grazko
   Mr. John F. Huddleston
   Mr. Paul Kantz
   Mr. John T. Reali
   Mr. John P. Sammon

c) Those individuals who are Faculty by virtue of the amended Faculty Handbook replaced by this revision are:

   Mr. W. Douglas Bookwalter
   Mr. Edward F. Schaefer
MEMORANDUM

To: Dr. Harry C. Nash
        Chairman, Faculty Handbook Committee

        Reverend Joseph R. Nearon, S.S.S.
        Acting Chairman, Faculty Service Committee

From: Henry F. Birkenhauer, S.J.
        President

Subject: Definition of the faculty

Part One, Section I, of the Faculty Handbook lists as members of the faculty "the president, the vice presidents, the deans, professors, associate and assistant professors, instructors, and such other officers as the president may designate." I am pleased to designate the following as members of the faculty in the sense of this paragraph:

Secretary of the university corporation
Treasurer of the university corporation
Staff Assistant
Director of University College
of Continuing Education

Father Spittler, S.J.
Father Simon, S.J.
Miss Thamey
Mr. Selzman

The foregoing, by reason of their office "are not eligible to be elected or appointed to represent the faculty on internal university committees." If one of these officials holds a faculty appointment, he is, of course, eligible in virtue of that title.

The following are also members of the faculty and are eligible to be elected or appointed to represent the faculty on internal university committees:

Coordinator of Academic Counseling
Academic Counselor
Director of Admissions

Mr. Brown
Father Tolbert, S.J.
Mr. Samman
Associate Director of Admissions
Director of Alumni Relations
Internal Auditor
University Chaplain
Assistant University Chaplain
Director of Computer Center
Director of Counseling Center
Director of Financial Aid
Director of Funds Development
Director of Library
Professional Librarians

Director of Physical Plant
Director of Placement
Assistant Director of Associate in
Professional Management Program
Director of Public Information
Registrar
Headmaster of Residence Halls

Mr. MacKenzie
Father Pingstock, S.J.
Mr. Reali
Father Trese, S.J.
Father Hussey, S.J.
Mr. Grazko
Dr. Nasal
Mr. Chenelle
Mr. Perry
Father Mackin, S.J.
Mrs. Palffy
Mrs. Stevenson
Mrs. Weisel
Mr. Kramer
Mr. Fitzsimmons

Mr. Strange
Mr. Kantz
Mr. Huddleston
Father Millor, S.J.

These definitions are made on the basis of position, not by individuals.

Henry F. Birkenhauer, S.J.

HFB:it
cc: Dr. Noetzel
### FACULTY REPRESENTATION ON UNIVERSITY COMMITTEES

<table>
<thead>
<tr>
<th>Committee</th>
<th>Current Minimum Number of Elected Faculty Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Graduate Studies</td>
<td>one</td>
</tr>
<tr>
<td>University Council</td>
<td>three</td>
</tr>
<tr>
<td>Council on Teacher Education</td>
<td>two</td>
</tr>
<tr>
<td>Faculty Service Committee</td>
<td>total membership</td>
</tr>
<tr>
<td>Faculty Handbook Committee</td>
<td>total membership</td>
</tr>
<tr>
<td>Faculty Grievance Committee</td>
<td>total membership</td>
</tr>
<tr>
<td>Faculty Board of Review</td>
<td>variable(^1)</td>
</tr>
<tr>
<td>Committee on Research and Service</td>
<td>fifty percent</td>
</tr>
<tr>
<td>Retirement and Allowance Committee</td>
<td>two</td>
</tr>
<tr>
<td>Committee on University Enrollment</td>
<td>four</td>
</tr>
<tr>
<td>Committee on Scheduling</td>
<td>one</td>
</tr>
<tr>
<td>University Hearing Board</td>
<td>five</td>
</tr>
<tr>
<td>Committee on Computer Policy</td>
<td>two</td>
</tr>
<tr>
<td>Library Committee</td>
<td>four</td>
</tr>
<tr>
<td>Athletic Committee</td>
<td>three</td>
</tr>
<tr>
<td>Planning Group</td>
<td>three</td>
</tr>
<tr>
<td>University Core Committee</td>
<td>nine</td>
</tr>
<tr>
<td>University Budget Committee</td>
<td>five</td>
</tr>
</tbody>
</table>

### FACULTY REPRESENTATION ON FACULTY FORUM COMMITTEES

<table>
<thead>
<tr>
<th>Committee</th>
<th>Current Minimum Number of Elected Faculty Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Committee</td>
<td>fourteen</td>
</tr>
<tr>
<td>Committee on Academic Policies</td>
<td>eight</td>
</tr>
<tr>
<td>Committee on Policies for Rank, Tenure and Salary</td>
<td>seven</td>
</tr>
<tr>
<td>Committee on Research, Service and Faculty Development</td>
<td>eight</td>
</tr>
<tr>
<td>Committee on Nominations</td>
<td>seven</td>
</tr>
<tr>
<td>Finance Committee</td>
<td>four</td>
</tr>
</tbody>
</table>

\(^1\) The total membership of the Board will be Faculty, chosen by lot from a pool. The entire pool contains 15 Faculty, 10 elected Faculty and 5 Faculty appointed by the President.
AGREEMENT made this 15th day of December, [Year], by and between John Carroll University and [Title] [First name] [Middle initial] [Last name].

WITNESSETH: The University hereby employs [Title] [First name] [Middle initial] [Last name] and [Title] [First name] [Middle initial] [Last name] hereby accepts such employment and agrees to devote full time as a teacher on the staff of the University with the academic rank of [Rank], [Department] for the academic year [Academic Year], and to conduct such classes, extracurricular activities and administrative work during such year assigned to him [her] by the Administrators of the college or school in which he [she] is assigned to teach and to render such services in a scholarly and efficient manner to the satisfaction of said officers, for the sum of [Salary] which amount the University agrees to pay monthly in consideration for his [her] services in twelve equal payments, the first of which is to be made on the 30th day of September.

It is understood and agreed by the parties hereto that this agreement shall be interpreted and construed in the light of the provisions of the Faculty Handbook of John Carroll University which are in force at the time it is issued.

JOHN CARROLL UNIVERSITY

BY

Academic Vice President

Signature of Faculty Member

N.B. To signify acceptance of this contract, the Faculty Member should sign and return the white and pink copies by February 1, [Year]; the blue copy should be retained by the Faculty Member.
It is mutually understood that any course with an insufficient enrollment may be cancelled, or if not cancelled, may be continued under an arrangement agreed upon at the time between the Dean of the College or School and the Lecturer.

It is also understood that the course(s) may be reassigned to a full-time member of the faculty whose services have unexpectedly become available.

This appointment is not effective until this form is signed by the Associate Academic Vice President and Lecturer, and returned to the Office of the Academic Vice President.

Name:  
Social Security Number:  
Address:  
Phone Number:  

<table>
<thead>
<tr>
<th>Years of Professional Service:</th>
<th>Highest Degree:</th>
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<tbody>
<tr>
<td>Semester and Year of Appointment:</td>
<td>Course/Section:</td>
</tr>
<tr>
<td>Recommended Stipend:</td>
<td>Units:</td>
</tr>
<tr>
<td>Total stipend:</td>
<td>to be paid on the following schedule:</td>
</tr>
</tbody>
</table>

In case of an emergency contact ________________________________

Relationship: ___________________________ Phone __________

Chairperson's Remarks: ________________________________

<table>
<thead>
<tr>
<th>Date</th>
<th>Department</th>
<th>Budget #</th>
<th>Chairperson</th>
</tr>
</thead>
</table>

Dean's Remarks: ________________________________

| Date | | Dean |
|------||---------|

Associate Academic Vice President's Remarks: ________________________________

<table>
<thead>
<tr>
<th>Date</th>
<th>Associate Academic Vice President</th>
</tr>
</thead>
</table>

Date Lecturer

COMPLETE THE FOLLOWING ONLY IF CHECKED:

Please see Human Resources to fill out W-4 and I-9 Forms. 7/01
Statement on Procedural Standards in Faculty Dismissal Proceedings

The following statement was prepared by a joint committee representing the Association of American Colleges and the American Association of University Professors and was approved by these two associations at their annual meetings in 1958. It supplements the 1940 Statement of Principles on Academic Freedom and Tenure by providing a formulation of the "academic due process" that should be observed in dismissal proceedings. The exact procedural standards here set forth, however, "are not intended to establish a norm in the same manner as the 1940 Statement of Principles on Academic Freedom and Tenure, but are presented rather as a guide..."

The governing bodies of the American Association of University Professors and the Association of American Colleges, meeting respectively in November 1989 and January 1990, adopted several changes in language in order to remove gender-specific references from the original text.

INTRODUCTORY COMMENTS

Any approach toward settling the difficulties which have beset dismissal proceedings on many American campuses must look beyond procedure into setting and cause. A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely if ever need occur.

Just as the board of control or other governing body is the legal and fiscal corporation of the college, the faculty is the academic entity. Historically, the academic corporation is the older. Faculties were formed in the Middle Ages, with managerial affairs either self-arranged or handled in course by the parent church. Modern college faculties, on the other hand, are part of a complex and extensive structure requiring legal incorporation, with stewards and managers specifically appointed to discharge certain functions.

Nonetheless, the faculty of a modern college constitutes an entity as real as that of the faculties of medieval times, in terms of collective purpose and function. A necessary precondition of a strong faculty is that it have first-hand concern with its own membership. This is properly reflected both in appointments to and in separations from the faculty body.

A well-organized institution will reflect sympathetic understanding by trustees and teachers alike of their respective and complementary roles. These should be spelled out carefully in writing and made available to all. Trustees and faculty should understand and agree on their several functions in determining who shall join and who shall remain on the faculty. One of the prime duties of the administrator is to help preserve understanding of those functions. It seems clear on the American college scene that a close positive relationship exists between the excellence of colleges, the strength of their faculties, and the extent of faculty responsibility in determining faculty membership. Such a condition is in no wise inconsistent with full faculty awareness of institutional factors with which governing boards must be primarily concerned.

In the effective college, a dismissal proceeding involving a faculty member on tenure, or one occurring during the term of an appointment, will be a rare exception, caused by individual human weakness and not by an unhealthful setting. When it does come, however, the college should be prepared for it, so that both institutional integrity and individual human rights may...
be preserved during the process of resolving the trouble. The faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.

One persistent source of difficulty is the definition of adequate cause for the dismissal of a faculty member. Despite the 1940 Statement of Principles on Academic Freedom and Tenure and subsequent attempts to build upon it, considerable ambiguity and misunderstanding persist throughout higher education, especially in the respective conceptions of governing boards, administrative officers, and faculties concerning this matter. The present statement assumes that individual institutions will have formulated their own definitions of adequate cause for dismissal, bearing in mind the 1940 Statement and standards which have developed in the experience of academic institutions.

This statement deals with procedural standards. Those recommended are not intended to establish a norm in the same manner as the 1940 Statement of Principles on Academic Freedom and Tenure, but are presented rather as a guide to be used according to the nature and traditions of particular institutions in giving effect to both faculty tenure rights and the obligations of faculty members in the academic community.

**PROCEDURAL RECOMMENDATIONS**

1. *Preliminary Proceedings Concerning the Fitness of a Faculty Member*

   When reasons arise to question the fitness of a college or university faculty member who has tenure or whose term appointment has not expired, the appropriate administrative officers should ordinarily discuss the matter with the faculty member in personal conference. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, a standing or *ad hoc* committee elected by the faculty and charged with the function of rendering confidential advice in such situations should informally inquire into the situation, to effect an adjustment if possible, and, if none is effected, to determine whether in its view formal proceedings to consider the faculty member’s dismissal should be instituted. If the committee recommends that such proceedings should be begun, or if the president of the institution, even after considering a recommendation of the committee favorable to the faculty member, expresses the conviction that a proceeding should be undertaken, action should be commenced under the procedures which follow. Except where there is disagreement, a statement with reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the president and the faculty committee; if there is disagreement, the president or the president’s representative should formulate the statement.

2. *Commencement of Formal Proceedings*

   The formal proceedings should be commenced by a communication addressed to the faculty member by the president of the institution, informing the faculty member of the statement formulated, and informing the faculty member that, at the faculty member’s request, a hearing to determine whether he or she should be removed from the faculty position on the grounds stated will be conducted by a faculty committee at a specified time and place. In setting the date of the hearing, sufficient time should be allowed the faculty member to prepare a defense. The faculty member should be informed, in detail or by reference to published regulations, of the procedural rights that will be accorded. The faculty member should state in reply whether he or she wishes a hearing, and, if so, should answer in writing, not less than one week before the date set for the hearing, the statements in the president’s letter.

3. *Suspension of the Faculty Member*

   Suspension of the faculty member during the proceedings is justified only if immediate harm to the faculty member or others is threatened by the faculty member’s continuance. Unless legal considerations forbid, any such suspension should be with pay.
4. Hearing Committee

The committee of faculty members to conduct the hearing and reach a decision should either be an elected standing committee not previously concerned with the case or a committee established as soon as possible after the president's letter to the faculty member has been sent. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. The committee should elect its own chair.

5. Committee Proceeding

The committee should proceed by considering the statement of grounds for dismissal already formulated, and the faculty member's response written before the time of the hearing. If the faculty member has not requested a hearing, the committee should consider the case on the basis of the obtainable information and decide whether the faculty member should be removed; otherwise the hearing should go forward. The committee, in consultation with the president and the faculty member, should exercise its judgment as to whether the hearing should be public or private. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter set forth in the president's letter to the faculty member should be received.

The president should have the option of attendance during the hearing. The president may designate an appropriate representative to assist in developing the case; but the committee should determine the order of proof, should normally conduct the questioning of witnesses, and, if necessary, should secure the presentation of evidence important to the case.

The faculty member should have the option of assistance by counsel, whose functions should be similar to those of the representative chosen by the president. The faculty member should have the additional procedural rights set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, and should have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or the faculty member's counsel and the representative designated by the president should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all adverse witnesses. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may when necessary be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

6. Consideration by Hearing Committee

The committee should reach its decision in conference, on the basis of the hearing. Before doing so, it should give opportunity to the faculty member or the faculty member's counsel and the representative designated by the president to argue orally before it. If written briefs would be helpful, the committee may request them. The committee may proceed to decision promptly, without having the record of the hearing transcribed, where it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby. It should make explicit findings with respect to each of the grounds of removal presented, and a reasoned opinion may be desirable. Publicity concerning the committee's decision may properly be withheld until consideration has been given to the case by the governing body of the institution. The president and the faculty member should be notified of the decision in writing and should be given a copy of the record of the hearing. Any release to the public should be made through the president's office.

7. Consideration by Governing Body

The president should transmit to the governing body the full report of the hearing committee, stating its action. On the assumption that the governing board has accepted the principle of
the faculty hearing committee, acceptance of the committee’s decision would normally be expected. If the governing body chooses to review the case, its review should be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. The decision of the hearing committee should either be sustained or the proceeding be returned to the committee with objections specified. In such a case the committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before. Only after study of the committee’s reconsideration should the governing body make a final decision overruling the committee.

8. Publicity

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers should be avoided so far as possible until the proceedings have been completed. Announcement of the final decision should include a statement of the hearing committee’s original action, if this has not previously been made known.
EXAMPLES OF CURRENT FRINGE BENEFITS

1. Group Hospital and Medical Insurance
2. Group Life Insurance
3. Total Disability Insurance
4. University Disability Benefits
5. Travel Insurance
6. Flexible Spending Plan
7. Teachers Insurance and Annuity Association (TIAA) and College Retirement Equity Fund Pension Program (CREF)
8. Tax Shelters
9. Benefit for Surviving Dependent of Long Time Employee
10. Additional Month Salary for Retirees
11. Workers' Compensation
12. Unemployment Insurance
13. Social Security Program (FICA)
14. Tuition Waivers and Allowances at the University [Note: Faculty who signed their initial contract before January 1, 2003 are granted full tuition remission as outlined in the latest Fringe Benefit Handbook before that date. The tuition waiver for faculty who signed their initial contract after January 1, 2003 is based upon time of service and spouse and dependent children will have tuition waived for courses up to eighteen hours for a semester.]
15. Employee Children Exchange Program [Note: Faculty who signed their initial contracts after January 1, 2003 must complete three years of continuous service in order to be eligible to participate in FACHEX and the CIC-TEP programs. Faculty who signed their initial contracts before January 1, 2003 have no such limitation.]
16. Faculty and Staff Loan Plan
17. Use of University Facilities [Note: Free parking is a fringe benefit for faculty who signed their initial contract before June 1, 1992. Free parking is not included as a guaranteed fringe benefit for new faculty who signed their initial contract after June, 1992.]

For details of these benefits consult the latest issue of the Fringe Benefits Handbook.
On Preventing Conflicts of Interest in Government-Sponsored Research at Universities

The many complex problems that have developed in connection with the extensive sponsored research programs of the federal government have been of concern to the government, the academic community, and private industry. The Association, through its Council, and the American Council on Education, working in cooperation with the president's science advisor and the Federal Council of Science and Technology, in 1965 developed a statement of principles formulating basic standards and guidelines in this problem area.

An underlying premise of the statement is that responsibility for determining standards affecting the academic community rests with that community, and that conflict-of-interest problems are best handled by administration and faculty in cooperative effort. In addition to providing guidelines, the statement seeks to identify and alert administration and faculty to the types of situations that have proved troublesome. Throughout, it seeks to protect the integrity of the objectives and needs of the cooperating institutions and their faculties, as well as of sponsoring agencies.

In April 1990, the Council of the American Association of University Professors adopted several changes in language in order to remove gender-specific references from the original text.

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

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

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

A. CONFLICT SITUATIONS

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

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a. undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;

b. purchase of major equipment, instruments, materials, or other items for university research from the private firm in which the staff member has the interest without disclosure of such interest;

c. transmission to the private firm or other use for personal gain of government-sponsored work products, results, materials, records, or information that are not made generally available (this would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of government-sponsored research results where there is significant additional work by the staff member independent of the government-sponsored research);

d. use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's government-sponsored activities (the term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);

e. negotiation or influence upon the negotiation of contracts relating to the staff member's government-sponsored research between the university and private organizations with which the staff member has consulting or other significant relationships;

f. acceptance of gratuities or special favors from private organizations with which the university does, or may conduct, business in connection with a government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. Distribution of effort. There are competing demands on the energies of faculty members (for example, research, teaching, committee work, outside consulting). The way in which a faculty member divides his or her effort among these various functions does not raise ethical questions unless the government agency supporting the research is misled in its understanding of the amount of intellectual effort the faculty member is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of faculty members, since the various functions they perform are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a faculty member will devote a certain fraction of effort to the government-sponsored research, or the faculty member agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of the faculty member's involvement is to be expected. Each university, therefore, should—through joint consultation of administration and faculty—develop procedures to ensure that proposals are responsibly made and complied with.

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

B. UNIVERSITY RESPONSIBILITY

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

1. the steps it is taking to ensure an understanding on the part of the university administration and staff members of the possible conflicts of interest or other problems that may develop in the foregoing types of situations, and

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

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

FROM: Rev. Michael J. Lavelle, S.J., Academic Vice President
       Rev. William H. Nichols, S.J., Chairman, Faculty Handbook Committee

DATE: April 15, 1985

ABOUT: Interpretation of Faculty Handbook

We have been asked for an interpretation of Paragraph D of PART THREE, Section IV, "Tenure" (p. 15):

The intrinsic criterion for granting tenure is some suitable combination of excellence in teaching and the scholarship it entails. Each department will establish written standards and procedures for tenure and for meeting at least annually with candidates to review their progress. This review will be separate from the annual Faculty evaluation process (PART FOUR, Section II).

Background: The present wording of the Handbook leaves it unclear whether an individual department is expected to seek approval of its written standards and procedures with any dean or vice president, or even communicate these standards with anyone outside the department. In order to safeguard the interests of individual departments and of faculty on tenure-track, it is expedient that each department have written approval of its norms by the administration. It is also in the interests of the university as a whole that the academic vice president be required to review and approve the departmental policies.

Where the Handbook reads "some suitable combination of excellence in teaching and the scholarship it entails," we ask, "Who is to judge this suitability?"

According to PART ONE, Section IV-B-5 of the Faculty Handbook, "questions about interpretation of the Faculty Handbook are to be directed to the Academic Vice President and the Chairperson of the Faculty Handbook Committee. These two persons, after consulting with others as necessary, together will issue an interpretation, which will then be circulated to the members of the University community."

Having consulted the Faculty Handbook Committee and the academic deans, we now issue the following interpretation:

Interpretation: We interpret this paragraph to mean that each department must submit to the appropriate dean for the eventual approval of the academic vice president a copy of its written standards and procedures for tenure and for meeting at least annually with candidates to review their progress.
October 5, 1988

To: Members of the Faculty

From: John P. Schlegel, S.J., Academic Vice President
      R. J. Kolesar, Chair, Faculty Handbook Committee

Subject: Interpretation of the Faculty Handbook

We have been asked for an interpretation of the second prerequisite for eligibility for a Faculty Fellowship as stated in Part Four, Section IX, paragraph 2 (page 30) of the Faculty Handbook:

"To be eligible to apply for a Faculty Fellowship there are three prerequisites. The faculty member must ...(2) have completed at least three successive years of full-time teaching at this University by the application deadline,..."

Background: Two questions have arisen. The first, whether a faculty member who was on temporary disability leave for a semester can count that semester in partial fulfillment of this requirement for eligibility? The second, whether a faculty member who was on an approved leave for a year at another university can count that year in partial fulfillment of this prerequisite?

It is assumed that the intent of this prerequisite was to guarantee that faculty members who had never previously been awarded a Faculty Fellowship, had provided sufficient service to the university before being awarded a compensated leave as provided by a Faculty Fellowship; and that it was not the intent to penalize faculty members for interruptions of service at the university which were either out of their control or considered viable alternative service to the university.

According to Part One, Section IV B.5. of the Faculty Handbook "questions about interpretation of the Faculty Handbook are to be directed to the Academic Vice President and the Chairperson of the faculty Handbook Committee. These two persons, after consulting with others as necessary, together will issue an interpretation, which will then be circulated to the members of the University community."

Having consulted the Faculty Handbook Committee and the dean of the Graduate School, we now issue the following interpretation:

Interpretation: We interpret this prerequisite to mean that a faculty member must have been under a Faculty contract with the university (as described in Appendix D of the Faculty Handbook) for three successive years by the application deadline.
May 17, 1994

TO: Members of the Faculty

FROM: Sally H. Wertheim, Academic Vice President
R. J. Kolesar, Chair, Faculty Handbook Committee

SUBJECT: Interpretation of the Faculty Handbook (Office Hours)

We have been asked for an interpretation of the Faculty Handbook on the matter of office hours. The relevant portions of the Faculty Handbook are in Part Three, Section 1.A and B (page 9).

A Faculty member should provide opportunity for students to seek advice through regular office hours and appointments.

The Faculty member in a department follows University practice in respect to office hours.

In particular we have been asked what is standard University practice as regards the number of regular office hours a Faculty member is required to keep.

Background: The present wording of the Handbook does not specify the number of regular office hours that a Faculty member must keep. In the past, University practice, as set by the Academic Vice President, was for each Faculty member to keep a minimum of six office hours. While it is not clear whether this practice is still in effect university-wide, a minimum of six office hours still seems to be appropriate at this time.

According to Part One, Section IV B.5. of the Faculty Handbook “questions about interpretation of the Faculty Handbook are to be directed to the Academic Vice President and the Chairperson of the Faculty Handbook Committee. These two persons, after consulting with others as necessary, together will issue an interpretation, which will then be circulated to the members of the University community.”

Having consulted the Faculty Handbook Committee and the academic deans, we now issue the following interpretation:

Interpretation:

We interpret the portions of the Faculty Handbook cited above to mean that the Academic Vice President is responsible for setting a minimum number of office hours that Faculty members must keep in order to follow University practice in respect to office hours.
May 19, 1994

TO: Members of the Faculty

FROM: Sally H. Wertheim, Academic Vice President

R. J. Kolesar, Chair, Faculty Handbook Committee

SUBJECT: Interpretation of the Faculty Handbook (Nepotism)

We have been asked for an interpretation of Part Four, Section I.A. paragraph 2 (page 17)

This policy extends to all matters regarding the Faculty, and, in accordance with that policy John Carroll does not discriminate on the basis of race, sex, ancestry, or any other individual characteristic which is irrelevant to academic attainment, professional qualifications, and fulfillment of the mission and goals of the University.

In particular we have been asked whether familial relationship to a colleague in the same department is an example of such an individual characteristic.

Background: The present wording of the Handbook does not specify any individual characteristics. Therefore, a decision on any specific individual characteristic must be done on an ad hoc basis and must be examined in light of the three factors mentioned. The question, therefore, is whether familial relationship to a colleague in the same department is irrelevant to academic attainment, professional qualifications, and fulfillment of the mission and goals of the University. If it is concluded that it is relevant to any one of these three factors, then John Carroll can discriminate on the basis of this individual characteristic.

According to Part One, Section IV B.5. of the Faculty Handbook “questions about interpretation of the Faculty Handbook are to be directed to the Academic Vice President and the Chairperson of the Faculty Handbook Committee. These two persons, after consulting with others as necessary, together will issue an interpretation, which will then be circulated to the members of the University community.”

Having consulted the Faculty Handbook Committee and the academic deans, we find that we cannot agree on an interpretation and, therefore, we issue, for the record, two separate interpretations:
Interpretation of the Academic Vice President:

Familial relationship with a member of the same department can reasonably be considered contrary to the attainment of the mission and goals of the University, part of which involves the practice of collegial governance within departments which could be hampered by hiring members of the same family in a department.

Interpretation of the Chair of the Faculty Handbook Committee:

Familial relationship is an example of an individual characteristic which is irrelevant to academic attainment, professional qualifications, and fulfillment of the mission and goals of the University.
UNIVERSITY TENURE PROCEDURES AND GUIDELINES

1. Each department’s Tenure Committee is comprised of all tenured members of the department who are on faculty contract and who have voting rights as defined in the Faculty Handbook. Where the size of the department dictates, subcommittees of smaller size may be formed to facilitate the workings of the full committee. In the case of library faculty, the Director of the Library, if a tenured member of the library faculty with voting rights as defined in the Faculty Handbook, will serve on the Library’s Tenure Committee.

2. At the beginning of each academic year, each department’s Tenure Committee elects its chair from among its members.

3. A two-thirds vote of a department’s Tenure Committee is the requirement for a favorable recommendation for tenure.

4. The recommendation of the department’s Tenure Committee is the department’s recommendation and it is transmitted from the committee to the appropriate dean through normal communication channels by the chair of the department. If the final University decision is counter to the recommendation of the department, the reasons for the decision are communicated to the Tenure Committee of the department by the Administration.

TENURE PROCESS TIMETABLE

1. Each tenure-track faculty member is given a copy of the department's statement on standards and procedures for tenure prior to or at the time of the issuance of the initial contract.

2. In the spring semester and before the end of March the Tenure Committee of the department meets to review the progress of tenure-track faculty who should be informed well ahead of time as to the material the committee deems pertinent to its review. As part of the review process the assembled Tenure Committee meets formally with each tenure-track faculty member.

3. After its meetings, the Tenure Committee of the department furnishes to each tenure-track faculty member a written statement on his/her progress toward a recommendation for tenure detailing the areas which are satisfactory and, where improvement is necessary, specific guidance as to how to achieve the required level of improvement. The Committee also provides for discussion of its findings with each tenure-track faculty member, allowing him/her to respond to its findings, and replying to such response before the end of the academic year.

4. The Tenure Committee drafts an annual report that evaluates the tenure-track member’s progress in teaching, scholarship, and service following approved departmental standards and procedures. The annual report includes a recommendation whether or not the faculty
member should continue in the tenure-track process. A 50% vote is required for a recommendation of continuance.

5. The Tenure Committee forwards its annual report to the appropriate dean by the end of the academic year; responses by the faculty member to the Tenure Committee are forwarded to the dean as well. The faculty member also receives a copy of the annual report by the end of the academic year except in the third year and in the year when a tenure decision is made. In these years, the faculty member receives the department report when he/she is notified of the Academic Vice President's decision.

6. Before the beginning of the next academic year, the dean responds in writing to the Tenure Committee concerning whether the report addresses departmental and university guidelines and provides the faculty member with open and candid criticism, suggestions for improvement, and a thorough analysis of the member's supporting evidence. If the dean finds the annual report deficient in any of these respects, the Committee produces an amended report that addresses the concerns of the dean. The amended report is forwarded to the dean and to the tenure-track faculty member by the end of the first week of October.

7. By March 1 in the spring of the third year on tenure-track, the tenure-track faculty member prepares a dossier documenting progress to date in teaching, scholarship, and service and presents it to the department’s Tenure Committee. After making its evaluation, the Committee forwards the dossier by April 15 to the appropriate dean along with its annual report and recommendation. The Committee of Academic Deans submits its report with its recommendation to the Academic Vice President by June 15. Before the beginning of the next academic year, the Academic Vice President notifies the tenure-track faculty member of his/her decision, and informs the Committee of Academic Deans and the department of that decision. If the Academic Vice President's decision is contrary to the recommendation of the department’s Tenure Committee, then the Tenure Committee is advised of the reasons which contributed to that decision. For faculty members continuing on tenure track, the Committee of Academic Deans will note areas of concern and offer suggestions for improvement. A copy of the deans' communication to the tenure-track member is also provided to the Tenure Committee.

8. In the semester in which a tenure decision is to be made the tenure-track faculty member prepares a dossier which supports his/her candidacy for tenure and presents this dossier to the department’s Tenure Committee. After meeting with the candidate, the Tenure Committee forwards the dossier along with its recommendation and report to the appropriate dean through the usual communication channels. The recommendation is communicated to the candidate. This is normally done at about the same time as the annual faculty evaluation.

9. Both the candidate and the department's Tenure Committee are informed in writing of the final tenure decision, and the candidate is provided with the final department report.
10. If the final decision is contrary to the recommendation of the department’s Tenure Committee, then the department’s Tenure Committee is to be advised of the reasons which contributed to that decision.

11. If the final decision is unfavorable to the candidate, and if the candidate so requests, the candidate should be advised by the Academic Vice President of the reasons which contributed to that decision and, if further requested by the candidate, these reasons should be confirmed in writing.

TENURE PROCESS GUIDELINES

1. Departments should offer tenure-track positions only to candidates who are deemed capable of attaining tenure.

2. The tenure evaluation process should aid candidates in developing into the type of faculty that John Carroll University wishes to tenure.

3. The tenure evaluation process should be open and candid with criticism given when deserved and ways of improvement suggested.

4. Candidates should be made aware of the criteria and the supporting evidence expected of them.

5. Evaluations and decisions should be in writing.

6. The deans should be kept apprised yearly of each candidate’s progress toward tenure.

Revised: January 14, 1998
Revised: February 5, 2003
The Spring, 1995 reprinting of the Faculty Handbook incorporated into the text the amendments of May 23, 1989 and October 19, 1994. The original wording of the parts of the Faculty Handbook replaced by these amendments was as follows:

Those sections changed into their present form by the May 23, 1989 amendment:

Part One, Section V.D.2

The Chairperson of the Faculty Service Committee may call a special meeting at any time and must call a special meeting upon written request from any ten members of the Faculty or at the request of the President.

Part One, Section V.D.6

The Chairperson of each Faculty Meeting shall be the highest ranking member of the Faculty Service Committee present at the Faculty Meeting.

The section changed into its present form by the October 19, 1994 amendment:

Part Three, Section IV.D

The intrinsic criterion for granting tenure is some suitable combination of excellence in teaching and the scholarship it entails. Each department will establish written standards and procedures for tenure and for meeting at least annually with candidates to review their progress. This review will be separate from the annual Faculty evaluation process (Part Four, Section II).

Note: The amended version of this section makes explicit the April 15, 1985 interpretation of the Faculty Handbook contained in Appendix I.
APPENDIX N

cont.

The Spring 2006 reprinting of the Faculty Handbook incorporated into the text the amendments of September 30, 1997, and February 3, 1999. The original wording of the parts of the Faculty Handbook replaced by these amendments was as follows:

Those sections changed into their present form by the September 30, 1997, amendment:

Part One, Section II.

Only members of the Faculty have the right to vote on matters entailing Faculty action in the operation of the University. Members of the Faculty on leave or in retired status are nonvoting members.

Part One, Section III.

Only members of the Faculty are eligible to represent the Faculty on internal University committees except as noted in the next sentence. Whether or not they are members of the Faculty, the following are not eligible to represent the Faculty on internal University committees other than the Faculty Grievance Committee:  
12. the President of the University  
13. the vice presidents of the University  
14. the deans of the University, and  
15. those not having voting rights (see Section II above).

Part Four, Section VI., A.

A leave of absence is a permission to be relieved of all one's service responsibilities to the University for a specified period of time while remaining a member of the Faculty.

Part Four, Section VI., B. was changed only by the addition of a new B., 4. And the subsequent renumbering.

The section changed into its present form by the February 3, 1999, amendment:

Part Four, Section IV.

If a Faculty member has a serious grievance concerning such things as salary, promotion, tenure, or issuance of contract, but not involving discrimination or termination of contract by dismissal for cause, and if all other avenues of appeal have been exhausted short of the President, then the following procedures shall be employed. Upon request of the Faculty member the Grievance Committee will hold an informal and confidential inquiry in order to effect an adjustment between the parties concerned, and, if such fails, to render confidential advice to the President. The decision of the President is the final University position in all cases except those which the Board of Trustees chooses to consider.