

**HOWARD UNIVERSITY**  
**FACULTY HANDBOOK**

August 1993

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## **FOREWORD**

This edition of the Faculty Handbook was approved by the Board of Trustees on January 23, 1993. It sets forth the personnel policies for the faculty and assembles in one place a number of university policies, procedures, and information.

The last edition of the Faculty Handbook was prepared in 1980, so a new edition is long overdue and welcomed. Updates will be provided as they occur.

I hope that you find this publication helpful.

Franklyn G. Jenifer  
President  
Howard University  
August 1993

## **PREAMBLE AND SUMMARY**

Howard University is dedicated to education and to the search for truth. The university seeks to be a community of scholars, some of whom are teachers, some of whom are students, and all of whom are dedicated to the search for knowledge and truth.

In the conduct of its affairs the university is also committed to humane and efficient governance based on broad-based participation in the best interests of the institution and the society it serves. Likewise, there is a dedication to the pursuit of excellence in the quality of all the university does; to exemplary compliance with the law; and to the unfinished struggle for justice and equality--a struggle that created the university 125 years ago.

This faculty handbook reflects the policies of Howard University in effect as of the date of publication. It supersedes all prior faculty handbooks and shall remain in effect until amended according to the procedures described herein and in accordance with the charter of the university and the bylaws of the Board of Trustees.

Nothing contained herein shall be construed to limit, amend, or modify any of the duties, responsibilities, or authority of the Board of Trustees of Howard University granted to or imposed on the board by the charter, the bylaws of the Board of Trustees, or federal or District of Columbia law.

However, as indicated in this handbook, the board may delegate certain of its authority for specific purposes to the president, the central administration, the deans and directors, the university faculty, and the faculties of the schools and colleges. The board also may invite university constituencies to participate in the various aspect of governance of the university and to enjoy certain other benefits.

# **SECTION 1**

## **INSTITUTIONAL OVERVIEW**

### **1.1**

#### **History**

The idea that gave birth to Howard University was conceived by a group of 10 men who resolved that such an institution was needed "in view of the pressing demand of the Southern field" for teachers, ministers, and other leaders in the aftermath of the Civil War. Prominent among the founders was Major General Oliver Otis Howard, Civil War hero and then commissioner of the Freedmen's Bureau. It was in recognition of General Howard's leadership in the founding movement that the new institution was chartered by the 39th Congress of the United States on March 2, 1867, under "the name, style and title of 'The Howard University.'"

From its original four students in the Normal Department of May 1, 1867, the university student body increased to 94 by the end of the first term of enrollment. The Preparatory Department was opened August 14, 1867, and the Medical Department on April 16, 1868. Other departments organized during the university's first 3 years of existence included Agriculture, Commercial, Law, Military, Musical, and Religion. Of the present academic divisions, the Colleges of Liberal Arts, Fine Arts, Medicine, and Pharmacy and the Schools of Law and Religion had their beginnings prior to 1871. The College of Dentistry, originally a division within the School of Medicine, was organized in 1881, followed by the School of Engineering and Architecture in 1910, the Graduate School in 1934, the School of Social Work in 1945, and more recently the School of Architecture and Planning, the School of Business and Public Administration, the School of Communications, the School of

## **INSTITUTIONAL OVERVIEW**

Continuing Education, the School of Education, the School of Human Ecology, and the Colleges of Allied Health Sciences and of Nursing.

Other years of special significance in the history of Howard University include 1928, when the Substantive Act authorizing an annual federal appropriation to the university was enacted, and 1955, when programs leading to the doctor of philosophy degree were inaugurated.

Howard University's academic growth has been accompanied by an expansion both of its physical facilities and other enterprises. From the original two-story frame house has developed today's 59-acre main campus, the West Campus, two sites in Northeast Washington, and a site in Beltsville, Maryland. The university has established the Howard University Press, a radio station (WHUR-FM), and a television station (WHMM), and it operates a full service hotel, The Howard Inn.

But Howard is more than academic programs and "bricks and mortar" --Howard is people. And it is from the interactions of these people, each contributing in his or her own way to the education of the others, that Howard is able to fulfill its mission and provide the kind of environment in which scholarship can develop and flourish. Recognition of students' high academic achievement has come from many national honor societies, including Phi Beta Kappa and Sigma Xi, which have established chapters at Howard. Among its student body, faculty, administrators, and trustees are persons of virtually every major race, religion, and nationality. Traditionally, too, Howard has had and has today the largest gathering of African-American scholars in the world. It was at Howard University that Kelly Miller, Ernest Everett Just, Charles H. Houston, Charles Drew, Percy Julian, William Hastie, Alain Locke, E. Franklin Frazier, John Hope Franklin, and Ralph Bunche first gained national prominence as scholars.

Howard University today has exceeded even the fondest dreams of its founders in the scope of its work, its student body, and its influence.

### **1.2**

#### **Mission**

Howard University is a comprehensive, research-oriented historically black private university providing an educational experience of exceptional quality to students of high academic potential with particular emphasis on the provision of the educational opportunities to promising black students. Further, the university is dedicated to attracting and sustaining a cadre of faculty who, through their teaching and research, are committed to the development of distinguished and compassionate graduates and to the quest for solutions to human and social problems in the United States and throughout the world.

### **1.3**

#### **Accreditation**

## **INSTITUTIONAL OVERVIEW**

Howard University is fully accredited by the Middle States Association of Colleges and Schools. In addition, many specialized programs and professional schools are accredited by the relevant accrediting agencies.

### **1.4**

#### **General Organization**

Appendix A is the organizational chart of Howard University.

#### **1.4.1**

##### **Board of Trustees**

The ultimate authority and responsibility for both the development of policies and the control and operation of Howard University are vested in a self-perpetuating Board of Trustees as provided in the university charter. Of the authorized positions for membership on the board, three are nominated by the alumni, two are nominated by the faculty, and two are nominated by the student body. The board elects the president of the university and at the same time elects this person as a regular member of the board. The board operates through a system of standing committees. Four meetings of the full board are scheduled each year.

#### **1.4.2**

##### **Administrative Structure and Administrative Officers**

##### **1.4.2.1**

###### **President**

The president is the chief executive officer of the university and is responsible for implementing the policies established by the Board of Trustees and for making appropriate recommendations to the board.

The president is the official representative and spokesperson for the university.

##### **1.4.2.2**

###### **President's Cabinet**

The president's cabinet serves in an advisory role to the president and consists of the following officers: Vice President for Academic Affairs, Vice President for Administration, Vice President for Business and Fiscal Affairs, Vice President for Health Affairs, Vice President for Institutional Advancement, Vice President for

## INSTITUTIONAL OVERVIEW

Student Affairs, General Counsel, and Secretary of the University and the Board of Trustees.

### **1.4.2.2.1**

#### **Vice President for Academic Affairs**

The vice president for academic affairs supervises and coordinates programs and activities of the schools and colleges in the Academic Affairs Division and other units as identified on the organizational chart of the university.

### **1.4.2.2.2**

#### **Vice President for Health Affairs**

The vice president for health affairs supervises and coordinates programs and activities of the schools and colleges in the Health Affairs Division and other units as identified on the organizational chart.

### **1.4.2.2.3**

#### **Vice President for Business and Fiscal Affairs**

The vice president for business and fiscal affairs is the chief financial officer and treasurer and supervises the units as identified on the organizational chart.

### **1.4.2.2.4**

#### **Vice President for Administration**

The vice president for administration supervises the units as identified on the organizational chart.

### **1.4.2.2.5**

#### **Vice President for Institutional Advancement**

The vice president for institutional advancement supervises the units identified on the organizational chart.

### **1.4.2.2.6**

#### **Vice President for Student Affairs**

The vice president for student affairs supervises the units in the Student Affairs Division as identified on the organizational chart.

### **1.4.2.2.7**

#### **General Counsel**

The general counsel is the chief legal officer of the university and reports directly to the president.

## INSTITUTIONAL OVERVIEW

### 1.4.2.2.8

#### **Secretary of the University**

The secretary of the university and the Board of Trustees are responsible for the custody of university records and the maintenance of the seal.

### 1.4.2.3

#### **Other Academic Administrative Officers**

Other academic administrative officers are deans, directors, and department chairs.

### 1.4.2.3.1

#### **Deans**

Each of the deans is responsible for the administration of one of the schools or colleges in the Academic Affairs Division or the Health Affairs Division. This responsibility includes faculty recruitment and development; faculty evaluation; program development and review; student advising; collegiate budgeting and budget control; class schedule planning; and general supervision of the research, teaching, and outreach activities of the school or college. As appropriate, deans shall consult with faculty who are part of such units.

### 1.4.2.3.2

#### **Directors**

Directors are responsible for the administration of units that are not schools or colleges in the Academic Affairs Division and the Health Affairs Division. As appropriate, they share such responsibility with faculty who are a part of such units.

As appropriate, they shall consult with the faculty who are part of their units.

### 1.4.2.3.3

#### **Department Chairs**

Each department chair is responsible for the administration of one of the departments in the Academic Affairs Division and the Health Affairs Division. This responsibility is shared with the faculty of the department and includes faculty recruitment, development, and evaluation; program development, review, and evaluation; student advising; departmental budgeting and budget control; class schedule planning; and general coordination of the research, teaching, and outreach activities of the department. As appropriate, they shall consult with faculty who are part of their departments.

### 1.4.2.3.4

#### **Evaluation of Deans, Directors, and Department Chairs**

Deans, directors, and chairs will be evaluated periodically with input from the faculty.

## INSTITUTIONAL OVERVIEW

### **1.5 Governance Structure**

#### **1.5.1 General Institutional Governance**

##### **1.5.1.1 Board of Trustees and the President**

Academic policies and programs of the individual schools and colleges usually emanate from the committee or departmental level and shall be submitted for subsequent consideration by the school or college faculty. Following faculty consideration, the dean of the unit prepares a recommendation and submits it to the appropriate vice president for review and recommendation. The recommendation is forwarded to the president for approval or disapproval. The dean, the vice president, and the president will advise the faculty with respect to the substance of their recommendations. Final authority for the establishment of university policy, however, rests with the Board of Trustees. The substance of the decisions of the board related to academic policies and programs shall be communicated to the faculty.

##### **1.5.1.2 Faculty**

The faculty of each school or college shall be composed of its dean, those associate and assistant deans who hold faculty status, its professors, associate professors, assistant professors, instructors, and lecturers. The president of the university shall be a member of each faculty. The vice presidents for academic affairs and for health affairs shall be members of those faculties in their respective divisions. Voting rights in each faculty are specified in the bylaws of each school or college.

The university faculty shall be composed of all of the faculty members of the various schools and colleges and shall have such powers and duties as a collective constituency of the university, as set forth in the constitution of the Faculty Senate. The faculty shares responsibility with the administration of the university in matters related to academic programs including faculty recruitment and development; faculty evaluation; program development and review; student advising; class schedule planning; and general supervision of the research, teaching, and outreach activities of the school or college. The mechanism for faculty involvement in these matters shall be outlined in the by-laws of the respective schools and colleges.

##### **1.5.1.3 Faculty Senate**

The functions, membership, and voting rights of the Faculty Senate shall be as set forth in the constitution of the Faculty Senate.

## **INSTITUTIONAL OVERVIEW**

### **1.5.1.4**

#### **Student Associations**

The official campus-wide student association is the Howard University Student Association (HUSA). Its organizational structure shall be as described in the HUSA constitution and bylaws.

### **1.5.2**

#### **Committee Structure**

##### **1.5.2.1**

#### **Board Committees**

The Board of Trustees operates through a committee system according to the provisions of the bylaws of the Board of Trustees.

##### **1.5.2.2**

#### **Relevant Institutional Committees**

From time to time, the president may form various university-wide or division-wide committees or task forces whose roles are distinct from, but not conflicting with, the committees that are part of the regular university governance structure, such as the Faculty Senate and faculties of the schools and colleges. Such committees may have an indefinite life or a life limited to a specific task and period of time. The president shall consult with the chair of the Faculty Senate regarding the appointment of faculty members to such bodies.

### **1.5.3**

#### **Organization of Schools and Colleges**

Each school or college shall consist of the following: dean or other administrative head, associate and/or assistant dean(s) as required, and individual departments as required. The following standing committees shall exist in each school or college: Executive Committee and Committee on Appointments, Promotions, and Tenure (APT). In addition, other standing and ad hoc committees may be established by faculty vote, as provided for in the bylaws of the school or college, or by appointment by the dean.

Each school or college shall be organized and governed according to bylaws that have been approved by its faculty and the Board of Trustees. The functions, membership, and organization of all standing and ad hoc committees shall be as provided by the school's bylaws or by the dean in establishing them, except as otherwise provided herein.

These bylaws shall contain the specific criteria for appointments, promotions, and tenure as required by sections 2.7.4.4 and 2.7.6.1.



## **INSTITUTIONAL OVERVIEW**

The school/college APT Committee shall make recommendations to the dean for appointments, promotions, and tenure of faculty members. Its membership shall be limited where possible to tenured faculty.

The Executive Committee shall be responsible for those matters delegated to it by the faculty and shall act for the faculty when the full faculty cannot be expeditiously convened.

### **1.5.4**

#### **Organization of Departments**

A department shall consist of those faculty members appointed to give instruction in one of the established disciplines of the department.

The department shall have the fullest measure of autonomy consistent with the maintenance of general college and university policy. The right to vote shall be enjoyed by all full-time lecturers, instructors, assistant professors, associate professors, and professors.

Each department shall have the following: a chair, an Executive Committee, a Curriculum Committee, and a Committee on Appointments, Promotions, and Tenure. In addition, other standing and ad hoc committees may be established by faculty vote, as provided by the bylaws of the school or college, or appointment by the chair.

Each department shall be organized and governed according to the approved bylaws of the school or college of which it is a part.

The department APT Committee shall make recommendations to the chair for appointments, promotions, and tenure. Its membership shall be limited where possible to tenured faculty.

## **1.6**

### **Academic Administration Policies**

#### **1.6.1**

##### **Tenure and Retreat Rights**

The administrative functions, titles, and status of such administrators of academic services as vice presidents, deans, associate and assistant deans of schools and colleges, directors, and departmental chairs shall be distinct from their functions, titles, and status, if any, as holders of academic positions.

Academic administrators may hold faculty rank and tenure; however, no academic administrator holds tenure as administrator.

## **INSTITUTIONAL OVERVIEW**

Any tenured faculty member who assumes an administrative or professional staff position retains faculty tenure and has the right to return to the department of his/her academic discipline. Administrators without faculty status have no retreat rights.

An administrator who has not been awarded tenure does not have the right to assume a faculty position unless the individual's credentials have been reviewed by the appropriate departmental and college committees and a recommendation for a faculty appointment has been made by both committees and approved by the president and Board of Trustees.

### **1.6.2**

#### **Appointment and Term of Deans**

Deans of schools or colleges do not have a definite term of office, but serve at the pleasure of the president. Deans are appointed by the Board of Trustees upon the nomination of the president usually from a list of candidates recommended by a duly appointed or elected Faculty Search Committee of the school or college involved.

### **1.6.3**

#### **Appointment and Term of Department Chairs**

Department chairs are appointed by the Board of Trustees upon nomination by the president after recommendation by the appropriate vice president and dean. The usual term of office shall be 3 years; incumbent chairs shall be eligible for reappointment at the expiration of a term. Chairs may be removed at any time prior to the expiration of a term, and compensation as chair terminates at the point of removal. Removal of a chair may be initiated by the department upon the vote of two-thirds of the faculty of the department. Also, removal may be initiated by the dean or vice president. The chair will be allowed to present his/her rebuttal to the dean and vice president prior to the final decision.

During the department chair's final year of a term, the dean shall request that the faculty of the department evaluate the chair's performance by such procedures as it may establish. On the basis of this evaluation the faculty shall recommend reappointment or replacement to the dean. The dean's recommendation, together with that of the faculty, shall be forwarded through the appropriate vice president to the president for decision.

When a new department chair is required, a Search Committee shall be established. The size and composition of the Search Committee shall be determined by the faculty. The dean shall appoint the chair of the committee and notify the department of the scope of the search. The Search Committee shall make recommendations to the dean, who also shall make a recommendation. The dean's recommendation, together with those of the Search Committee, shall be forwarded through the appropriate vice president to the president for decision.

## **SECTION 2**

### **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

#### **2.1**

##### **Contractual Force of Handbook**

Sections 2 and 3 of this handbook contain the approved policies and procedures of Howard University concerning the terms and conditions of the faculty of the university. These sections are incorporated into the individual contract of employment of each faculty member, and they are subject to change by the Board of Trustees as conditions require. When the terms and provisions of a faculty member's contract are inconsistent with the general policies contained herein, the provisions of the individual contract shall supersede. It should be noted that Sections 1.0 and 4.0 through 7.0 inclusive of this handbook do not come under the grievance procedures of this handbook.

#### **2.2**

##### **Policies Related to Faculty Employment and Activities**

#### **2.2.1**

##### **Equal Opportunity Policies**

#### **2.2.1.1**

##### **General Equal Opportunity Policy**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

The mission of Howard University includes the provision of quality education for any student, but with emphasis upon the provision of educational opportunities for those students who may not otherwise have an opportunity to acquire an education of the type provided at Howard.

In fulfilling its mission, the university does not discriminate on the basis of race, color, national or ethnic origin, sex, marital status, religion, handicap, age, sexual preference, political affiliation, or any other basis prohibited by federal or District of Columbia law. This policy covers administration of the university's educational policies, admissions policies, scholarship and loan programs, other university-administered programs, and employment.

### **2.2.1.2**

#### **Sexual Harassment**

It is the policy of Howard University to maintain the university community as a place of work and study for staff, faculty, and students free of sexual harassment and all forms of sexual intimidation and exploitation. The entire text of the policy and procedures is set forth in Appendix B. All faculty members as well as staff and students are subject to this policy.

Sexual harassment is defined as verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. While a particular interaction must be offensive and unconsented to, to be defined as harassment, all persons in the university community should be sensitive to the questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and educational relationships also are involved.

Anyone who is subjected to offensive sexual behavior is encouraged to pursue the matter through the informal or formal procedures described in Sexual Harassment Policy and Procedures, adopted by the Board of Trustees and incorporated here by reference. (See Appendix B.)

Violation of university policy on sexual harassment will be the basis for disciplinary action.

### **2.2.2**

#### **AIDS Policy**

It is the policy of Howard University that no person shall be discriminated against based on acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), or a positive human immunodeficiency virus (HIV) antibody test. The entire

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

text of the university's policy and guidelines is set forth in Appendix C. All faculty members as well as staff and students are subject to this policy.

The university will address AIDS issues in a caring, compassionate, responsible manner and will strive to ensure the confidentiality and dignity of persons with AIDS, ARC, or a positive HIV antibody test. The primary response of the university to AIDS will be one of education. The most important goals for the university will be those of increasing awareness and providing education to prevent further spread of the disease.

The university will analyze and respond to each case of AIDS, ARC, or a positive HIV antibody test as required by its own particular facts in keeping with the university guidelines.

### **2.2.3**

#### **Substance Abuse Policy**

The term substance abuse, as used in this policy, refers to the use of illegal drugs or controlled substances and to the consumption of alcohol in quantities to the extent that an employee is unable to perform work in a safe and productive manner. It is the goal of Howard University to protect the public health and environment of all members of the university by promoting a drug-free environment in accordance with the Drug-Free Workplace Act of 1988. Howard University, therefore, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance or illegal drug on its premises. Employees who engage in prohibited drug- or alcohol-related activities will be subject to disciplinary action up to and including dismissal. The entire text of the university's policy is set forth in Appendix D. All faculty members as well as staff and students are subject to this policy.

Howard University policy prohibits the following:

- (a) Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs or drug paraphernalia on university premises or in university-supplied vehicles.
- (b) Use, possession, or any manufacture, distribution, dispensation, or sale of a controlled substance on university premises or in university-supplied vehicles.
- (c) Storage of any illegal drug, drug paraphernalia, or controlled substance whose use is unauthorized in a locker, desk, or other repository on university premises.
- (d) Being under the influence of an unauthorized controlled substance or illegal drug on university premises or in university-supplied vehicles.
- (e) Use of alcohol that adversely affects the employee's work performance, safety at work or that of others, or the university's reputation in the community.
- (f) Possession, use, manufacture, distribution, dispensation, or sale of illegal drugs off university premises that adversely affects the employee's work performance or safety, or safety of others, at work.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (g) Conviction under any criminal drug statute for a violation occurring in the workplace.
- (h) Conviction under any criminal drug statute under circumstances that adversely affect the university's reputation in the community.
- (i) Failure to notify the university of any conviction under any criminal drug statute for conduct occurring in the workplace within 5 days of the conviction.
- (j) Refusal to sign a statement acknowledging receipt of the university's Drug and Alcohol Abuse Policy.

### **2.2.4**

#### **Academic Freedom Policy**

Faculty members are entitled to freedom in research and in the publication of the results, subject to adequate performance of their other academic duties and to such restrictions as may be imposed by grantors funding the research and by the *University Research Manual*.

Faculty members are entitled to freedom in the classroom in discussing their subjects, but they should be careful not to introduce matter into their teaching that has no relation to their subjects. Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Therefore, in exercising their freedom in the classroom, faculty members are responsible for ensuring that their treatment of students is in no way inconsistent with the university's equal opportunity policy or the university's commitment to promoting the educational aspirations and achievements of all students.

Howard University faculty members are members of learned professions. When they speak or write as individuals, they should be free from institutional censorship or discipline, but their special obligation is to be accurate, to exercise appropriate restraint, and to show respect for the opinions of others. Faculty should remember that the public may judge their profession and the institution by their utterances and, therefore, should make every effort, when operating as individuals, to make clear that they are not university spokespersons.

Each faculty member has the right to criticize and seek alteration of institutional regulations and policies through existing means of shared responsibility.

### **2.2.5**

#### **Additional Policies Relating to Faculty Research**

##### **2.2.5.1**

##### **Patents and Intellectual Property**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

The policy for patents and intellectual property will be distributed to faculty after it has been approved by the Board of Trustees.

### **2.2.5.2**

#### **Research on Human Subjects**

Howard University's Institutional Assurance on the Protection of Human Subjects, drafted in accordance with federal guidelines, sets forth the policy and procedures for review and approval of projects that involve the use of human beings as subjects. It is the responsibility of each principal investigator or faculty advisor to submit the required information to the university's Institutional Review board. All research involving human subjects, whether or not sponsored by outside agencies, must be approved before the research begins. Copies of the institutional assurance and committee review forms as well as more information may be obtained from the Office of Research Administration.

### **2.2.5.3**

#### **Research on Animals**

The university's assurance of compliance with the Public Health Service Policy on Human Care and Use of Laboratory Animals sets forth the policy and procedures for review and approval of projects that propose the use of laboratory animals. It is the responsibility of each principal investigator to submit the required information to the university Animal Care and Use Committee and to obtain the committee's approval. The Office of Research Administration cannot submit a proposal involving the use of laboratory animals until it has received the committee approval form from the principal investigator.

Copies of the institutional assurance and committee review forms as well as more information may be obtained from the Office of Research Administration.

### **2.2.5.4**

#### **Policy Guidelines for Sponsored Research and Other Sponsored Activities**

The following general principles govern university research sponsored in whole or in part by outside entities, including industry or government. University research is defined as any research activity using university facilities or with support from funds administered by the university.

- (a) University research must be conducted only for purposes that are consistent with the university's principal missions of the preservation, pursuit, dissemination, and application of knowledge. In particular, classified research projects or projects that otherwise prohibit or limit publication of research results are inconsistent with the university's mission. Publication is considered to include but is not limited to journal publications, proceedings of meetings and conferences, student dissertations and theses, and book manuscripts.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (b) Prompt publication of results is the normal and expected outcome of a research project. A delay not to exceed 90 days in submission for publication may be requested by a sponsor who wishes to preview research results. In cases in which a sponsor has been afforded the right to prepare a patent application, or the university wishes to prepare a patent application, it may be agreed that submission for publication may be delayed for up to an additional 6 months. The research agreement governing any project should specify at the outset of the program whether the sponsor reserves the right to request a delay for either of these reasons.
- (c) In those research projects in which propriety information is provided by the sponsor prior to or during the course of the project, any limitations on the disposition of that information must be described in writing prior to the time the information is made available and any requirements of confidentiality or other limitations must be documented, provided to, and approved by the associate vice president for research. Knowledge developed on the basis of proprietary information is to be governed by these research guidelines. Proprietary information may be kept confidential between the sponsor and university researchers. Any requirements of confidentiality should be limited, however, especially as they apply to graduate and professional students, when those provisions inhibit in any material way the free flow and exchange of ideas important to university missions. Any participation by graduate and professional students in research that limits or restricts communication must be approved in advance by the appropriate dean.
- (d) The university may assert ownership of patent rights for inventions and works arising substantially out of university research, unless such rights are clearly reserved to the sponsor under the provisions of the sponsored research agreement. The university may also assert ownership of copyright for works under certain limited conditions; however, in many instances, such rights will remain with the author of the particular works. In any event, the reservation of such rights to the sponsor shall not be favored, and in general the university will seek to at least share in the ownership and/or income of any inventions or works produced. Where the university has rights to the inventions or works, these rights will be exercised in accordance with the University Intellectual Property Policy approved by the board.

### **2.2.5.5**

#### **Disclosure of Sponsored Research**

Faculty members are obligated to inform their department chairs, deans, and associate vice president for research in writing in advance of project sponsorship of any special relationship that they have or intend to have with a sponsor. This



## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

disclosure should detail fully the nature and purpose of the relationship, but it normally need not provide specific financial reimbursement figures except when necessary to determine the existence of conflict of interest, allocation of effort, or other university need defined by the president and the vice presidents for Academic and Health Affairs. This provision applies to all participants in a project, including faculty, research associates, staff, and students. It is expected that sponsors may inquire whether a researcher is receiving support from a competitor and whether safeguards are in place to protect proprietary information from being misused. To avoid conflicts of interest, researchers should be especially cautious when accepting support from competitor sponsors who are providing proprietary information.

### **2.2.5.6**

#### **Academic Fraud**

All members of the faculty are expected to conduct their scholarly research and publish the results of that research with the highest standards of truth and accuracy. In this regard, faculty must take great care to acknowledge all intellectual debts and contributions of colleagues and students.

### **2.2.5.7**

#### **Scientific and Intellectual Misconduct**

The university's policy on scientific and intellectual misconduct was approved by the Board of Trustees on November 16, 1990. The full text of the policy is included as Appendix E.

### **2.2.5.8**

#### **Hazardous Materials**

The university has developed guidelines and procedures for the handling of radioactive materials, hazardous chemicals, potentially hazardous biological materials, and other aspects of occupational safety. These guidelines and the safety policies of organizations that fund research are available to interested persons and are subject to periodic review and revision. These designated committees are charged with the responsibility for formulating university guidelines and recommending enforcement procedures. These committees are assisted in the execution of their responsibilities by the university Health Service and the university Division of Occupational and Environmental Health. It is the responsibility of each investigator using such procedures or materials to be familiar with the guidelines and to comply with them. Inquiries may be directed to the university Division of Occupational and Environmental Health.

### **2.2.5.9**

#### **Adherence to Grantor and University Policies**

Faculty are responsible for carrying out research activities as stated in the approved proposal and for adhering to university policy related to travel, employment of other persons, and procurement of materials and services.

## TERMS AND CONDITIONS OF FACULTY EMPLOYMENT

### 2.2.6

#### **Conflicts of Commitment and Conflicts of Interest Policy**

This policy applies to faculty on full-time appointment and the details of these rules derive from the following general obligations:

- (a) All faculty are expected to conform to the professional and ethical standards of the university and the rules promulgated to enforce them.
- (b) The faculty has rights common to all citizens, free from institutional censorship. Accordingly, a faculty member is accountable to the university only for private activities that affect substantially his/her responsibilities to the university.
- (c) The primary responsibility of faculty is dedication to the educational, research, and public service goals of Howard University. Outside professional activities (employment, business interests, or consulting activities), whether gainful or not, should not be allowed to interfere with a faculty member's teaching, research, advising, and university service obligations.

The following sections on conflicts of commitment and interest contain a representative, not a comprehensive, list of specific types of activity that commonly conflict with these obligations. Circumstances not covered by them will be judged on the basis of the above general obligations.

#### 2.2.6.1

##### **Conflicts of Commitment**

The university recognizes that a system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions performed are closely interrelated and do not conform to any meaningful division of a standard work week. The university also recognizes that limited consulting and other outside activities of a professional nature are desirable. A **conflict of commitment** arises when a faculty member's outside activities cannot be satisfied without failing to substantially satisfy the member's full-time duties at Howard. Consequently, outside activities in aggregate shall not exceed the equivalent of 1 day per week during the academic year. The latter standard is not cumulative and thus refers to a weekly, not annual or monthly, calculation.

Consulting and other outside activities are encouraged where such activities give the faculty member experience and knowledge valuable to professional growth and development, or help the individual make worthy contributions to the advancement of knowledge, or to the university's instructional programs, or otherwise make a positive contribution to the university or the community.

While consulting and other outside employment during the academic year often enhance a faculty member's value to Howard, there is the potential for conflicts of

## TERMS AND CONDITIONS OF FACULTY EMPLOYMENT

commitment and conflicts of interest that compromise the faculty member and the institution. Accordingly, outside activities and consulting are approved subject to the following conditions:

- (a) The activities should not detract from the member's availability for normal academic duties, or exceed in aggregate the equivalent of 1 day per week.
- (b) A faculty member should not use university resources, such as support services, students, or supplies, for the gain or benefit of an outside enterprise. Limited use of these resources, however, may be made for service to professional societies in one's discipline and in connection with nonpartisan public service. In addition, faculty may use office space and equipment assigned for their individual use, but they must avoid using their office in a manner that could suggest university affiliation with their outside enterprise. For the same reason, faculty are not to use university letterhead for communications connected with their outside employment.
- (c) Faculty members shall report, in writing, outside consulting or employment to their respective deans as required in section 2.2.7. Department chairs and deans will advise faculty members in writing when an outside engagement conflicts with the members' obligations to the university. Faculty members should not commit to such outside relationships unless they have received this communication.
- (d) Some schools and colleges have additional and unique provisions related to outside employment or professional practice. These requirements should be referred to for further guidance.
- (e) Failure to comply with the university policies on outside activities may be cause for disciplinary action, including termination.

### 2.2.6.2

#### **Conflicts of Interest**

The preeminent ethical commitment expected of all members of the Howard community is that each member is dedicated to advancing the best interests of the university. Accordingly, all faculty must be sensitive to potential conflicts of interest that result from favoring outside interests.

### 2.2.6.3

#### **Conflicts Between Outside Financial Interests and University Interests**

A **conflict of interest** may occur when a member of the faculty has associations with individuals or outside organizations, or makes decisions that could lead to personal gain or advantage of any kind, that conflict with the university's interests and the member's duty to serve them. Self-employment has a similar potential for conflicts of interest.

General examples of potential conflicts of interest because of these economic or official relationships include circumstances in which

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (a) The organization has a present or prospective relationship with the university (e.g., as suppliers of goods or services or as parties to research contracts or other joint ventures), and the initiation or the conduct of those relationships may involve faculty members in their academic capacities;
- (b) The organization is pursuing activities that compete with activities that the university is currently or prospectively engaged, and in which the faculty member plays or might play a role in his/her academic capacities; or
- (c) The immediate family of the faculty member (including parents, siblings, children, and spouse) has significant investments or interests or holds official positions in the outside organizations.

Moreover, faculty members who could become involved in conflicts of interest must take care to avoid the following:

- (a) Undertaking or orienting their university research and other activities to serve the needs of the outside organization without disclosure to the university;
- (b) Purchasing or participating in decisions to purchase, for the university or research under its auspices, goods or services from the outside organization;
- (c) Attempting to influence any other university-related activities in a manner that could directly benefit the outside organization's interests;
- (d) Transmitting to an outside organization or using for personal gain information obtained through research under university auspices or through other participation in university activities unless that information is generally available to the public. (Information in this context includes work products, results, materials, and records, as well as knowledge acquired through research or other professional activities, such as committee work, service on review boards, and exchanges with colleagues); or
- (e) Accepting gratuities or special favors from organizations with which the university does or may do business, or extending gratuities and favors to employees of outside organizations under circumstances that could reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

Faculty members must avoid or withdraw from situations that involve a conflict of interest.

### **2.2.7**

#### **Disclosure of and Consultation on Outside Commitments and Interests**

To protect against the hazards of conflicting obligations or interests, full-time faculty members shall submit to their deans, at the beginning of each academic year, a written summary of

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (a) Any outside employment, business interests, or consulting activities that could entail conflicts of obligation or interests as defined above; and
- (b) Any pertinent family employment or financial interests.

By requiring these disclosures to the university, the following ends are served:

- (a) The university discharges the obligation it assumes when it accepts government or industry funds for research; and
- (b) Faculty members are provided an informed source for advance consultation and guidance on questions that may arise concerning the appropriateness of their outside activities or interests.

Normally, part-time faculty do not participate in university decisions that could create such conflicts for them. Where they do participate in decisions, however, or are engaged in research projects contracted with the university, the disclosure requirements extend to them.

The chairs and deans will confer in a timely manner with individual faculty, decide whether the interests are appropriate and whether the conditions of the outside activities policies will be met, and advise accordingly. Problems that cannot be thus resolved will be referred to the appropriate vice president and, where indicated, to the vice president for business and fiscal affairs.

Responsibility for preventing conflicts lies, in the first instance, with individual faculty members. Thus faculty members whose situations materially change during the academic year or who believe they face actual or potential conflicts are expected to initiate discussion of the circumstances with their deans.

### **2.2.8**

#### **Political Activities**

Howard is subject to restrictions concerning activities of a political nature. In particular, the Internal Revenue Code imposes on tax-exempt organizations, such as Howard, limitations relating to attempts to influence legislation and to participate or intervene in political campaigns on behalf of candidates for public office.

The following statement of guidelines was prepared by the American Council on Education for use by universities in their efforts to comply with the applicable provisions of the Internal Revenue Code. This statement has been reviewed by the Commissioner of Internal Revenue, who found the guidelines "fair and reasonable" from the standpoint of the Internal Revenue Service. Faculty are expected to abide by the following principles as stated in the guidelines:

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

Educational institutions traditionally have recognized and provided facilities on an impartial basis to various activities on the college campuses, even those activities which have a partisan political bent, such as, for example, the Republican, Democratic, and other political clubs. This presents no problem. However, to the extent that such organizations extend their activities beyond the campus, and intervene or participate in campaigns on behalf of candidates for public office, or permit nonmembers of the university community to avail themselves of university facilities or services, an institution should in good faith make certain that proper and appropriate charges are made and collected for all facilities and services provided. Extraordinary or prolonged use of facilities, particularly by nonmembers of the university community, even with reimbursement, might raise questions. Such organizations should be prohibited from soliciting in the name of the university funds to be used in such off-campus intervention or participation.

Every member of the academic community has a right to participate or not, as he sees fit, in the election process. On the other hand, no member of that community should speak or act in the name of the institution in a political campaign. All members of the Howard University community should observe these principles in planning and engaging in political activities that might either directly or indirectly involve the university.

A faculty member may engage in political activities as long as they do not interfere with fulfillment of one's professional responsibilities to the university. Candidates for and holders of public office are subject to the provisions of 2.2.6 and 2.2.7 on conflicts of commitment and conflicts of interest. Political activities should not involve the use of university resources or imply university endorsement. Questions concerning the application of these guidelines should be addressed to the Office of the General Counsel.

### **2.2.9**

#### **Nepotism**

Faculty members may not serve as administrators or supervisors of their immediate family members or participate in decisions providing a direct benefit to these persons. Decisions in which familial relationship precludes participation include initial appointments, reappointment, promotion, award of tenure, termination, salary, merit pay, and leave of absence. (Immediate family member shall mean spouse, sibling, parent, grandparent, child, and grandchild. All relationships are included, whether full-, half-, step-, foster, adopted, or in-law.)

There may be other situations in which familial relationship could interfere with objectivity or cast doubt on the objectivity of a decision. Faculty members are expected to recognize such situations and discuss them with the appropriate dean.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

Deans should raise potential nepotism problems with the appropriate academic vice president.

### **2.3**

#### **Faculty Responsibility**

Appointment to the faculty of Howard University carries with it responsibilities for excellence in teaching, the intellectual growth of students, high scholarship, and the improvement of society. In addition, faculty members have a responsibility to participate in the life and operation of the university and particularly the department and school or college of their appointment. Although the final authority for the conduct of university affairs is vested in the Board of Trustees, the academic judgments, recommendations, and policies of the faculty are central to the university's general educational policy and in determining the shape and character of the university as an educational institution.

The purpose of the following sections is to further survey some of the details comprising the minimum obligations of a faculty member toward the students, the university, and the public. The purpose does not include a desire to impose a rigid, codified body of rules on the faculty.

#### **2.3.1**

##### **Professional Ethics**

As members of a learned profession and as officers of an educational institution, the special position of faculty in this community imposes special ethical obligations. These ethical standards are the repository of what experience has revealed as to how scholars can live together to the best advantage.

#### **2.3.2**

##### **Teaching**

The faculty members' pursuit of teaching excellence is a life-long commitment and includes the following specific responsibilities:

- (a) To have a firm command of their subjects and to keep abreast of new developments.
- (b) To select teaching strategies that facilitate the learning process and to communicate their subjects effectively.
- (c) To instruct classes at the scheduled time and place, in a manner consistent with the course content and course credit approved by the appropriate faculty body. When the faculty member is unable to

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

meet a class, the department office must be notified and arrangements made for substitute instruction or for the class to be notified concerning cancellation. Make-up classes shall be rescheduled at a time reasonably convenient for students.

- (d) To design and evaluate conscientiously all student work with impartiality; and to complete grading in a timely fashion according to the schedule of due dates announced by the Office of the Registrar. Moreover, students will be given an opportunity to receive an explanation of the grade assigned.
- (e) To provide each student with a written syllabus or course guide summarizing the objectives and requirements of their courses, the textbooks or other sources to be used, and the applicable attendance and grading rules.
- (f) To avoid unacceptable discriminatory conduct based on such factors as race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs. Accordingly, faculty members must be sensitive to the harmful consequences of professorial or student conduct or comments in classroom discussions or elsewhere that perpetuate stereotypes or prejudices involving such factors.

### **2.3.3**

#### **Conference Hours**

Faculty members shall be available to counsel students about academic matters throughout the academic year by means of regularly scheduled office hours or appointments. In performing this function, the faculty member should make every reasonable effort to ensure that the information they transmit is timely and accurate.

Faculty members will be reasonably available to colleagues for purposes of discussing teaching methods, content of courses, possible topics of scholarship, scholarly work in progress, and related matters.

### **2.3.4**

#### **Scholarly Activities**

Since teaching responsibilities allow for a flexible scheduling of time and an opportunity to pursue intellectual interests relatively free from distraction, faculty members are obligated to make the best and fullest use of that freedom to fulfill their scholarly responsibilities.

Accordingly, the university requires all faculty members, including tenured and probationary, to continue their professional development through research, scholarly writing, advanced study, or original creative production as appropriate to their disciplines. Such activities derive their importance both from the contributions they make to classroom performance and to the fact that one of the major roles of any



## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

university is the discovery of new knowledge, the synthesis of ideas, and other creative activities.

### **2.3.5**

#### **University and Community Service**

Although many duties within the university are assumed by professional administrators, the faculty retains substantial collective responsibility and authority to provide institutional leadership. Thus individual faculty have a responsibility to assume a fair share of that leadership, including participation in departmental and school faculty meetings and service on departmental, school, and university committees. In discharging their academic, committee, and other assignments, faculty members are obligated to complete each in a professional, timely, and responsible manner. Faculty also are expected to serve the academic, professional, and civic communities with their expertise.

### **2.3.6**

#### **Attendance at University Ceremonies**

Attendance at Opening Convocation, Charter Day, and the Commencement Convocations is expected from the full-time faculty. Absence from these ceremonies should be arranged with the dean of the school. Faculty members should participate in other major departmental, school, college, and university activities.

## **2.4**

### **Academic Appointments**

An outstanding faculty is the key ingredient in maintaining academic excellence. The faculty serves to help create a university environment that demands the best from all its participants. Additionally, a well-qualified and productive faculty helps to attract other well-qualified individuals--faculty and students--who show promise for future achievement.

Howard University's ability to maintain or exceed its present academic reputation depends on the recruitment of outstanding faculty who are willing to give their best efforts to

- (a) Engage in effective teaching;
- (b) Make scholarly contributions in research or creative works;
- (c) Exhibit evidence of professional development; and
- (d) Render service to the university, the profession, and the community.

Howard University's policies and procedures for the recruiting and appointing of its faculty are stated herein.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

### **2.4.1**

#### **Faculty Composition and Voting Rights**

The dean, associate and assistant dean(s), the professors, associate professors, assistant professors, instructors and lecturers of each school or college, as well as the director, assistant director, instructors, and lecturers of each center or institute who provide academic instruction to students shall comprise the faculty of said unit, as provided in the bylaws of the respective school or college. The president of the university shall be a member of each faculty. The vice presidents for academic affairs and health affairs shall be members of the faculty in their respective areas. Voting rights in each faculty shall be stated in the bylaws of said faculty unit.

### **2.4.2**

#### **Classification and Definition of Faculty Appointments**

The academic faculty of Howard University is divided into five ranks: professor, associate professor, assistant professor, instructor, and lecturer. Service in the ranks of professor, associate professor, assistant professor, and instructor is counted as part of the probationary period during which a decision about the grant of tenure is made. Except for the career status track, probationary appointments at the rank of instructor are limited to 2 years. The rank of lecturer is a nontenure/noncareer status position; therefore, service in this rank may not be counted as part of the probationary period during which a decision about the grant of tenure or career status is made.

#### **2.4.2.1**

##### **Professor**

This is the highest academic rank, the holder of which is a recognized leader who has a cumulative record of teaching effectiveness, peer-reviewed research publications or peer-reviewed creative activities appropriate to the discipline, professional development, and substantial service appropriate to the discipline. Professors may receive temporary appointments, probationary appointments, or tenured appointments. The initial appointment at the rank of professor shall be with tenure except that a professor without previous appointment at the university may be appointed for a period of 3 years. If the person is reappointed, the reappointment shall be with tenure. In exceptional cases, an award of tenure may be made during the initial term of 3 years, or tenure may be offered as a condition of initial appointment.

#### **2.4.2.2**

##### **Distinguished Professor**

Persons holding this title will be those individuals who hold the rank of professor or meet all the criteria for the rank of professor and who have achieved extraordinary distinction in scholarship, research, or professional performance. Appointment as distinguished professor is a tenured appointment.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

The candidate shall be a person having national or international recognition in the academic field or area of performance, a sustained record of achievement at the highest professional and scholarly level, and a record of service to the university or to the wider community that the university serves. The candidate shall have achieved distinction in scholarship, research, or professional performance as attested by such evidence as the following:

- (a) Outstanding publications or other public demonstrations of professional or academic excellence that provide significant new knowledge in the candidate's field of specialization, new and useful techniques for the constructive utilization of existing knowledge in that field, or a revision or reinterpretation of data in a given field that engenders new perspectives for thought and action.
- (b) Recognition by professional societies or recognized experts in the candidate's field or medium. This recognition may take such forms as invitations to serve as advisor, consultant, or organizer for programs related to the field, to present professional papers, or to appear in the most selective auditoriums or galleries; special awards and honors including membership in highly selective academies and honorary societies; or inclusion in highly respected and exclusive exhibitions, performance series, or publications.
- (c) Recognition based on professional merit by groups other than professional societies, such as foundations, government bodies, and community groups.
- (d) A record of significant research funded by outside agencies as a result of recognition in the candidate's field of specialization.

The scholarship and professional achievement of the candidate shall be attested to by reputable professionals in the field outside the university. Student evaluations also shall be taken into consideration.

### **2.4.2.2.1**

#### **Appointment Procedure**

Recommendations shall be initiated by the Committee on Appointments, Promotions, and Tenure of the Faculty Senate. Nominations for this rank may be received by this committee from any source within or without the university. Upon receipt of a nomination, the committee shall request the nominating person or body to provide a complete file documenting the qualifications outlined herein. This file, together with the nomination, shall be forwarded to the APT Committee of the department most closely related to the candidate's field of specialization for evaluation and comment. Following departmental review, the file shall be forwarded to the APT Committee of the appropriate school for its evaluation and comment. The judgments of the departmental and school committees shall be considered by the Senate Committee in reaching its decision. Upon approval by the Senate Committee, the recommendation file shall be forwarded to the vice president of the division, the president, and the Board of Trustees for final action.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

### **2.4.2.3**

#### **University Professor**

Persons holding this title will be individuals of unusual academic, scholarly, or professional distinction who have the competence to teach or perform other academic services in more than one school or college in the university. Appointment as university professor is a tenured appointment.

### **2.4.2.3.1**

#### **Academic Preparation**

The candidate shall hold an earned doctoral degree or its foreign equivalent. This requirement may be waived where the candidate has gained prominence through creative and productive activity in the field.

### **2.4.2.3.2**

#### **Teaching Competence**

The candidate shall have appropriate teaching experience at the college level or equivalent experience in the field. The candidate's teaching competence shall be judged by persons who teach in the candidate's field. Student evaluations also shall be taken into consideration.

### **2.4.2.3.3**

#### **Research and Creative Productivity**

The candidate shall give evidence of ability in research or creative activity through the publication of books, monographs, articles, or other creative work.

### **2.4.2.3.4**

#### **Appointment Procedure**

The same procedure for the appointment of a distinguished professor shall be followed (see 2.4.2.2.1), except that the file shall be forwarded for evaluation and comment to APT Committees in the two or more departments and schools/colleges in which the nominee will serve or has the qualifications for service. The Senate Committee will consider the comments of both units of the university in making its recommendation. The appointment will be a joint appointment between the appropriate units.

### **2.4.2.4**

#### **Research Professor**

Persons holding this title will be individuals of recognized research competence in a given field. Their principal function shall be the continuation of research activities. Appointment as a research professor is a tenured appointment.

### **2.4.2.4.1**

#### **Teaching Competence**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

The candidate shall have appropriate teaching experience at the college level or equivalent experience in the professional field. The candidate's teaching competence shall be judged by persons who teach in the candidate's field. Student evaluations also shall be taken into consideration.

### **2.4.2.4.2**

#### **Research Competence**

The candidate shall give evidence of recognized research competence as judged by persons in the field who are competent to evaluate the candidate's books, monographs, articles, research projects, or other aspects of creative productivity. Evaluations of research competence shall be secured from at least two competent persons outside the university.

### **2.4.2.4.3**

#### **Appointment Procedure**

The procedure shall be the same as for the appointment of a distinguished professor (see above).

### **2.4.2.5**

#### **Associate Professor**

An appointment to this rank is made only to a person who has demonstrated the personal and intellectual qualities that with increased maturity are expected to lead to appointment to the rank of professor. An appointment as associate professor usually results from the promotion of an assistant professor with the award of tenure; however, promotion to associate professor can occur without the award of tenure. Associate professors may receive temporary appointments, probationary tenure track appointments, or tenured appointments.

### **2.4.2.6**

#### **Assistant Professor**

Appointment as assistant professor is accorded to a person who has completed the final earned degree or other professional certification relevant to the discipline and who has given evidence of superior potential for developing academic stature. Appointment in this rank provides a period during which an individual has an opportunity to confirm his/her own interest and motivation as being appropriate to the broad scope of university faculty responsibilities, and also one in which senior faculty may assess the promise and the competence of the faculty member's performance.

Assistant professors may receive temporary appointments or probationary tenure track appointments. Only in unusual, extraordinary situations is tenure awarded to faculty holding the rank of assistant professor.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

### **2.4.2.7**

#### **Instructor**

An instructor holds appropriate academic or professional qualifications and gives promise of excellent teaching. Evidence of promise in research is desired but not required. An instructor is expected to be able to plan and conduct courses with little or no supervision. The title of Instructor is sometimes used for a person whom the university intends to appoint as an assistant professor but who has not yet completed all the requirements of the expected terminal degree.

An instructor may receive a probationary appointment, temporary appointment, or a career status appointment; therefore, time spent in this rank may be counted as part of the probationary period for career status or tenure. Probationary tenure track appointments shall be limited to a period of 2 years. The probationary period for tenure or career status, or temporary time in this rank shall not exceed a total of 7 years of full-time service plus pro rata part-time service.

Although tenure is not awarded to faculty in the instructor rank, career status may be awarded upon the candidate's meeting the criteria established by the center or institute in which he/she is a member of the faculty, receiving positive evaluations and recommendations and being approved by the Board of Trustees. Career status instructors may be reappointed provided they receive satisfactory evaluations as detailed in section 2.5.2.

Appointments are for 1, 2, or 3 years. The standards for the notice of nonreappointment of probationary tenure track, temporary, and career status appointments are given in section 2.7.3.3.

### **2.4.2.8**

#### **Lecturer**

The responsibilities of the position are primarily, if not entirely, in teaching; research responsibilities are not included. The rank of lecturer is used for persons who do not possess the normally expected scholarly credentials but, nevertheless, provide valuable instructional services. The position of lecturer is a nontenured, nonprobationary position. Appointments are temporary for 1 year or less, but may be renewed. Full-time service in the rank of lecturer is limited to 3 consecutive years, except where additional appointments are approved by the Board of Trustees.

### **2.4.2.9**

#### **Other Academic Titles**

#### **2.4.2.9.1**

##### **Visiting Professor**

A visiting professor is an individual who holds, or has held, professional rank at another institution and is appointed to the rank of visiting assistant professor,

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

visiting associate professor, or visiting professor for temporary-term appointments not to exceed a total of 3 years. If a visiting professor subsequently is given a probationary appointment, upon approval of the appropriate dean and vice president, the time spent as visiting professor shall be counted toward the probationary period.

### **2.4.2.9.2**

#### **Adjunct Professor**

An adjunct professor is an individual who offers educational experiences to students of the university on a part-time basis. The title is honorary, although the adjunct faculty member may receive an honorarium or other university prerequisites.

### **2.4.2.9.3**

#### **Clinical Professor**

A clinical professor is one whose major responsibility is to supervise students in clinical instruction whether within the university or in another setting. Appointments may be made to the rank of clinical instructor, clinical assistant professor, clinical associate professor, or clinical professor.

### **2.4.2.9.4**

#### **Artist-in-Residence/Writer-in-Residence**

These titles may be offered to outstanding professional artists or writers who render a specified service to the university, such as lectures, performances, demonstrations, master classes, and consultations. Academic degrees are not essential to this position, but rather candidates are chosen on the basis of outstanding professional attainments, creative accomplishments, and recognition in their specified fields. Such appointments are definite-term temporary appointments.

## **2.5**

### **Types of Faculty Appointments**

Faculty appointments at the university may be of the following types: tenured, career status, probationary (tenure track and career status), temporary, and special contracts (see section 2.6). These terms accompany academic titles or ranks, and are used to qualify or modify the title or rank.

All of the terms and conditions of appointments to the faculty shall be set forth in a written agreement. The agreement shall be signed on behalf of the university by its president and by the prospective faculty member. The agreement shall be effective and operative only when fully executed. The agreement shall specify among other things the academic rank and the type of appointment. Nothing therein contained shall prevent promotions to higher academic rank during the term of the agreement, but a change in the type of appointment shall require a new superseding written agreement. The university will not honor any oral or written promise that is not

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

expressly included in the written agreement signed by the president or his/her designee and the prospective faculty member.

### **2.5.1**

#### **Tenured Appointments**

Tenure is awarded only by the Board of Trustees of the university upon the recommendation of the president who is guided by the judgment of the faculty review committees and officials in the prior levels of review. There shall be no tenure by default, or by the mere serving of the maximum probationary period.

Tenured appointments are described in detail in section 2.7.4.

### **2.5.2**

#### **Career Status Appointments**

Career status is awarded only by the Board of Trustees of the university upon the recommendation of the president who is guided by the judgment of those persons and committees in the prior levels of review. There shall be no career status by default, or by the mere serving of the maximum probationary period.

Career status appointments are continuing term appointments available to instructional employees in the Center for Academic Reinforcement (CAR). Such appointments are for 3-year renewable terms contingent on satisfactory instructional evaluations by peers, students, and component coordinators and a renewal recommendation by faculty appointments and promotions committees, component coordinator, and the director. Career status extends to retirement age unless terminated by resignation, early retirement, death, incapacity for medical reasons, or by action of the trustees under the provisions for just-cause removal or by reason of financial exigency, program elimination or unless terminated for unsatisfactory evaluations and a recommendation for nonrenewal by the appointments and promotions committees, component coordinator, and the director.

### **2.5.3**

#### **Probationary Appointments**

Probationary appointments are definite-term appointments for 1 or more years in a tenure track (or career status track in CAR) at the faculty rank of instructor, assistant professor, associate professor, or professor.

There shall be definite limits on the length of time any faculty member can serve in probationary tenure track or probationary career status appointments without the award of tenure or career status. For probationary career status, the maximum probationary period is 7 years; the initial appointment is for 2 years and reappointments may be made for 2- and 3-year periods, respectively.

For members of the faculty initially appointed as assistant professor, the initial appointment is for 1, 2, or 3 years. The maximum probationary period for assistant professors is 7 years, including time spent as an instructor in probationary status.



## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

Faculty serving in the rank of assistant professor will be evaluated for tenure no later than in the sixth year of the probationary period, and will be notified in a timely manner of the university's decision respecting tenure. The seventh year will be the faculty member's final year, if the university's decision is not to award tenure to the faculty member.

Faculty initially appointed from outside the university to the rank of associate professor or professor without tenure have an initial appointment of 3 years and a maximum probationary period of 5 years or 3 years, respectively. Tenure or career status shall not be granted by default through the mere serving of the full limit of time (7 years, initial appointment as an assistant professor or instructor; 5 years, initial appointment as an associate professor; 3 years, initial appointment as full professor;) by a faculty member under probationary appointment.

Leaves of absence for professional development shall be included in the total probationary period. Leaves of absence for study toward a degree, military service, or family care (within the time allowed) will not be included in the calculation of the maximum probationary period. Part-time service will be included and counted on a pro rata basis. The probationary period can be interrupted for 2 years by a leave of absence for family care.

### **2.5.4**

#### **Temporary Appointments**

Temporary appointments may be made in the academic ranks of lecturer, instructor, assistant professor, associate professor, and professor or with other titles including, but not limited to, visiting professor, adjunct professor, or clinical positions at any rank.

Temporary lecturer and instructor appointments are definite-term appointments that do not exceed a total of 7 years and in full-time status. Since these appointments are not tenure track positions, persons holding such appointments are not eligible for tenure, educational leave, or sabbatical leave. Under no circumstances shall a faculty member assume that a temporary appointment shall be renewed unless a copy of the fully executed faculty agreement has been received. The standards for notice of nonreappointment of probationary tenure track, temporary, and career status appointments are given in section 2.7.3.3.

## **2.6**

### **Other Types of Faculty Appointments and Status**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

### **2.6.1**

#### **Administrative Appointments**

Normally, deans, associate deans, and department chairs will hold tenure within their departments. Administrators with faculty tenure retain their seniority and retreat rights within their department when they leave their administrative position.

### **2.6.2**

#### **Emeritus Status**

Tenured faculty members and all administrators who hold tenure as faculty members and who have at least 10 years' full-time service at the university, upon retirement, shall automatically attain emeritus status in their faculty rank. Other faculty members retiring from the university may be granted emeritus status only by specific action by the Board of Trustees.

Those faculty who have attained emeritus status are entitled to use any available university facility, to retain membership in university organizations, and to have their names included in published membership listings. They may serve on committees and perform such other services as they and the university find mutually desirable. Persons in the emeritus status may not vote in departmental or school faculty meetings except as provided in section 2.7.8.2.

### **2.6.3**

#### **Endowed Chair**

When a gift is made to the university for the endowment of a chair, the school, department, or general interest area are frequently stipulated by the donor. A specific faculty member to hold the chair cannot be stipulated by the donor.

### **2.6.4**

#### **Graduate Faculty**

Faculty members who hold appointments in departments that offer graduate degree programs through the Graduate School of Arts and Sciences also may be appointed to graduate faculty status in the Graduate School of Arts and Sciences. Such appointments may be without compensation (WOC) and may be for renewable terms up to 3 years, but in no case at a rank different from or a term longer than the rank and term in the programs, departments, or schools/colleges in which the compensated appointment is held.

### **2.6.5**

#### **Joint Appointments**

Faculty members may be given joint appointments in which salary and professional assignments are distributed between two or more units of the university in any proportion of full-time service that may be mutually agreed on. Responsibility for

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initiating evaluations, recommendations for reappointment, promotion, or tenure shall be the responsibility of the unit that provides more than 50 percent of the salary, with the advice of the other unit(s) participating in the joint appointment. In the case of units that share equally in the salary of the joint appointee, recommendations for reappointment, promotion, or tenure shall be initiated by the units acting jointly.

### **2.7**

#### **Procedures for Appointments, Reappointment, Promotion, and Tenure**

The faculty has the responsibility for recommending appropriate action on such matters as faculty appointments, reappointments, promotions, the granting of indefinite tenure, and dismissals. The recommendations of the faculty for such matters are based on the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity are expected to have the chief competence for judging the work of their colleagues. Such competence should be exercised before either adverse or favorable judgments are made in this regard. Consideration in these matters is to be by faculty action through established procedures. These actions shall be reviewed by the dean, the appropriate vice president, and the president, and shall be submitted to the Board of Trustees for final action, where necessary.

#### **2.7.1**

##### **Search Procedures**

The search for a person to fill a faculty appointment shall be initiated by the department chair based on written authorization from the appropriate dean and vice president, and the search should be carried out in collaboration with departmental faculty. Open and uniform procedures shall be followed to the greatest extent possible by all units and search committees in filling vacant or new positions. Individuals are recruited and employed in all positions without regard to race, religion, sex, age, ancestry, color, creed, handicap, marital or parental status, national origin, sexual preference, political affiliation, or belief.

In principle, the university's commitment to excellence is best expressed by careful and extensive searches to find the best qualified persons for faculty positions. A diversity of background, experiences, and viewpoints is considered to be an element of strength. Whenever possible, positions will be nationally advertised.

#### **2.7.2**

##### **Appointment Procedures**

A recommendation to appoint an individual to any faculty position should be initiated by a recommendation of the department chair (component coordinator) and the department committee of all tenured (career status) faculty. The recommendation of the department, together with the credentials of the prospective faculty, are forwarded to the appropriate dean (director), who seeks the advice of the school/college (or center) APT Committee. The dean's recommendation, together

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

with all prior recommendations and the file of credentials, is forwarded to the appropriate vice president. For temporary appointments and appointments below the rank of associate professor that are neither tenured nor in the tenure track, final signature authority rests with the relevant vice president. For all other appointments, the vice president adds his/her recommendation, and the entire reviewing file is forwarded to the president for final action and ratification by the Board of Trustees. An appointment is not final until a written notice of appointment has been sent by the president (or vice president in the cases noted above where the vice president has final signatory authority) to the candidate who, in turn, has returned a signed acceptance to the official who signed it.

When the department chair initiates an appointment, there is an obligation to secure evidence from the prospective employee that he/she is authorized to work in the United States under the immigration laws currently in force. Verification is required regardless of whether the prospective employee is a U.S. citizen or not. Detailed instructions respecting the means by which this verification can be established are available from the Department of Personnel Services, Office of Human Resource Management.

### **2.7.2.1**

#### **Orientation**

New faculty members must report to the Office of Staff Benefits for orientation and to the Payroll Office before they are placed on the payroll. Verification of employee eligibility will be made by a representative of Personnel Services who will be present at the orientation. If Personnel Services has not received the verification forms at the time of the orientation, the affected employee will be referred to the department chair for assistance.

Detailed procedures for appointments are described under the section on tenure (2.7.4).

### **2.7.3**

#### **Reappointment of Temporary, Probationary, and Career Status Faculty**

##### **2.7.3.1**

###### **Policy**

Subject to the time limits applicable for appointments to the rank of instructor, and to such positions as lecturer and visiting professors, faculty members may be considered for reappointment at the expiration of their current term, except when such reappointment would extend the appointment beyond the maximum allowable time in a probationary or temporary status, or beyond the term of any grant from which the salary of the faculty member is paid.

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The employment of a faculty member who is denied tenure may be extended with a terminal appointment until the appeals process is complete. For the purpose of determining the start of the terminal appointment of a faculty member who is denied tenure, the date of notification shall be considered to be the date of the terminal appointment. The appointment may be extended until the appeal is complete.

### **2.7.3.2 Procedures**

#### **2.7.3.2.1 Probationary and Career Status Faculty**

The procedures, timetable, criteria, and right to appeal a negative decision applicable to probationary tenure track and career status reappointments are the same as those outlined for a recommendation for tenure. (See sections 2.7.4.4, 2.7.4.5, and 2.7.4.6.)

#### **2.7.3.2.2 Temporary Faculty**

Recommendations for reappointment are usually initiated by the department chair who shall seek the advice and consent of the department APT Committee. If the chair and committee decide not to recommend reappointment, no recommendation is generated and the matter is closed. If either the chair or the APT Committee recommends reappointment, the chair's recommendation, together with that of the departmental committee, is sent forward with appropriate documentation to the dean. The dean, in turn, obtains the recommendation of the school/college APT Committee, adds his/her recommendation, and forwards the entire file to the vice president. If the proposed reappointment is for a temporary position, the decision of the vice president is final. Temporary appointments pursuant to special contracts require a written justification from the dean indicating why the appointment is necessary and outlining efforts to recruit probationary faculty for the position in question.

#### **2.7.3.3 Standards for Notice of Nonreappointment of Probationary Tenure Track, Temporary, and Career Status Appointments**

Notice of nonreappointment, or of intention not to recommend reappointment should be given in accordance with the following standards:

- (a) Not later than March 1 of the first academic year of service, if the probationary appointment expires at the end of that year; or if a 1-year appointment terminates during an academic year, at least 3 months (90 calendar days) in advance of its termination.
- (b) Not later than December 15 of the second academic year of service, if the probationary appointment expires at the end of that year; or if

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- an initial 2-year appointment terminates during an academic year, at least 6 months (180 calendar days) in advance of its termination.
- (c) At least 12 months (365 calendar days) before the expiration of a probationary or career status appointment after 2 or more years in the institution.
  - (d) After 2 or more years at the university, full-time temporary faculty are entitled to receive a notice of nonreappointment at least 3 months in advance of termination.
  - (e) Failure to provide timely notification of nonreappointment shall entitle the probationary faculty member to a temporary appointment limited to either one academic semester for notice periods of 90 or 180 calendar days, or one academic year for a notice period of 365 calendar days, after expiration of the appointment. Late notice does not entitle the faculty member to tenure or career status by default.

### **2.7.4 Tenure**

#### **2.7.4.1 Purpose of the Tenure System**

The protection of the academic freedom of individual faculty members is the instrument by which society at large is protected from hindrances to the search for knowledge and from limits on the dissemination of knowledge. The system of tenure for faculty members is the preeminent means of fostering and protecting academic freedom of the faculty in teaching and in scholarly inquiry.

The tenure system consists of rules and procedures that establish an essentially self-regulated body of scholars enjoying the continuity of existence within which academic freedom is both fostered and protected. The protections of academic freedom are extended to all members of the faculty during their terms of appointment.

The existence of a system of tenure is justified in that it ensures the necessary conditions that allow tenured faculty to achieve and maintain superior quality in their performance of the four major functions of universities in the modern world. These functions are:

- (1) the discovery and dissemination of important new knowledge;
- (2) the communication of that knowledge to students and the cultivation in them of the understanding and skills that enable them to engage productively in the further pursuit of knowledge;
- (3) the preparation of students for entry into professions that require for their practice a systematic body of specialized knowledge; and
- (4) service to the larger community locally, nationally, and internationally.

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In intellectual matters, a university faculty is not merely an assemblage of individual scientists, teachers, and scholars; it must possess a corporate life and an atmosphere created by the research, teaching, and conversation of individual scientists, teachers, and scholars that stimulates and sustains the work of colleagues and students at the highest possible level. Research, teaching, and the preparation of students are the work of individual faculty members, who depend for their effectiveness, at least in part, on the university's provision of a tenure system--a system that ensures the presence and continuity of a distinguished core of faculty members (tenure recipients) who have performed the functions of research, teaching, student preparation, community service, and maintenance of the intellectual community of the university consistently at the highest level.

### **2.7.4.2**

#### **Basic Principles of the Tenure System**

A faculty member who has received tenure has a continuous appointment made by the Board of Trustees that extends to retirement, death, or resignation, subject only to termination for incapacity due to medical reasons, for just cause, or for financial exigency. Notwithstanding anything contained elsewhere in this handbook, the Board of Trustees, in accordance with the powers conferred by the university's charter, maintains its historical right to remove any professor, or officer of the university, when, in the board's judgment, the interests of the university require it. In the event that such action becomes necessary, the president shall propose to the board any policies and procedures to implement such termination actions.

A faculty member with tenure who is notified of dismissal because of financial exigency has the right to a hearing only when other tenured faculty members in his/her department or program are retained.

A faculty member holding tenure has the right to a hearing as provided in section 2.8 prior to dismissal for cause.

Assignment of tenured faculty will normally be to academic departments, but tenured faculty may, by consent, be assigned to other professional duties.

Tenured appointments will normally be made to faculty in the ranks of associate professor and professor; in exceptional cases, tenured appointments at the assistant professor level may be made.

Tenure ends at retirement. Appointments to the faculty after retirement are on a term basis and are mutually agreed on by the individual faculty member and the appropriate vice president after consultation with the department or division of appointment.

The choices that the university makes in granting tenure are crucial to its endeavor toward academic excellence. A decision to grant tenure must reflect an assessment

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

of high professional competence and performance measured against university standards.

An award of tenure is based on a thorough evaluation of the candidate's total contribution to the university. Basic competence or mere satisfactory performance in itself is not sufficient to justify granting tenure, for such competence is a prerequisite for the initial appointment. Nor shall tenure be granted by default, through the mere serving of the full limit of time by a faculty member under a probationary appointment. The decision to grant tenure is inherently and inescapably judgmental and is a deliberate action indicating that the person has been selected as a member of the permanent faculty because of demonstrated high-quality performance and relative merit.

In addition to the qualifications of the candidate for tenure, other considerations that enter into an individual decision to confer tenure include the particular needs within the department or the changed circumstances of the university. A decision not to grant tenure, therefore, does not necessarily reflect an unfavorable judgment of the candidate for tenure.

### **2.7.4.3**

#### **Authority to Award Tenure**

Tenure is awarded only by the Board of Trustees of the university upon the recommendation of the president who is guided by the judgment of the faculty committees and the responsible officials in the prior levels of review.

A recommendation for a tenure track appointment may be made only when a tenured position has been authorized in writing by the appropriate vice president.

### **2.7.4.4**

#### **Criteria for Tenure**

The basic criteria are clear: excellence in carrying out the responsibilities of the position and unusual promise for continued achievement. The responsibilities of a faculty member include teaching; research and other scholarly achievement; professional development; public service; student advising; and contributions to the department, the college, and the university. Not all faculty members are assigned all these responsibilities. The emphasis given to each responsibility, as determined by existing circumstances, varies among the colleges and departments of the university and may change within a department.

The faculty, in cooperation with the department chair and the dean, will initiate, formulate, and establish the criteria for appointment, promotion, and tenure that are specific to and appropriate for the varied and diverse academic units of the university. These criteria are subject to review by the university administration and are subject to approval by the Board of Trustees. If the school faculty does not formulate these criteria, the appropriate vice president may appoint an ad hoc committee of faculty to set criteria.



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Good practice requires that the institution (department, college, or university) define the criteria for reappointment and tenure and the procedure for reaching decisions on these matters. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both the institution and the teacher before the appointment is consummated. Moreover, fairness to probationary faculty members prescribes that they be informed, early in their appointments, of the substantive and procedural standards that will be followed in determining whether or not their appointments will be renewed or tenure will be granted.

It is the responsibility and duty of the departments and schools/colleges to improve their quality by periodically reevaluating and, where appropriate, upgrading the criteria for (re)appointments, tenure, and promotion. Changes in the criteria, however, should evolve over time, and reasonable time must be accorded candidates to meet the new standards. Any evaluation of candidates for appointments, promotions, or tenure must consider any weight given to teaching versus research in the initial appointment. While specific responsibilities of faculty members may vary because of special assignments or the particular mission of an academic unit, all evaluations for tenure shall address the manner in which each candidate has performed in teaching, research and publications or creative activity, professional development, and service.

Probationary faculty must be aware, however, that in the grant of tenure or reappointment, consideration will be given to the academic needs of the department and to fiscal condition of the department, school/college, and the university as a whole.

### **2.7.4.5**

#### **Documentation of Tenure**

With the assistance of the candidate, the following documentation is collected where appropriate:

- (a) A complete curriculum vitae of the candidate containing information of past educational and professional experience and a bibliography of published work.
- (b) Documentation of success in teaching in the form of student course evaluations (required); letters from students selected by the candidate; faculty colleague and chairperson evaluations of classroom performance; course syllabi and other materials; and descriptions of courses taught.
- (c) Copies of the most relevant publications, indicating if they were peer reviewed.
- (d) Letters from reviewers external to the university who are experts in the same discipline as the candidate to provide an evaluation of the quality of the candidate's creative work and its impact on the scholarship of the field.
- (e) Evidence of grants, awards, certifications, and fellowships received.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (f) Evidence of exhibitions, concerts, or other forms of creative activity.
- (g) Evidence of participation in professional conferences, invited symposia, and invited seminars.
- (h) Evidence of participation in reviewing manuscripts, grants, and so on.
- (i) Evidence of participation in professional societies.
- (j) Evidence of service to the department, the school or college, the university, and the wider community.

### **2.7.4.5.1**

#### **Guidelines for Selecting External Reviewers**

The candidate will recommend two reviewers external to the university who are experts in the same discipline. The committee of all tenured faculty and the department chair will recommend two reviewers external to the university who are experts in the same discipline as the candidate. The candidate's curriculum vitae and publications shall be submitted to the external reviewers by a member of the department APT Committee.

### **2.7.4.6**

#### **Procedures for Tenure Recommendation**

##### **2.7.4.6.1**

##### **Department Level**

When a review for tenure recommendation is conducted, it is required to be thorough and well documented, since the decision that is made is of far-reaching importance both to the individual and to the university. The first step in the process is a review of the candidate by the department's faculty. For this purpose, and with the assistance of the candidate, the documentation described in section 2.7.4.5 is assembled. Then the following procedure is pursued:

- (a) distributing the documentation gathered to the department chair and the committee of all tenured faculty in the department;
- (b) holding a meeting of all tenured faculty members excluding the chair (APT Committee) for the announced purpose of discussing and voting on the recommendation for tenure; and
- (c) taking the vote.

Whenever the department does not have at least three faculty eligible to vote, the dean in consultation with the faculty can establish an ad hoc committee of faculty, from the same or different school, in the same or related area as the candidate. The department chair and the department committee of all tenured faculty each submit to the dean and the school/college APT Committee a recommendation concerning tenure along with the results of the committee vote, the aforementioned documentation, as well as an evaluation of the research, teaching, professional

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development, and service of the candidate. Within 3 academic weeks of assembling the completed file, the departmental review including the written evaluation shall be completed and the candidate notified of the recommendation. The department chair shall forward all recommendations of the department APT Committee to the dean.

**Reconsideration at the Department Level.** Any faculty member who is reviewed for and denied a positive recommendation for tenure may ask for reconsideration of that decision at the department level. The candidate shall be informed of this right, and the procedures for exercising it when he/she is first notified of a negative tenure decision. For the purpose of determining the start of the terminal appointment of a faculty member who is denied tenure, the date of notification shall be considered to be the date of the terminal appointment. The appointment may be extended until the appeal is complete.

Within 2 academic weeks after being notified that the departmental decision is negative and prior to referral to the dean, the candidate will receive a written statement of the reasons for the negative decision, unless the candidate expressly relinquishes his/her right to receive the statement within 2 academic weeks of said notice. The statement shall respect the limits set by the need to preserve confidentiality. If the candidate wishes to have the department decision reconsidered, he/she shall respond to the chair in writing within 2 academic weeks of receipt of the department's statement of reasons. The candidate may address any issue in writing that he/she deems appropriate, and may present new information. The tenured faculty shall consider the candidate's response, and a second vote shall be taken. The final department decision and the reasons for it shall be provided in writing to the candidate within 3 academic weeks of receipt of the candidate's response.

### 2.7.4.6.2

#### **School/College Level**

After the department's initial review and any reconsideration are completed, whether positive or negative, the decision is reviewed at the school/college level by the school/college APT Committee and the dean. The school/college APT Committee is composed of tenured faculty excluding the department chairs, directors of centers, deans (assistant, associate, and full), and members of the same department as the candidate who participated in the departmental review. The committee makes a recommendation to the dean. The dean and committee shall review and notify the candidate and the department of their recommendation within 6 weeks of receiving the completed file of the candidate.

**Appeal to the Faculty Grievance Commission.** If the dean's or school/college APT Committee's final decision is negative, the candidate or the department, or the candidate and the department in concert, may appeal that decision to the Faculty Grievance Commission (FGC) (see section 2.8) before the recommendation is reviewed by the appropriate vice president. The grounds for appeal shall be limited to

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (a) violations of established procedures;
- (b) decisions unsupported by the record submitted by the candidate;
- (c) consideration of factors unrelated to performance in carrying out professional responsibilities; and
- (d) actions violative of academic freedom.

All grievances sustained by the FGC under this provision will result in the file being returned to the appropriate level of review for reconsideration.

### **2.7.4.6.3**

#### **University Level**

The final recommendations made after any reconsiderations or appeals (whether positive or negative) of the department, school/college APT Committee, and dean (along with the documentation and supporting rationale for the decisions) are communicated to the appropriate vice president for review.

Within 7 academic weeks of receiving the completed file of the candidate or within 7 academic weeks of the deadline, the vice president shall review and notify the candidate, department, and dean of the result of the review. If a tenure recommendation is approved by the vice president, it along with the supporting documentation and reasons provided at each level are forwarded to the president for review and for the president's final recommendation to the Board of Trustees for action.

Where the department APT Committee, school/college APT Committee, and dean concur in a recommendation for tenure and the president does not approve their recommendation, either the candidate or the school/college may request in writing, and is entitled to, a written explanation of the reasons, within the limits set by the need to preserve confidentiality. The written explanation is due within 2 weeks of the request.

### **2.7.4.6.4**

#### **Timetable for Tenure Review**

It is in the interests of the university and the candidate to conduct a timely review for tenure.

The department shall review and notify the candidate within 3 weeks of assembling the completed file. If requested by the candidate, a written statement for a negative decision will be provided within 2 academic weeks of notification. The candidate has 2 academic weeks to reply.

The dean and school/college APT Committee shall review and notify the candidate and the department of their recommendation within 6 academic weeks of receiving the completed file of the candidate. If requested by the candidate, a written statement for a negative decision will be provided within 2 academic weeks of notification. The candidate has 2 academic weeks to reply.

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

The vice president and president shall conduct a review and notify the candidate, department, and dean within 7 academic weeks of receiving the completed file.

If the president does not approve the recommendation of the department APT Committee, school/college APT Committee, or dean, either the candidate or the school/college may request in writing, and is entitled to, a written explanation of the reasons within the limits set by the need to preserve confidentiality. The explanation written by the president or vice president, or his/her designee, is due within 3 academic weeks of the request.

### **2.7.5**

#### **Promotion to Full Professor**

The criteria for promotion from associate professor with tenure to professor are excellence in teaching, research, and a judgment on whether the individual has fulfilled the promise on which tenure was originally granted. The procedures, timetable, criteria, and right to request reconsideration or to appeal a negative decision applicable to the promotion to full professor are the same as those outlined for the recommendation for tenure, except for the composition of the department and school/college APT committees.

The department committee for full professor promotions shall consist of at least two full professors and all the tenured faculty in the department. Whenever the department does not have at least three faculty eligible to vote, the dean in consultation with the faculty can establish an ad hoc committee of faculty from the same or different school and in the same or related area as the candidate. The department chair and the department committee of all tenured faculty each submit to the dean and the school/college APT Committee a recommendation for tenure along with the results of the vote, the documentation, as well as an evaluation of the research, teaching, professional development, and service of the candidate.

The school/college APT Committee for full professor promotions shall consist of only full professors, excluding department chairs, directors of centers, deans (assistant, associate, and full), and members of the same department as the candidate who participated in the department review. Whenever the school/college APT Committee does not have at least three faculty eligible to vote, the dean in consultation with the faculty can establish an ad hoc committee of faculty from the same or different school and in the same or related area as the candidate.

### **2.7.6**

#### **Performance Evaluation of All Faculty**

Each member of the faculty holding a temporary, probationary, or tenured appointment, whether full or part time shall be evaluated at least every 2 years. The purposes of the evaluation include the following:

- (a) Providing a basis for awarding merit pay;
- (b) Establishing a basis for making decisions concerning reappointment, promotion, and tenure; and

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (c) Providing a basis for counseling respecting faculty development.

The department chair in consultation with the department faculty shall develop a performance evaluation plan. The department chair and the department APT or Executive Committee shall review the faculty member. Student input is required in this process. With respect to schools and colleges without departments, the dean in consultation with the faculty shall develop the evaluation plan. The chair will share these evaluations with the faculty member in a personal interview. The faculty member will sign the evaluation to indicate that he/she has examined it, and may in addition attach a statement of agreement or disagreement and the reasons therefor. This statement becomes a part of the faculty member's personnel file. Should the faculty member fail to sign his/her evaluation, the chair will indicate thereon that it was shown to and discussed with the faculty member.

When a faculty member is being considered for merit pay, reappointment, promotion, or tenure, the evaluation file for the relevant time period shall be a primary source of data on which such decisions are made.

### **2.7.6.1**

#### **Criteria**

Candidates for appointments, reappointments, promotions, or tenure shall be evaluated in terms of criteria related to the requirements of their various appointments and ranks. Each school or college shall develop its own written criteria for approval by the Board of Trustees.

Probationary and tenured faculty are expected to engage in teaching, to make scholarly contributions in research or creative achievement, to exhibit evidence of professional development, and to render service to the university, the profession, and the community. Criteria for the evaluation of persons in these positions shall include each of these four areas of responsibility.

Part-time and temporary faculty may be employed for limited duties, such as teaching specific courses or engaging in research. Therefore, the evaluation criteria will be limited to those that are related to the duties that these persons are expected to perform.

The school or college plans must be approved by the faculty of that unit, the dean, and the vice president of the division. The school or college evaluation plan will be distributed to the faculty of that unit prior to the beginning of the academic year in which faculty are to be evaluated.

When a faculty member is being considered for merit pay, reappointment, promotion, or tenure, the evaluation file for the relevant time period shall be a primary source of data on which such decisions are made.

### **2.7.7**

#### **Periodic Review of Matters Important to Probationary Faculty**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

The chair of the Faculty Senate should review periodically the practices of all departments with regard to matters important to the quality of life of nontenured faculty. The results of the review, based on responses of nontenured faculty, should be communicated to the President and the Faculty. This review should pay particular attention to the

- (a) Fairness with which teaching assignments are distributed;
- (b) Frequency with which nontenured faculty are assigned to teach upper-level undergraduate and graduate courses in their own specialties;
- (c) Possible overloading of nontenured faculty with advising and committee responsibilities; and
- (d) Extent to which nontenured faculty are involved formally and informally in determining policies for the department as a whole.

### **2.7.7.1**

#### **Disciplinary Actions Including Discharge for Just Cause**

The faculty of the university is a community characterized by collegiality and mutual trust. Standards for faculty conduct are derived from tradition and evolve with contemporary practice. Accordingly, grounds for discipline for members of the faculty of a university are usually not made the subject of precise statement; when commonly held standards of conduct are broken, however, disciplinary action must be taken if the community is to be sustained.

Disciplinary actions against faculty members may include a reprimand, a probationary period with specified conditions, suspension (with or without pay), temporary or indefinite reduction in pay and/or rank, or dismissal for cause. The grounds for disciplinary action include: (1) professionally incompetent performance or neglect of duty; (2) gross personal misconduct rendering the person unfit for association with students or colleagues; (3) conduct employing unlawful means to obstruct the orderly functioning of the university or to violate rights of other members of the university community; and (4) violation of university regulations approved by the Board of Trustees. Other grounds for disciplinary action are specified below in the section on grounds for discharge.

### **2.7.8**

#### **Separation**

At times, Howard University or individual faculty members may find it necessary to sever their contractual relationship. To protect the interest of both parties, categories of separation are here defined, and the policies and procedures related to each are set forth.

#### **2.7.8.1**

##### **Resignation**

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Resignation by an academic employee, whether tenured or on a nontenured appointment, is normally effective at the end of an academic term. To allow the academic unit to prepare for the loss of the staff member, the employee should notify the department chair or the director of the unit of the intended resignation as early as possible. A month's notice is required for processing salary, benefits, accrued vacation, and other details of the resignation.

Resignation is a severance action by which a faculty member voluntarily seeks to be released from a contract with the university. Because of the extreme hardship that is often caused by untimely resignation, all faculty should provide the earliest possible written notice of a request to resign. All resignations are subject to approval by the university. Ordinarily faculty are expected to give notice to the department chair, dean, and vice president no later than 30 days prior to the end of the academic year. It is expected that, except in unusual circumstances, resignation will be effective at the end of the academic year.

### **2.7.8.2**

#### **Retirement**

The customary retirement age at Howard University is on June 30 on or after the 65th birthday; the mandatory retirement age for tenured faculty is on June 30 on or after the 70th birthday, or in accordance with the existing law. Early retirement is possible on the first day of any month provided that the sum of one's age (figured to the nearest one-twelfth of a year) plus the number of years of credited service equals or exceeds 70.

There shall be no presumption of reappointment after retirement, and any such reappointment shall be on a temporary basis for renewable terms not to exceed 1 year.

Information on current policies and benefits is available from the university Office of Employee Benefits (C.B. Powell Building). The university defines "normal" retirement age as 65, i.e., effective on the first day of the academic year that follows a faculty member's reaching age 65.

### **2.7.8.2.1**

#### **Rights and Privileges of Retired Faculty Members**

Although no faculty member acquires new rights or privileges in the university upon retirement, certain of those rights and privileges to which he/she was entitled prior to retirement are still extended.

- (a) When a retired faculty member is actively engaged in productive scholarship, the university will try to furnish him/her office space as well as assistance from the departmental secretarial pool. Such aid can be granted only if it is available; prior consideration must necessarily be given to the full-time and part-time faculties.



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- (b) Retired faculty members may file research or travel grant applications. The consent of the relevant department chair or dean must be obtained prior to submission to the associate vice president for research. Such applications will be transmitted further only if the vice president believes the project to be of significance, if there is probability of its being completed and if necessary office and laboratory space is available. If there is a shortage of such space, first priority must go to the full-time and part-time faculties.
- (c) Retired faculty members may attend meetings of their former departments and schools or colleges, and may participate in the work of committees if invited. However, only those who have active faculty status by current temporary appointment may vote in these meetings and only in accordance with the voting rights attendant to that status as provided by the school or college bylaws. Retired faculty members may participate in the university convocations with appropriate academic attire.
- (d) Retired faculty members may attend Faculty Senate meetings.
- (e) The library use privileges enjoyed by the full-time and part-time faculties are continued for retired faculty members, who may apply for faculty studies in the library if such facilities are required.
- (f) Retired faculty will be listed in the university telephone directory, if they so desire.
- (g) Retired faculty may receive mail at the university and may use the university as a mailing address.
- (h) The privilege of receiving the *New Directions* and special reports is continued.
- (i) After retirement a faculty member may retain the Howard University faculty identification card and have access to such events, facilities, and services that require the card for admission.
- (j) Faculty tuition remission benefits are continued to those eligible for such benefits at the time of retirement. If a dependent is pursuing a degree program under the tuition remission plan currently in force at the time of retirement, such benefits will continue in accordance with the policies governing this plan and subject to the plan's limitations.

### 2.7.8.3

#### **Prolonged Medical Disability Rendering Faculty Members Unable to Perform Duties**

If a tenured faculty member is unable to perform all or a substantial part of his/her duties for a significant period of time because of medical disability, he/she may request leave without pay until such time as he/she may be able to resume normal duties, but not exceeding 2 academic years. Through the dean, a faculty member shall submit his/her request for medical leave with a doctor's statement, describing the faculty member's medical condition, to the appropriate vice president.

If the faculty member does not request leave or if any approved period of leave has expired and the faculty member continues to be unable to perform his/her regular

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

duties, the appropriate dean or director will initiate a recommendation to terminate the faculty member's employment, after taking the following steps. The dean or director will consult with the faculty member and inform him/her of the basis for the proposed action. The faculty member will be afforded an opportunity to respond and present his/her position. The dean or director shall forward any recommendation for termination on medical disability grounds to the appropriate vice president, who, in turn, shall forward the file, together with his/her own recommendation, to the president and board for final action.

In the event that a nontenured faculty member is unable to perform all or a substantial part of his/her duties for a significant period because of medical disability despite reasonable accommodation, the university may terminate the appointment prior to the end of the contract period. The decision to terminate will be reached only after the faculty member has been informed in writing of the basis for the proposed action and allowed an opportunity to respond.

In all instances in which mental or physical disability is an issue, the faculty member, upon request, shall supply a medical evaluation of his/her state of health. The university reserves the right, at its discretion, to require that the faculty member be evaluated by a panel of three physicians, one of which is chosen by the university, one chosen by the faculty member, and the third chosen by the other two members of the panel. A failure on the part of the faculty member to provide the requested medical evaluation or to cooperate in an examination required by the university shall be grounds for termination.

The decision of a majority of the panel members as to whether the faculty member is medically fit shall be final and binding on the university and faculty member for that academic year.

### **2.7.8.4 Financial Exigency**

#### **2.7.8.4.1 Definition**

A financial exigency is defined as an imminent fiscal crisis that will result in grave or irreparable harm to the quality of educational or research programs at the university, and which requires termination of faculty appointments to alleviate it. A financial exigency should not be declared merely as an opportunity to engage in academic reform.

#### **2.7.8.4.2 Declaration of a State of Financial Exigency**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

A financial exigency will be declared by a majority of the members of the university Board of Trustees in accordance with policies and procedures established by the board upon the recommendation by the president.

### **2.7.8.4.3**

#### **Development of a Plan of Action**

Upon the board's declaration of a financial exigency, the president will develop a plan of action to deal with the exigency. The composition of the group will be determined by the President.

The following principles will be adhered to in the development of the plan of action:

- (a) The responsibility of the faculty in matters of general educational policy will be recognized, and consideration will be given to faculty judgments regarding the best response to the exigency.
- (b) No faculty member with tenure will be terminated unless faculty members without tenure in the academic unit or program designated for retrenchment have been terminated to the extent consistent with the academic purposes of the university.

The plan of action will be presented to the appropriate Faculty Senate Committee in a timely fashion by the president.

### **2.7.8.4.4**

#### **Notification to Faculty Members**

All tenured faculty members terminated for reasons of financial exigency will be terminated at the end of the academic year in which termination notice is given. To the extent that less than 120 calendar days' notice is given, severance pay will be paid in order that the terminated member shall receive a total of 120 days' pay after notice.

The notification statement to the faculty member must include a statement of the faculty member's right to respond and/or to present his/her case to the Faculty Grievance Committee.

### **2.7.8.4.5**

#### **Rights of Tenured Faculty Members**

Before terminating the appointment of a faculty member with tenure because of financial exigency, every reasonable effort will be made to find another suitable position for the faculty member within the university. Departmental transfers may be made if mutually acceptable, and the president will work with the affected parties to achieve an agreeable accommodation. Faculty retraining may be provided if such retraining will prepare the faculty member for another suitable university position within a reasonable period of time. Faculty members meeting age and service requirements as agreed to by the Board of Trustees will be given the option to retire

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

early. After exhaustion of the above options, the tenured faculty member may be terminated.

A tenured faculty member who is terminated for reasons of financial exigency will be allowed to participate in the university group health insurance program for 18 calendar months following the date of termination, absent participation in another insurance plan. The faculty member is entitled to other rights and benefits of terminated employees as may be specified by the Board of Trustees.

The appropriate Faculty Senate Committee will monitor the efforts made by the university in finding suitable positions for displaced faculty members within the university.

### **2.7.8.4.6**

#### **Other Rights Pertaining to All Faculty**

Faculty members terminated for reasons of financial exigency will be provided counseling regarding employment opportunities outside the university.

If a program that has undergone sufficient reduction or elimination as a result of financial exigency is reinstated or strengthened by reinstated full-time employees within 3 years after termination of the state of financial exigency, tenured faculty terminated as a result of said reduction or termination will have the right to reinstatement.

A faculty member whose appointment is terminated for reasons of financial exigency has the right to appeal under established policies and procedures in cases where other faculty members in the same department are retained.

### **2.7.8.4.7**

#### **Sunset Provisions**

A declaration of financial exigency is valid for a period fixed by the Board of Trustees. In any case, after a period of 1 year from the date of declaration of a financial exigency, circumstances should be reviewed by the president and the advisory group and reported to the Board of Trustees for appropriate action.

## **2.8**

### **Grievance--Rights, Privileges, and Resolution of Disputes Governing Academic Freedom and Conduct of the Faculty**

#### **2.8.1**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

### **Who is Eligible?**

The grievance procedures are available to all full-time tenured and probationary faculty members, and CAR staff members with career status.

The following are excluded:

- (a) All administrative officers (president, deans, department chairs, directors, division chiefs, and so on). Faculty members holding such administrative positions, however, may invoke the procedures for grievance arising from their capacity as faculty members;
- (b) Trainees (postdoctoral candidates, administrative associates, clinical interns, residents, and fellows). Faculty who share their areas of employment with other entities of the university (e.g., Howard University Hospital, Howard University Hotel, WHUR, or WHMM) will be able to direct their grievances to the appropriate body; and
- (c) All temporary and part-time faculty.

### **2.8.2**

#### **Grievance Matters**

A grievance is a complaint that action has been taken that involves the faculty member's personnel status or terms and conditions of employment, and that is a violation of academic freedom, arbitrary and capricious (i.e., an act that is unsupported by the record presented to support the action taken), or a violation of established rules and procedures.

Specific actions that may be considered under grievance procedures are the following:

- (a) Departmental, school, or administrative recommendation of dismissal for cause;
- (b) Demotion or suspension;
- (c) Administrative recommendation of revocation of tenure and dismissal because of financial exigency, only in cases in which other tenured faculty members in the same department or program are retained;
- (d) Departmental, school, or administrative recommendation of reduction in academic rank;
- (e) Departmental, school, or administrative recommendation of reduction in individual salary;
- (f) Denial of sabbatical leave; and
- (g) Denial of tenure, promotion, or reappointment where such denial allegedly involves a violation of academic freedom.

### **2.8.3**

## TERMS AND CONDITIONS OF FACULTY EMPLOYMENT

### General Procedures for Resolution of a Faculty Grievance

#### 2.8.3.1

##### **Faculty Grievance Commission**

The FGC shall be elected at large by the Senate from the tenured university faculty. No administrative officer or department chair may serve on the commission. The FGC shall consist of seven faculty members. In addition, a Hearing List of 30 tenured faculty members representing all schools and colleges shall also be elected. Members of the Hearing List will be selected to serve on a Hearing Panel if formal procedures are invoked.

The members of the FGC shall be elected to 2-year terms. Members of the Hearing List shall also be elected for 3-year terms, and the appointments shall be arranged so that the terms of approximately one-third of the members shall expire each year.

The commission shall elect a chair from among the seven members and the chair shall serve as the presiding officer of grievance hearings.

There shall be an independent legal officer to assist the commission in its operations. The legal officer's professional responsibility shall be to the Senate and the terms and conditions of employment shall be determined by the Senate.

#### 2.8.3.2

##### **Preliminary Procedures**

A good faith attempt must be made to mediate any disputes between the faculty member and the administrative officer at the department or school/college level before filing a formal complaint. Failing to receive satisfaction, the faculty member may take steps to formalize the complaint by filing with the FGC.

#### 2.8.3.3

##### **Formal Complaints**

All petitions and complaints shall be made in writing by the faculty member to the chair of the FGC within 2 weeks after the faculty member has received written notice of action from the administration. A grievance may be based on prior as well as recent or continuing events. However, the grievance, where feasible, should be focused on recent and continuing events or conditions.

- A. The petition or complaint shall
  - (a) Detail the nature of the grievance and provide any factual or other pertinent data; and
  - (b) State against whom the grievance is directed (administrative officer).
- B. Upon receipt of the written petition or complaint and within 30 days, the FGC will decide whether or not the grievance merits detailed investigation:

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (a) The FGC may choose not to handle the grievance (i.e., dismissal of the complaint because it does not fit criteria).
- (b) If it accepts, the FGC must attempt to mediate and resolve the complaint informally.
- (c) If the FGC is unable to resolve the complaint informally, then it must proceed with a formal hearing.

### **2.8.3.4**

#### **Formal Hearing**

Within 3 weeks of the recommendation of the FGC regarding its inability to resolve the matter informally and the need for a formal hearing, the chair of the FGC will convene an ad hoc Hearing Panel of five faculty members selected from Hearing List to conduct formal hearings regarding the complaint.

- A. The grievant and administrator shall each select two candidates respectively from the elected Hearing List for the Hearing Panel. Members of the Hearing List deeming themselves disqualified because of personal bias or conflict of interest will remove themselves from consideration, either at the request of either party or on their own initiative. The final decision with respect to whether a member should hear the grievance rests with the remaining panel members. The four panel members shall select a fifth who shall act as chair. Members of the commission with current complaints against the university shall be disqualified automatically.
- B. The chair of the FGC shall serve as chair of the Hearing Panel. If the chair of the FGC should be a member of the department of the grievant or the respondent, or has a current grievance or formal complaint pending, the chair shall be excused. A replacement shall be selected from the remaining members of the commission as agreed on by the members of the FGC and both parties.
- C. The Hearing Panel shall conduct its hearings within 8 weeks (except in extraordinary circumstances as recognized by the chair of the Senate) and report its recommendations in writing to the FGC no later than 30 days after the conclusion of the hearings.
  - (a) The chair of the Hearing Panel shall notify all parties in writing of the time and place of the hearing. The Hearing Panel, in consultation with both the grievant and the respondent, will exercise its judgment as to whether the hearings should be public or private. A transcript of the hearings will be taken and a copy will be made available upon request to both parties without cost.
  - (b) The decision on the merits of a grievance will be made by the panel after hearings in which the grievant and the respondent have the opportunity to present their cases. The grievance hearing is not a

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

formal judicial proceeding. Its purpose is to provide a fair evaluation of the allegation that a right or privilege has been violated.

The Hearing Panel may receive any relevant evidence that is not privileged and may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, or needless presentation of cumulative evidence. Arguments, oral and documentary evidence, and witnesses may be presented by the grievant, the respondent, or the Hearing Panel. The university will make a reasonable effort to facilitate the appearances of witnesses.

The grievant may have the assistance of an academic advisor and counsel in the preparation and presentation of his/her case to the panel. Such a colleague should normally have academic qualifications in the grievant's field of study and therefore be able to provide expert assistance in the case.

- (c) The recommendation of the Hearing Panel shall be based solely on evidence and argument presented in the hearings. The written report shall state the committee's findings on all parts of the complaint and may include recommendations as to disposition of the case. The report shall be transmitted to the grievant, respondent, dean, appropriate vice president, and the FGC. If no appeal is filed, the recommendation is forwarded to the president for decision and action; if the president is a party to the action, the report shall go to the Board of Trustees. The president's decision shall be made and communicated in writing to the chair of the Faculty Grievance Commission, the grievant, and the respondent within 30 days from the date the transcript of the hearing is prepared. In the event the president declines to implement the recommendations, the written communication shall include detailed reasons, and it shall be sent to the chair of the Senate.

- D. The recommendations of the Hearing Panel may be appealed to the FGC by either party. The notice of appeal must be filed with the chair of the commission within 15 days after receipt of the recommendation of the Hearing Panel.

The members of the FGC who were not members of the Hearing Panel and would meet the criteria regarding qualifications for the panel shall hear the appeal. Evidence not introduced in the hearing may not be considered in the appeal. The commission shall decide by majority vote and render a recommendation in writing--sustaining, modifying, or remanding the decision of the Hearing Panel. The commission's recommendation shall be forwarded to the president for decision and action. The President's decision shall be made and communicated in writing to the FGC chair, the grievant, and the respondent within 30 days. In the event the president declines to



## TERMS AND CONDITIONS OF FACULTY EMPLOYMENT

implement the recommendations, the written communication shall include reasons, and it shall be sent to the chair of the Senate.

### 2.8.4

#### **Appeal of a Negative Decision Regarding Probationary Reappointment, Tenure, Career Status, and Promotion at the University Level**

- A. If the dean's or school/college APT Committee's final decision is negative, the candidate or the department, or the candidate and the department in concert, may appeal the decision. The appeal must be filed in writing with the dean of the school/college and the Faculty Grievance Commission within 3 weeks of notification of the dean's decision and must state the specific reasons for the appeal. The reasons must be based on one or more of the grounds listed below. Failure to raise a particular reason may be treated as a waiver of such a claim in this or any subsequent procedure.
- B. The grounds for an appeal shall be limited to
- (a) Violations of established procedures;
  - (b) Decisions unsupported by the record submitted by the candidate;
  - (c) Consideration of factors unrelated to performance in carrying out professional responsibilities; and
  - (d) Actions violative of academic freedom.

If a grievance is sustained by the FGC, the file will be returned to the appropriate level of review for reconsideration.

- C. In its deliberations and findings, the Faculty Grievance Commission and Hearing Panel shall respect the following principles and restrictions:
- (a) The Faculty Grievance Commission's review shall be limited to determining whether any one of the four possible grounds for appeal has been established.
  - (b) The Hearing Panel shall recognize the central role of peer judgment in tenure decisions. Hence, the committee shall not substitute its assessment of the appellant's professional qualifications for those of the department and the experts outside the department who have been asked to submit evaluations. The committee's role in judging professional merit shall be limited to determining whether the recommendations of the department and the dean were arbitrary and capricious or based on improper considerations.
  - (c) Comparisons with other tenure review cases may be used by the Hearing Panel. However, the committee shall recognize the right and duty of the departments to improve their quality or take into account different departmental needs, so long as this is not done as a pretext.

## TERMS AND CONDITIONS OF FACULTY EMPLOYMENT

A weak previous tenure appointment shall not by itself be taken to define the departmental standard; however, there should have been justification for such a decision.

### 2.8.5

#### **Suspension or Termination of Faculty for Just Cause**

A. Discharge or suspension proceedings may be instituted on, but not limited to, the following grounds:

- (a) Professional incompetence;
- (b) Continued neglect of academic duties despite oral and written warnings;
- (c) Serious personal misconduct;
- (d) Deliberate and serious violation of the rights and freedom of fellow faculty members, administrators, or students;
- (e) Admission or conviction of a felony or misdemeanor involving moral turpitude;
- (f) Serious failure to follow the canons and professional ethics of one's discipline;
- (g) Falsification or misrepresentation of credentials and experience;
- (h) Failure to follow the standards of the institution in respect to guidelines within this handbook after oral and written warning; or
- (i) Loss of required professional certification or licensure.

Discharge for cause, in normal circumstances, should be preceded by a written admonition by the appropriate administrative officer describing the alleged problem and warning that the faculty member's employment status is in jeopardy. The warning also must stipulate a period of time within which correction of the alleged problem is expected. If the faculty member does not contest the allegation and corrects the problem or fulfills his/her obligations, the matter is settled. If the faculty member fails to correct the problem, dismissal procedures may be initiated or a lesser sanction may be applied.

Recommendations for dismissal will be made by the dean to the vice president of the division after consultation with the department chair. Deans and department chairs should seek the advice and assistance of faculty peers.

B. Upon receipt from a dean of a request to initiate dismissal procedures, the vice president, if he/she concurs, will do the following:

- (a) Provide written notice to the faculty member that a recommendation for dismissal for cause will be made to the president. This notice shall contain a statement of the grounds upon which the recommendation is to be made and a summary of information supporting such grounds.

## TERMS AND CONDITIONS OF FACULTY EMPLOYMENT

- (b) Provide a reasonable opportunity for the faculty member to meet with the dean and vice president to present his/her defense to the dismissal recommendation.
- C. Depending on the circumstances, the president may elect to impose a disciplinary action short of outright discharge, such as suspension for a period of time with total or partial discontinuance of salary, denial of promotion and suspension of all salary increments, temporary suspension or withdrawal of faculty privileges, and/or demotion.

In any case involving dismissal for cause, the burden of proof that just cause exists shall be on the university. Proof shall be by the preponderance of the evidence on the record considered as a whole.

The dean also will inform the faculty member that he/she may file a formal grievance according to the procedures described in section 2.8. However, faculty members who are disciplined or terminated because they have falsified or misrepresented their credentials or experience are not entitled to the grievance hearing procedures. Pending the results of any grievance hearing and a final decision by the president, the faculty member may be suspended or assigned to other duties in lieu of suspension. Salary may continue during the period of suspension pending the final decision.

- D. Formal proceedings of suspension or termination of a member of the faculty shall be preceded by discussions between the faculty member and appropriate university academic administrative officers looking toward a mutually agreeable settlement. The Faculty Grievance Commission may be used for this purpose.

### 2.8.5.1

#### **Procedures for Suspension or Termination for Just Cause**

Procedures for determining the existence of just cause for suspension or termination of a member of the faculty are described below.

- A. Action to suspend or terminate the appointment of a faculty member shall be initiated by a member of the university administration, who shall normally be the dean responsible for the budget in which the faculty member is carried but who may, in unusual circumstances, be the president or vice president. The dean and the president may act personally or through a delegate.
- B. Should a question arise concerning possible suspension or termination, the dean or the president will normally interview the faculty member in the presence of the department chair concerned, if any, and will afford opportunity for informal adjustment of the matter. Thereafter, the dean or the president may initiate the proceedings for suspension or termination if
  - (a) The matter is not adjusted informally; or

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

- (b) He/she has conducted an investigation of the matter and has consulted with members of the faculty concerned to aid in determining whether there is substantial reason to believe that just cause exists for suspension or termination.
- C. The matter shall be referred to the appropriate vice president if a faculty of a school/college has by resolution requested its dean to examine a question concerning possible suspension or termination and within 2 months following the date of such resolution was adopted
  - (a) The dean has not initiated proceedings for suspension and termination; and
  - (b) The dean has not reported to the faculty on the matter or has reported that proceedings for suspension or termination will not be initiated; and
  - (c) The reasons, if any, given by the dean for not initiating such proceeding are not deemed adequate by the faculty.
- D. A faculty member shall not be suspended during the above mentioned proceedings unless immediate harm to himself/herself or others is threatened by continuance. Any such suspension may be with salary.
- E. If it is determined that actions should be taken for suspension or termination, the complainant shall send to the FGC a written statement that sets forth in as much detail as is practicable the grounds for the proposed suspension or termination. The FGC shall immediately consider the statement. In the process of arriving at its conclusion at this stage of the proceedings, the FGC shall afford the complainant opportunity to present oral and written argument, but shall not hold a hearing to receive evidence.
- F. Whenever further proceedings are taken, the FGC shall send to the faculty member
  - (a) A copy of the complainant's statement of the grounds for suspension or termination;
  - (b) Written notice that he/she may request a hearing before the Hearing Panel submitting the request for a hearing in writing to the chair of the FGC within 30 days from the faculty member's receipt of such notice;
  - (c) A summary statement of the evidence proposed to be presented by the complainant, a list of witnesses to be called by the complainant, and copies of statutes, the standing resolutions, memoranda, and other university documents relevant to the faculty member's procedural rights in the matter.

### **2.9**

#### **Procedure for Revision of the Faculty Handbook**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

The following procedure is adopted as an orderly process for the initiation and consideration of amendments to 1.5.1.1, 1.5.1.2, and 1.5.2.2 of Section 1 and all of Section 2 of the *Faculty Handbook*. The rest of the *Faculty Handbook* is not covered by this procedure, and revisions may be made by the Board of Trustees or through an administrative update, as appropriate.

The university and the Faculty Senate commit their good faith efforts to following this process and to achieving agreement on policy issues affecting faculty employment. That commitment shall not prejudice the responsibility and authority of the Board of Trustees to exercise its prerogatives to govern and administer the university.

The procedure outlined below is based on three interconnected principles:

- (a) It tries to satisfy the need for an orderly manner that allows all segments of the university to contribute, each in a proper capacity, to the formulation or alteration of policy statements.
- (b) It attempts to make the process of revision effective by introducing into it the principle of self-limitation, which prevents endless debate and allows particular issues to be brought to decisive action.
- (c) It recognizes the fact that the adoption of policy, however formulated or proposed, is among the powers reserved to the Board of Trustees.

### **2.9.1**

#### **Proposed Amendments**

Proposals for revising those portions of the *Faculty Handbook* covered by this procedure can be made by the Board of Trustees, the president, the Faculty Handbook Committee, or any person or committee connected with the university. While the manner of making such proposals is a matter of individual style and custom, the following is nevertheless expected:

- (a) Proposals will be made in the form of texts intended to replace in whole or in part some current expressions of the handbook.
- (b) A particular proposal will contain no more than one alteration of substance.
- (c) A brief explanation of the reason(s) for proposing the revision will accompany the proposal.
- (d) Recognized governing bodies or committees will pass upon such proposed amendments by their own procedures or by a simple majority vote of the voting membership.

### **2.9.2**

#### **Processing of Proposals**

##### **2.9.2.1**

## **TERMS AND CONDITIONS OF FACULTY EMPLOYMENT**

### **Role of the Faculty Senate**

Wherever proposals originate, they will be considered by the Faculty Handbook Committee of the Faculty Senate. Without prejudice to its procedures, this committee, upon receipt of a revision proposal, may choose a course of action, such as the following:

- (a) The committee may receive and transmit it to the Steering Committee of the Council of the Faculty Senate without change or comment.
- (b) The committee may endorse it and attach its endorsement to the original proposal.
- (c) The committee, with the consent of the submitter, may either alter or amend the proposal before transmitting it to the steering committee.
- (d) If the submitter does not agree to such alterations or amendments, the Faculty Handbook Committee may object to the proposal and attach its objections or an amendment before sending the proposal to the steering committee.

The Steering Committee of the Council of the Senate will receive the proposal as transmitted by the Faculty Handbook Committee. It has the same courses of action open to it as those listed above for the Faculty Handbook Committee before placing the proposal, together with all recommendations (if any) of the Faculty Handbook Committee and the Steering Committee, on the agenda of the next meeting of the Council of the Faculty Senate. If the proposal is rejected in all forms by the Council of the Senate, the matter is ended. If the proposal in original form or in amended form is approved by the Council of the Senate, it is sent forward to the president.

### **2.9.2.2**

#### **Role of the Board of Trustees**

Proposals forwarded to the president for consideration by the board shall be submitted by the president to the Board of Trustees in a timely manner according to procedures adopted by the board. The action of the board is final.

### **2.9.2.3**

#### **Emergency Procedure**

When the president, the Faculty Handbook Committee, and the chair of the Faculty Senate agree that in the best interests of Howard University a modification in the sections of the *Faculty Handbook* covered by this procedure is necessary, they may petition through the president and the chair of the Board of Trustees for a special board review of a specific change at the next regular or emergency meeting of the Board of Trustees. It shall be fully at the discretion of the board to accept or reject such a petition.

## **SECTION 3**

### **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

#### **3.1 Compensation**

##### **3.1.1 Salary Schedule**

Salaries are normally paid on alternate Fridays according to a schedule issued by the Payroll Office. When these dates fall on a holiday, the pay date is generally before the usual Friday date. Summer school salaries are paid once at the end of a summer session. Nine- and ten-month employees may arrange for their salaries to be prorated and paid over the entire year.

##### **3.1.2 Payroll Deductions**

The Payroll Office automatically deducts on a pro rata basis those amounts required by law and by the terms of employment contracts with Howard University. In addition, regular deductions may be authorized by the employee for such purposes as university parking, voluntary savings, contributions to the university or to the Combined Federal Campaign, tuition, and other purposes as authorized by the Payroll Office.

## **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

### **3.2**

#### **Holidays**

Holidays are announced each year in the official university calendar.

### **3.3**

#### **Leave**

A leave is a negotiated agreement whereby a faculty member or a member of the administration who holds faculty rank is granted approval to be absent from his/her regular duties. A leave with pay means that the university pays all or a part of the person's salary and fringe benefits; a leave without pay means that the university does not pay any part of the faculty member's regular salary or fringe benefits. A faculty member on leave may return to the position for which he/she is qualified in the area that granted the leave; previously earned benefits and seniority are not lost.

#### **3.3.1**

##### **Short-Term Disability Leave**

Normally, absences due to short-term disability (up to 1 week) are handled informally within the academic departments. The faculty member is expected to notify the department chair in advance, if possible, and cooperate with the chair in arranging for a replacement.

#### **3.3.2**

##### **Extended Disability Leave**

Requests for extended disability leave (leave with pay extending beyond 1 week for one disability) may be authorized by the dean. Leave with pay beyond 1 month must be recommended by the dean and approved by the vice president of the division. The faculty member must provide a physician's statement containing the approximate length of time that the employee, on medical advice, cannot perform the typical duties of his/her job. Absence due to pregnancy or childbirth is treated for purposes of leave as if it were a temporary disability.

Consideration for an extension of disability leave with pay beyond 6 months is limited to tenured faculty, and shall be at the discretion of the vice president upon recommendation of the dean. Such recommendations shall be evaluated on a case by case basis after giving consideration to length of service to the university, program integrity, and departmental ability to make reasonable accommodation. At the expiration of any approved period of leave with pay, if the faculty member is still unable to fulfill normal professional duties, the dean may invoke the provisions of section 2.7.8.3.



## **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

Colleagues who perform required professional duties for a disabled faculty member may be reimbursed on an overload basis, or part-time instructors may be retained for the period of the leave.

### **3.3.3**

#### **National Service Leave**

In the event of a national emergency, members of the faculty on full-time appointments may be granted national service leave, which is an indefinite leave without pay. Persons on national service leave have the privilege of returning to their positions at the university at the beginning of the semester following their release from such service. Time spent on national service leave shall not be counted toward the maximum time spent in a probationary appointment.

### **3.3.4**

#### **Civil Duty Leave**

Any full-time faculty member who is validly subpoenaed or summoned to involuntarily appear or serve as a juror in a judicial forum or compelled to appear before a judicial, legislative, or administrative body with civil power to compel attendance during regularly scheduled working hours shall be entitled to receive leave with pay for a period of time necessary for such appearance. Civil leave shall not be granted for appearances as an expert witness for a party in litigation. Civil duty leave must be approved in advance in writing by the department chair.

### **3.3.5**

#### **Leave Without Pay**

A full-time faculty member may request leave without pay for study, other employment, or other personal reasons. Application for such leave should be made in advance, usually by April 1st for a leave commencing with the following fall semester or by September 1st for a leave commencing with the following spring semester. No leave applications will be considered without the recommendation of the department chair. Before making a recommendation, the department chair may consider the following:

- (a) Whether the individual contributed to the department and the university in such a positive way that the department wishes to encourage his/her return as a faculty member
- (b) Whether it is possible to obtain an effective teaching replacement for the period of the leave.

The department chair will make a written recommendation in the light of these considerations and forward it together with the faculty member's application to the appropriate dean who will in turn transmit it with his/her own recommendation to the vice president who will send a recommendation to the president. The term of such leave shall not exceed 2 consecutive years.

## **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

Faculty members on leave without pay will not have fringe benefits paid for them by the university while they are on leave. They may maintain coverage through personal contributions by arranging with the Office of Staff Benefits prior to the leave.

When faculty members return from unpaid leave, their salaries may be adjusted to include general salary increases that may have been given during the time of the leave.

### **3.3.6**

#### **Sabbatical Leave**

Howard University recognizes the necessity for faculty members to acquire new experiences to enrich their teaching or to secure uninterrupted time for research and writing and, therefore, supports the principle of sabbatical leave. The university desires to encourage professional growth and increased competence and productivity among faculty members by subsidizing significant research, creative work, or a program that is judged to be of equal value.

A sabbatical leave is not an automatic right upon completion of the necessary period of service. The project for which leave is requested must be beneficial both to the faculty member and to the university. Proposals to obtain an advanced degree will not qualify for sabbatical leave.

#### **3.3.6.1**

##### **Eligibility**

Any tenured faculty member, including one serving in an administrative position, who has served full time for 6 or more years at Howard University is eligible for consideration for a sabbatical leave. Subsequent sabbatical leaves may be applied for at 6-year intervals of full-time service.

#### **3.3.6.2**

##### **Support**

The normal level of salary support shall be one half of full salary for 1 academic year; in exceptional cases full salary for one semester may be provided. Salary raises and benefits, if any, will not be withheld by reason of the sabbatical leave, and both the university and the faculty member will continue to pay the normal full share toward retirement, group life insurance, health and disability insurance, and tuition remission benefits according to eligibility.

A faculty member receiving a sabbatical leave also may apply for an additional fellowship or grant from an appropriate source for the sabbatical period. If, when such monies are added to the sabbatical salary minus all reasonable expenses related to the sabbatical project, the net shall total more than the faculty member's normal salary, the university's share shall be reduced by the amount that exceeds the normal salary.

#### **3.3.6.3**

## **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

### **Application Procedures**

A faculty member must make a formal application for sabbatical to the dean through the department chair. Since the regular full time departmental faculty may be expected to absorb the teaching load of the individual on sabbatical leave, the department chair, in consultation with the departmental Executive Committee, will forward to the dean a recommendation that includes a statement of departmental plans in this regard.

The dean, upon receipt of the application, also will evaluate the proposal for its professional worth and its value to the faculty member and the university. The dean shall forward his/her recommendation to the vice president, who shall in turn make a recommendation to the president in light of the total needs and financial capabilities of the university. The decision of the president is final.

Applications must be submitted according to deadline dates set by the individual schools or colleges so as to permit the application file to be sent to the vice president by the beginning of the semester prior to the anticipated start of the sabbatical leave.

### **3.3.6.4**

#### **Obligations of Sabbatical Leave Recipients**

The recipient of a sabbatical leave incurs the following obligations:

- (a) To make every reasonable effort to fulfill the terms of the sabbatical leave.
- (b) To return to the university for a minimum of 1 academic year following completion of the sabbatical leave.
- (c) To file a report on the results of the sabbatical leave project with the Department Chair, the Dean, the Chair of the Sabbatical Leave Review Committee, and the vice president within 30 days after the beginning of the semester in which the faculty member returns to duty at the university.
- (d) To repay the amount advanced by the university during the time of sabbatical leave if the faculty member does not return to the university for at least 1 academic year after completing the sabbatical leave.

## **3.4**

### **Fringe Benefits**

#### **3.4.1**

##### **Mandatory**

##### **3.4.1.1**

###### **Workers Compensation**

## **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

Members of the faculty are entitled to the following benefits for injuries sustained while in performance of duties at or for Howard University:

- (a) Medical, surgical, or hospital services, including cost of apparatus, appliances, or medicines required;
- (b) Compensation in the event of loss of pay while injured; and
- (c) Funeral expenses and compensation for dependents in case of fatal injuries.

The university pays the full cost of this coverage. Additional information as to rate of compensation and procedures to be followed in case of on-the-job injury is available from the Division of Benefit and Pension Administration.

### **3.4.1.2**

#### **Social Security**

Each faculty member, as a condition of employment, must contribute into the Social Security system an amount equal to the contribution of the university in accordance with current federal legislation. Details as to the percentage of salary to be contributed and the maximum salary level subject to such payments may be obtained from the Division of Benefit and Pension Administration.

### **3.4.1.3**

#### **Unemployment Compensation**

University employees are covered under the District of Columbia Unemployment Compensation Act as amended by Act of Congress (Public Law 87-042A) of March 30, 1962. Under this law, unemployment insurance benefits are paid to eligible persons who become totally or partially unemployed through no fault of their own. The university pays the entire premium for this coverage.

### **3.4.2**

#### **Carrier-Provided**

##### **3.4.2.1**

#### **Health Plans**

The Howard University Health Insurance Plan provides coverage by several carriers from which the faculty member may choose. Coverage may be on an individual or family basis. The cost of the program is shared by the faculty member and the university. Details of costs and levels of coverage may be obtained from the Division of Benefit and Pension Administration. Faculty members must enroll during the first 60 days of employment or wait until the next scheduled enrollment period.

##### **3.4.2.2**

#### **The Howard University Retirement Plan**

## **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

The Howard University Retirement Plan provides eligible faculty members with an income at retirement that is in addition to Social Security benefits. All contributions to the Plan are made by the university. To be eligible, a faculty member must be at least 25 years of age, have completed at least 1 year of service, be hired more than 5 years before normal retirement date, and be a full-time faculty member. Details respecting eligibility and benefits may be obtained from the Division of Benefit and Pension Administration.

### **3.4.2.3**

#### **Disability Coverage**

Full-time faculty members are eligible for long-term disability coverage. The university pays the full cost of this coverage. Details respecting benefits, eligibility, and claims may be obtained from the Division of Benefit and Pension Administration.

### **3.4.2.4**

#### **Life Insurance**

Full-time faculty members are covered by the Life Insurance and Accidental Death and Dismemberment Plan. The university shares with the faculty member the cost of coverage for the basic life insurance; faculty members pay the entire premium for optional extra coverage. Costs are determined by rates that the insurance carriers charge for this protection.

### **3.4.2.5**

#### **The Savings Plan**

Full-time faculty members are eligible to participate in the Savings Plan after working at the university for 1 year. Members of the plan qualify for an annual contribution by the university amounting to a fixed percentage of their annual salary; this will not count as taxable income until it is withdrawn from the account. Plan members may add their own savings to the plan. The university offers several investment options. For full details about current options and provisions, faculty members should contact the Division of Benefit and Pension Administration.

### **3.4.2.6**

#### **Liability Claims**

Employees are asked to notify the Director of Risk and Estate Management at once if any incident takes place that could lead to a claim. It is also essential that faculty members refer all documents or contracts relating to legal proceedings involving the university immediately to the Office of the General Counsel, in order that appropriate action may be taken to protect the interests of the university.

### **3.4.3 Provided Directly by the University**

#### **3.4.3.1 Remission of Tuition**

Full-time members of the faculty are entitled to remission of tuition for two (2) courses per semester, not to exceed eight (8) semester hours of credit in any school or college of the university except the School of Law, College of Medicine, and College of Dentistry, and excluding voice and instrument courses in the College of Fine Arts. Remission of tuition is not available for courses taken in the Consortium of Washington Metropolitan Area Universities. Faculty members may not take courses that conflict with established work day duties or adjust the normal work day to accommodate a class schedule.

Dependent children, both natural and adopted, of full-time faculty are eligible for remission of tuition for undergraduate courses only in the units listed in the first paragraph of 3.4.3.1 above. Evidence of eligibility shall be in the form of a birth certificate or court approved adoption papers. Foster or step children are not eligible for remission of tuition. Remission of tuition is not available for courses taken in the consortium.

Faculty members whose salaries are paid by grant funds are eligible for remission of tuition only to the extent that such provisions are made in the grant. This condition also applies to their dependents.

Remission of tuition is extended to dependent children of deceased faculty members on the same basis as available to dependents of active faculty members, providing that

- (a) The parent was in active or retired employment status at the time of death; and
- (b) The parent had served a minimum of 5 years on a regular full-time basis at the time of death.

Further details respecting eligibility, benefits, and application procedures may be obtained from the Division of Benefit and Pension Administration.

#### **3.4.3.2 Parking**

The university has limited space available for the parking of cars. Allocation of spaces among persons applying for parking will be made by the administrative head of each unit. A parking fee must be paid by the faculty member, and the regulations of the Safety Division must be observed.

#### **3.4.3.3**

## **COMPENSATION, HOLIDAYS, LEAVE, AND BENEFITS**

### **Troubled Employees Program**

The university endeavors to assist its employees to achieve a high level of competence and upward mobility in their working situations. It is recognized, however, that personal problems of employees may cause deteriorating work performance and subsequent dismissal. Personal problems of employees may even lead them to the misuse of alcohol and/or drugs. Situations of this kind impair both the efficient and economic conduct of a work unit and, as such, can adversely reflect on the academic environment of the students. Such troubled employees may contact the Department of Personnel Services directly and avail themselves of services provided to help. All referrals of troubled employees are to be handled in strict confidence and without blemish to the employee's record. Alternatively, deans or department chairs may refer troubled employees to the Department of Personnel Services, which, in turn, will make arrangements for their referral to the appropriate agency.

**SECTION 4**  
**PERSONNEL RECORDS**



## **PERSONNEL RECORDS**

The university maintains official personnel files for each faculty member in the offices of the appropriate dean and department chair. The personnel files are available to the members of the Board of Trustees, the administration and its agents, and as otherwise required by law where necessary to allow the university to comply with law and standard business practices. Department chairs may examine the personnel files of the faculty members of their own departments only.

Faculty members may review the contents of their own personnel files on request and in the presence of a designated university official, but with the exception only of those documents to which the faculty member has waived in writing the right of examination. Faculty members may review a list or index of all materials in their personnel files including those to which the right of access has been waived. A faculty member may submit and have inserted into the personnel file a statement that clarifies any material in the file that he/she believes is inaccurate. Said clarification shall be maintained so long as the disputed material is maintained. It is the responsibility of each faculty member to supply information to both the departmental and dean's offices to keep the personnel file up to date in terms of official transcripts of degrees completed, change of address, publications, and the like.

## **SECTION 5**

### **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

#### **5.1**

##### **Travel**

Employees who travel on official business must secure advance authorization in writing. This assures that funds are available and protects both the university and the employee in the event of an accident. Employees injured in the performance of their authorized duties while traveling may claim benefits under Workers Compensation. Reports of injury should be made promptly to the employee's immediate supervisor who is required to see that such reports are promptly routed to the Office of Staff Benefits and Pension Administration.

Employees who travel are normally expected to use the corporate credit card provided by the university to all faculty, together with personal funds, and then make a request for reimbursement on the basis of actual travel expenses incurred. Such requests should be made by requisition and be accompanied by an approved travel report with supporting receipts. Faculty members should familiarize themselves with the travel guidelines currently in effect and available from the Office of the Vice President for Business and Fiscal Affairs, since such details as the approved daily rate (hotels, food, and the like) and types of allowed expenditures may change from time to time. Where travel expenses are provided by research grants or contracts, faculty members are expected to claim either the actual expense or the daily amount specified by the terms of the contract or grant, whichever is lower. The use of personal automobiles is permissible whenever the best interests of the university and the traveling employee are served. The prevailing mileage allowance is inclusive of

## **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

all expenses, such as preparation of the car for the trip, gasoline, oil, parking expense, and storage. Highway, bridge, and ferry tolls are recognized as allowable expenses in addition to mileage. Reimbursement for mileage is limited to one employee or one employee in a group of employees traveling together; the names of other passengers must be shown on the expense account.

### **5.2**

#### **Extreme Weather Conditions**

Howard University functions under three operational conditions: normal, curtailed, and closure. Under normal conditions, all scheduled academic and administrative activities are conducted. Under curtailed conditions classes are suspended (except in the cases of the Colleges of Dentistry and Medicine and the Schools of Law and Social Work, for which the appropriate Dean will make and communicate the decision), but administrative operations continue. Under closure, all classes and all but essential operations are suspended. Decisions will be publicized as rapidly and extensively as possible. Public announcements will be made over local commercial radio and television stations, as practical. Members of the university are encouraged to listen for announcements on the university radio station (WHUR-96.3 FM) or, if necessary, to call the university switchboard.

### **5.3**

#### **Telephones**

Faculty, administrators, and staff are assigned equipment in accordance with their communications requirements. All requests for telephone service (voice or data) require the completion of a Telephone Request for Services form that must be signed by the appropriate dean, director, or administrative officer and submitted to the director of Telecommunications Services for approval.

University telephones and data communications services are to be used only for official university business. Care should be taken to ensure that equipment is not abused and is secured. Unauthorized persons are not permitted to use university telephone equipment. Departmental personnel are not authorized to attempt repair of malfunctioning equipment. All telephone problems should be reported to the Office of Telecommunications Services.

All long distance calls that are to be charged to the university are to be placed through the ARS/WATS System using authorization codes issued to persons authorized by the division level executive administrator in accordance with university guidelines. No one is permitted to accept collect calls. Calls made from an off-campus telephone may not be charged to a university number. If it is necessary to make a business-related call while in official travel status, employees are to pay for the call and request reimbursement just as for other travel expenses.

## **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

The Office of Telecommunications Services is responsible for providing data communications facilities to campus computer users. One may use the Request for Telecommunications Services form to order data communications lines, services, and equipment or to obtain a needs analysis. The cost of equipment and installation of wiring is normally the responsibility of the requesting department.

### **5.4**

#### **Security Services for Special Events**

Security services shall be requested a minimum of 30 days prior to the event. No security services will be rendered unless an approved Service Request (on campus activities) or a Cashier's Receipt (off-campus activities) is received by the Office of Security 15 days prior to the event. Requests for security services will be made through the Office of the Vice President for Business and Fiscal Affairs using Form BMI-1 (for use of a university facility) or Form CA-101 (for use of Cramton Auditorium). Upon receipt of subject forms, estimated charges will be provided based on standard man-hours at the overtime rate. These charges will be returned to the originating office and no further action will be taken until approved documents have been received by the Office of Security indicating that funds have been made available to cover the costs of services. The user assumes responsibility for additional costs over the estimated charges and agrees to pay such charges when presented with said bill. Likewise, the user shall receive a refund for unused hours. Departments that have an established annual need for security services for special events will be required to submit to the Office of Security, at the beginning of the fiscal year, an approved copy of the Service Request indicating that funds have been transferred (similar to a limit sum payment) to the Office of Security (Account # 256400-3750).

### **5.5**

#### **Bulletin boards**

Bulletin boards are placed at strategic areas throughout the university and display information of interest to employees and students. These are intended for official information. Good judgment and discretion should be practiced in their use.

### **5.6**

#### **Policy Statement on Photocopying of Copyrighted Materials for Classroom and Research Use**

The guidelines set forth below are to be used to determine whether or not the prior permission of the copyright owner is to be sought for photocopying for research and classroom use.<sup>1</sup> If the proposed photocopying is not permitted under the guidelines, permission to copy is to be sought. An explanation of how permission may be

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<sup>1</sup> To minimize intrusiveness and over-centralization, the responsibility for making this determination will continue to reside with the individual faculty member. In making this determination, the faculty member should consider carefully all sections of the guidelines.

## **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

sought follows the guidelines. After permission has been sought, copying should be undertaken only if permission has been granted and in accordance with the terms of the permission except as provided in the next paragraph.

The doctrine of fair use may now or hereafter permit specific photocopying in certain situations, within limitations, beyond those specified in the guidelines<sup>2</sup> or those that might be agreed to by the copyright owner. In order to preserve the ability of individual faculty members to utilize the doctrine of fair use in appropriate circumstances without incurring the risk of having personally to defend an action by a copyright owner who may disagree as to the limits of fair use, a faculty member who has sought permission to photocopy and has not received such permission (or has received permission contingent upon conditions that the faculty member considers inappropriate) may request a review of the matter by the university counsel. If upon review the university counsel determines that some or all of the proposed photocopying is permitted by the copyright law, the university counsel will so advise the faculty member. In that event, should any such photocopying by the faculty member thereafter give rise to a claim of copyright infringement, the university will defend and indemnify the faculty member against any such claim.

In the absence of the determination and advice by the university counsel referred to above or in the event that permission has not been first requested by the faculty member, no defense or indemnification by the university shall be provided to a faculty member whose photocopying gives rise to a claim of copyright infringement.

### **5.6.1 Guidelines**

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<sup>2</sup> The guidelines below were negotiated by education, author, and publishing representatives in 1976 and were incorporated in the House of Representatives' report accompanying the Copyright Act of 1976. The introductory explanation of the guidelines in the House Report describes their relationship to the doctrine of fair use as follows:

#### **Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions. With Respect to Books and Periodicals**

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of H.R. 2233. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

## **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

### **5.6.1.1**

#### **Single Copying for Teachers**

A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

- (a) A chapter from a book;
- (b) An article from a periodical or newspaper;
- (c) A short story, short essay, or short poem, whether or not from a collective work; or
- (d) A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

### **5.6.1.2**

#### **Multiple Copies for Classroom Use**

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion providing that:

- (a) The copying meets the tests of brevity and spontaneity as defined below.
- (b) The copying meets the cumulative effect test as defined below.
- (c) Each copy includes a notice of copyright.

### **5.6.1.3**

#### **Definitions**

##### **Brevity**

1. Poetry: (a) A complete poem if less than 250 words and if printed on no more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.
2. Prose: (a) Either a complete article, story, or essay of less than 2,500 words or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. (Each of the numerical limits stated above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)
3. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
4. "Special" works: Certain works in poetry, prose, or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more

## **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

general audience fall short of 2,500 words in their entirety. Paragraph 2 notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

### **Spontaneity**

1. The copying is at the instance and inspiration of the individual teacher.
2. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

### **Cumulative Effect**

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author or more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in 2 and 3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

#### **5.6.1.4**

##### **Prohibitions**

Notwithstanding any of the above, the following shall be prohibited:

- (a) Copying shall not be used to create or replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- (b) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.
- (c) Copying shall not
  - òSubstitute for the purchase of books, publishers' reprints, or periodicals;
  - òBe directed by higher authority; or

**PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

òBe repeated with respect to the same item by the same teacher from term to term.

No charge shall be made to the student beyond the actual cost of the photocopying.



## **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

### AGREED

March 19, 1976  
AD HOC COMMITTEE ON  
COPYRIGHT LAW REVISION  
By Sheldon Elliott Steinbach

AUTHOR-PUBLISHER GROUP  
AUTHORS LEAGUE OF AMERICA  
By Irwin Karp, Counsel  
ASSOCIATION OF AMERICAN  
PUBLISHERS, INC.  
By Alexander C. Hoffman,  
Chairman, Copyright Committee

### **Permissions**

#### How to Obtain Permission

When a proposed use of photocopied material requires a faculty member to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. The Association of American Publishers suggests that the following information be included to expedite the process:

1) Title, author and/or editor, and edition of materials to be duplicated; 2) exact material to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the material; 3) number of copies to be made; 4) use to be made of duplicated materials; 5) form of distribution (classroom, newsletter, etc.); 6) whether or not the material is to be sold; and 7) type of reprint (ditto, photocopy, offset, typeset).

The request should be sent, together with a self-addressed return envelope, to the permissions department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be obtained from The Literary Marketplace (for books) or Ulrich's International Periodicals (for journals), both published by the R.R. Bowker Company. For purposes of proof and to define the scope of the permission, the permission should be in writing.

The process of considering permission requests requires time for the publisher to check the status and ownership of rights and related matters and to evaluate the request. It is advisable, therefore, to allow sufficient lead time. In some instances the publisher may assess a fee for permission, which may be passed on to students who receive copies of the photocopied material.

### **5.7**

#### **Keys**

Keys to offices and other university facilities will be issued to faculty members based on the requirements of their professional duties to the university. Such keys are for the sole use of the faculty member to whom they were issued. They remain the property of the university and therefore must not be duplicated except by appropriate university approval and are to be returned to the university upon

## **PERTINENT ADMINISTRATIVE AND FINANCIAL POLICIES**

separation from the university or when a change in professional duties renders them no longer needed.

## **SECTION 6**

### **FACILITIES AND SERVICES OF PARTICULAR INTEREST**

#### **6.1**

##### **Academic Computing Services**

Academic Computing Services, as one unit within the University Computing Services, coordinates the purchase, installation, and use of computing equipment designed for academic use. A central facility and several satellite facilities provide computing services to individual faculty for their research as well as for classroom instruction.

#### **6.2**

##### **University Libraries System**

The University Libraries System operates the central library facility composed of Founders Library and the Undergraduate Library as well as branch libraries, including the Health Sciences Library, the School of Divinity Library, the Social Work Library, the School of Business Library, and the Engineering Library. Other library facilities that are separately administered include the Moorland Spingarn Research Center, the Law Library, and the Instructional Materials Center in the School of Education. The full range of services common to a major research library are available to both faculty and students.

#### **6.3**

##### **Chapel**

## **FACILITIES AND SERVICES OF PARTICULAR INTEREST**

The Andrew Rankin Memorial Chapel offers employees the opportunity to hear many of America's outstanding religious leaders. Nondenominational services, open to all, are held Sunday at 11:00 a.m. The Howard University Chapel Choir provides music for these services.

### **6.4**

#### **Campus Stores**

The university operates three stores on campus: the Campus Store, the University Bookstore, and the Dental-Medical Bookstore. The Campus Store, located in the Blackburn University Center, offers a variety of reading materials, school and office supplies, clothing, snacks, novelties, toiletries, and greeting cards. The two bookstores are the primary sources of academic books and supplies for faculty and students.

### **6.5**

#### **Art Gallery**

Faculty are welcome to visit the University Art Gallery located in Childers Hall (College of Fine Arts). The gallery offers exhibits of paintings, prints, and sculpture and is open from 9:00 a.m. to 5:00 p.m., Monday through Friday.

### **6.6**

#### **Public Relations**

The official spokesperson to the public and the media is the director of the Department of University Relations. Faculty members who may be contacted for statements about university policies or activities should refer such inquiries to this department. Inquiries about sports and athletic teams should be referred to the director of Sports Information. The *Capstone* is published weekly to provide information to the university community about newsworthy events on campus.

### **6.7**

#### **Credit Union**

The Howard University Federal Credit Union is an independent nonprofit corporation owned and operated by the employees of the university. It is operated under a federal government charter granted in 1935 and is subject to strict regulations, as well as regular government examinations. Membership in the Federal Credit Union is open to faculty and staff employees and to members of their immediate families.

### **6.8**

#### **Post Office and Mail Delivery**

## **FACILITIES AND SERVICES OF PARTICULAR INTEREST**

A United States Post Office substation for university use is located on the ground floor of the Mordecai W. Johnson Administration Building. Most postal services are available, including rental mail boxes, money orders, stamps, and other mailing supplies.

Faculty members who do not choose to rent mailboxes may receive their mail through the campus mail system that provides deliveries of United States mail as well as intra-campus mail to the various schools and departments.

### **6.9**

#### **Recreation Programs**

The swimming pool in the Burr Gymnasium is available to all employees at designated hours. The university sponsors annually a number of concerts, plays, lectures, and other cultural activities; some are open to the community without charge while others may require the purchase of tickets. Bowling and other recreational activities are available to faculty and students in the Blackburn University Center.

## **SECTION 7**

### **STUDENT POLICIES OF PARTICULAR INTEREST**

#### **7.1**

##### **Privacy Rights of Students**

Howard University is subject to the provisions of federal law known as the Family Educational Rights and Privacy Act (the Buckley Amendment), affording students rights of access to education records and imposing regulations on the university in the release and disclosure of those records to third parties.

In order to comply with the regulations promulgated pursuant to the Buckley Amendment, Howard University has formulated and adopted these institutional policies and procedures to be followed by the university and by those who are interested in gaining access to education records. It is recognized that additional guidelines for faculty and staff may be developed in the future and that those guidelines are beyond the scope of this statement. Pending the development of such guidelines, faculty and staff are referred to the Registrar's Office or to the Office of the General Counsel for advice.

1. Students will be notified of their rights under the Buckley Amendment through a notice to be published annually in the *Student Handbook*. This notice will include a designation of the categories of directory information, the right of a student to request the nondisclosure of particular items of directory information, the location where copies of this policy can be obtained, and the student's right to file complaints under the provisions of the Buckley

## **STUDENT POLICIES OF PARTICULAR INTEREST**

Amendment. For the purpose of informing interested students of their rights under the Buckley Amendment, a copy of the Buckley Amendment Regulations promulgated by the Department of Education is available in the university Registrar's and General Counsel's offices. Howard University will comply with the provisions of those regulations where applicable.

2. Eligible students may inspect and review their education records in accordance with Section 99.12 of the Regulations. Students wishing to inspect their education records maintained by the university should make a written request of the university official who has custody of the records or the designee of such official. Pursuant to the provisions of the Buckley Amendment, the university will respond within a reasonable period of time, but not longer than 45 days after the request. Students should note that Section 99.3 and 99.12 of the Buckley Amendment Regulations permit the university to restrict or withhold access to certain specified records. An inventory of the types and locations of institutional records maintained by Howard University and the officials responsible for those records is available in the university Registrar's Office.
3. Howard University will not disclose personally identifiable information from the education records of the student without the prior written consent of the student, except as permitted by Sections 99.31 and 99.37 of the Regulations. Pursuant to those provisions, the administrative officials of Howard University who have access to the education records of students are the president and other general officers of the university, deans of each school and college, the university registrar, the director of financial aid, the vice president for student affairs, the dean for residence life, the dean for special student services, and the designees of each such official, for purposes reasonably believed to facilitate actions within such officers' areas of responsibility. Members of the faculty and any others who instruct students as well as those who advise students, either formally or informally, will have access to student education records for purposes of facilitating their evaluation of student performance and assisting them in the guidance of students in matters, such as the choice of a major and other academic areas of concentration, the choice of courses, and career guidance. Members of the faculty and others who instruct students also will have access to education records for the purpose of providing recommendations for students. Committees, groups, boards, and organizations that are officially recognized by the university will have access to education records for the purpose of carrying out their assigned responsibilities.

Pursuant to the Regulations, the following information has been designated as directory information: student's name, address, telephone number, date and place of birth, major field of study,

## **STUDENT POLICIES OF PARTICULAR INTEREST**

participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, residency appointments, the last educational agency or institution attended by the student, and other similar information. Any student not wishing disclosure of directory information should notify the university registrar in writing, specifying the type or types of directory information not to be disclosed. Such notification must be given within 10 days of the completion of a student's first registration of the academic year.

4. The university, in the case of every person who requests or obtains access to student education records, shall maintain a record kept with the education record that indicates the parties who have requested or obtained such access and the legitimate interest of the party in requesting or obtaining such access. Pursuant to the Regulations, this record need not be maintained (a) for requests by or disclosure to a student of the student's own record, (b) for requests by or disclosures to school officials under Paragraph 3 of this policy, (c) if there is written consent of a student, or (d) for requests for or disclosure of directory information under Paragraph 3 of this Policy. The record of requests for and disclosure of personally identifiable information from student education records required to be kept by the university may be inspected by the student, the university official responsible for the custody of the records, and others for the purpose of auditing record-keeping procedures of the university.
5. Students wishing to seek explanation, clarification, or amendment of the education record should first file a written request with the custodian of the records, stating the nature of the explanation, clarification, or amendment requested. The custodian will then attempt to confer with the individual who is the original source or author of the record. A response will be made to reasonable requests from students for explanation or clarification of education records, and if the request is for amendment of the record, the student shall be informed within a reasonable period of time whether or not the record will be amended. If the record is not amended as requested by the student, the student will be notified of the right to request a hearing.

If a hearing is requested by a student, the hearing shall be held within a reasonable time after the request. The student shall be provided with reasonable notice of the date, time, and place of the hearing and afforded a full and fair opportunity to present evidence relevant to the issues.

### **7.2**

#### **Policies and Procedures Relating to Academic Probation and Suspension**



## STUDENT POLICIES OF PARTICULAR INTEREST

Although each school or college sets its own standards for good academic standing, the minimum grade point average required is usually the same as the minimum required for graduation from that school or college. Students incur academic probation when the cumulative grade point average falls below the standard set by the school or college in which they are enrolled. Each school or college determines the maximum number of semesters during which a student may remain on probation before achieving good academic standing or being academically suspended. Students on academic suspension are normally expected to remain out of school for at least one semester, after which they may petition the dean for readmission. Faculty members are expected to familiarize themselves with the bylaws and academic policies of their own school or college.

### 7.3

#### **Academic Code of Student Conduct**

See the *Student Handbook* for a complete statement.

### 7.4

#### **Degree Revocation Procedure**

**Scope.** These procedures apply only to cases in which a university degree has been awarded but the record later shows that

- (1) the graduate's academic record, following a correction, indicates the graduate fails to meet academic requirements for graduation, and
- (2) facts which, if known at the time of the awarding of a degree, would have resulted in a decision not to award the degree, without any further proceedings.

**Notice.** The dean of the school or college involved shall provide the graduate with written notice of the following:

- (1) the university's specific findings with regard to the graduate's academic record and its intention to revoke the degree,
- (2) the graduate's opportunity to respond in order to present evidence that the record is incorrect,
- (3) the graduate's right to be represented or assisted in responding to the university's findings, by other parties, including an attorney at the graduate's expense, and
- (4) a 60-day limit to respond to the notice.

**Review.** In all cases where the graduate elects to respond to the university's findings either in person or in writing, the following review procedures shall be used:

- (1) A person designated by the dean of the school or college in which the graduate was enrolled shall review the graduate's evidence and the university's evidence.

## STUDENT POLICIES OF PARTICULAR INTEREST

- (2) The dean's designee, based on his/her review of the evidence of record, shall submit to the dean his/her written recommendation concerning revocation of the graduate's degree.
- (3) The dean, based on his/her review of the designee's recommendation, shall submit to the appropriate vice president his/her written recommendation concerning revocation of the graduate's degree.
- (4) The vice president, based on his/her review of the prior recommendations, shall forward the record and his/her recommendation to the general counsel for review.
- (5) The general counsel, based on his/her review of the record and prior recommendations, shall submit his/her recommendation, the record, and all prior recommendations to the president for final action, subject to approval by the Board of Trustees.
- (6) The Office of the Registrar shall provide the affected graduate with written notice, in the manner described in the "Scope" paragraph above, of the university's final decision concerning revocation of the graduate's degree.

**No Response Received.** In cases where no response to the initial notice is received by the university after 60 days, the existing record shall be reviewed as noted above. Thereafter, the Office of the Registrar shall provide the graduate with written notice, in the manner described in the "Scope" paragraph above, of the university's final decision concerning revocation of the graduate's degree.

**Petition to Reopen Decision.** The university shall allow any affected graduate to petition the university to reopen the revocation decision, provided the graduate establishes that he/she received notice after the 60-day limit or, for good cause shown, was unable to contact the university or to respond within the period specified. Any graduate who meets the above-noted requirements shall be provided an opportunity to respond and a review, in the manner described in the "Scope" and "Notice" paragraphs above.

### 7.5

#### **System of Judiciaries**

See the *Student Handbook* for a description of the system of student judiciaries.

# **HOWARD UNIVERSITY SMOKING POLICY**

## HOWARD UNIVERSITY SMOKING POLICY

# HOWARD UNIVERSITY SMOKING POLICY

### I. General Statement

Smoking in the workplace has been and continues to be a controversial issue. The Surgeon General of the United States and other research scientists have concluded that smoking poses potential dangers to the health of both smokers and nonsmokers. As a result, a number of institutions, including colleges and universities, have enacted policies to regulate smoking in public places. This policy regarding smoking at Howard University, which will become effective August 3, 1991, has been developed to:

- (a) Comply with the District of Columbia Smoking Regulation Amendment Act of 1990;
- (b) Address the Surgeon General's concern about smoking;
- (c) Attempt to accommodate the needs of both nonsmokers and smokers;
- (d) Maintain a healthy, clean, and safe campus environment;
- (e) Assist faculty and administrators in dealing with concerns expressed by nonsmokers and smokers; and
- (f) Amplify the provisions of the Howard University Employee Handbook (Non-faculty), the Howard University Faculty Manual and the University's Regulations and Code of Conduct Applicable to Students.

This policy applies to all Howard University faculty, staff, students and visitors.

### II. Policy

Howard University's policy regarding smoking is as follows:

- A. As of October 1, 1991, smoking is prohibited in all University buildings and facilities except in areas which are specifically designated as "Smoking Permitted." Smoking is permitted outside of buildings. The absence of a non smoking sign should not be interpreted to mean smoking is permitted.
- B. Deans, directors and department heads are responsible for administering this policy and must make every reasonable effort to satisfy the preference of nonsmokers and smokers in shared work or living spaces. Accommodation may include designation of smoking and nonsmoking areas. If satisfactory accommodation cannot be reached, the preferences of nonsmokers prevail and smoking will be prohibited in the affected area.
- C. Smoking is prohibited in shared work or living areas and in common use areas. Smoking is never permitted in areas susceptible to smoke and fire (computer areas, records and storage facilities, electrical and utility closets, etc.). Smoking may be permitted in an individually enclosed office or living area only upon the express written authorization of the Department of Physical Facilities Management following inspection and certification of compliance with District of Columbia laws and rules governing indoor ventilation. Appropriate signs may be obtained from the Department of Physical Facilities Management.

## **HOWARD UNIVERSITY SMOKING POLICY**

- D. The University's smoking policy will be enforced in accordance with the rules governing other University health and safety regulations.
- E. The University will not tolerate reprisals against nonsmokers or smokers who express concern about smoking or restrictions on smoking in work or living areas. It is expected, however, that breaks for the purpose of smoking will not adversely impact normal work or academic activity.

### **III. Educational Material**

The Office of Human Resource Management and the Student Health Center will arrange for distribution of educational materials to alert employees and students to the provisions of this policy and to the dangers of smoking and, if feasible, will arrange for smoking cessation programs and/or other support mechanisms for employees and students who wish to stop smoking.

### **IV. Definitions**

- A. An individually enclosed office or living area is a space with walls, extending from floor to ceiling with a doorway, which has been assigned to an individual employee or student.
- B. Shared work or living areas are contiguous areas not separated by a floor-to-ceiling partition which serve two or more employees or students. These include all cubicle areas and "open landscaped" type offices as well as shared dormitory rooms.
- C. Common use areas are any enclosed, indoor areas generally used by and available to all employees, students and visitors. Such areas include, but are not limited to, shared work areas, lounges, hallways, restrooms, etc.
- D. Smoking includes:
  - (a) Carrying or holding a lighted cigarette, pipe, or cigar of any kind or any other lighted material or device.
  - (b) Lighting a cigarette, pipe, or cigar of any kind or any other smoking material or device.
  - (c) Emitting or exhaling the smoke of a cigarette, pipe, or cigar of any kind.

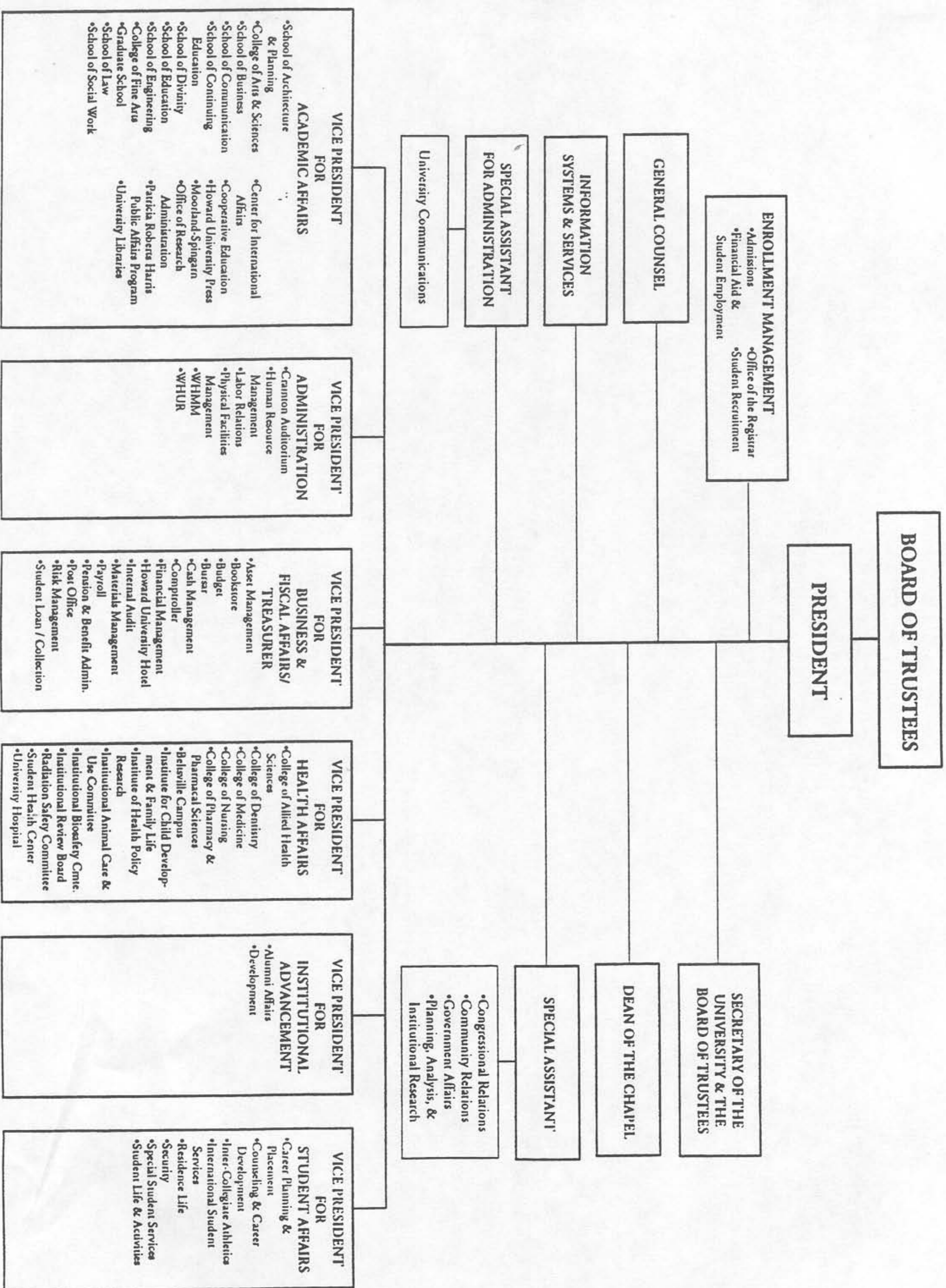
### **V. Signs and Intent of Policy**

It is the intent of this policy statement that smoking is prohibited in all University buildings and facilities except those areas where smoking is specifically permitted. Appropriate signs conveying the University's smoking policy will be posted in all University buildings and facilities.

**APPENDIX A**

**HOWARD UNIVERSITY  
ORGANIZATIONAL CHART**

# HOWARD UNIVERSITY ORGANIZATIONAL CHART



**SEXUAL HARASSMENT POLICY AND PROCEDURES**

**APPENDIX B**

**SEXUAL HARASSMENT  
POLICY AND PROCEDURES**



**SEXUAL HARASSMENT POLICY AND PROCEDURES**

**HOWARD UNIVERSITY  
SEXUAL HARASSMENT POLICY AND PROCEDURES  
*Approved by the Board of Trustees on September 23, 1989***

**I. Policy Statement**

Howard University reaffirms its commitment to providing equal opportunity in education and employment. To fulfill this commitment, the University must maintain an environment in which individuals are judged and rewarded solely on the basis of relevant factors such as ability, prior experience and accomplishments, effort, and performance. The environment also must be one in which all employees and students can pursue their work free from coercion, intimidation, and exploitation. Sexual harassment is a form of discriminatory misconduct that harms the environment the University seeks to maintain.

Sexual harassment, moreover, violates Federal and District of Columbia laws, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the District of Columbia Human Rights Act of 1977.

Therefore, conduct on the part of any member of the University community which inappropriately introduces sexuality into a teaching, learning, or working relationship shall not be tolerated.<sup>3</sup> Sexual harassment, as defined below, or failure to carry out responsibilities specified below may result in disciplinary action, up to and including separation from the University.<sup>4</sup>

The University also will not tolerate conduct by a non-employee which sexually harasses any member of the University community on University premises or at any other location where the non-employee and the member of the University community are together because of assigned or University-sanctioned activities. Independent contractors, vendors, and others who do business with the University or on University premises are expected to ensure compliance with this policy, and the University will take appropriate action if they fail to do so.<sup>5</sup>

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<sup>3</sup> Members of the University community include faculty, students, and non-faculty employees, including those covered by collective bargaining agreements. This policy covers all members of the University community, without exception. The procedures below apply to all members of the University community except employees covered by collective bargaining agreements that specifically establish other procedures for resolving sexual harassment complaints.

<sup>4</sup> Sexual harassment committed by a faculty member will be considered "personal misconduct that destroys or impairs academic usefulness" and, therefore, may result in termination for cause. Sexual harassment by a non-faculty employee will be considered "conduct incompatible with the welfare of the University" and, therefore, likewise may be grounds for termination. Sexual harassment by a student will be considered an infraction of the Code of Conduct subject to penalties including suspension or expulsion.

<sup>5</sup> The University, for example, may suspend or terminate a contract if the contractor fails to correct a sexual harassment problem that the University has brought to its attention. Tolerance of sexual harassment also may result in a contractor's being disbarred from further work for the University.

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

### **II. Definition**

For the purposes of this policy, sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, and other expressive or physical conduct of a sexual nature, when

- A) Submission to such conduct is explicitly or implicitly made a term or condition of employment or status in a course, program, or activity; or
- B) An individual's submission to or rejection of such conduct is used as a basis for an academic or employment decision affecting the individual; or
- C) Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance; or
- D) Such conduct, in intent or effect, creates an intimidating, hostile, or offensive environment for work or learning.

### **III. Examples**

Examples of conduct prohibited by this policy include, but are not limited to:

- A) Persistent, unwelcome flirtation, advances and/or propositions of a sexual nature;
- B) Repeated insults, humor, jokes and/or anecdotes that belittle or demean an individual's or a group's sexuality or sex;
- C) Repeated, unwelcome comments of a sexual nature about an individual's body or clothing;
- D) Unwarranted displays of sexually suggestive objects or pictures;
- E) Unnecessary touching, such as patting, pinching, hugging, or repeated brushing against an individual's body;
- F) Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation; and
- G) Sexual assault.

### **IV. Responsibilities**

All members of the University community are responsible for ensuring that their conduct does not sexually harass any other member of the University community. This same responsibility extends to employees of third parties doing business with the University or on University premises and to campus visitors.

University administrators and supervisors have the further responsibility of preventing and eliminating sexual harassment within the areas they oversee. If administrators or supervisors know sexual harassment is occurring, receive a complaint of sexual harassment, or obtain other information indicating possible sexual harassment, they must take immediate steps to ensure the matter is addressed, even if the problem or alleged problem is not within their

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

areas of oversight. Faculty members likewise must inform an appropriate administrator or other University officer if they have reason to believe sexual harassment is occurring.<sup>6</sup>

### **V. Informal Resolution Procedures for Complaints Against Members of the University Community**

#### **A. General**

Complaints under informal procedures may be oral or written. They will be kept confidential. Except as compelled by law, disclosure of their existence or substance will be limited to those who, in the interests of fairness and problem resolution, have an immediate need to know. Moreover, absent consent, a complainant's identity will not be divulged to the accused. However, no disciplinary action against an accused person will be initiated without disclosure unless the charges could be effectively rebutted without knowing who brought them<sup>7</sup> or unless so much corroborating evidence can be presented that the complaint itself would not be necessary to determine fault.

Informal procedures generally will involve efforts to mediate a resolution that both the complainant and the accused can agree upon.<sup>8</sup> The accused, thus, will be informed of the existence and nature of the complaint and will have an opportunity to respond. As indicated below, even if mediation is not undertaken, the accused will be informed that a complaint has been lodged.

To protect the legitimate interests of all parties, complaints under informal procedures must be brought within 20 calendar days of the precipitating incident. Individuals who believe they have been subject to sexual harassment may choose to avail themselves of informal resolution procedures. Use of informal procedures is not a prerequisite to initiating formal procedures (see VI). However, if informal procedures used, the filing deadline for formal discrimination complaints will be extended from 20 calendar days to 45 calendar days after the precipitating incident occurred.<sup>9</sup>

#### **B. Preliminary Counseling and Guidance**

Complainants may report sexual harassment problems to their advisor or supervisor or to the supervisor of the person behaving objectionably.<sup>10</sup>

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<sup>6</sup> Faculty members may appropriately inform their departmental chairperson, program director, academic dean, or Vice President or any administrator with comparable supervisory authority over the individual whose conduct may be problematic.

<sup>7</sup> For example, disclosure may not be necessary in cases involving alleged conduct that was witnessed by any number of persons.

<sup>8</sup> Mediation, however, will not involve face-to-face meetings between the parties unless the complainant agrees.

<sup>9</sup> If the harassment has been ongoing, complaint deadlines in these procedures will be calculated from the most recent episode.

<sup>10</sup> As used here in, "advisor" means a student's academic advisor or a faculty member with equivalent responsibilities for guiding the student's academic plans and progress--

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

The role of the advisor or supervisor at this point is to counsel the complainant about sources of further assistance, including Vice Presidential Designees (see C), the Assistant Vice President for Human Resources (see D), the University's Title IX Coordinator (see E), and the University's Equal Opportunity Officer, who receives formal discrimination complaints.<sup>11</sup>

For the purposes of reporting deadlines, consultation with an advisor or supervisor will be understood as an initiation of informal procedures. However, contacting an advisor or supervisor will not trigger mediation efforts. To initiate mediation and other such assistance, complainants must promptly bring their complaint to the appropriate Vice Presidential Designee or, if they are non-faculty employees, to the Assistant Vice President for Human Resources, or, whatever their status, to the Title IX Coordinator.

Advisors and supervisors must, within 5 work days, report all complaints they receive to the appropriate Vice Presidential Designee or, if the complainant is a non-faculty employee, to the Assistant Vice President for Human Resources, even if a complainant decides not to pursue the matter.

Although supervisors initially will only counsel complainants and submit reports, they will remain responsible for assisting with resolution efforts, if requested, and for exercising their authority to prevent further problems.

### **C. Informal Resolution Procedures for Faculty and Students**

The Vice Presidents for Academic Affairs, Health Affairs, and Student Affairs will each designate someone under his/her immediate supervision to handle informal sexual harassment procedures and to initiate actions against sexual harassment. Faculty who believe they have been sexually harassed may, initially or after preliminary counseling with, for example, their departmental chairperson or dean, bring their complaints to the Designee for the Division in which they are employed. Initially or after preliminary counseling with their advisor, students may bring sexual harassment complaints to the Student Affairs Designee.

The following procedures apply to all three Vice Presidential Designees.

Upon receipt of a complaint, the Designee will counsel the complainant on options for resolving the problem. The Designee also will, if the need seems apparent, initiate immediate action to protect the complainant from harm or reprisal. In addition, the Designee will ensure the appropriate supervisor is informed about the complaint.

If mediation seems appropriate and the complainant agrees, the Designee will attempt to negotiate a resolution of the problem. He/she will inform the

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for example, the student's thesis or dissertation director. Supervisors whom students might choose to consult include department chairpersons, program directors, and academic deans.

<sup>11</sup> As indicated below, complainants may contact any of these sources of assistance without first consulting an advisor or supervisor.

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

complainant of any proposed resolution developed through mediation efforts. The complainant may accept the resolution or initiate formal proceedings. If the Designee has not been able to mediate a resolution within 35 calendar days of the precipitating incident, he/she will so inform the complainant and advise on the option of filing a formal complaint.

The Designee will inform the concerned Executive-Level Officer of complaints that will be neither pursued through formal procedures nor resolved through mediation.<sup>12</sup> The Executive-Level Officer will review and, if necessary, further investigate the matter. If the Executive-Level Officer concludes that there are grounds for the sexual harassment complaint, he/she will take steps necessary to correct the problem. Such steps may include disciplinary action under established University procedures.<sup>13</sup>

If, after initial counseling on options, the complainant does not wish to pursue the matter, the Designee will inform the accused of the complaint to the extent consistent with the complainant's expressed wishes regarding disclosure. The Designee also will attempt to determine whether facts support the complaint because the University has obligations to eliminate sexual harassment even if a particular complainant does not so request.

If fact gathering and/or attempts to mediate indicate that disciplinary action could be warranted, the Designee will so advise the responsible Dean or Director and the responsible Executive-Level Officer. Alternatively, the Designee may, within 45 calendar days of the precipitating incident, initiate formal procedures by filing a complaint with the Equal Opportunity Officer. The Designee will, in this instance, serve as complainant in place of the victim of the apparent harassment. However, statements made by the complainant and the accused to the Designee during the informal process may not be used, without their consent, as evidence in the formal procedures or any resulting appeal procedures. Nor may statements made by the complainant be used without disclosing his/her identity. A complainant's assertions, thus, may not serve as evidence without a consent to disclosure.

Concurrent with the filing, the Designee will inform the accused of the action and possible consequences. The Designee also will provide the accused with a copy of his/her complaint. Within 15 work days of the filing, the accused may submit a written response to the concerned member of the Equal Opportunity Committee<sup>14</sup> or the person designated to conduct the investigation. The response will become part of the investigative record. If the investigation results in disciplinary action, the response will be included in the offender's official file if he/she so requests.

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<sup>12</sup> The concerned Executive-Level Officer is the member of the Administrative Cabinet who exercises ultimate oversight over the accused.

<sup>13</sup> As indicated above, disciplinary action generally will involve informing the accused of the complainant's identity. Without a complainant's consent to disclosure, disciplinary action will be limited to cases where knowing who initially complained could not materially help the accused respond to the evidence presented in support of the action.

<sup>14</sup> The Equal Opportunity Committee consists of all Executive-Level Officers. The concerned member of the Committee is the Executive-Level Officer responsible for corrective action in the event the complaint is found to be justified.

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

Designees will forward confidential records of complaints received and their disposition to the University's Equal Opportunity Officer. The records will not be included in complainants' or accused parties' official files.

### **D. Informal Resolution Procedures for Non-Faculty Employees**

Sexual harassment complaints are covered by established Grievance Policies in the Non-Faculty Employee Handbook. Thus, non-faculty employees who believe they have been sexually harassed should bring their complaints to the Assistant Vice President for Human Resources. The Assistant Vice President for Human Resources or his/her designee will review the complaint and seek resolution from the appropriate Executive-Level Officer.

### **E. Alternative Informal Resolution Procedures Available to All Members of the University Community**

Faculty, students, and non-faculty employees may, initially or after preliminary counseling, bring sexual harassment complaints to the University's Title IX Coordinator. The Title IX Coordinator will follow the procedures outlined for Vice Presidential Designees.

## **VI. Formal Grievance Procedures**

Complaints of sexual harassment may be lodged and resolved according to the University's established Equal Opportunity Grievance Procedures.<sup>15</sup> However, as indicated above, the filing deadline will be extended from 20 to 45 calendar days if complainants have sought resolution through informal procedures.

If the Equal Opportunity Officer believes that investigation by the concerned Executive-Level Officer would be likely to involve a conflict of interest, he/she will, with the President's approval, refer the complaint to another member of the Equal Opportunity Committee.

## **VII. Procedures for Complaints Against Persons Who Are Not Members of the University Community**

Individuals who believe they have been sexually harassed by employees of those who do business with the University or by campus visitors should bring their complaints to the same person they would contact for an informal resolution of a complaint against a member of the

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<sup>15</sup> The Equal Opportunity Grievance Procedures are the University's formal procedures for investigating and adjudicating complaints of any type of illegal discrimination. The Procedures are published in the Non-Faculty Employee Handbook and "The H-Book." They also may be obtained from the University's Equal Opportunity Officer.

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

University community. Complaints against third parties should be brought within 20 calendar days of the precipitating incident.

Recipients of complaints against third parties will attempt to determine whether facts support the charges. Within 35 calendar days of complaint receipt, they will initiate action to correct corroborated problems and inform the complainant of the steps they have taken or inform the complainant that they have not found adequate evidence to support the charges.

### **VIII. Retaliation**

Threats, other forms of intimidation, and retaliation against a complainant or any other party involved in implementing the University's sexual harassment policy are violations of the policy and, thus, may be grounds for disciplinary action.

### **IX. False Charges**

Because of the nature of the problem, complaints of sexual harassment cannot always be substantiated. Lack of corroborating evidence should not discourage complainants from seeking relief through the procedures outlined above. However, charges found to have been intentionally dishonest or made maliciously without regard for truth will subject complainants to disciplinary action.

Individuals who believe they have been the target of willfully false or maliciously reckless charges should file a written complaint no later than 20 calendar days after they learn the nature of the allegations against them. They should submit their complaint to the same officer who received the allegedly false complaint.

Vice Presidential Designees, the Assistant Vice President for Human Resources, and the Title IX Coordinator will review the evidence for any false-charge complaint they receive, afford the original complainant<sup>16</sup> an opportunity to respond, and investigate further, if necessary. If they find sufficient grounds for the false-charge complaint, they will initiate disciplinary action. They also will confer with the falsely accused to determine whether other remedial measures might be appropriate. If they find the evidence does not support the false-charge complaint, they will so inform both the bringer of the complaint and the original complainant.

The Equal Opportunity Officer will hold any false-charge complaint he/she receives until a final decision on the original complaint has been reached. If the original complaint is found to be without merit, the Equal Opportunity Officer will refer the false-charge complaint to the member of the Equal Opportunity Committee to whom the original complaint was referred. That member of the Equal Opportunity Committee will review the evidence, afford the original complainant an opportunity to respond to the false-charge complaint, and reach a separate determination on it. If the charge is found to be false, rather than merely unsubstantiated by available evidence, the Equal Opportunity Committee member will initiate disciplinary and any other appropriate corrective action. The Equal Opportunity

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<sup>16</sup> As used herein, "original complainant" means the complainant accused of false charges.

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

Committee also will promptly inform both the original complainant and the complainant alleging false charges of his/her disposition of the matter.

Vice Presidential Designees, the Assistant Vice President for Human Resources, the Title IX Coordinator, and concerned members of the Equal Opportunity Committee may, on their own initiative, institute disciplinary and, where appropriate, other corrective action if, in investigating a sexual harassment complaint, they determine the charges are knowingly false or were filed, without regard for truth, in an effort to cause harm.

### **X. Disciplinary Action**

Any disciplinary actions taken against members of collective bargaining units will be in accordance with the applicable collective bargaining agreement. Disciplinary actions against individuals who do not belong to collective bargaining units will be in accordance with the applicable University handbook.

### **XI. Consensual Relationships**

Romantic and sexual relationships between faculty members and students and between supervisors and supervisees do not necessarily involve sexual harassment. However, the powers faculty members exercise in evaluating students' work, awarding grades, providing recommendations and the like will generally constrain a student's actual freedom to choose whether to enter into or to end a romantic or sexual relationship with a faculty member. Supervisees likewise may not feel fully free to reject or end a romantic or sexual relationship with their supervisor.

Therefore, where such power differential exists, it may be exceedingly difficult to defend against a charge of sexual harassment on the grounds that the relationship was consensual. In internal proceedings, the University generally will be unsympathetic to a defense based on consent when the facts establish that the accused had the power to affect the complainant's academic or employment status or future prospects.

Even genuinely consensual relationships between faculty members and students and supervisors and supervisees may be problematic. For example, they may result in favoritism or perceptions of favoritism that adversely affect the learning or work environment. Consensual relationships involving a power differential, therefore, may violate University policy and equal opportunity law.



## **APPENDIX C**

### **AIDS POLICY**

## AIDS POLICY

### HOWARD UNIVERSITY AIDS POLICY

*Approved by the Board of Trustees on April 23, 1988*

It is the policy of Howard University that no person shall be discriminated against based on acquired immune deficiency syndrome (AIDS), AIDS related complex (ARC) or a positive human immunodeficiency virus (HIV) antibody test.

AIDS is a leading public health problem in the nation that has reached epidemic proportions. AIDS is a serious condition characterized by a defect in the body's natural immunity against disease. This defect is caused by the human immunodeficiency virus (HIV) or the "AIDS virus" which can destroy important cells in the immune system.

The University will attempt to address AIDS issues in a caring, compassionate, responsible manner and will strive to ensure the confidentiality and dignity of persons with AIDS, ARC or a positive HIV antibody test. The primary response of the University to AIDS will be one of education. The most important goals for the University will be those of increasing awareness and providing education to prevent further spread of the disease.

The current state of medical evidence regarding AIDS and its transmission indicates that, in the majority of circumstances persons with AIDS, ARC or a positive HIV antibody test do not pose a substantial risk to the safety and health of others. Moreover, AIDS has been designated a handicap under the D.C. Human Rights Act of 1977, D.C. Code section 1-2501 et seq. (1981 ed.). Discrimination against persons with AIDS is a violation of D.C. law. In addition, Section 504 of the Rehabilitation Act of 1979, 29 U.S.C. section 794 (1982) also protects handicapped individuals from discrimination under federal law.

The University will analyze and respond to each case of AIDS, ARC or a positive HIV antibody test as required by its guidelines. The guidelines will be reviewed periodically and revised as necessary to reflect new information regarding AIDS.

There shall be a University-wide AIDS Task Force which will meet on a regular basis to keep abreast of any new developments concerning AIDS. The Task Force will be chaired by the Vice President for Health Affairs. The membership of the Task Force shall consist of:

1. Chief of the Division of Infectious Diseases  
Howard University Hospital;
2. Administrator of the University Student  
Health Center;
3. Assistant Vice President for Human Resources;
4. Representative from the Office of the General Counsel;
5. Chairman of the University Faculty Senate;
6. President of the University Student Association;
7. Director of University Student Housing;
8. Dean of the University Chapel

The Task Force will recommend education programs for all segments of the University community and will coordinate dissemination of educational information to faculty, staff, and students. In addition, the Task Force will review and make recommendations to the President on specific situations and issues that may arise. The decision of the President shall be final.

## **AIDS POLICY**

All issues relating to persons with AIDS, ARC or a positive HIV antibody test should be referred to the Task Force through the Vice President for Health Affairs.

Notwithstanding the foregoing Howard University AIDS Policy and Guidelines, the AIDS Guidelines in effect at Howard University Hospital regarding patient care procedures for persons with AIDS, ARC or a positive HIV antibody test shall govern such issues. The Howard University Hospital Guidelines currently in effect and as from time to time amended, are hereby incorporated in the University AIDS Policy and Guidelines.

### **ADMINISTRATIVE GUIDELINES FOR THE HOWARD UNIVERSITY AIDS POLICY**

On the basis of presently available medical and legal information, the University adopts the following guidelines:

#### **I. STUDENTS**

1. University students who have AIDS, ARC or a positive HIV antibody test, whether they are symptomatic or not, will be allowed regular classroom attendance and regular campus employment activities in an unrestricted manner as long as they are physically able to attend class or perform their job duties in a manner that does not pose a health or safety risk to themselves or to others.
2. Students with AIDS, ARC or a positive HIV antibody test will not be restricted from access to instructional, recreational, dining or other common areas, facilities and equipment.
3. The presence of AIDS, ARC or a positive HIV antibody test will not be part of the admission decision for any student applying to attend the University. All enrolled students shall be encouraged to attend an educational lecture on AIDS conducted by the University Student Health Center.
4. Decisions about residential housing of students with AIDS, ARC or a positive HIV antibody test will be made on a case-by-case basis by the appropriate University administrators in consultation with the Task Force. Current medical information does not support the existence of a risk to those sharing dormitories with persons with AIDS, ARC or a positive HIV antibody test; there may, however, be in some circumstances reasonable concern for the health of persons with AIDS, ARC or a positive HIV antibody test because of their depressed immune system, who might be exposed to certain contagious diseases (e.g., measles or chicken pox) in a close living situation. Where possible, students with AIDS, ARC or a positive HIV antibody test may be assigned private rooms in the interest of protecting the health of those students.
5. No information concerning the health status of persons with AIDS, ARC or a positive HIV antibody test will be provided to faculty, staff, students, family or others without the express written permission of the student in each case. Additionally, no person, group, agency, insurer, employer or institution will be provided any medical information without the prior

## **AIDS POLICY**

- express written consent of the student, with the exception of reporting requirements imposed by law.
6. The University encourages regular medical follow-up for students who have been diagnosed as having AIDS, ARC or a positive HIV antibody test. Any student requesting HIV antibody testing may obtain appropriate confidential medical counseling at the University Student Health Center and a referral for free testing at a public health facility.
  7. Those students who are known to have AIDS, ARC or a positive HIV test may be excused from the University requirements for certain vaccines, if those vaccinations could lead to serious consequences in those with poorly functioning immune systems.

### **II. EMPLOYEES (FACULTY AND NON-FACULTY)**

1. Employees who have AIDS, ARC or a positive HIV antibody test, whether they are symptomatic or not, will be allowed regular employment activities in an unrestricted manner as long as they are physically able to perform their job duties in a manner that does not pose a health or safety risk to themselves or to others. Before taking any adverse action regarding an employee, the University will consider the possibility of reasonably accommodating the individual. Every attempt will be made to render a well-informed judgment grounded in a careful and open-minded weighting of alternatives.
2. Employees with AIDS, ARC or a positive HIV antibody test will not be restricted from access to instructional, recreational, dining, or other common areas, facilities and equipment.
3. The presence of AIDS, ARC or a positive HIV antibody test will not be part of the employment decision for anyone applying to work at the University. All employees shall be encouraged to attend an educational lecture on AIDS to be developed by the Task Force.
4. If an employee develops AIDS, the University will permit the employee to continue to work so long as he/she is able to perform his/her job, and will extend the same sick leave and benefits as may be applicable under the relevant University Handbooks. The risks and problems in each case will be considered on an individual basis and this information will be held strictly confidential.
5. The University encourages regular medical follow-up for employees who have been diagnosed as having AIDS, ARC or a positive HIV antibody test. Any employee who requests HIV antibody test may obtain appropriate confidential medical counseling and confidential testing at the Infectious Disease Clinic at Howard University Hospital by appointment. Regular clinic fees will be charged for this service.

### **III. ADDITIONAL GUIDELINES FOR HEALTH CARE WORKERS,<sup>1</sup>HEALTH CARE STUDENTS AND FOOD SERVICE WORKERS**

1. Any health care worker or health care student who has oozing lesions or weeping dermatitis - regardless of that person's status with respect to infection with the AIDS virus - will not be allowed to have direct contact with patients until the condition clears and the person has been approved for duty by a physician.

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<sup>1</sup> Health care worker includes health care administrators, faculty, staff, and non-employed health care providers.

## **AIDS POLICY**

2. Food service workers known to have AIDS, ARC or a positive HIV antibody test will not be restricted from work unless they show evidence of another infection, condition or illness for which there should be such a restriction. Any food service worker who has oozing lesions or weeping dermatitis - regardless of that person's status with respect to infection with AIDS virus - will not be allowed to prepare or serve food until the condition clears and the person has been approved for duty by a physician. Food service workers in general should take care to avoid injury to their hands when preparing food. If such injury should occur, food contaminated with blood will be discarded and the food service worker will not be allowed to prepare or serve food until the injury heals and the person has been approved for duty by a physician.
3. The University may take action affecting a health care worker's or food service worker's employment status on the basis of the worker having AIDS, ARC or a positive HIV antibody test only when it substantially interferes with his/her ability to do his/her job or when it poses a substantial risk of harm to the employee or others. Before taking any adverse action against any employee, the University will consider the possibility of reasonably accommodating the individual. Every attempt will be made to render a well-informed judgment grounded in a careful and open-minded weighing of alternatives.
4. Health care workers and health care students who have AIDS, ARC or a positive HIV antibody test, but who do not perform invasive procedures will not be restricted from work unless they have some other infection or illness for which any worker or student should be restricted. Health care workers and health care students who have AIDS, ARC or a positive HIV antibody test may not be assigned to jobs that involve the performance of invasive procedures on patients. The work assignment of a health care worker or health care student who has AIDS, ARC or a positive HIV antibody test will be considered on an individual basis and will include an assessment of the health and safety risks to patients and to the worker or student.
5. Any University health care worker or health care student may receive an appropriate confidential medical evaluation for AIDS virus exposure at the University's expense in the Employee Health Unit, Howard University Hospital, if there is reasonable cause to believe that the worker or student may have been exposed to the AIDS virus in the course of the individual's work or school related duties. With respect to known infected health care workers and students, the University will take affirmative action to disclose to these employees and students the potential health risks these employees and students face due to their depressed immune system and that these employees and students are at particular risk for contracting infectious diseases due to their work or school duties.
6. Patients with AIDS, ARC or a positive HIV antibody test are entitled to the same standard of care as any other patient. Employees, students, and others with patient care responsibilities will not be excused from carrying out their regularly assigned duties solely because the employee, etc. may be required to interact with a patient or employee who has been diagnosed as having AIDS, ARC or a positive HIV antibody test.

## **IV. REPORTING REQUIREMENTS**

1. The University will strictly observe public health reporting requirements for AIDS. Persons diagnosed at University health facilities who meet criteria for the revised surveillance definition of AIDS shall be reported to the District of Columbia Department of Public Health and such other agencies as may be required by the laws of the District of Columbia and of the United States.

**APPENDIX D**

**POLICY STATEMENT  
CONCERNING...CONTROLLED  
SUBSTANCES**

**POLICY STATEMENT CONCERNING...CONTROLLED SUBSTANCES**

**HOWARD UNIVERSITY  
POLICY STATEMENT CONCERNING THE USE OF, THE  
POSSESSION FOR SALE, TRANSFER, OR EXCHANGE OF,  
AND THE MANUFACTURE, TRANSFER, SALE, OR  
EXCHANGE OF, CONTROLLED SUBSTANCES**

*Approved by the Board of Trustees on September 23, 1989*

One among the most serious menacing phenomena facing urban communities in general and black communities in particular is that of the ever-spreading use of controlled substances or illegal drugs. Attending this phenomenon are not only the debilitating effects on the human system, but the many unsettling events which are inescapably its by-products. Howard University, as an urban institution and thus a part of the larger District of Columbia community, is not insulated against this problem and its accompanying or precipitating ills and recognizes that an effective response to this menace must be on a community-wide basis..

Proper consideration of this subject must take into account and be addressed to those not yet involved as users or purveyors, those who may be helped through medically related therapy and treatment programs, and those who are engaged in the illegal possession, manufacture, transfer and/or sale of such items.

For the past several years considerable effort has been directed toward acquainting the University community with this subject in its most salient aspects. With some exceptions, work in this area has been concerned primarily with the conduct of special educational programs. These efforts, with expansion and increased emphasis, will be continued. In addition, the University through the Counseling Service, the Student Health Center, the Employee Health Unit and the Institute on Drug Abuse and Addiction, will make a major effort to marshal appropriate resources, on an inter-disciplinary basis, to contribute to me resources, on an inter-disciplinary basis, to contribute to the campaign currently being waged against this destructive force. Thus, all of these University resources will be concerned with comprehensive drug prevention/treatment programs and services.

**NON-MEDICALLY PRESCRIBED USE OF DRUGS**

Howard University does not sanction the use of drugs which are not prescribed by authorized health professionals. It is strongly urged that persons who have not experimented with or made use of such substances should avoid their use at all costs. Science to date has made no showing or claim that such non-prescribed use is in any way medically beneficial. For individuals interested in this subject, educational materials are available at the Counseling Service, the Student Health Center, the Employee Health Unit and the Institute on Drug Abuse and Addiction, as well as selected locations throughout the District of Columbia. Individuals with drug-related problems should seek professional help, without delay, from these University resources, where such assistance is handled with the utmost confidentiality. Students with drug problems or concerns in this area are encouraged to seek help from or visit these agencies without fear of punitive consequences such as disciplinary police actions or expulsion from school.

## **POLICY STATEMENT CONCERNING...CONTROLLED SUBSTANCES**

### **POSSESSION OF CONTROLLED SUBSTANCES FOR SALE, EXCHANGE, OR TRANSFER, OR THE SALE, EXCHANGE, TRANSFER OR MANUFACTURE OF CONTROLLED SUBSTANCES.**

The subject of individual involvement in the handling of illegal drugs is viewed by the University in an entirely different light. Federal and local laws make it abundantly clear that possession of controlled substances for the purpose of sale, exchange, or transfer as well as the manufacture, sale transfer or exchange of controlled substances are prohibited, and individuals responsible for violations of such laws are to be treated with severity. The University, as part of that larger community, is similarly bound by law and of necessity must act in similar fashion with offenders of its own regulations operative in this area. Although the University recognizes the need to provide a variety of remedial services to persons who fall victim to drugs, in the hope that causes of such problems can be removed, it does not intend to offer a haven for persons who intentionally violate its own standards of conduct or Federal and local laws dealing with this subject.

Howard University views illegal conduct in this connection with complete seriousness and the urgency of the matter deserves the immediate attention of each individual. It should especially be noted in this regard that students engaged in illegal conduct of this type are subject to summary SUSPENSION, EXPULSION, and/or TERMINATION, aside from or in addition to penalties which may flow from court disposition of such matters. Persons not formally connected with the University but who nevertheless are involved in illegal drug activity on University premises will be subject to ARREST and PROSECUTION. Involvement with illegal drugs subjects a person to criminal penalties, including felony conviction and often times imprisonment.

The University feels that each individual should give serious consideration to the possible permanent harm a conviction may do later in life. It is possible that the affected person will face the loss of many employment and citizenship privileges, such as professional licensing (law, medicine, certified public accountant, and the like), the right to vote and employment by governmental agencies and in many instances, private industry.

For those who would require proof, it has been clearly demonstrated that neither slavery nor compulsory segregation succeeded in robbing our people of their potency. To now permit the drug menace to signal the demise of our people would be no contemporaries who have labored long and hard in the vineyard toward total liberation than would it be a proper legacy for future generations of our youth.



**APPENDIX E**

**POLICIES AND PROCEDURES  
FOR HANDLING ALLEGATIONS  
OF SCIENTIFIC MISCONDUCT**

**POLICIES...FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT**

**HOWARD UNIVERSITY  
POLICIES AND PROCEDURES FOR HANDLING  
ALLEGATIONS OF SCIENTIFIC MISCONDUCT**

*Approved by the Board of Trustees on November 16, 1990*

**PREAMBLE**

Howard University upholds the scientific method in the conduct of research and is unequivocally committed to the ethical conduct of research by its personnel and students. Individuals charged with supervision of research, as well as all individuals directly engaged in research, and collaborators of researchers outside their own laboratories bear obligations to pursue their studies in an ethical manner. All researchers bear responsibility for the quality of all data that they publish. A requirement of valid experimental observation is that the data and/or the conditions of obtaining the data can be verified, either by scrutiny of accurate records made at the time of experimentation or by repetition of the experiments.

Willful misconduct in the pursuit of basic, clinical or applied research at Howard University is intolerable behavior for faculty, staff and students. Misconduct is defined as any deviation from accepted ethical practices in proposing, implementing or reporting research. It includes, but is not limited to, fabrication, falsification, plagiarism, misrepresentation of research data, or violation of Federal, State or institutional rules regarding research subjects, drugs or devices. It is the direct responsibility of all University personnel to maintain the highest standards of ethics and professional integrity in the performance of and in the reporting of research activities. Infractions of this policy constitute grounds for disciplinary action such as removal from a particular project, letter of reprimand, monitoring of future work, probation, suspension, salary reduction, rank reduction, or termination of employment. Misconduct may also result in the suspension or dismissal of a student or trainee from the University.

**HOWARD UNIVERSITY POLICY AND PROCEDURES  
FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT**

It is recognized that accusations of scientific misconduct are among the most serious charges that can be lodged against a researcher. Any person contemplating such accusations should fully consider the gravity of the accusation and its consequences, and should make every reasonable effort to avoid lodging charges that are devoid of a substantial element of truth. Frivolous or false accusations may also constitute grounds for disciplinary action.

Howard University recognizes and proposes that free and open scientific discourse must continue at this institution. Accordingly, researchers are strongly encouraged to continue their scientific endeavors. This policy is developed in order to provide an orderly process for dealing with allegations of scientific misconduct and to comply with requirements of sponsoring organizations.

**DEFINITIONS**

- A. MISCONDUCT is defined as any deviation from accepted ethical practices in proposing, implementing or reporting research. It includes, but is not

## POLICIES...FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

limited to, fabrication, falsification, plagiarism, misrepresentation of research data, or violation of Federal, State or institutional rules regarding research subjects, drugs or devices. It does not include honest error or honest differences in interpretations or judgments of data.

- B. INQUIRY is defined as an informal information-gathering and initial fact-finding process to determine whether an allegation of misconduct warrants an investigation.
- C. INVESTIGATION is defined as a formal examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place. If misconduct is confirmed, the investigation should determine the seriousness of the offense and the extent of any adverse effects resulting from the misconduct.

## PREVENTING OR AVOIDING SCIENTIFIC MISCONDUCT

The University recognizes that efforts to prevent or avoid scientific misconduct may also effectively impede or impair scientific pursuits. However, there are measures that researchers and/or administrators can take to create a climate of openness in research and which in turn will tend to discourage scientific misconduct. These measures, examples of which are set forth below, should not be construed as mandatory, but are mere suggestions which in many instances are already regularly practiced by researchers.

1. **Maintain and store raw data** upon which research conclusions are based in a safe environment. The raw data are the best protection against claims of fabricated or falsified research. Researchers are encouraged to consider backup systems for raw data.
2. **Preview research proposals and manuscripts** with colleagues of equal or greater experience. This may serve to improve the technical/scientific quality of the proposal or manuscript, while also providing for corroboration of research ideas and timing.
3. **Present research findings** at departmental or other faculty meetings. This also provides for more open discourse among colleagues for the mutual protection of individual researchers leading to an enhanced climate of integrity and objectivity.
4. **Adhere to established standards of ethics** regarding authorship of publications. All authors named on a collaborative study accept full responsibility for the work published or at least for that portion of the research for which they were responsible. Researchers should be familiar with established guidelines and should also adhere to requirements set by individual publishers.
5. **Consider the Possibility of holding staff meetings** for the purposes described in paragraphs 2 and 3 above. Such a forum would be useful in enlisting the department's assistance in solving administrative and other problems involving research projects. Department heads might consider requesting a file copy of each research manuscript submitted for publication.
6. **Encourage the incorporation of formal coursework**, for example, seminars on bioethics, into the curriculum, making this subject an integral part of the research and educational experience.

## POLICIES...FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

### APPOINTMENTS

**A. Committee on Scientific Misconduct**

The President of the University will appoint a Committee on Scientific Misconduct consisting of seven members. The Committee shall comprise tenured faculty members and/or senior administrators with one at-large student/trainee or staff member. The President shall appoint one member as chairman.

**B. Misconduct Policy Officer**

The President of the University shall appoint an individual to serve as the Misconduct Policy Officer. This individual will be responsible for

- (a) working with any individual who wishes to pursue an allegation of scientific misconduct to develop a specific, formal, written complaint;
- (b) providing staff and other support assistance for inquiries and investigations;
- (c) maintaining records of all allegations and institutional responses; and
- (d) serving ex officio (without vote) on any inquiry or investigative groups considering allegations of misconduct. The President shall provide the Misconduct Policy Officer with sufficient resources to carry out the functions of the office.

### GUIDELINES FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

Whenever an accusation of scientific misconduct is brought to the attention of the University, the University will notify the funding agency at any stage of the inquiry or investigation that any of the following conditions exist:

- (1) There is an immediate health hazard involved;
- (2) There is an immediate need to protect Federal funds or equipment;
- (3) There is an immediate need to protect the interests of the person(s) making the allegations or the individual(s) who is the subject of the allegations as his/her co-investigators and associates, if any;
- (4) It is probable that the alleged incident is going to be reported publicly;
- (5) There is a reasonable indication of possible criminal violation, in which event, the University will notify the funding agency within 24 hours of obtaining the that information.

Whenever an accusation of scientific misconduct is brought to the attention of the University, the charges should be directed to the Misconduct Policy Officer. This officer shall work with individuals who have a specific scientific misconduct allegation against a current or former Howard University researcher. The Misconduct Policy Officer will assist the individual in the development of a signed formal complaint for referral to the Committee on Scientific Misconduct. The Misconduct Policy Officer will take steps to protect the privacy of individuals making reports in good faith.

## **POLICIES...FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT**

In the case of anonymous allegations, the Misconduct Policy officer will record the allegation and all preliminary information gathered in connection with the allegation. The Misconduct Policy Officer will consult with the Dean/Director of the unit involved in the anonymous allegation and will convene a group of no more than three individuals to determine whether the anonymous allegation should be referred to the Committee on Scientific Misconduct for inquiry.

The Misconduct Policy Officer will refer all allegations to the Committee on Scientific Misconduct within five (5) working days of receipt of the allegation. The Committee on Scientific Misconduct will determine whether there is sufficient information to warrant an initial inquiry.

### **INITIAL INQUIRY**

Once the Committee determines that an informal inquiry is warranted, the Chairman shall, within three (3) working days of the referral, appoint an Inquiry Board consisting of three members from the Committee on Scientific Misconduct to conduct the inquiry. No member of the Inquiry Board shall have a primary appointment in the department of the respondent or Complainant. The Misconduct Policy Officer is an ex officio (without vote) member of the Inquiry Board and is responsible for maintaining the records of the Inquiry Board's deliberations.

An Inquiry consists of information-gathering and initial fact-finding to determine whether an allegation of misconduct warrants an investigation. The Inquiry Board shall immediately notify the respondent along with the dean/director of the relevant college or unit that an allegation of scientific misconduct has been received. Private and separate sessions will be held to hear the accuser, if identified, the respondent, and others as determined necessary by the Inquiry Board.

All relevant evidence that is produced shall be reviewed and secured. All persons meeting with the Inquiry Board may be accompanied by a representative of their choice. Refusal on the part of the respondent to allow the Inquiry Board to review necessary documents shall be grounds for an investigation.

An Investigation will be triggered when the inquiry phase uncovers information which tends to support the allegation or which raises questions as to possible misconduct that can only be resolved by formal investigation. The Inquiry Board shall take no more than thirty (30) days from the date the Misconduct Policy officer was first notified of the allegation to conduct its inquiry and determine whether a formal investigation is warranted. If the inquiry exceeds the thirty (30) day period, the Inquiry Board shall document the reason(s) for the delay. The Inquiry Board shall make a formal report consisting of the allegation, the Inquiry Board's findings, and a recommendation on future actions. The report can recommend that either:

1. Information collected during the inquiry does not substantiate the allegation and a formal investigation is not warranted; or
2. The allegations have sufficient substance to warrant further investigation.

A copy of the report and recommendations shall be sent to the complainant, respondent, dean/director of the college or unit, and the President through the appropriate Vice President. The respondent may comment on the report which will be made a part of the

## POLICIES...FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

record. Records from the inquiry and any subsequent investigation will be maintained in a secure manner for a period of at least three years after the termination of the inquiry or investigation, and will be made available to authorized personnel of the funding agency upon request.

### FORMAL INVESTIGATION

If the President concurs with the Inquiry Board's report, appropriate action will be taken. If an investigation is warranted, the President should notify the funding agency, if any, that an investigation is underway to determine if scientific misconduct has occurred. The University shall keep the funding agency apprised of any developments during the course of the investigation, including the status of current funds designated for use by the respondent.

The President shall appoint an Investigating committee consisting of no more than five (5) persons including at least one (1) member of the Committee on Scientific Misconduct and one (1) individual who is not affiliated with the University. The Investigating Committee should contain individuals with sufficient expertise and dedication to conduct a thorough investigation. Precautions should be taken to avoid real or apparent conflicts of interests on the part of those involved in the inquiry or investigation. University Legal Counsel shall advise the Investigating Committee.

The respondent along with the complainant shall be notified immediately that a formal investigation will occur. The University, the respondent, and the complainant may each be represented by counsel during the investigation, if desired. The investigation must be timely and thorough and provide the respondent with an opportunity to respond fully to the allegations. Although interviews during the investigation shall be conducted in a non-adversarial manner, the interviews shall be fully recorded by tape recorder or court reporter unless the Investigating Committee is otherwise advised by legal counsel. Each participant shall have an opportunity to review the transcript from his/her interview. The record of the interviews will become a part of the investigatory file.

Private and separate sessions will be conducted to hear the respondent, the accuser and others as deemed necessary by the Investigating Committee. All relevant evidence that is produced shall be reviewed and secured. Necessary support (e.g. clerical, gathering information, witnesses, organizational, security, record keeping and confidentiality) will be arranged by the Misconduct Policy Officer, who shall serve as an ex officio member (without vote) of the Investigating Committee.

The formal investigation shall be completed within 120 days after the completion of the informal inquiry. This includes conducting the investigation, preparing the report of findings, making the report available for comment, and submitting the report to the funding agency. The Investigating Committee will provide a written report of its findings, conclusions and recommendation, together with all pertinent documentation and evidence to the President along with a copy to the Committee on Scientific Misconduct. The investigation may result in various outcomes, including:

1. A finding of misconduct;
2. A finding that no culpable conduct was committed, but serious scientific errors were discovered;
3. A finding that no fraud, misconduct or serious scientific error was committed.

## **POLICIES...FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT**

The Investigating Committee's report shall set forth the nature of any violation, the severity of the infraction, and the effect of the violation on the particular research project as well as any other research being conducted at this University. The final report must describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings and basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or corrective measures recommended to be taken. Specifically, the report shall recommend whether corrective measures for information erroneously published or submitted for publication, such as letters of retraction or withdrawal of manuscripts from the publisher are warranted. Each member of the Investigating Committee shall sign the report or submit a signed dissenting report.

If the Investigating Committee determines that it will not be able to complete the investigation within 120 days, it must submit to the President a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps.

If misconduct is confirmed, the President, upon the recommendation of the Committee on Scientific Misconduct and the appropriate vice President(s), shall impose appropriate sanctions against the respondent. THE POLICIES AND PROCEDURES SET FORTH IN THIS DOCUMENT SHALL SUPERSEDE SIMILAR POLICIES PROVIDED IN THE HOWARD UNIVERSITY FACULTY HANDBOOK, EMPLOYEE HANDBOOK (NON-FACULTY), AND THE STUDENT JUDICIARY CODE OF CONDUCT WITH REGARD TO ALLEGATIONS OF SCIENTIFIC MISCONDUCT AND/OR FRAUD. Upon the receipt of an unfavorable report and recommendation from the Committee on Scientific Misconduct, but prior to a final determination by the President of the University, the respondent may petition the Committee for reconsideration of those findings and conclusions. The respondent must petition the Committee in writing no later than ten (10) calendar days after receipt of the Committee's report. Upon the conclusion of this process, the Committee's report shall be forwarded to the President for consideration. The decision of the President shall be final.<sup>2</sup> The Committee's report and President's decision will be filed with the funding agency detailing the University's response to the allegation of scientific misconduct.

If misconduct is not substantiated, the committee's report shall so state and the University shall make diligent efforts to restore the reputation of the respondent. No disciplinary measures should be taken against the complainant and every effort should be made to prevent retaliatory action against the complainant if the allegations, however incorrect, are found to have been made in good faith. If the allegations are found to have been maliciously motivated, disciplinary actions may be taken against those responsible.

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<sup>2</sup> Tenured faculty members, however, retain the right to petition the Board of Trustees as provided in the Faculty Handbook

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