

**FACULTY HANDBOOK**  
**2019-2020**  
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## **2. UNIVERSITY GOVERNANCE**

### **2.1**

#### **THE CHARTER OF WESLEYAN UNIVERSITY**

[In the form as revised and amended up to and including 2019]

The original charter of Wesleyan University was passed in May, 1831, by the General Assembly of Connecticut (private Laws of Connecticut, Vol. I, p. 470). The name in the charter of 1831 was “The Wesleyan University” and the incorporators were Laban Clark, Thomas Burch, Heman Bangs, Isaac Kellogg, Aaron Sanford, Jr., James L. Phelps, John L. Smith, Willbur Fisk, Joseph A. Merrill, Abel Bliss, Abraham Avery, John W. Hardy, Isaiah Fisk, William R. Shafter, George W. Stanley, Elijah Hubbard, Henry L. DeKoven, Jonathan Barnes, W. L. Storrs, Samuel D. Hubbard, and Isaac Webb. The charter was first amended in 1870, Special Laws of Connecticut Vol. VI, p. 795 (when the corporate name was changed to “Wesleyan University”); and later in 1878, Special Laws of Connecticut, Vol. VIII, p. 140; and in 1879, Special Laws of Connecticut, Vol. VIII, p. 227; and in 1893, Special Laws of Connecticut, Vol. XI, p. 593; and in 1905, Special Laws of Connecticut, Vol. XIV, p. 868.

The charter was revised and amended in its entirety in 1907, Special Laws of Connecticut, Vol. XV, p. 292, and has been amended nine times since 1907, namely in 1923, Special Laws of Connecticut, Vol. XIX, p. 332; in 1927, Special Laws of Connecticut, Vol. XX, p. 9; in 1931, Special Acts, 1931, Special Act 310, p. 1013; in 1937, Special Acts, 1937, Special Act 223, p. 676; in 1943, Special Act 52, p. 37; and in 1959, Special Acts, 1959, Special Act 202, p. 190; in 1969, by action of the Board of Trustees, October 11, 1969; in January 1976, by action of the Board of Trustees on January 25, 1975; in September 1991, by action of the Board of Trustees on September 28, 1991; in May 2002, by action of the Board of Trustees on May 24, 2002, in May 2003, by action of the Board of Trustees on May 23, 2003, in May 2010 by action of the Board of Trustees on May 20, 2010, and in March 2019 by action of the Board of Trustees on March 1, 2019.

The 1907 charter as thus amended, up to and including the amendments of 2019, follows:

#### **CHARTER OF 1907**

**Special Laws of Connecticut, Vol. XV, p. 292**

#### **AN ACT REVISING AND AMENDING THE CHARTER OF WESLEYAN UNIVERSITY**

(Revised to include all subsequent amendments.)

**Section 1.** The corporation heretofore constituted and organized as The Wesleyan University, and located in Middletown, shall be and remain a body corporate and politic to be known as Wesleyan University, with all the powers, rights, and privileges conferred upon The Wesleyan University by an act

## 2.1 The Charter of Wesleyan University

passed by the general assembly, May, 1831, and by all subsequent amendatory acts and resolutions; and all property of every name and kind whatsoever now held and possessed by or accruing to said corporation is hereby continued and confirmed in and to the corporation hereby constituted, to be held by it for the purposes set forth in the gift thereof, if any, and for the further uses and purposes hereinafter set forth.

**Section 2.** The corporation shall not have or issue shares of stock or make distributions. Said corporation shall consist of the Board of Trustees of Wesleyan University now in office and their successors. It shall be constituted for the sole and exclusive purpose of establishing, maintaining, and conducting a university or collegiate institution in the city of Middletown, of as high an order and having as many departments as the said corporation shall deem fit and proper; and in its corporate name and capacity it shall be capable in law to purchase, have, hold, receive, and enjoy, free from taxation except as provided in section 2317 of the general statutes, estate, real, personal, and mixed, of every kind and nature whatsoever, to such an amount as may be necessary for the purposes of said corporation, and the same to sell, grant, convey, alien, demise, manage, and dispose of at pleasure; to sue and be sued, plead and be impleaded, defend and be defended in any and all courts; to make, have, and use a common seal, and the same to alter, break, and renew at pleasure; to elect the president, faculty, and other instructors of the said university or collegiate institution; to ordain, establish, and execute such by-laws, ordinances, rules, and regulations as may be considered necessary, expedient, or convenient for the wise ordering and conducting of the affairs and government of said corporation, and for the proper regulation, government, discipline, and instruction of the students connected with said institution, not contrary to the laws of the United States or of this state; and generally to do and execute all and singular the acts, matters, and things, and to transact all business which to it shall appertain tending to promote the usefulness and prosperity of said institution and in the exercise of the powers herein conferred, subject to the limitations and conditions hereinafter set forth; provided, that no denominational test shall be imposed in the choice of trustees, officers, or teachers, or in the admission of students. Said corporation may, either in its corporate capacity or by one or more of its trustees, act as administrator or executor of any estate in which it may be interested as legatee, beneficiary, or creditor.

**Section 3.** (a) The corporation shall not have any members. All corporate powers shall be exercised by or under the authority of, and the activities, property and affairs of the corporation shall be managed by or under the direction of its Board of Trustees. The Board of Trustees shall be composed of two groups of trustees called the “ex-officio trustee” and the “elected trustees.” The corporation shall have up to one (1) ex-officio trustee who shall be the Chair of the board if not serving as an elected trustee. The ex-officio trustees shall be counted for purposes of determining the presence of a quorum of the Board of Trustees and shall have the right to vote on matters that come before the Board of Trustees. The number of elected trustees shall be fixed from time to time by the Board of Trustees at any annual meeting, but shall not exceed thirty-six (36), of whom the president of the university shall be one during his/her term in office, and a

## 2.1 The Charter of Wesleyan University

majority shall be alumni of the university. Trustees shall be elected by the Board of Trustees, provided, however, that the alumni and members of the senior class of the university shall have the right to elect such number of trustees as the board shall prescribe not exceeding, however, nine trustees. If not serving as an elected trustee, the Chair of the board shall serve ex officio as a trustee (and, accordingly, the total number of trustees shall not exceed thirty-seven) and in that capacity shall have full voting powers and shall be counted for purposes of a quorum. (b) Trustees and their successors shall be elected for such terms and in such classes as shall be prescribed by the Board of Trustees. All elections of trustees shall be by ballot of the electors. Trustees elected by the Board of Trustees shall be elected by a vote of a majority of the members thereof and, except to fill vacancies, at the annual meeting of the board or an adjournment thereof. Trustees elected by the alumni and members of the senior class shall be elected in such manner as the board shall prescribe. (c) The Board of Trustees may fix a retirement age for trustees, after the attainment of which the term of office of any such trustee shall end at such time as provided by the by-laws. (d) Any vacancy in the office of any elected trustee shall be filled for the unexpired portion of the term by the Board of Trustees or in such manner as the board shall prescribe. (e) Trustees elected by the alumni and members of the senior class, other than any elected to fill vacancies, shall not be eligible for re-election by the alumni and seniors; but all elected trustees shall be eligible for election and reelection by the board, subject, however, to any retirement age then in effect. (f) Trustees emeriti may be elected by the Board of Trustees in accordance with such provisions as may be prescribed in the by-laws. (g) If any elected trustee shall absent himself/herself from two successive meetings of said board without rendering an excuse satisfactory to it, said board may declare the office of such absent trustee to be vacant and may elect or cause to be elected a new trustee to fill such vacancy. (h) The annual meeting of the Board of Trustees shall be held in Middletown, Connecticut, at such time within ten days immediately preceding the annual Commencement, on such date as may be fixed pursuant to the by-laws as may be determined by the chair of the board. Other meetings, and any adjourned annual meeting, may be held in such other location as may be determined by the chair of the board, and all proceedings shall be as valid as though such meetings were held in Middletown. Notice of the time and place of all meetings shall be delivered to each trustee as provided for in the by-laws. At all meetings of the board a majority of the trustees then in office shall constitute a quorum for the transaction of business and at said meetings the concurring vote of at least a majority of the trustees then in office shall be necessary for the transaction of business, except that the concurring vote of at least two-thirds of said trustees then in office shall be requisite for the election of the president of the university. The Board of Trustees, by a two-thirds vote of the entire board, shall have power to remove any of its members who may be deemed to be incompetent, unfaithful or immoral, or otherwise unfit, due notice having been given to such member and also to each member of the Board of Trustees of such proposed action.

**Section 4.** (a) There shall be a finance committee and such other committees as the Board of Trustees may appoint which committees shall consist of such trustees and may include such trustees emeriti and other persons, for such terms of office and with such powers and duties as the board may determine. (b) The treasurer of the corporation shall, under the direction of the finance committee, submit to the Board of Trustees, at least one month before each annual meeting, a budget containing detailed estimates for salaries, income and expenditures of the University for the ensuing year. Such budget

## 2.1 The Charter of Wesleyan University

shall be acted upon by the board at the annual meeting. The board may decrease the budget but shall not, without the consent of the finance committee, increase the amount of the budget or change any allocation within the budget.

**Section 5.** The president, for the time being, of said university shall have power to confer degrees in course and honorary, and grant diplomas, in such form and to such persons as may be approved by the Board of Trustees, under such conditions as may be fixed by the by-laws, which diplomas shall entitle the possessors thereof, respectively, to all the immunities and privileges which, either by statute or usage, are allowed to possessors of similar diplomas from any other university, college, or seminary of learning.

**Section 6.** Neither the permanent funds of said corporation, nor any donations to said corporation the income of which may be used for the current expenses of said university, shall be pledged, hypothecated, or in any other manner disposed of by the trustees for the purpose of paying the current expenses of said university or for borrowing money to pay the same.

**Section 7.** The institution itself and its officers, faculty, and students shall enjoy the same privileges and exemptions as have already been granted to the Yale College, its officers and students; provided, however, that the private property of the officers and faculty of the institution shall not be exempt from taxation.

**Section 8.** The personal liability of a trustee of the corporation to the corporation for monetary damages for breach of duty as a trustee of the corporation shall be limited to the fullest extent permitted by the Connecticut Revised Nonstock Corporation Act or any other applicable laws presently or hereafter in effect. Without limiting the effect of the preceding sentence, no trustee of the corporation shall be personally liable to the corporation for monetary damages for breach of duty as a trustee of the corporation in an amount greater than the compensation received by the trustee for serving the Corporation during the year of the violation if such breach did not (i) involve a knowing and culpable violation of law by the trustee; (ii) enable the trustee, or an associate, as defined in Section 33-840 of the Connecticut General Statutes, to receive an improper personal economic gain; (iii) show a lack of good faith and a conscious disregard for the duty of the trustee to the corporation under circumstances in which the trustee was aware that his or her conduct or omission created an unjustifiable risk of serious injury to the corporation; or (iv) constitute a sustained and unexcused pattern of inattention that amounted to an abdication of the director's duty to the Corporation. No amendment to, or modification or repeal of, this Section 8 shall adversely affect any right or protection of a trustee of the corporation existing hereunder with respect to any act or omission occurring prior to such amendment, modification or repeal. Nothing contained in this Section 8 shall be construed to deny to the trustee of the corporation the benefit of Section 52-557m of the Connecticut General Statutes as in effect at the time of the violation.

**Section 9.** This act is hereby declared to be a public act, and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift grant,

## 2.1 The Charter of Wesleyan University

conveyance, or devise to or for the benefit of the corporation be defeated or prejudiced by any misnomer, misdescription, or informality whatever, provided the intention of the parties may be shown or ascertained beyond a reasonable doubt.

**Section 10.** This act shall take effect when it shall have been accepted by the Board of Trustees in legal meeting assembled, and a certificate of such acceptance shall have been filed with the Secretary of the State. It shall not by reason of such acceptance or for any other reason, be subject to repeal, alteration, or amendment without the consent of the corporation hereby constituted.

**Section 11.** All acts and parts of acts inconsistent herewith are hereby repealed.

**Section 12.** This act shall take effect from its passage. Approved, June 22, 1907.

Accepted by the Board of Trustees at their annual meeting held June 24, 1907.

Certificate filed with the Secretary of the State, October 10, 1907.

Note: The five amendments of 1923, 1927, 1931, 1937 and 1943 were all accepted by the trustees at their annual meeting held May 29, 1943, and certificates of acceptance were filed with the Secretary of the State in June, 1943. The filing of certificates of acceptance for the 1923, 1927, 1931 and 1937 amendments was authorized by Special Acts, 1943, Special Acts 32, p. 22.

The amendment of 1959 was accepted by the trustees at their annual meeting held on June 5, 1959 and the certificate of acceptance was filed with the Secretary of the State on June 15, 1959.

The amendment of 1969 was accepted by the trustees at their meeting held on October 11, 1969 and the certificate of acceptance was filed with the Secretary of the State on November 13, 1969.

The amendment of 1975 was accepted by the trustees at their meeting held on January 25, 1975 and the certificate of acceptance was filed with the Secretary of the State on March 21, 1975.

The amendment of 1991 was accepted by the trustees at their meeting held on September 28, 1991 and the certificate of acceptance was filed with the Secretary of the State on September 30, 1991.

The amendment of 2002 was accepted by the trustees at their meeting held on May 24, 2002 and the certificate of acceptance was filed with the Secretary of State on July 3, 2002.



## 2.1 The Charter of Wesleyan University

The amendment of 2003 was accepted by the trustees at their meeting held on May 23, 2003 and the certificate of acceptance was filed with the Secretary of State on August 12, 2003.

The amendment of 2010 was accepted by the trustees at their meeting held on May 20, 2010 and the certificate of acceptance was filed with the Secretary of State on May 27, 2010.

The amendment of 2019 was accepted by the trustees at their meeting held on March 1, 2019 and the certificate of acceptance was filed with the Secretary of State on March 8, 2019.

**2.2**

**THE BY-LAWS OF WESLEYAN UNIVERSITY**

[As amended October 11, 1969; April 11, 1970; October 19, 1974; February 5, 1983; September 28, 1991; May 24, 1996; March 2, 2002; May 24, 2002, May 23, 2003, May 26, 2006, and May 20, 2010; March 28, 2011; May 19, 2011; and March 1, 2019.]

**Chapter I. Trustees**

**Sec. 1. Election**

(1) There shall be not less than twenty-nine nor more than thirty-six elected members of the Board of Trustees of whom the president of the University shall be one during his/her term in office. If not serving as an elected trustee, the chair of the board shall serve ex officio as a trustee (and, accordingly, the total number of trustees shall not exceed thirty-seven), and in that capacity shall have full voting powers and shall be counted for purposes of a quorum.

(2) Trustees shall normally be elected at the board's annual meeting by a majority vote of the current members of the board then in office. Trustees shall be elected for terms of six years and such terms shall expire on June 30 of a year. Any vacancy on the Board of Trustees caused by death, resignation, retirement, removal or any other cause may be filled by a majority vote of the current members of the board then in office at any meeting of the Board of Trustees.

(3) The alumni and members of the senior class, under rules established by the Alumni Council, shall elect annually three successor trustees to those previously elected by the alumni and members of the senior class whose terms shall expire the following June 30, for terms of three years and until their respective successors are duly elected and take office. At least one of such trustees shall be a member of a class of twenty or fewer years past graduation at the time of the election and at least one of such trustees shall be a member of a class twenty-one or more years past graduation at the time of election.

(4) In the event of any vacancy in the office of alumni-elected trustee, the alumni and members of the senior class shall elect a successor for the unexpired term. Trustees elected by the alumni and seniors, other than those elected to fill vacancies, shall not be eligible for reelection by the alumni.

(5) At each annual meeting of the board, the trustees may elect one or more trustees emeriti for those who have served as members of the board, and may designate terms as they see fit. Any trustee emeritus may be appointed by the chair of the board to serve on any special committee.

(6) In these by-laws, the term "trustee," except when modified by the term "emeritus" or "emeriti," means a member of the Board of Trustees.

## 2.2 The By-Laws of Wesleyan University

### **Sec. 2. Powers and Duties**

The powers and duties of the board shall be as set forth in the charter and shall include the following:

- (1) The board shall ordain and enact by-laws, ordinances, and regulations.
- (2) The board shall elect the president of the University.
- (3) The board may remove from office any member of the faculty and any other officer or employee of the University, all in accordance with the provisions of these by-laws.
- (4) In case of death, resignation, removal, extended absence, or inability to act of the president, the board may elect an acting president to hold office for such period of time as the board may direct.
- (5) The board, directly or through its duly authorized committees or agents, shall set and review the salaries and terms of employment of the president, members of the faculty, and of all other officers elected or appointed by the board, cabinet members, and other direct reports to the president of the University as determined from time to time; shall authorize and direct the allocation of all receipts of whatever nature and from whatever source; shall have power to determine and revise the courses of study after consultation with the faculty; shall direct and act in all other matters that relate to the proper government, discipline, and instruction of the students; shall manage all the affairs of the University, and execute all the powers and privileges conferred by the charter.

### **Sec. 3. Meetings and Voting**

- (1) The annual meetings of the Board of Trustees shall be held in Middletown, Connecticut, at such time within ten days preceding the annual Commencement as may be determined by the chair of the board.
- (2) Other meetings of the board may be called by the chair of the board, and shall be called by him/her whenever eleven members of the board shall present a written request stating the purpose of the proposed meeting.
- (3) A notice of the meeting shall be sent by mail, or by overnight mail service, or by hand, or by facsimile, or by electronic mail or by other electronic means to each trustee at least 48 hours before the date of each meeting of the board and shall state the time and place of said meeting. The notice of any meeting pursuant to the written request of eleven or more members of the board shall specify the object or objects for which the meeting is called, and the board shall be restricted at such meeting to the transaction of the business specified in the notice.
- (4) A majority of the members of the board then in office shall constitute a

## 2.2 The By-Laws of Wesleyan University

quorum for the transaction of business at any meeting of the board, but a lesser number may adjourn from time to time until a quorum is obtained.

(5) The act of a majority of the trustees present at a meeting at which a quorum is present at the time of the act shall be the act of the board, except as may otherwise be required by law or by the Certificate of Incorporation or the by-laws. Each trustee must act personally; there shall be no voting by proxy, power of attorney or other delegation method.

(6) Any action required or permitted by the Connecticut Revised Nonstock Corporation Act (the "Nonstock Act") to be taken at a board meeting may be taken without a meeting if the action is taken by all trustees. The action shall be evidenced by one (1) or more written consents describing the action taken, signed by each trustee and included in the minutes or filed with the corporate records reflecting the action taken. Action taken under this section is effective when the last trustee signs the consent, unless the consent specifies a different effective date. A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(7) The board may permit any or all trustees to participate in a regular or special meeting of the board by, or conduct the meeting through the use of, any means of communication, by which all trustees participating may simultaneously hear each other during the meetings. A trustee participating in a meeting by this means is deemed to be present in person at this meeting.

(8) Trustees emeriti may attend meetings of the board and its committees by invitation of the chair of the board and may speak on any matter pertaining to the business of the board but shall not vote.

(9) No officer or employee of the University, except the president or acting president, shall be eligible to serve as a trustee. Such officers of the University as the chair of the board may designate shall attend meetings of the board but shall not vote.

(10) The chair of the Alumni Association or his/her delegate may attend meetings of the board and its committees by invitation of the chair of the board and may speak on any matter pertaining to the business of the board but shall not vote.

### **Sec. 4. Rules and Order of Business**

(1) The rules of parliamentary procedure, as generally understood, shall govern the board in all cases to which they are applicable, and in which they are not inconsistent with special rules and orders of the board.

(2) The order of business for the board's meetings may include reports from the president or his/her designee[s], and other officers of the University and from committees of the board, the election or appointment of trustees, trustees emeriti, board officers, committee and subcommittee chairs and committee and

## 2.2 The By-Laws of Wesleyan University

subcommittee members, and other business within the power and duties of the board. A majority of the members of the board present at any meeting may determine the order of business at that meeting.

### **Sec. 5. Policy Governing Potential Conflicts of Interest**

(1) The trustees of Wesleyan University assume that each and every trustee shall at all times act in a manner consistent with his/her responsibility for the well-being and reputation of the University, and will exercise particular care to avoid conflicts between his/her interests and those of the University.

(2) Whenever a trustee perceives a potential conflict of interest on any matter involving the University, he/she shall promptly disclose the potential conflict of interest to the rest of the Board of Trustees.

(3) Any such trustee having a duality of interest or possible conflict of interest on any matter shall not vote or use his/her personal influence on the matter, and he/she shall not be counted in determining the quorum for the meeting, even where permitted by law.

(4) The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting, and the quorum situation.

(5) Although the trustee shall not vote nor shall he/she use his/her personal influence on the matter, said trustee shall not be prevented from briefly stating his/her position on the matter, nor from answering pertinent questions of other trustees, since his/her knowledge may be of assistance to the other board members.

## **Chapter II. Officers**

### **Sec. 1. Officers of the Board**

(1) Officers of the board shall consist of a chair, one or more vice chairs, and a board secretary, all of whom shall be elected from the trustees at an annual meeting and shall hold office for concurrent two-year terms commencing July 1 and until their successors have been elected and take office. The Board Governance Committee shall designate the order of seniority of the vice chairs if more than one vice chair is elected.

A trustee shall be eligible to be elected as chair of the board for a two-year term commencing July 1, and until his/her successor has been elected and takes office notwithstanding that such trustee's term as chair would extend beyond the expiration of such trustee's term as an elected trustee. Any such trustee so elected as chair shall be eligible to be elected as chair of the board for one or more additional consecutive two-year terms commencing July 1 and until his/her successor has been elected and takes office. In each such event, during any period in which such trustee is not also serving as an elected trustee, the chair of the board shall serve ex officio as a trustee, and in that

## 2.2 The By-Laws of Wesleyan University

capacity shall have full voting powers and shall be counted for purposes of a quorum.

(2) The treasurer of the University, by virtue of his/her office, shall serve as the treasurer of the board. The board may also authorize the election of other officers of the board and define their powers and duties.

(3) The trustees may at any time fill any vacancy occurring in any such office for the unexpired term. If the chair of the board is absent from any meeting of the board, or is at any time unable to act, the senior vice chair present shall exercise in the place and stead of the chair all powers, duties, and privileges that under these by-laws vest in the office.

### **Sec. 2. Officers of the University**

The president and other officers of the University shall hold office in accordance with the provisions of these by-laws and their duties shall be, in general, such as ordinarily pertain to their respective offices and as specifically designated by the board through these by-laws or otherwise.

In addition to the specific powers set for in these by-laws, the president, the treasurer and/or others recommended by the president shall have the authority, pursuant to policy adopted by the board or other appropriate committee thereof, to make and execute any and all agreements and/or commitments of any kind whatsoever, subject to the limits contained in such policy.

### **Sec. 3. The President**

(1) The board shall elect the president upon the affirmative vote of not less than two-thirds of the trustees then in office.

(2) The president shall be the chief executive officer of the University, and shall have such powers, authority, responsibilities, duties, and privileges as customarily appertain to this office and as are granted or assigned by these by-laws and by the board from time to time.

(3) The duties and authority of the president may be delegated in part by him/her to other officers of the University, but the president shall be responsible for all decisions related to or in furtherance of the responsibilities assigned to him/her.

### **Sec. 4. The Treasurer**

(1) The board shall, upon recommendation of the president, appoint the treasurer of the University who shall hold and keep all funds belonging to the University and shall disburse the income from all sources as authorized by the board or by committees of the board empowered by the board to spend money.

(2) He/She or another recommended by the president shall have authority, with

## 2.2 The By-Laws of Wesleyan University

the approval of the appropriate committee of the board, and under the conditions prescribed by the board, to execute and deliver notarized certificates for investments, documents related to real estate transactions and other contracts including, without limitation, deeds, agreements of purchase and sale and leases, and to execute and deliver releases, satisfactions, and assignments of mortgages held by the University.

(3) He/She shall have authority to execute for the University instruments to effect the transfer of any securities from the University to the name of a nominee or purchaser as authorized by the Portfolio Subcommittee of the Finance Committee.

(4) Following review by the president and by the Finance Committee, he/she shall submit to the Board of Trustees at the annual meeting a budget containing detailed estimates of income and expenditures of the University for the next fiscal year beginning on July 1 next.

(5) He/She shall perform such additional duties as may be delegated to him/her.

### **Sec. 5: The Secretary**

(1) The board shall, upon recommendation of the president, appoint the secretary of the University.

(2) He/She or another recommended by the president shall have authority, with the approval of the appropriate committee of the board, and under the conditions prescribed by the board, to execute notarized certificates for investments, documents relating to real estate transactions and other contracts on behalf of the University.

(3) He/She shall perform such additional duties as may be delegated to him/her.

### **Sec. 6: Terms of Employment**

The chair of the board, the chair of the Finance Committee and the president (except with respect to his/her own salary and terms of employment) shall set and review the salaries and terms of employment of all officers of the University, cabinet members, and other direct reports to the president of the University as determined from time to time.

### **Sec. 7. Custodian of Securities and Cash**

One or more banks, trust companies, financial institutions or other depositories may be appointed by the Board or the Investment Committee as a custodian and shall have custody of the securities and cash held as part of the University's endowment.

### **Sec. 8. Removal of Officers or Employees**

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(1) The board may remove from office any officer or employee of the University if, after due notice, investigation, and opportunity for a hearing, it shall appear that there is cause sufficient to justify such removal.

(2) The president may be removed by the concurring vote of not less than two-thirds of the trustees then in office, but no such action shall be taken unless notice thereof is set forth in the call of the meeting.

(3) Except where specifically provided for elsewhere in the by-laws or the charter of the University, nothing in this Section 8 shall be interpreted to limit the legal authority of the president and officers of the University to remove employees from the employment of the University.

### **Chapter III. Board**

#### **Committees Sec. 1.**

##### **Standing Committees**

(1) The board shall establish the following standing committees:

Audit Committee  
Board Governance Committee  
Campus Affairs Committee  
Finance Committee  
Investment Committee  
University Relations Committee

and such other committees as the board may determine from time to time with such duties as the board may designate. None of said committees shall take any action except pursuant to power delegated to that committee by the board or by these by-laws.

(2) Each standing committee other than the Audit Committee, the Board Governance Committee and the Investment Committee shall normally consist of:

(a) the chair of the applicable standing committee;

(b) those trustees appointed by the chair of the board in consultation with the president and the chair of the applicable standing committee;

(c) faculty members chosen by the faculty, and undergraduates chosen by the students, the total number of faculty and student representatives on all standing committees not to exceed six each, in accordance with procedures approved by the board; and

(d) such other non-trustee members as may be appointed from time to time by



## 2.2 The By-Laws of Wesleyan University

the chair of the board in consultation with the president and the chair of the applicable standing committee.

(3) The Audit Committee shall consist of the chair of the Audit Committee, the chair of the Finance Committee and three additional trustee members appointed by the chair of the board in consultation with the president and the chair of the Audit Committee. The Board Governance Committee shall consist of the chair of such committee and six additional trustees elected at an annual meeting by the board for one-year terms commencing on July 1 and until their successors are elected. The Investment Committee shall consist of the chair of the Investment Committee and not less than two additional trustee members and such other non-trustee members as in each case shall be appointed by the chair of the board in consultation with the president, the chair of the Investment committee, the Governance Committee and the chief investment officer; provided, however, that the Investment Committee's membership must always consist of greater than fifty percent trustee members. Non-trustee members appointed to the Investment Committee shall not be counted in determining the presence of a quorum. The chair of the Finance Committee shall serve on the Investment Committee in an ex officio capacity.

(4) The chair of the board and the president, or their delegates, shall be ex officio members of all standing committees except the Board Governance Committee. In addition, each vice chair of the board may be designated by the chair of the board as an ex officio member of one or more standing committees except the Board Governance Committee. Ex officio members shall not vote and shall not be counted in determining the presence of a quorum.

(5) At an annual meeting, the board shall elect a trustee to be chair of each standing committee for concurrent two-year terms commencing July 1 and until their successors have been elected and take office. The other members of each standing committee shall be appointed, elected or chosen annually as provided in clauses (2) and (3) above and shall hold office for one-year terms commencing July 1 and until their successors are appointed, elected or chosen. The members of each standing committee shall elect a trustee as vice chair of such committee and the trustee so designated shall act as chair in the absence of the designated chair.

(6) A majority of the trustees on any standing committee shall constitute the necessary quorum for the performance of committee business, except as otherwise provided in these by-laws.

(7) Every standing committee member shall be entitled to vote in committee except that only trustee members of the Campus Affairs Committee, a designee of the president and the vice chair of the Advisory Committee shall deliberate personnel issues. Only trustee members of the Campus Affairs Committee shall vote on such personnel issues.

(8) All members of standing committees shall be entitled to attend board meetings (other than executive sessions) and to speak on matters before the

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board.

### **Sec. 2. Special Committees**

The chair of the board shall constitute such special committees as may be necessary from time to time to advance the work of the board. Faculty, students, alumni and others with special competence may serve on such committees and shall be entitled to attend relevant board meetings (other than executive sessions) and to speak on related matters before the board.

### **Sec. 3. Campus Affairs Committee**

(1) The Campus Affairs Committee shall have responsibility for the board's activities relating to the educational program of the University, including but not limited to matters relating to the faculty and curriculum, and for student affairs.

(2) (a) Every appointment to the faculty not conferring tenure, and every promotion of a member of the faculty not newly conferring tenure, shall be made by the president or his/her designee[s] and shall be reported to the Campus Affairs Committee at its next meeting and subsequently to the board at its next meeting.

(b) Every appointment to the faculty conferring tenure, and every promotion of a member of the faculty newly conferring tenure, shall be submitted by the president or his/her designee[s] to the Campus Affairs Committee and shall thereafter be submitted, with the report of the Campus Affairs Committee thereon, to the board for its approval.

(c) The concurrence of the Academic Council shall not be required for any such appointment or promotion, but when reporting or submitting each such appointment or promotion to the Campus Affairs Committee, the president or his/her designee[s] shall at the same time submit to the Campus Affairs Committee the report of the Academic Council thereon, if any.

(3) The Campus Affairs Committee shall meet with and receive periodic reports from the president or his/her designee[s], academic departments, faculty and other individuals or groups affiliated with the University, as it deems useful and appropriate, concerning the current educational program, student life, and plans for the future of the University.

(4) The Campus Affairs Committee may meet without its faculty and student representatives as and when it considers advisable.

### **Sec. 4. Finance Committee**

(1) The Finance Committee shall be responsible for the board's activities relating to the University's capital and operating budgets and the establishment

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and monitoring of a long-range financial plan for the University.

(2) The Finance Committee shall receive from the treasurer between January 1 and May 1 each calendar year an integrated proposed budget setting forth the estimated income and expenditures for all of the University's operations, including capital projects, for the fiscal year commencing July 1 of that year. A final proposed budget shall be submitted to the Finance Committee and the trustees not less than five business days prior to the annual meeting. After review by the Finance Committee, the treasurer shall submit a final proposed budget to the board at the annual meeting.

(3) The Finance Committee shall be responsible for the board's activities relating to the planning, erection, maintenance, alterations, and demolition of all facilities, including buildings and physical property owned or controlled by the University and for the approval of real estate purchases and sales.

(4) The Finance Committee shall meet with and receive periodic reports from the president or his/her designees[s].

(5) The Finance Committee may meet without its faculty and student representatives as and when it considers advisable.

### **Sec. 5. Board Governance Committee**

(1) The Board Governance Committee shall be responsible for matters relating to the internal functioning of the board and board membership which matters shall include: board governance; proposal of slates of board officers and chairs, members of the Board Governance Committee, trustees and trustees emeriti for board action; and development and implementation of programs to develop candidates for the positions of trustee, board officer and committee chair and to maintain and improve the quality of performance of the individual trustees and the entire board.

(2) (a) The Board Governance Committee shall present to the board for board action (i) at each annual meeting, a slate of trustees, trustees emeriti and members of the Board Governance Committee and (ii) at alternate annual meetings, a slate of board officers and chairs of standing committees. The Board Governance Committee may also present to the board for board action a slate of one or more trustees at any regular meeting in order to fill any mid-term vacancies. A trustee in the last year of his/her elected term shall not be eligible for election to the Board Governance Committee.

(b) In the event of a vacancy in the chairship of any standing committee, the Board Governance Committee shall present nominations to the board to fill such vacancy for the unexpired term of such chairship. In the event of a vacancy on the Board of Trustees, the committee may present nominations to the board to fill the unexpired term.

(c) The Board Governance Committee shall solicit proposals from the trustees

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for its nominations and shall consult with the chair of the board and the president in considering its nominations. In the case of nominations for the chairs of standing committees, the chair of the board (or, if the then holder of the office of chair of the board is not the nominee for such office at the annual meeting at which such chairs are to be elected, the person who is such nominee) shall propose, after consultation with the president, a slate of such chairs to the Board Governance Committee for its approval and presentation to the board.

### **Sec. 6. University Relations Committee**

(1) The University Relations Committee shall have responsibility for the board's activities relating to the University's relationship and communications with its off-campus constituencies and publics, including its alumni and parents of current students and alumni, and prospective students and their families. The University Relations Committee also shall have responsibility for the board's activities relating to the University's development efforts including the University's annual and special fundraising efforts.

(2) The University Relations Committee may meet without its faculty and student representatives as and when it considers advisable.

(3) The University Relations Committee shall meet with and receive periodic reports from the president or his/her designee[s].

### **Sec. 7. Audit Committee**

(1) The Audit Committee shall be responsible for oversight of the University's internal control and auditing functions, and for advising the board on the University's risk profile, and on the adequacy and effectiveness of the University's risk management policies, accounting procedures, systems, and controls.

(2) The Audit Committee shall meet no less than once per year. Members of the Audit Committee shall be and remain "independent" as that term is defined by applicable Internal Revenue Service definition.

(3) The Audit Committee shall be responsible for reviewing the audited annual financial statements of the University, any management letters prepared by the independent auditors and the audit hours and fees. The Audit Committee shall meet with the University's independent auditors no less than once per year to discuss such financial statements and management letters.

(4) The Audit Committee shall evaluate the independent auditors of the University and, where appropriate, recommend the engagement or replacement of such auditors. The Audit Committee shall ensure that the independent auditors provide it with periodic written reports regarding the independence of such auditors. The Audit Committee is responsible for reviewing with the

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independent auditor any disclosed information that may impact the objectivity and independence of such auditors, and for recommending that the board take appropriate action in response to the auditors' report to satisfy itself of the auditors' independence.

### **Sec. 8. Investment Committee**

(1) The Investment Committee shall make recommendations to the Board for appropriate adjustments to the University's Investment Policy Statement.

(2) The Investment Committee shall develop and implement specific investment policies and strategies as needed, including those related to asset allocation so long as the same are consistent with the University's Investment Policy Statement.

(3) The Investment Committee shall hire and fire investment managers.

(4) The Investment Committee shall oversee the work of the University investment staff.

(5) The Investment Committee shall provide to the Board, at least annually, a detailed summary of the endowment's asset allocation and performance.

(6) The Investment Committee shall articulate the Committee's investment practices, parameters and strategies through an Investment Guideline Statement and provide such document to the Board on an annual basis.

## **Chapter IV. The Faculty**

### **Sec. 1.**

The faculty shall consist of the professors, associate professors, assistant professors, lecturers, instructors, and the president of the University, together with such others as may be constituted members thereof by vote of the board.

### **Sec. 2.**

The president, full professors, associate professors with tenure, three untenured faculty members elected by the faculty, and such other members of the faculty and officers of the University as may be elected thereto by vote of the board shall constitute the Academic Council.

### **Sec. 3.**

The faculty, with the concurrence of the president, shall have power to determine, subject to approval of the board, the courses of study; the arrangements of the recitations, lectures, and other exercises; the times and

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modes of examination; and the general method of instruction.

### **Sec. 4.**

No tenured member of the faculty may be removed from office unless after due notice, investigation, and opportunity for a hearing it shall appear that there is cause sufficient to justify such removal. Any such removal shall require the concurring vote of not less than two-thirds of the trustees then in office, but no such action shall be taken unless notice thereof is set forth in the call of the meeting.

## **Chapter V. Degrees**

### **Sec. 1.**

The president shall have power to confer degrees in course or award diplomas or certificates to such persons as shall be recommended by the faculty and approved by the board on the recommendation of the Campus Affairs Committee.

### **Sec. 2.**

A baccalaureate degree may be conferred on students recommended by the faculty as having completed the quota of studies required for the degree, and as having complied with all other prescribed conditions, in accordance with such regulations as may, from time to time, be adopted by the faculty with the approval of the board on the recommendation of the Campus Affairs Committee.

### **Sec. 3.**

A post-baccalaureate degree may be conferred on any student recommended by the faculty as having completed courses of study prescribed for that degree, and as having complied with all other prescribed conditions, in accordance with such regulations as may, from time to time, be adopted by the faculty with the approval of the board on the recommendation of the Campus Affairs Committee.

### **Sec. 4.**

The president shall have the power to confer honorary degrees on such persons as shall be approved by the board on the recommendation of the Campus Affairs Committee.

## **Chapter VI. Indemnification**

The University shall indemnify to the full extent authorized or permitted by the Connecticut Revised Nonstock Corporation Act any person who is or was a party, or is threatened to be made a party, to any threatened, pending or

## 2.2 The By-Laws of Wesleyan University

completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the name of the University), by reason of the fact that he or she is or was a trustee, officer, employee and/or authorized agent of the University provided that such person acted in good faith. This indemnification is not exclusive of any other rights to which such person may be entitled under any agreement, vote of the disinterested trustees or otherwise.

### **Chapter VII. Amendment of the By-Laws**

These by-laws may be amended at any meeting by the affirmative vote of not less than two-thirds of the trustees then in office, provided notice of such proposed amendment giving the language of the by-laws as it will be amended, shall have been given to each trustee at least ten days before action is taken.

### **Chapter VIII. Use of Electronic Communication**

Unless otherwise prohibited by the Nonstock Act or applicable law, any notice delivered under these by-laws may be transmitted via electronic mail or other electronic means.

### **Chapter IX. Non-Discrimination**

In connection with its employment and admission practices, the University shall be in conformity with all applicable federal and state statutes and regulations, and shall not discriminate on the basis of race, color, religion, national or ethnic origin, age, disability, veteran status, sex, marital status, sexual orientation, gender identity or gender expression.

### 3. STANDARDS OF CONDUCT

#### 3.1

#### RESPONSIBILITY OF THE UNIVERSITY TO ITS MEMBERS

It is the responsibility of every member of the University to respect the rights and privileges of all others in the University as enumerated below and in other specific policies of the University:

1. Subject to the rights of others as provided for herein, freedom of assembly, speech, belief, and the right of petition, including the right of petition to the appropriate University authority, in the event of an academic evaluation or classroom situation considered by the petitioner to be prejudiced or untenable.

2. Protection from harassment, discrimination and abuse:

a. Wesleyan University is fully committed to a policy of equal opportunity and non-discrimination. The University does not discriminate on the basis of race, color, religion, national or ethnic origin, age, disability, veteran status, sex, marital status, sexual orientation, gender identity, or gender expression.

b. Wesleyan prohibits harassment by a member or members of the University against any other individual or groups. While the University does not attempt to shield people from ideas that they may find unwelcome or disagreeable, there are some situations in which certain behavior or even speech may violate our community standards and warrant University intervention. Speech or conduct may be deemed harassing and actionable by the University when it violates the law or other University policy, where it constitutes a significant threat to health or safety or promotes violence, where it unjustifiably invades a significant privacy or confidentiality interest, or where it otherwise disrupts the functioning of the institution or an individual's ability to access the University's resources and opportunities.

c. Wesleyan prohibits sexual misconduct, including, but not limited to, sexual harassment, sexual assault, sexual exploitation, stalking and retaliation, is prohibited. (See **Standards of Conduct – Discrimination and Harassment**).

3. The right of privacy in University residence halls. The living quarters of members of the University are private, and without an invitation from the occupant may not be entered unless an emergency arises involving the health or safety of the occupant; or for the enforcement of health or safety regulations; or in the event of a suspected violation of a University regulation, upon receiving permission from the vice president for student affairs; or, if for any other reason, upon 24-hours notice to the occupant. Where two or more individuals occupy the same living quarters, permission to enter from one occupant does not permit the entering person to assume that he/she has



### 3.1 Responsibility of the University to its Members

entered the quarters of anyone except the person who extended the invitation. This provision does not restrict entrance by custodial personnel and personnel retained by the University to provide services at scheduled intervals.

4. The right to expect that communication between a student and a member of the University staff or faculty with whom the student has had a counseling relationship is confidential and without the consent of the student, may be disclosed by the counselor only when the health or safety of an individual is jeopardized or when compelled by legal process. In an instance involving the health or safety of an individual, disclosure will be made only to individuals in a position to assist the counselor or to alleviate the danger. In no case shall the content of such communication constitute a basis for disciplinary action or be introduced as evidence before the University judiciary.

5. The right to enter into physician-patient or similar relationships with medical and other professional personnel of the University with the understanding and assurance that confidence will be maintained in accordance with the ethical standards of the professions.

6. The right to confidentiality of disciplinary records, which may be released to other than appropriate University personnel only upon permission of the student.

7. The right to protected by standards of justice and fairness in any proceedings with the University.

Note: Fair and reasonable treatment should govern the access to and administration of all University facilities and programs.

To address complaints that have not been able to be resolved at or by the University, individuals may consider contacting:

**New England Association of Schools and Colleges**  
3 Burlington Woods Drive, Suite 100, Burlington, MA 01803  
(781) 425-7714

**Office of Higher Education**  
61 Woodland Street, Hartford, CT 06105  
(800) 842-0229  
ctohe.org

## 3.2 Statement on Academic Freedom

### 3.2

#### **STATEMENT ON ACADEMIC FREEDOM**

Wesleyan University and the Wesleyan community are committed to the principles of liberty and equality. The University recognizes that the members of this community must be able to express themselves freely and at the same time expect tolerance and respect from one another; both are essential to our mission. Indeed, meaningful exchanges cannot occur in the absence of respect and tolerance. Intellectual vigor is best sustained when the free exchange of ideas is carried on within an environment supportive of human dignity and self-esteem. With freedom should come the wisdom and the responsibility to think before one speaks.

For these reasons, the University condemns all forms of discriminatory interference with the exercise of the rights of an individual or of any group to which that individual belongs. Such abridgement of rights is particularly abhorrent when carried out by those who have power over the individual they are affecting—whether that power comes from an administrative, academic, or any other position on campus. On the other hand, the University does not believe the free expression of ideas can always take place without pain or discomfort either to those who speak, listen, read, or write. The intellectual process, by its very nature, can be distressing, but Wesleyan does not necessarily regard actions that are distressing as violations of its codes of conduct.

In accordance, then, with the ideals of academic freedom, every member of the Wesleyan community should feel that he or she can enter into controversy without fear of being silenced or constrained. This community's commitment to the free exchange of ideas and pursuit of knowledge requires a wide range of protections for speech and expression, even when noxious or offensive. Belonging to this community, however, carries with it the responsibility of extending respect and openness of mind to others.

### 3.3 Joint Statements on the Rights and Freedoms of Students

#### 3.3

#### **JOINT STATEMENT ON THE RIGHTS AND FREEDOMS OF STUDENTS**

##### **Introduction**

In recent years Wesleyan University has operated under two separate statements of student rights, which are concurrent and to some degree overlapping. These are the “Joint Statement on Rights and Freedoms of Students,” (see below) subscribed to by the faculty on June 5, 1969, and the portion of its former University Code headed “**Responsibilities of the University to its Members.**” Both statements remain in effect. In addition, the University has developed a separate policy statement on student records, as required by the Family Educational Rights and Privacy Act of 1974. That statement also appears below.

##### **Preamble**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures that provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

##### **I. Freedom of Access to Higher Education**

The admissions policies of each college and university are a matter of institutional choice, provided that each college and university makes clear the characteristics and expectations of students, which it considers relevant to success in the institution's program. While church-related institutions may give

### 3.3 Joint Statements on the Rights and Freedoms of Students

admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. The facilities and services of a college should be open to all of its enrolled students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

#### **II. In the Classrooms**

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

##### **A. Protection of Freedom of Expression**

Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

##### **B. Protection Against Improper Academic Evaluation**

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

##### **C. Protection Against Improper Disclosure**

Information about student views, beliefs, and political associations, which professors acquire in the course of their work as instructors, advisors, and counselors, should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

#### **III. Student Records**

Institutions should have a carefully considered policy as to the information that should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions or access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to

### 3.3 Joint Statements on the Rights and Freedoms of Students

unauthorized persons on campus or to any person off campus without the express consent of the student involved except under legal compulsion of the student involved or in cases where the safety of persons or property is involved. No records should be kept that reflect the political activities or beliefs of students. Provisions should also be made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members should respect confidential information about students that they acquire in the course of their work.

#### **IV. Student Affairs**

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

##### **A. Freedom of Association**

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. The membership policies and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.
2. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.
3. If campus advisors are required, each organization should be free to choose its own advisor, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor. Campus advisors may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.
4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They should not be required to submit a membership list as a condition of institutional recognition.
5. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed or national origin, except for religious qualifications, which may be required by organizations whose aims are primarily sectarian.

##### **B. Freedom of Inquiry and Expression**

1. Students and student organizations should be free to examine and discuss all

### 3.3 Joint Statements on the Rights and Freedoms of Students

questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to ensure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

#### **C. Student Participation in Institutional Government**

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

#### **D. Student Publications**

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible the student newspaper should be an independent corporation financially and legally separate from the university. Where financial and legal autonomy is not possible, the institution, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publication. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. Institutional authorities, in consultation with students and faculty, have a

### 3.3 Joint Statements on the Rights and Freedoms of Students

responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary.

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.
2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.
3. All University-published and University-financed publications should explicitly state on the editorial page that the opinions therein expressed are not necessarily those of the college, university, or student body.

## **V. Off-Campus Freedom of Students**

### **A. Exercise of Rights of Citizenship**

College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and the right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations that accrue to them by virtue of this membership. Faculty members and administrative officials should ensure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

### **B. Institutional Authority and Civil Penalties**

Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violated institutional regulations in the course of

### 3.3 Joint Statements on the Rights and Freedoms of Students

his/her off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

## **VI. Procedural Standards in Disciplinary Proceedings**

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions that may be applied. They should also take into account the presence or absence of an honor code, and the degree to which the institutional officials have direct acquaintance with student life in general and with the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that the student be informed of the nature of the charges against him/her, that he/she be given a fair opportunity to refute them, that the institution not be arbitrary in its actions and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no honor codes offering comparable guarantees.

### **A. Standards of Conduct Expected of Students**

The institution has an obligation to clarify those standards of behavior that it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but students should be as free as possible from imposed limitations that have no direct relevance to their education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.



### 3.3 Joint Statements on the Rights and Freedoms of Students

#### **B. Investigation of Student Control**

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority (Dean of the College, or designee) should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Database records of entry into Wesleyan buildings may not be reviewed or printed out, except under extreme emergency circumstances. In such emergency circumstances, authorization to access the database must be obtained from the dean of the college. In all cases where the database is reviewed or printed out, the Office of Public Safety must file an official document report. Immediately following the release of any database information, the Wesleyan Student Assembly will be notified of whom was given the information, why it was requested, and when it was released. During the periods when classes are not in session, the dean of the college holds full authority to approve database access.

3. Students detained or arrested in the course of serious violations of institutional regulations or infractions of ordinary laws should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

#### **C. Status of Student Pending Final Action**

Pending action on the charges, the status of a student should not be altered or his/her right to be present on the campus and to attend classes suspended, except for reasons relating to the student's physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, faculty, or university property.

#### **D. Hearing Committee Procedures**

When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him/her, he/she should be granted on request the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of procedural due process in situations requiring a high degree of formality.

1. The hearing committee should include faculty members or students, or, if

### 3.3 Joint Statements on the Rights and Freedoms of Students

regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgment during the proceedings.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity and in sufficient time to ensure opportunity to prepare for the hearing.

3. The student appearing before the committee hearing should have the right to be assisted in his/her defense by an advisor of his/her choice from within the Wesleyan community.

4. The burden of proof should rest upon the officials bringing the charges.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He/She should have an opportunity to hear and question adverse witnesses. In no case should the committee consider statements against him/her unless he/she has been advised of their content and of the names of those who made them, and unless he/she has been given an opportunity to rebut unfavorable inference that might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matters. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final, subject only to the student's right of appeal to the president.

## 3.4 Standards and Procedures for Regulating Conduct

### 3.4

#### STANDARDS AND PROCEDURES FOR REGULATING CONDUCT

The following statement by the President of Wesleyan University and the **Joint Statement on Rights and Freedoms of Students** outline the standards, structures, and procedures for holding members of Wesleyan University accountable in matters of community standards and conduct.

#### A STRUCTURE FOR ACCOUNTABILITY

##### I. THE RATIONALE

In order to understand what the University community can reasonably expect from the system for handling complaints filed under the **Honor Code**, the **Code of Non-Academic Conduct** or the **Statement on Rights and Freedoms of Students**, it is important to have in mind some underlying assumptions about the nature of the University itself.

A university is an elaborate and in some ways fragile institution that exists to provide a free and favorable environment for teaching and learning. The university community, therefore, has a need to be able to hold its members accountable for actions that damage the environment, infringe upon the rights of other individuals or otherwise hinder the community in achieving its purpose.

It is essential to a sense of fairness that this principle of accountability be applied to each of the diverse constituencies of the institution: students, faculty, administrators, and staff. Although the ideal of promoting maximum individual freedom implies that these codes or restrictions should be no more elaborate or extensive than absolutely necessary for the university to protect its fundamental interests, it follows that each member of the university not only has rights, but also certain responsibilities for which he/she may be held accountable.

The rights and responsibilities of individuals in one group differ from those in another because of the differing ways in which various constituencies relate to the institution. The duties of salaried workers, for example, are generally quite specifically defined, and the terms of their employment are conditioned in part by state and federal legislation. Employees' "rights" are essentially those set forth in Wesleyan employment policy, and these employees are accountable to the head of the department in which they work.

An administrator, on the other hand, generally has a broader and less specific set of responsibilities and a different set of rights. He/She is expected to meet whatever professional standards may apply and also to observe the policies of the institution. Administrators work without contracts and are accountable through their supervisors to the president.

### 3.4 Standards and Procedures for Regulating Conduct

Faculty members at Wesleyan compose still another category. They hold contracts—in fact, after achieving tenure, lifetime contracts—and are accountable to the university and their peers for upholding a special set of professional responsibilities. One characteristic of these responsibilities is that there is no clear distinction between responsibilities in the classroom and outside of it—teachers are accountable for their professional comportment in toto. If they become subject to disciplinary proceedings, they may request highly formalized hearing procedures. Even in the absence of formal dismissal proceedings, a serious question about the ethical conduct of a teacher may cast a shadow over his/her career.

The situation of students is different yet again. Students are at Wesleyan to learn from the faculty, from each other, and from the many experiences and sources of information available to them. Their primary responsibility—a debt owed mainly to themselves—is to learn to think critically and well. Their secondary responsibility is to put their intellectual faculties and their knowledge to good use. Students are held accountable to the first responsibility by the Honor Code. They are held accountable to the second under a Code of Non-Academic Conduct that is intended to curb those behaviors that pose substantial harm to the University and to members of the University community. A student disregarding his or her responsibilities under the Honor Code and the Code of Non-Academic Conduct may be found in violation of the regulations of the Codes and may be sanctioned. Sanctions for violating the Honor Code and the Code of Non-Academic Conduct range from community service to dismissal.

Many of the disputes on a university campus involve differences that can be resolved to the satisfaction of both parties through rational discussion and mediation. Formal proceedings resulting in the imposition of a sanction are, of course, necessary from time to time, but are surely not to be preferred when the complaint does not involve an explicit violation of a code or when the complaining party can be satisfied by mediation.

We have noted that the responsibilities that members of various groups owe to the institution differ, and that the consequences that they face if they disregard their responsibilities inevitably differ as well. Perfect symmetry is neither achievable nor necessarily desirable. But the general principles of accountability and of seeking reasoned, mediated settlement in preference to formal proceedings must apply to all, and the standards and procedures must be reasonably designed, given the special character of each constituency, and fairly implemented.

We turn now to the various components of the Wesleyan system for accountability.

***Student Accountability***—The trustees have lodged specific authority and responsibility in the president “in consultation with the faculty” for establishing and implementing policies governing student conduct. Accordingly, the president’s authority to change standards, structures, and

### 3.4 Standards and Procedures for Regulating Conduct

procedures, acting, when appropriate, in consultation with the **Educational Policy Committee** and the **Student Life Committee**, stems directly from the Board. Both Wesleyan tradition and contemporary theories of university governance support the contention that students should play a substantial, though not exclusive, role in the development of standards of academic and nonacademic conduct and in the enforcement of those standards. It appears that the interests of the whole university will best be served by the presence of faculty and administrative representatives in the adjudication process, with full voice but without vote. For this reason, the **Honor System** provides for an **Honor Board** consisting of four students, with the Vice President for Student Affairs the College as an ex officio member, and the **Code of Non Academic Conduct** establishes a Student Judicial Board with a voting membership of five students and a nonvoting advisory representation of faculty members and an administrator.

*Staff and Administrative Accountability*—Staff and administrators are accountable, through their supervisors, to the president. When a student, faculty member, or member of the staff believes that a staff member or administrator has acted in an arbitrary, unfair, or capricious way, he/she may lodge a complaint with the staff member or administrator's supervisor. When unable to resolve disagreements at this level, the complaint may be brought to the next reporting level and so on up until it reaches the president.

If the complaint against the staff or administrator is related to issues protected under Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendment of 1972 (Nondiscrimination on the basis of sex); the Family Education Rights and Privacy Act; Section 504 of the Rehabilitation Act of 1973 (Nondiscrimination on the basis of handicap); or the Americans with Disabilities Act of 1990, it should be brought to the university's Affirmative Action Officer.

**Faculty Accountability** - A member of the faculty or staff may bring a complaint against a faculty member to the Faculty Committee on Rights and Responsibilities (FCRR). Normally the committee deals only with the most serious breaches of ethics or infringements of academic freedom, but it has developed simplified procedures for the handling of less serious problems. Before bringing a complaint to the FCRR, the complainant should attempt to resolve the matter informally and directly with the person against whom the complaint would be made. A department chair or academic dean may prove helpful in bringing about an informal resolution.

An undergraduate student with a complaint against a member of the faculty should consult with the Vice President for Academic Affairs (VPAA) or the Vice President for Student Affairs (VPSA), who will attempt to settle the matter. If the attempt is unsuccessful, the VPAA or the VPSA will, at the request of the student, refer the matter to the FCRR. A graduate student should consult with the VPAA or the Director of Graduate Studies, and a student in the GLSP program should consult with the VPAA or the Director of the GLSP. This procedure is available to any student who believes that an action

### 3.4 Standards and Procedures for Regulating Conduct

by a member of the faculty violates a right protected under federal legislation, including the specific statutes listed in the preceding section.

For the specific procedures to be followed when a complaint against a faculty member involves a discriminatory form of harassment, see the policy on **Discrimination and Harassment**.

The foregoing introduction to the system of accountability is merely an overview, and a fuller understanding of the way each component will operate in relation to the others will require a close examination of the standards and procedures regarding the **Honor Board**, **Student Judicial Board**, the **Graduate Judicial Board**, the **Faculty Committee on Rights and Responsibilities**, and policies governing the use of the **Information Technology Services**.

This statement, revised in academic year 2004–05, is based on a statement developed during the academic year 1973–74 by the president in consultation with members of the academic community.

### 3.5 Guidelines for University Disciplinary Proceedings

#### 3.5

#### **GUIDELINES FOR UNIVERSITY DISCIPLINARY PROCEEDINGS**

- A. All committees shall extend fair process as subsequently defined in this section to all those who appear before them.
- B. An individual shall receive notice, in writing, of the specific charges brought against him/her. Such charges must be presented within a time adequate to allow for the preparation of his/her defense. At the time of receiving such notice the person shall also be informed of his/her rights and of the procedure of the board/committee before which he/she will appear.
- C. An individual shall have the right to a hearing scheduled without unnecessary delay.
- D. An individual has the right to designate counsel of his/her choice.  
(NOTE: Counsel shall be defined as an advisor from within the University in proceedings where a student is charged with a violation of the **Honor Code** or of the **Code of Non-Academic Conduct**.)
- E. An individual has the opportunity to appeal decisions made by any of these committees.

**3.6**

**UNIVERSITY POLICY STATEMENTS**

**Affirmative Action:**

<http://www.wesleyan.edu/inclusion/equity/equity2.html>

**Discriminatory Harassment and Sexual Misconduct:**

<http://www.wesleyan.edu/hr/handbook/discrimination.html>

**Equal Opportunity:**

<http://www.wesleyan.edu/inclusion/equity/equity2.html>

**Financial Conflict of Interest in Research:**

<https://www.wesleyan.edu/acaf/support/FCOI.html>

**Student Standards of Conduct, including the Honor Code and Plagiarism:**

<http://www.wesleyan.edu/studentaffairs/studenthandbook/StudentHandbook.pdf>

**Technology:**

In the rapidly changing area of information technology (IT) one requirement remains constant: all information technology use must fully respect the rights of the University and its community members.

Most use of IT parallels familiar activities in other media and formats and so existing University policies as represented in The Faculty Handbook already provide guidance. Using electronic media in the place of standard written correspondence, for example, does not fundamentally alter the nature of the communication, nor will it alter the guiding policies: University policies which already apply to freedom of expression, privacy, and related matters apply to electronic expression as well.

In addition to the policies outlined directly in the Faculty Handbook, faculty are bound to comply with the IT policies outlined here:

<https://www.wesleyan.edu/its/policies/index.html>

**Academic Regulations for Students:**

[www.wesleyan.edu/registrar/academic\\_regulations/](http://www.wesleyan.edu/registrar/academic_regulations/)

You may also phone the Registrar's Office for further information.



## 4. FACULTY GOVERNANCE

### 4.1

#### BY-LAWS OF THE FACULTY OF WESLEYAN UNIVERSITY

[As amended through May 7, 2019]

**Preamble.** Appointment to the Wesleyan faculty, whether on a part-time, full-time, non-tenured or tenured basis, is subject to and governed by the terms and provisions of the following section.

#### Part I. The Faculty

**Sec. 101. Composition of the Faculty.** The by-laws of Wesleyan University state that “The faculty shall consist of the professors, associate professors, assistant professors, lecturers, and instructors, and the president of the University, together with such others as may be constituted members thereof by vote of the Board of Trustees.” (**Chapter IV, Section 1**)

**Sec. 102. Active Duty.** The term, on active duty, means not on sabbatical or other leave of absence.

**Sec. 103. Secretary.** The Academic Secretary shall keep minutes of meetings, maintain a roll of the faculty and of those who have been invited to attend meetings, determine and certify the attainment of a quorum, certify the competence of members to vote, and circulate notices to the faculty.

#### Part II. Departments, Colleges, Programs, and Divisions

**Sec. 201. Departments, Colleges, and Programs.** Each member of the faculty is a member of at least one department, college, or program. Faculty members of equal academic rank have equal rights and privileges in the conduct of the affairs of the departments, colleges, or programs to which they belong. All matters of departmental administration, save personnel matters, are the subject of conference among all the faculty members in the department, regardless of academic rank.

**Sec. 202. Divisions.** The departments are grouped in three Divisions: Division I – Arts and Humanities; Division II – Social Sciences; and Division III – Natural Sciences and Mathematics. The divisions consider matters of educational policy, and make recommendations through the Educational Policy Committee to the faculty, or to the president and his or her delegates.

#### Part III. Powers and Responsibilities

**Sec. 301. Powers of the Faculty.** The by-laws of Wesleyan University specify the powers of the faculty as follows: “The faculty, with the concurrence of the president, shall have power to determine, subject to the approval of or revision

#### 4.1 By-Laws of the Faculty of Wesleyan University

by the Board of Trustees, the courses of study, the arrangements of the recitations, lectures, and other exercises, the times and modes of examination, and the general method of instruction.” (**Chapter IV, Section 3**)

“The degree of bachelor of arts may be conferred on students recommended by the faculty as having completed the quota of studies required for the degree, and as having complied with all other prescribed conditions, in accordance with such regulations as may, from time to time, be adopted by the faculty with the approval of the Board of Trustees.” (**Chapter V, Section 2**)

“A post-baccalaureate degree may be conferred on any student recommended by the faculty as having completed courses of study prescribed for that degree, and as having complied with all other prescribed conditions, in accordance with such regulations as may, from time to time, be adopted by the faculty with the approval of the board.” (**Chapter V, Section 3**)

**Sec. 302. Power to Recommend and Petition.** On matters not within its immediate jurisdiction, the faculty may vote recommendations or direct petitions to the president and/or the Board of Trustees.

**Sec. 303. Delegation of Powers.** The faculty may delegate any of its powers to committees, to departments, or to other delegates.

#### **Part IV. Faculty Meetings**

##### **Sec. 401. Schedule and Notice of Meetings**

a) The faculty of Wesleyan University shall meet at least three times during each semester. The schedule of these meetings shall be published and circulated to the faculty at the beginning of each academic year.

(b) The faculty meetings shall be presided over by the chair, or in his/her absence, the vice-chair. The chair and vice chair shall be tenured full professors, elected for overlapping two-year terms, and are exempt from all committee service during their terms. The vice-chair automatically becomes the chair during the second year of his/her term.

(c) The agenda for faculty meetings, including special meetings, shall be published and circulated to the faculty at least five days prior to the scheduled meeting.

(d) The faculty may be convened on special occasions by the president, or upon petition of not less than 20 percent of the faculty on active service. The president or the petitioners must specify the nature of the business to be brought to the faculty; and petitions shall be submitted to the chair. Upon receipt, the chair shall notify the faculty in writing of the schedule for the meeting and the proposals to be considered, as stated by the president or the petitioners. Such meeting shall be held no later than two weeks after the receipt

#### 4.1 By-Laws of the Faculty of Wesleyan University

of the petition. The business of the special meeting shall be restricted to that specified in the petition or by the president.

(e) Except as otherwise provided by these by-laws, faculty meetings shall deal first with the agenda scheduled by the chair, and no other business shall be conducted until the business scheduled by the chair has been completed. At that time, discussion of other issues may be initiated by a member of the faculty but may not be brought to a vote until a subsequent meeting except by unanimous consent of the faculty present.

**Sec. 402. Attendance and Voting.** Visiting faculty and faculty less than half-time in the employ of Wesleyan University may attend faculty meetings, without vote. All other members of the faculty may vote. The dean of admission and financial aid, vice president for student affairs, vice president for finance and administration, and vice president for university relations may attend meetings with voice, but without vote, ex officio. Other nonmembers of the faculty may attend meetings, without vote, by temporary invitation of the faculty, by formal vote, upon the recommendation of any member of the faculty. The faculty may, from time to time, choose to meet in executive session. Only voting members of the faculty may attend executive sessions.

**Sec. 403. Quorum.** A quorum shall be attained when the number of faculty members present is equal to 25 percent of the total number of faculty on active duty.

**Sec. 404. Rules.** The rules of parliamentary procedure, as stated in the most recent edition of *Robert's Rules of Order*, shall govern the faculty in all cases to which they are applicable.

#### **Part V. Committees**

**Sec. 501. Standing Committees of the Faculty.** The following committees shall be standing committees of the faculty: The Educational Policy Committee; the Committee on Rights and Responsibilities; the Committee on Honors; and the Compensation and Benefits Committee.

**Sec. 502. Membership of Committees.** The president and vice president for academic affairs or their respective delegates shall be ex officio members of all committees, except the Faculty Committee on Rights and Responsibilities. Ex officio members shall have no vote in committee deliberations. The committees shall consist of the following members:

(a) *The Educational Policy Committee* shall consist of six members of the faculty, two from each division; two undergraduate students; and one graduate student.

(b) *The Committee on Honors* shall consist of nine faculty members, three from each Division.

#### 4.1 By-Laws of the Faculty of Wesleyan University

(c) *The Committee on Rights and Responsibilities* shall consist of six members, at least one of whom shall be tenured, at least one of whom shall be untenured, with two members from each division.

(d) *The Compensation and Benefits Committee* shall consist of three tenured faculty members, one from each division, two untenured faculty members not both from the same division, one Professor of the Practice, one member of the adjunct faculty and one professional librarian. The vice president for academic affairs and the treasurer will be ex officio members.

#### **Sec. 503. Election of Committee Members and Length of Term**

(a) Elections for the vice-chair of the faculty and for faculty members of committees established by faculty by-laws and legislation shall be conducted by the Office of Academic Affairs following a set of procedures providing for approval voting. The details of the procedures were approved by the faculty on May 3, 1995, and are spelled out in 4.2, The Standing Rules of the Faculty, Part II, Section 202(b)..

(b) Faculty members on the Educational Policy Committee, the Committee on Rights and Responsibilities, the Committee on Honors and the Compensation and Benefits Committee shall serve for terms of two years. The professional librarian member of the Compensation and Benefits Committee shall be elected by and from among the eligible professional librarians.

(c) Faculty members who have served for two consecutive years on standing committees, the Advisory Committee, or as vice-chair/chair of the faculty, may be excused from nomination to these committees, and the offices of vice-chair and chair of the faculty for a period of three years after said service. This “immunity” period is intended to be in addition to (not concurrent with) the immunity from committee service permitted to department chairs.

(d) All persons elected to a Standing Committee must, except in extraordinary circumstances, serve for at least one full year. If he/she cannot serve for a full second year, a vacancy shall be declared and the elected replacement member will serve for a full two-year term on the Standing Committee.

Should a member-elect of a committee determine that he/she cannot begin service as scheduled, a second election will be conducted as soon as possible in the manner prescribed above.

(e) Undergraduate students shall be nominated and elected to the standing committees of the faculty when appropriate according to procedures established by the student government and approved by the faculty.

(f) Graduate students shall be nominated and elected to the standing committees of the faculty according to procedures established by the Graduate

#### 4.1 By-Laws of the Faculty of Wesleyan University

Student Association, or its successor, and approved by the faculty.

**Sec. 504. Powers and Responsibilities of Committees.** The committees shall have the following general powers and responsibilities, which may, from time to time, be interpreted or specified by the faculty, voting by simple majority, at a faculty meeting:

(a) *The Educational Policy Committee* shall be responsible for conducting investigations of and making recommendations about all matters of graduate and undergraduate educational policy within the University. It shall regularly review the curriculum and course offerings; consider and recommend major changes in the calendar and curriculum and in the requirements for graduation; and coordinate its work with other committees. In addition, it shall consult with and advise the president on the establishment of the University budget as it relates to educational policy and shall advise the dean of admission in the making of admissions policy and the operations of the Office of Admission. It shall be responsible for academic review, implementing academic regulations, and recommending to the faculty degree candidates for the B.A., MALS, and MPHIL degrees. Further, by delegation from the faculty, the Educational Policy Committee will act on behalf of the faculty in consulting with the president on the establishment and implementation of policy with regard to nonacademic discipline, financial aid, and other matters affecting campus and community life. In carrying out these and other responsibilities, the Educational Policy Committee shall be empowered to appoint, at its discretion, subcommittees, task forces, or consultants from its own membership, or from the community, and may delegate this appointing power to others. It shall designate a member to serve as a liaison with the University librarian. The Educational Policy Committee shall report directly to the faculty.

(b) *The Committee on Honors* shall be responsible for (1) examining candidates for honors in general scholarship and University honors and submitting recommendations to the faculty on the award of honors in general scholarship and University honors; (2) establishing guidelines and approving procedures for departmental honors.

(c) *The Committee on Rights and Responsibilities* shall advise the president of the University in matters involving complaints by undergraduate and graduate students against a member of the faculty; or with respect to disputes between members of the faculty and members of the administration, their departments or other members of the faculty. The committee shall be guided in its deliberations by the principles of academic freedom and shall file written reports to the president who, as specified in these by-laws, acts as final arbiter. The committee shall serve as the "Hearing Committee" recommended by the American Association of University Professors in dismissal proceedings. In a dismissal hearing, any member of the faculty charged before the committee shall have the right to confront accusers and witnesses, to be advised by legal counsel, and to have access to the proceedings and reports related to his or her own case. The committee shall be responsible for adopting and promulgating a

#### 4.1 By-Laws of the Faculty of Wesleyan University

set of procedures governing the conduct of its work. (See “**Faculty Committee on Rights and Responsibilities.**”)

(d) *The Compensation and Benefits Committee* shall be the delegates of the faculty and professional librarians. They shall share with the University administration the responsibility for arranging to meet in a timely fashion during the development of the budget with the vice president for academic affairs and the treasurer. The committee shall consult regularly with the faculty representatives to the Finance Committee of the Board of Trustees. The Compensation and Benefits Committee shall consult on their deliberations with the chair of the faculty, the faculty, and professional librarians and report directly to the faculty and professional librarians. The three tenured faculty members shall serve as the merit appeal subcommittee to provide a hearing for faculty who wish to appeal, by October 1, their merit award. In an appeal, the subcommittee will review all appropriate written material and interview concerned parties as deemed appropriate. The subcommittee will report its conclusions to the appellant and, if appropriate, make an advisory recommendation to the president.

#### **Part VI. Amendments and Effective Date**

**Sec. 601.** These by-laws may be amended at any meeting of the faculty by a vote of two-thirds of those present provided that at least 40 percent of the faculty on active service vote, and that a copy of the proposed amendment be distributed to the faculty at least five days in advance of the meeting.

**Sec. 602.** These by-laws shall be effective no later than July 1, 2001.

**4.2**

**THE STANDING RULES OF THE FACULTY**

**[As amended through November 11, 2003]**

The Standing Rules of the Faculty supplement the *By-Laws* of the Faculty as well as *Robert's Rules of Order*, both of which govern the conduct of the Faculty Meeting. All three are designed to facilitate the orderly conduct of Faculty business and especially to help committees, departments and programs make efficient use of their limited resources. The rules are intended simply as guidelines reflecting University norms of fairness, professionalism and reasonableness. They are not intended to be inflexible and rigid and they do not confer a set of binding entitlements on faculty members. They are minimal, and committees, departments and programs are encouraged to adopt such additional rules as are appropriate to local circumstances. They should do so, however, in consultation with the Office of the Academic Secretary, who, in turn, is responsible for administering the Rules and informing the community of current Faculty practices.

For rules regarding the schedule and notice of faculty meetings and the procedures followed in faculty meetings, see Part IV of the *By-Laws* of the Faculty.

**Part I. Faculty Legislation**

**Section 101.** Except as otherwise provided by these Rules, all Faculty legislation shall originate with a duly constituted faculty committee.

**Section 102.** Except as otherwise provided in the Rules, reports and initiatives from duly constituted faculty committees shall take precedence on the agenda of the Faculty Meeting, provided that this provision may be waived or suspended with the consent of the Chair of the Faculty Meeting and the Chair of the relevant committee, and, provided further, that this provision does not apply to special meetings of the faculty.

**Section 103.** All proposed faculty legislation shall be clearly labeled as to subject matter and shall include the following information:

- (a) a title
- (b) the office or individual responsible for administering the policy or program
- (c) the scope of the delegated authority
- (d) the effective date of the policy
- (e) the duration of the policy or program
- (f) the faculty body responsible for monitoring the implementation of the policy or program
- (g) the provisions for review and assessment of the policy or program

## 4.2 The Standing Rules of the Faculty

- (h) the timetable for reporting to the Faculty Meeting.

**Section 104.** There shall be a standard format for recording faculty legislation, which shall include the following information:

- (a) a title
- (b) an identification and reference (filing) number
- (c) the date of the motion
- (d) the text of the legislation
- (e) a list of supporting documents and reports.

### **Part II. Faculty Elections**

**Section 201.** Except as otherwise provided in these Rules, faculty elections shall be conducted according to the following schedule and in the following manner:

- (a) Group 1. The election of department and program Chairs - to be completed by December 1 of the academic year preceding the expiration of department Chair's term of office.
- (b) Group 2. The election of all other committee members as well as the Vice-Chair of the Faculty - to be completed by April 1.

**Section 202** (a). Group 1. Department and program Chairs shall be elected by a simple majority vote of eligible department and program faculty, provided that the time and manner of electing the Chair be on file with the Department and the Office of the Academic Secretary.

(b) Group 2. All others, including the Vice-Chair of the Faculty, shall be elected by the method of approval balloting adopted by the faculty on May 3, 1995. To be elected to the position of Vice-Chair of the Faculty, a candidate must receive a vote total equal to or greater than fifty percent of all ballots cast. Those elected to committee positions must receive votes amounting to at least forty percent of all ballots returned. Runoff balloting shall be conducted, as necessary, to achieve these percentage thresholds. (Note: procedures for election to the Advisory Committee and to the Review and Appeals Board are specified in the By-Laws of the Academic Council.)

**Section 203.** The sequencing of the elections shall proceed as follows: voting for the Vice-Chair of the Faculty and for members of the Advisory Committee shall take precedence. Once these positions have been filled, voting to fill vacancies on other committees will begin. These elections shall be completed in the following order: Educational Policy Committee, Committee on Compensation and Benefits, Honors Committee, Faculty Committee on Rights and Responsibilities.

**Section 204.** Elections of faculty members to Committees of the Board of



## 4.2 The Standing Rules of the Faculty

Trustees shall proceed as follows: a faculty representative to the Campus Affairs Committee of the Board of Trustees and a faculty representative to the Finance Committee of the Board of Trustees shall be chosen by approval balloting from a list of three candidates nominated by the Vice-Chair of the Faculty.

**Section 205.** Vacancies in the membership of any committee arising before the expiration of a regular term of service shall be filled according to the procedures established in the faculty by-laws (see Faculty By-laws, Section 503(d)).

### **Part III. Faculty Committees - In General**

**Section 301.** All standing and special committees of the Faculty shall adopt and publish rules, which shall include the following (the standing committees are the Educational Policy Committee, the Committee on Rights and Responsibilities, the Committee on Honors, and the Committee on Compensation and Benefits):

#### **Section 302. The Committee Chair**

- (a) Each standing and special committee of the faculty shall elect a Chair, who in all cases shall be a tenured member of the Faculty, and a Vice-Chair, who shall also be a tenured member of the Faculty and shall be Acting Chair in the Chair's absence.
- (b) The Chair shall be elected for a term of one year in the spring semester preceding his or her term by the continuing and newly elected members of the committee.
- (c) The Chair may be removed by a two-thirds vote of the entire committee, and replaced by the Vice-Chair.
- (d) The Chair shall preside at all meetings of the Committee, set the agenda, and call special meetings. The Chair shall also serve as the official spokesperson for the committee and as the official contact person with the administration.
- (e) The Chair and Chair-elect of each committee shall arrange for a transitional meeting between the old and new committee, to be held following the spring elections to the committee.

**Section 303. Committee Membership and Service Relief.** The Faculty consider service on faculty committees to be a collegial obligation. Faculty may be exempted from serving on faculty committees if they meet the conditions established in Sec. 503(c) of the By-laws of the Faculty or if they meet the conditions established by the Policy of the Vice President for Academic Affairs. Chairs of departments and programs are not automatically

## 4.2 The Standing Rules of the Faculty

exempt from election to faculty committees. They may decline to be on the ballot for election to major committees because of the demands of departmental duties during their tenure as chair.

### **Section 304. Conflict of interest**

- (a) Whenever a voting member of a committee recognizes that he or she has a conflict of interest on a matter before that committee, he/she shall promptly declare it to the rest of the committee.
- (b) Any committee member having a conflict of interest on a matter before the committee shall not vote on that matter or participate in discussions, provided, however, the committee member shall not be prevented briefly from stating his/her position on the issue nor prevented from answering pertinent questions asked by other committee members.
- (c) The minutes of the committee meeting shall reflect that the declaration was made and that the member recused him or herself.

### **Section 305. Recusal of Committee Members**

- (a) The Chair or any voting member of a Faculty committee may propose the recusal of any other member on the grounds that said member faces a conflict of interest on a specified matter before the committee. If non-members of the committee are aware of a conflict of interest faced by a member of the committee they may so inform the Chair.
- (b) The committee shall review the request in a timely fashion and in any event shall suspend deliberations on the matter specified in the recusal request. In doing so the committee member whose recusal has been requested should be given an opportunity to be heard and to respond to questions.
- (c) Following the review, the committee may by a two-thirds majority require the member to recuse him or herself from further committee deliberations. The Chair shall inform the member in writing of the outcome of the committee decision.

### **Section 306. Committee Organization and Jurisdiction**

- (a) Each committee shall adopt a statement of its organization, jurisdiction, procedures and sources. Such statement shall be published as part of these *Standing Rules* and shall include at a minimum:
  - i. all standing subcommittees, task-forces or working groups to which the committee has delegated authority
  - ii. all administrative offices or faculty bodies to which the committee has

## 4.2 The Standing Rules of the Faculty

- delegated authority; and
- iii. all committee documents, memoranda of understanding or other sources whereby the committee delegated authority to others.

### **Section 307. Committee Procedures**

- (a) Each committee shall be responsible for keeping the Faculty and the University community informed about its procedures, including the time and place of its regular meetings, the means for petitioning the committee, and the rules governing testimony before the committee.
- (b) Attendance at committees shall be limited to committee members, except that the committee may request members of the Faculty and the University community to appear before the committee, provided that those asked to appear before the committee shall be afforded due notice as to the time, place, and subject matter of the discussion.
- (c) Committees may request the appearance and testimony of any member of the Wesleyan community as well as documents and material the committee considers relevant to its proceedings. Each committee shall maintain a written record of the testimony and materials it requests, along with the reasons given by those who decline to cooperate.
- (d) Each committee shall maintain the minutes of its meetings. Committee minutes shall include the following: the date and time of each meeting; the agenda; the attendees; reports submitted; motions offered; the disposition of each motion; recorded votes; such other material as the committee deems appropriate.
- (e) The first order of business at each committee meeting shall be the reading and approval of the previous meeting's minutes.
- (f) Each committee may, at its discretion, require confidentiality of its members, except that such a requirement shall not, except in the case of individual student records and the proceedings of the Faculty Committee on Rights and Responsibilities, prevent committee members from discussing issues before the Faculty Meeting.
- (g) Whenever a committee proposes policy on matters under its jurisdiction it shall do so in such a way as to provide the following information. See, also, Sections 103 and 104 above.
  - i. the title of the motion
  - ii. the author of the motion
  - iii. an identification and reference (filing) number
  - iv. the date of the motion
  - v. the full text of the motion
  - vi. whether the motion was passed, defeated or tabled
  - vii the yeas, nays and abstentions on each vote

## 4.2 The Standing Rules of the Faculty

- viii. the office responsible for administering the policy and its reporting responsibilities
- ix. where the full text of the motion is on file
- x. where the full text of reports are on file

### **Part IV. Amendments**

**Section 401.** The Executive Committee of the Faculty, in consultation with the Academic Secretary, is authorized to propose amendments to the Standing Rules of the Faculty, provided:

- (a) that a majority of the voting members of the Committee vote in the affirmative to recommend such an amendment;
- (b) that the proposed amendment is distributed to the Faculty, along with a report explaining why the amendment is needed and how it impacts on Faculty governance;
- (c) that the Faculty vote on the proposed amendment either at one of its regular Meetings, or at a Meeting specially called for this purpose.

**Section 402.** Any tenured or tenure track member of the Faculty may submit a proposed amendment to the Executive Committee for its review. The Committee shall forward the original proposal to the Faculty Meeting along with any amendments to it the Committee might wish to propose. Provided:

- (a) The Committee may recommend the Faculty adopt the proposal as submitted or one the Committee has amended, provided five of the nine members of the Committee vote in the affirmative to do so.
- (b) If the Committee recommends the original proposal or one the Committee has amended, it shall require an affirmative vote of sixty percent of a quorum voting by secret ballot at a Faculty Meeting to approve the proposed change in the Standing Rules.

### **Part V. Proviso**

**Section 501.** The Standing Rules of the Faculty and all amendments thereto shall be consistent with and are subordinate to the By-Laws of Wesleyan University, the Standards and Procedures for Regulating Conduct, and the By-Laws of the Faculty. Any conflict between the Rules and those documents shall be resolved in favor of those documents. Nor shall any of the Standing Rules be construed in such a manner as to interfere with the responsibilities and powers delegated to Faculty Committees under the By-Laws of the Faculty or those documents.

#### 4.3 Legislation of the Faculty Concerning Representation to the Board of Trustees

### 4.3

#### **LEGISLATION OF THE FACULTY CONCERNING REPRESENTATION TO THE BOARD OF TRUSTEES**

**[Amended through April 2, 2002]**

On February 18, 1992, the faculty approved legislation providing for the representation of the faculty to the Board of Trustees. On May 24, 1995, the faculty approved a resolution for the continuation of such representation. Following the September 1996 reorganization of committees of the Board of Trustees, the faculty adopted the following resolution for continued representation:

Be it resolved:

- A. That the vice chair of the Advisory Committee of the Academic Council shall be a voting member of the Campus Affairs Committee of the Board of Trustees.
- B. That a faculty member of the Educational Policy Committee (normally the chair) shall be a voting member of the Campus Affairs Committee of the Board of Trustees.
- C. That a faculty member, selected by approval balloting from a list of three candidates nominated by the Vice-Chair of the Faculty, shall be a voting member of the Campus Affairs Committee of the Board of Trustees and shall also serve as a full member of the Executive Committee of the Faculty.
- D. That the chair of the faculty shall be a voting member of the Finance Committee of the Board of Trustees.
- E. That the vice chair of the faculty shall be a voting member of the University Relations Committee of the Board of Trustees.
- F. That the faculty shall elect a sixth faculty member to serve as a voting member of a trustee committee. The specific committee assignment will be made by the chair of the faculty prior to the election, which will usually be held in the spring term preceding the year of service. The chair and vice chair of the faculty, acting as a nominating committee, will prepare a slate of three candidates; the election will be by approval balloting.
- G. That in the event of a request for faculty representation on ad-hoc committees of the Board of Trustees, the chair of the faculty, in consultation with the vice chair, may ask any of these six representatives to serve; such appointments shall be reported at the next faculty meeting.

#### 4.4 Legislation of the Faculty Re-Authorizing the Executive Committee of the Faculty

##### 4.4

##### **LEGISLATION OF THE FACULTY RE-AUTHORIZING THE EXECUTIVE COMMITTEE OF THE FACULTY**

**[Adopted on April 8, 2003]**

Be it resolved that the Executive Committee of the Faculty be re-authorized.

- (1) **Membership.** The Executive Committee of the Faculty (EC) shall consist of the Chair of the Faculty (who chairs the EC), the Vice-Chair of the Faculty, the most recent past Chair of the Faculty currently in active service, the Chairs\* of Standing Committees, and the faculty members of the Finance Committee and the Campus Affairs Committee of the Board of Trustees. Ex-officio members are the Academic Secretary, the Divisional Deans, and the Vice-Chair\* of the Advisory Committee.
- (2) **Powers and Responsibilities.** The EC proposes legislation to the faculty (e.g., revisions to Standing Rules of the Faculty); provides suggestions to the Administration for faculty membership on search committees and task forces; consults with the President and Senior Staff, at the request of the EPC or of the officer; and advises the Chair of the Faculty in setting the agenda and timetable for Faculty meetings. The EC shall report directly to the Faculty.

\*A Standing Committee may elect a faculty representative to the EC instead of its chair; similarly, the Advisory Committee may elect its ex-officio representative.

## 4.5 Policy of Faculty Rights and Responsibilities

### 4.5

#### **POLICY OF FACULTY RIGHTS AND RESPONSIBILITIES**

**[Adopted on June 5, 1969]**

Wesleyan University subscribes to the “**Statement of Principles: Academic Freedom and Tenure**” (1940) and the “**Joint Statement on Rights and Freedoms of Students**” (1967), issued by the American Association of University Professors. Wesleyan, moreover, regards the proposition in the latter document that “the facilities and services of a college should be open to all of its enrolled students” as vital to its being and preeminently applicable to its academic courses and programs.

This assertion is not meant to trench on the prerogative of an instructor to set academically relevant criteria of eligibility for the courses that he/she offers, or to determine which students have met them. No course or program shall be eligible for academic credit, however, unless access thereto conforms with the aforesaid principle.

Any member of the University who feels that a violation of this principle has taken place shall have the right of appeal to the **Faculty Committee on Rights and Responsibilities** as appropriate.

## 4.6 Procedures of Faculty Committee on Rights and Responsibilities

### 4.6

#### **PROCEDURES OF FACULTY COMMITTEE ON RIGHTS AND RESPONSIBILITIES**

**Sec. 504(c)** of the “Faculty By-Laws” charges the Faculty Committee on Rights and Responsibilities (“the FCRR”) with addressing certain classes of complaints by and against faculty members; the Committee conveys its recommendation to the President, who makes final disposition. **Part I** of these procedures specifies the FCRR’s purview. **Part II** lays out procedures for lodging and pursuing complaints. **Part III** sets forth the rigorous procedures that apply when a complaint alleges conduct that might subject a faculty member to dismissal or suspension without pay (see **Sec. 301**). **Part IV** describes the FCRR’s reporting and record-keeping procedures. **Part V** sets forth procedures for recusal and enforcement.

In any case considered under the procedures outlined below, if extraordinary circumstances arise, the FCRR may proceed in a manner it deems appropriate and may, at its discretion, change these procedures, with sufficient written notification to the parties.

The FCRR has exclusive jurisdiction to hear formal complaints and make recommendations to the President in disciplinary cases brought against members of the faculty where dismissal or suspension without pay is contemplated, with the limitation noted in Sec. 101c below.

Glossary of terms used in these procedures:

*Committee:* (where not otherwise defined) the FCRR

*Complainant:* the person(s) bringing a complaint

*Counselor:* a member of the Wesleyan community, from the faculty, administration, or staff, serving as an advisor to one of the parties

*Dismissal:* dismissal from the University

*Legal counsel:* a lawyer providing legal advice

*Parties:* the complainant(s) and the respondent(s)

*Respondent:* the person(s) charged in the complaint

#### **Part I. Purview**

**Sec. 101.** The FCRR’s purview extends to complaints against faculty members made by other faculty members, undergraduates, graduate students, administrators, and staff; and to complaints by faculty members made against the Vice President and Provost (“VPAA”) and the President, the Academic Deans, and academic departments or programs. The FCRR will not consider complaints by faculty members concerning the following matters:

(a) **Tenure, promotion and reappointment.** Appeals in these matters are governed by the “By-Laws and Guidelines of the Academic Council” and associated committee regulations.



#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

**(b) Merit pay.** Faculty legislation provides that complaints against administrative decisions concerning merit pay must be directed to the Compensation and Benefits Committee’s merit appeal subcommittee.

**(c) Decisions made by the President or Board of Trustees following a recommendation by the FCRR.** The “By-Laws of the Faculty” and the University do not provide for appeals in such cases.

**Sec. 102 Scientific misconduct.** In cases of alleged scientific misconduct, the procedures of the University’s “Policies and Procedures for Addressing Allegations of Possible Misconduct in Scientific Research” will apply in place of those in **Part II**, because funding agencies and federal guidelines are potentially involved. If the VPAA brings to the FCRR a complaint alleging scientific misconduct that might subject a faculty member to dismissal or suspension without pay, the procedures in **Part III** will apply.

**Sec. 103. Harassment.** The University’s policy on harassment is outlined in the Faculty Handbook. This policy makes a distinction between discriminatory forms of harassment and non-discriminatory forms. The University has a legal responsibility to act promptly whenever any form of discriminatory harassment comes to its attention. Accordingly, if a complaint is filed with the FCRR regarding any form of discriminatory harassment, the FCRR will promptly refer the complaint to the appropriate official for action, consistent with the University’s policy. If, following administrative disposition of the matter, a complaint against a faculty member is filed with the FCRR by a faculty member or administrator, or by a faculty member against a member of the administration subject to the FCRR (see **Sec. 101**), the procedures in **Part II** will apply. If the Vice President for Academic Affairs deems any harassment complaint against a faculty member sufficiently serious to result in dismissal or suspension without pay, the procedures in **Part III** will apply. A complaint charging any person within the jurisdiction of the FCRR, or an academic department or program, with harassment that appears not to meet the definition of discriminatory harassment (see **Sec. V** of the policy on **Discrimination and Harassment**) may be brought directly to the FCRR.

**Sec. 104.** The FCRR reserves the right to suspend or terminate its processing of any case if the complainant submits the complaint to an external agency.

**Sec. 105.** If at any time during the handling of a complaint the FCRR feels that it needs legal advice, it may request of the President that the University bear the cost of consultation with a lawyer other than one who advises the University or either of the parties. Such requests will be considered on a case-by-case basis.

#### **Part II. Lodging and pursuing complaints**

**Sec. 201.** Before making a complaint, members of the community are encouraged to attempt to resolve the matter informally and directly with the person against whom the complaint would be made.

#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

**Sec. 202. Lodging a complaint.** Complaints should be submitted to the FCRR in writing within 30 days of the alleged injury or harm or the discovery of the alleged injury or harm. The Committee may extend this time limit upon request and for good cause. The complaint should state as precisely as possible the basis for the complaint, e.g., any injury or harm that has been done or rights that have been violated. The FCRR has the right to request clarification of a complaint or to reject a complaint that it considers spurious or insubstantial. If the FCRR accepts a complaint, it will forward the complainant's statement promptly to the respondent.

(a) At the discretion of the FCRR, and with the consent of the parties, a complaint may be submitted first to mediation. The FCRR will select a mediator, subject to the approval of all parties, from among the senior faculty, emeritus faculty, or appropriate members of the administration. The mediator will act over a period of time specified by the FCRR, typically 30 days but no more than 60 days from the date on which the FCRR submits the complaint to mediation. The mediator will informally and confidentially inquire into the situation and attempt to reconcile the differences between the parties. Mediation efforts will not require face-to-face meetings between the complainant and the respondent. A mediator who is a faculty member may consult an appropriate administrator if s/he feels that administrative involvement might facilitate informal resolution of the problem. At the end of the mediation process, the mediator will report to the FCRR with a certification that simply states, "The mediator hereby certifies that the mediation in the case of [names of complainant and respondent] has been successfully/unsuccessfully concluded." The certification will be signed by both parties, indicating that they agree with the mediator's determination. In the case of successful mediation, the FCRR will take no further action on the case and will keep no record of it other than the mediator's certification. If the mediation does not result in a resolution satisfactory to both the complainant and respondent, the mediator will refer the case back to the FCRR.

(b) Following unsuccessful mediation, the complainant will inform the FCRR whether s/he wants the FCRR to continue to adjudicate the case or whether s/he wants it dropped. If the FCRR accepts a case in which a member of the faculty is a respondent, either without submitting the case to mediation or after unsuccessful mediation, the FCRR will promptly forward information about the complaint to the Vice President for Academic Affairs, who will decide within 30 days of receiving the information whether, in his or her opinion, the case might result in dismissal or suspension without pay. The FCRR may extend this time limit at the request of the VPAA for cause.

(c) The VPAA will ensure that an appropriate investigation takes place, and will give due notice to the respondent that such an investigation is under way. If, after such investigation, the VPAA concludes that the allegations, if proved true, might subject the respondent to dismissal or suspension without pay, the VPAA will consult with an ad hoc committee made up of three former Chairs of the Faculty before proceeding with a formal complaint. The advice of the ad hoc committee will not be binding

#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

upon the VPAA and will not be reported to the FCRR.

(d) If the case is deemed by the VPAA to be not likely to result in dismissal or suspension without pay, the FCRR will handle the case according to the provisions of **Sec. 204–209**.

(e) If a complaint is made against the VPAA, and mediation is unsuccessful or not attempted, the FCRR will inform the President that it has received such a complaint. The President will delegate a member of the senior administration or faculty to determine whether the charges are sufficiently serious to justify a hearing held according to the provisions of **Part III**. The President's delegate will inform the Committee of such a determination and will present the case to the Committee on behalf of the administration. Less serious charges against the VPAA that are submitted to the Committee for adjudication will be handled according to the procedures in subsequent sections of **Part II**. If the Committee accepts a complaint made against the President, it will normally be guided by the procedures in **Part II**.

**Sec. 203. Counselors.** Either party to a complaint has the right to choose a counselor from among Wesleyan faculty or administrators. Upon request, the Chair of the Faculty will assist either party or both of the parties in finding an appropriate counselor, who must have no potential conflict or appearance of conflict or impropriety arising from the case. The counselor may have the same access to the documents, meetings, and hearings as the person counseled, at the latter's discretion.

**Sec. 204. FCRR action.** If, acting under **Section 202**, the VPAA deems the case to be not sufficiently serious to result in dismissal or suspension without pay, the FCRR will proceed in the following manner:

(a) The FCRR will notify both parties in writing that the Committee is prepared to continue its consideration of the case.

(b) Upon notification by the FCRR, the complainant will inform the Committee, in writing and no later than seven days after the Committee's notification, whether or not s/he wishes to proceed with the case. If the complainant decides to proceed with the case, s/he will promptly provide the FCRR with the information listed in **Section 204(f)** below, a copy of which will be forwarded by the FCRR to the respondent. The respondent will provide to the FCRR, no later than seven days from the receipt of the Committee's notice, the information listed in **Section 204(f)**, a copy of which will be forwarded to the complainant.

(c) If the complainant decides not to proceed with the case, the Committee will inform the respondent in writing of the complainant's decision. The respondent may request a hearing with respect to any part of the complaint. The request must be made in writing no later than seven days after the Committee has informed the respondent of the complainant's decision not to pursue the case. If the respondent requests a hearing, the FCRR will so

#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

inform the complainant.

(d) If both parties to the dispute decline a hearing, the case will be closed.

(e) At any time after being notified by the FCRR under **Section 204(a)**, the respondent may state in writing his or her intention not to dispute the complaint. The FCRR will submit its findings and recommendation to the President in accordance with Section 207 below, noting the respondent's decision.

(f) If either party chooses to have the FCRR hear the case, the complainant and the respondent must provide to the FCRR in writing the following information:

- i. *In the case of the complainant*, a copy of the original written complaint with any new information the complainant considers relevant; *in the case of the respondent*, a brief written statement responding to the complaint;
- ii. A list of documents and/or witnesses the parties might wish to introduce in the event of a full FCRR hearing under **Section 206** below, with a brief indication of their relevance. The parties should indicate whether the witnesses have agreed to appear on their behalf;
- iii. The names of the parties' counselors;

(g) The FCRR will decide whether, based on the information available to it, the Committee should conduct a simplified hearing under **Section 205** or a full hearing under **Section 206**. A full hearing differs from a simplified hearing in that witnesses may appear before the Committee, the parties and witnesses may be cross-examined and asked follow-up questions after cross-examination, and a counselor may, with the permission of the Committee, pose questions. The Committee will make the determination as to whether to hold a simplified or full hearing no later than seven days after the deadline for the receipt of the information requested from the respondent under **Section 204(f)** above.

(h) Whether the FCRR conducts a simplified or a full hearing, the following procedures will apply:

- i. The hearing will be conducted in private, and legal counsel may not be present in the room during the hearing.
- ii. The FCRR will designate a Committee member to chair the hearing ("the Chair"). The Chair will have final authority over the conduct of the hearing, its time limits, and similar matters. The Chair and the other members of the FCRR may question the parties and, in a full hearing, witnesses. The FCRR is not bound by strict

#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

rules of evidence and may admit any evidence it deems relevant.

- iii. No inference of guilt or innocence will be drawn from the failure of a respondent to testify at the hearing.
- iv. The Committee will keep a record of the hearing.

**Sec. 205. A simplified hearing.** If, at its discretion, the FCRR decides to conduct a simplified hearing, the Committee will proceed as follows:

(a) The Committee will notify both parties and their counselors, if any, that the Committee will hold a simplified hearing, and will inform the parties of the date, time, and place of the hearing. The Committee will invite both parties and their counselors, but no others, to appear at the hearing.

(b) At the hearing the complainant may summarize her or his complaint, and the respondent may respond. Both the complainant and the respondent will be offered an opportunity to address questions to each other, provided the questions are posed through the Chair. Although counselors may attend the hearing as observers, they may not address questions to the parties or to the Committee.

(c) If, following a simplified hearing, the FCRR decides it has sufficient information to make a recommendation to the President, it will do so in accordance with the provisions of **Section 207** below. The Committee will inform the President that its recommendation is based on a hearing conducted under the provisions of **Section 205**. The President may, at his or her discretion, return the case to the Committee for a full hearing under the provisions of **Section 206**.

**Sec. 206. A full hearing.** If, acting under **Section 204(g)**, the FCRR determines that a simplified hearing under **Section 205** would be inappropriate, or if, having held a simplified hearing, it determines that a full hearing would be appropriate, it will proceed as described in sections (a)–(i) below.

(a) The Committee will inform the parties and their respective counselors of the Committee’s decision to conduct a full hearing under **Section 206**.

(b) The notification will be sent no later than seven days after either the Committee’s determination under **Section 204(g)** not to hold a simplified hearing or its determination following a simplified hearing that a full hearing would be appropriate. The notification will include the date, time, and place of the hearing.

(c) The parties will have the opportunity to present evidence and argument at the hearing, including calling and cross-examining each other and witnesses and asking follow-up questions after cross-examination. The parties

#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

and their respective counselors may address questions to each other, provided the questions are posed through the Chair. With the permission of the Chair, the parties or their counselors may directly address or ask questions of the FCRR or the witnesses.

(d) Both parties will be given copies of all documents and records submitted to the FCRR.

(e) The FCRR may call its own witnesses and may gather documentary evidence not provided to it by either party. When doing so, at least ten days before the hearing the FCRR will provide both parties with any documentary evidence it has gathered and will inform them of the witnesses' identity.

**Sec. 207.** The FCRR will submit its findings and recommendations to the President in writing within thirty days after the close of the hearing, together with any materials gathered or records kept during the case that will form part of the permanent record. The President's decision concerning the complaint will be final. If the complaint is directed against the President, the FCRR will make its submission to the Board of Trustees, whose decision will be final.

**Sec. 208.** Should the decision of the President depart from the recommendation of the FCRR, the President must give the reasons for the departure in writing to those members of the FCRR who forwarded the recommendation, and to the parties.

**Sec. 209.** The FCRR may extend the time limits set forth in sections **202, 204, 206** and **207** for good cause.

#### **Part III. Complaints Alleging Conduct that Could Lead to Dismissal or Suspension without Pay**

**Sec. 301.** The procedures of **Part III** apply when a complaint alleges conduct that might subject a faculty member to dismissal or suspension without pay. No member of the faculty may be dismissed or suspended without pay unless, after due notice, investigation, and opportunity for a hearing, it is determined that there is sufficient cause to justify dismissal or suspension without pay (cf. "University By-Laws," **Ch. IV, Sec. 4**). Sufficient cause must be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or scholars. Dismissal or suspension without pay shall not be used to restrain faculty members in their exercise of academic freedom or legal rights. Examples of behavior that, in their most serious form, may directly and substantially detract from the professional capacities of faculty members in their roles as teachers and scholars are plagiarism, dishonest research, fiscal malfeasance, and physical abuse or other illegal workplace harassment of students, faculty, or staff. These principles apply to the dismissal or suspension without pay of tenured faculty members or of a non-tenured faculty member prior to the end of a term appointment. The FCRR may recommend remedial actions to the President, but the only

#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

sanction it can recommend under Part III is dismissal or suspension without pay.

**Sec. 302.** If the VPAA brings a case for dismissal of a faculty member or suspension without pay under the provisions of Section 202(f), the VPAA, or his or her designee, will have the burden of proving with clear and convincing evidence that there is sufficient cause for dismissal or suspension without pay.

#### **Sec. 303. Procedures and timetable.**

(a) The VPAA must notify the FCRR and the respondent in writing of the grounds for initiating proceedings; the VPAA will provide such notice within thirty days after becoming aware of credible evidence supporting the charges.

(b) If the respondent wishes to submit a written response, s/he must do so within fourteen days from the date of the VPAA's notice. The response must be directed to both the VPAA and the FCRR.

(c) The FCRR will hold a hearing no later than thirty days from the receipt of the VPAA's notice but not sooner than seven days from the VPAA's receipt of the faculty member's response, unless the faculty member fails to submit a response within the stipulated time period.

(d) At least five days before the hearing, both the VPAA and the respondent must provide the FCRR and each other with copies of any documents, as well as with the names of any counselors and those of any witnesses they intend to produce at the hearing.

(e) The VPAA may amend the arguments justifying dismissal or suspension without pay before the start of the hearing, provided that the respondent is informed and has at least five days within which to respond. Similarly, the respondent may amend his or her response before the start of the hearing, provided at least five days' notice is given to the VPAA. Copies of an amended submission by either party must be furnished to the FCRR.

(f) Either party may notify the FCRR before the end of the hearing that it intends to submit further written argument, which must be delivered to the FCRR no later than ten days after the close of the hearing.

(g) Within thirty days following the close of the hearing, the FCRR will submit a written report and recommendation to the President, together with any materials gathered or records kept that will form part of the permanent record.

(h) The FCRR may extend the time limits set forth in subsections **303(a)–(f)**, and the President may extend the time limit set forth in subsection **303(g)**.

## 4.6 Procedures of Faculty Committee on Rights and Responsibilities

### **Sec. 304. The FCRR hearing.**

(a) The FCRR will conduct the hearing. It will designate a chair for the hearing (“the Chair”), who will have final authority over the conduct of the hearing, its time limits, and similar matters. The Chair and the other members of the FCRR may question the parties and the witnesses. The FCRR is not bound by strict rules of evidence and may admit any evidence it deems relevant.

(b) The hearing will be conducted in private.

(c) The VPAA, or his or her designee, who shall not be someone acting as legal counsel, and the respondent will have the opportunity to present evidence and argument at the hearing, to call and cross-examine witnesses, and to ask follow-up questions after cross-examination.

(d) Both parties will be given copies of all documents and records submitted to the FCRR.

(e) A stenographic record of the hearing will be made by a qualified court reporter, and a copy of this record, and of all evidence submitted at the hearing, will be given to both parties.

(f) No inference of guilt or innocence will be drawn from the failure of the respondent to testify at the FCRR hearing.

(g) Both the VPAA and the faculty member may be assisted by legal counsel in an advisory capacity during the proceedings and at the hearing. If the University engages legal counsel to advise it in the FCRR hearing, it will bear the cost of like counsel to the respondent, except when paying for such counsel might itself subject the University to legal liability, as in harassment cases. Legal counsel will not be allowed to address the FCRR, present evidence or argument, or examine or cross-examine the parties or the witnesses.

(h) The respondent may have a faculty member or administrator serve as a counselor during the proceedings and the hearing. With the permission of the Chair of the hearing, a faculty or administrative counselor may address or ask questions of the FCRR or witnesses.

(i) The FCRR may call its own witnesses and may gather documentary evidence not provided to it by either party. When doing so, at least ten days before the hearing the FCRR will provide both parties with any documentary evidence it has gathered and will inform them of the witnesses’ identity.

### **Sec. 305. Disposition of the case.**

(a) The FCRR’s report and recommendation to the President will be based on the evidence submitted at the hearing and the parties’ pre- and post-



#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

hearing submissions, as provided for in **Sec. 303**. The President will consider only the FCRR's report and recommendation, together with the evidence submitted at the hearing and the documents and submissions, in deciding whether there is sufficient cause for dismissal or suspension without pay.

(b) The President will report his or her decision to dismiss a tenured faculty member, or a non-tenured faculty member prior to the end of a term appointment, to the Board of Trustees for review. The FCRR expects that the President will forward the FCRR's full recommendation and supporting documentation to the Chair of the Board of Trustees. As provided in the "University By-Laws" (**Ch. IV, Sec. 4**), the dismissal of a faculty member "shall require the concurring vote of not less than two-thirds of the Trustees then in office." The President's decision to dismiss a faculty member will not be effective until this concurring vote has been obtained. The decision of the Board of Trustees is final.

(c) The "By-Laws of the Faculty" and the University do not provide for a review by the Board of Trustees if the President decides to suspend a faculty member without pay subsequent to a formal recommendation by the FCRR. The decision of the President is final.

(d) In cases where scientific misconduct in funded research was alleged, the VPAA will inform the relevant funding agency in writing of the outcome.

(e) Should the President's decision depart from the FCRR's recommendation, s/he must give the reasons for the departure in writing to the members of the FCRR who forwarded the recommendation, the VPAA, and the respondent.

#### **Part IV. Reporting, Record-Keeping, and Confidentiality**

**Sec. 401.** The permanent record of each case will be kept on file in the Office of the President. It will be treated as confidential, except that:

(a) The respondent will have access to the permanent record of the case.

(b) The FCRR will have access to these records when necessary for ascertaining precedent.

**Sec. 402.** The Committee will create, for its own use only, an index consisting of a one-paragraph summary of the disposition of each case it considers, not using names and taking care to disguise the personalities of the parties as far as possible. The index will be kept only in the Office of the President, where it will be available to the FCRR for orientation to new cases it must consider.

**Sec. 403.** All parties to a complaint, including counselors and mediators, are

#### 4.6 Procedures of Faculty Committee on Rights and Responsibilities

expected to observe confidentiality about matters discussed at a mediation or hearing and about information provided to the Committee for mediation or a hearing.

**Sec. 404.** Members of the FCRR will observe confidentiality about cases in which they take part. The FCRR may report to the faculty about general issues of faculty rights and responsibilities that it has encountered in its work, taking all care to respect the privacy of the parties to complaints it has heard.

#### **Part V. Recusal and Afforcement**

**Sec. 501.** Recusals are governed by **Sections 304** and **305** of the **Standing Rules of the Faculty**.

**Sec. 502.** For consideration of a particular case when one or more members have recused themselves for cause, the FCRR may recruit a like number of faculty members to participate in the case. These recruits will be faculty members who have recently served on the FCRR, and they will be selected so as to preserve the Committee's membership balance as specified in **Sec. 501(b)** of the "Faculty By-Laws." If a complainant or respondent is the President or VPAA, untenured members of FCRR will by default be recused from participation in handling of the complaint. Untenured members may opt in to participate if they so choose.

**4.7**

**ACADEMIC FREEDOM AND TENURE: 1940 AAUP STATEMENT OF PRINCIPLES**

“The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedure to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

“Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

“Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.”

**Academic Freedom**

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his/her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his/her subject, but he/she should be careful not to introduce into his/her teaching controversial matter that has no relation to his/her subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he/she speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but his/her special position in the community imposes special obligations. As a man/woman of learning and an educational officer, he/she should remember that the public may judge his/her profession and his/her institution by his/her utterances. Hence, he/she should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he/she is not an institutional spokesperson.

## 4.7 Academic Freedom and Tenure: 1940 AAUP Statement of Principles

### **Academic Tenure**

(a) After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle, it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his/her new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period, a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him/her and should have the opportunity to be heard in his/her own defense by all bodies that pass judgment upon his/her case. He/She should be permitted to have with him/her an advisor of his/her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence, the testimony should include that of teachers and other scholars, either from his/her own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial

#### 4.7 Academic Freedom and Tenure: 1940 AAUP Statement of Principles

exigency should be demonstrably bona fide.

##### **Interpretations**

“At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7–8, 1940, the following interpretations of the 1940 Statement of Principles on Academic Freedom and Tenure were agreed upon:

(1) That its operation should not be retroactive.

(2) That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.

(3) If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his/her fitness for his/her position, it may proceed to file charges under paragraph (a) (4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the American Colleges are free to make an investigation.”

##### **Notice of Non-reappointment**

The following stipulation in the “Interpretive Comments” to the “1940 Statement of Principles on Academic Freedom and Tenure” was endorsed by the American Association of University Professors in April 1970:

“Notice of non-reappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

(1) Not later than *March 1* of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

(2) Not later than *December 15* of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

(3) At least *12 months* before the expiration of an appointment after two or more years in the institution.”

#### 4.7 Academic Freedom and Tenure: 1940 AAUP Statement of Principles

NOTE: Visiting appointments are by their nature terminal. Notice of non-reappointment is not required.

## 5. ACADEMIC COUNCIL AND ITS COMMITTEES

### 5.1

#### BY-LAWS OF THE ACADEMIC COUNCIL OF WESLEYAN UNIVERSITY

[As amended through May 19, 2015]

Preamble. The following sections of the By-Laws of Wesleyan University establish, in broad outline, the composition and powers of the Academic Council:

“The president, full professors, associate professors with tenure, three untenured faculty members elected by the faculty, and such other members of the faculty and officers of the University as may be elected thereto by vote of the board shall constitute the Academic Council.” (**Chapter IV, Sec. 2**)

“Every appointment to the faculty not conferring tenure, and every promotion of a member of the faculty not newly conferring tenure, shall be made by the president or his/her designee and shall be reported to the Campus Affairs Committee at its next meeting and subsequently to the board at its next meeting.” (**Chapter III, Sec. 3, (2)(a)**)

“Every appointment to the faculty conferring tenure, and every promotion of a member of the faculty newly conferring tenure, shall be submitted by the president or his/her designee to the Campus Affairs Committee and shall thereafter be submitted, with the report of the Campus Affairs Committee thereon, to the board for its approval.” (**Chapter III, Sec. 3, (2)(b)**)

“The concurrence of the Academic Council shall not be required for any such appointment or promotion, but when reporting or submitting each such appointment or promotion to the Campus Affairs Committee, the President or his/her designee shall at the same time submit to the Campus Affairs Committee the report of the Academic Council thereon, if any.” (**Chapter III, Sec. 3, (2)(c)**)

#### Part I. Organization and Procedure of the Academic Council

**Sec. 101. Definitions.** For the purpose of these by-laws unless otherwise required by context:

(a) The term president means the president or the president’s designated agent or agents of the Board of Trustees.

(b) The term Academic Council (sometimes referred to as the Council) means the president, the professors, and the tenured associate professors, and three tenure-track faculty members, one from each division, and each elected at-

## 5.1 By-Laws of the Academic Council of Wesleyan University

large by all tenure-track members. Other members of the faculty and officers of the University may be elected thereto by vote of the Board of Trustees. Faculty in the above categories who are on less than half-time appointment may attend Council meetings without vote.

The following procedures govern the election of the three tenure-track members of the Academic Council.

1. The term is two years. Part II of the Standing Rules of the Faculty governs the election procedure. The timing of the election occurs subsequent to the elections for the standing committees of the faculty. (See Part II, Section 203 of the Standing Rules.)
  2. Faculty eligible for election include all tenure-track faculty members who have not previously served on Council or who, during the first year of the term, will not be in the first or the last year of service, who are not scheduled for a tenure decision, and who will not be on sabbatical or leave. If a person becomes ineligible to serve the second year of the term by virtue of being scheduled for a tenure decision or being on sabbatical or leave, a successor will be elected to serve a full two-year term.
  3. Election for this two-year term does not affect eligibility for election to other committees governed by the Standing Rules of the Faculty, Section 303 Committee Membership and Service Relief.
- (c) The term faculty means the President, the professors, the associate professors, the assistant professors, the instructors, the lecturers, and such others as may be constituted members thereof by the Board of Trustees.
- (d) The term on active duty means not absent on sabbatical leave or other leave of absence.
- (e) The term telling procedural error means one that materially contributed to a decision.
- (f) The term decision in bad faith means a decision in which the outcome was predetermined before consideration of the evidence.
- (g) The term improper consideration refers to criteria that, for example, either violate academic freedom or applicable laws or policies regarding discrimination in employment.
- (h) The term decision without giving adequate consideration to the relevant evidence means that the decision was not informed by or did not take into account all the relevant evidence regarding the performance of a candidate in the areas of scholarship, teaching, and collegueship in order to arrive at a reasonable evaluation of the candidate's record, and did not employ relevant



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and appropriate criteria. It does not mean that the decision makers must address either in writing or orally every argument that is brought before them by outside reviewers or students, or that they must come to a conclusion that is merely the sum total of, or necessarily consistent with, those of outside reviewers or of student evaluations.

(i) In this document, items f through h are referred to as the three inappropriate criteria.

### **Sec. 102. Organization of Meetings**

(a) Role of President. The president calls the meetings of the Academic Council and presides at them, but does not vote, except when doing so will affect a decision.

(b) Number of Meetings. The Academic Council meets at least once per semester, and more often as needed.

(c) Notice. The president gives five days' notice of meetings, except as required by emergency. When concurrence by ballot is called for, notice includes the agenda and necessary papers.

(d) Quorum. A quorum shall consist of one-quarter of the Academic Council on active duty.

(e) Rules. The rules of parliamentary procedure as stated in the most recent edition of Robert's Rules of Order, shall govern in all cases to which they are applicable.

(f) Secretary. The Office of the Academic Secretary shall be responsible for keeping the minutes of the Academic Council. The minutes shall include the count of all written ballots or show of hands and the results of voice vote.

### **Function of the Academic Council**

**Sec. 103. Function.** Within the framework established in the by-laws of the Board of Trustees, the Academic Council establishes its by-laws and guidelines for the review and evaluation by faculty of candidates for faculty appointments, reappointments, promotions, and promotions conferring tenure by enacting faculty legislation governing these processes. It receives reports from the Advisory Committee and the Review and Appeals Board about the outcome of recommendations for faculty appointments, reappointments, and promotion. The Academic Council also receives reports from the Advisory Committee and the Review and Appeals Board, as well as from the Vice President for Academic Affairs and the President about the workings of the appointment, reappointment, promotion, and tenure review and evaluation process.

## **Part II. The Review and Appeals Board**

**Sec. 201. Composition.** The Review and Appeals Board is a standing committee of the Academic Council. It shall consist of 30 tenured members of the Wesleyan faculty—10 from each of divisions one, two, and three—elected from the tenured faculty with full-time appointments. Five from each of these divisions are elected by the tenured faculty of their respective divisions, the remaining five by the tenured faculty at large. A maximum of two tenured faculty members from any one department may serve on the Review and Appeals Board. The president, the vice president for academic affairs, the academic secretary, and members of the Advisory Committee are entitled to attend all the meetings of the board, with voice but without vote.

**Sec. 202. Term.** Members are elected to serve three-year terms and may not serve for more than three years in any six-year period.

**Sec. 203. Election.** Members of the Review and Appeals Board shall be elected before April first of the academic year preceding the beginning of their term of service in accordance with provisions set forth in the “Guidelines for Election to the Review and Appeals Board.”

### **Sec. 204. Attendance.**

(a) Attendance by elected members of the Review and Appeals Board, as well as by those entitled to attend under Section 201, shall be considered a professional responsibility to faculty colleagues and to the University.

(b) Tenured members of departments whose candidates are under review shall be invited, with voice but no vote, to Review and Appeals Board meetings at which their candidates are being considered for promotion and/or tenure. Before the RAB begins its deliberations, all members of such departments and programs, including members of the RAB, as well as RAB members from any other department or core members of program that have submitted a letter evaluating the candidate’s dossier will be excused. RAB members excused under this provision will play no further role in the case.

**Sec. 205. Vacancies.** A faculty member who is elected to the Review and Appeals Board but who will not be on duty for one semester of his or her elected term will be replaced for that semester by a faculty member from his or her division who received the next largest number of votes.

### **Sec 206. The Organization of the Review and Appeals Board**

(a) Chair. The Review and Appeals Board shall elect a chair from its own membership, who shall be a full professor and shall serve for a term of one year and be eligible to be elected for a second, successive one-year term. The chair, in consultation with the vice-chair of the Advisory Committee, shall call the meetings of the Review and Appeals Board, and shall establish its agenda

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and presides over its proceedings.

(b) Meetings. The chair shall give five-days notice of Review and Appeals Board meetings and include in the call to the meeting the list of agenda items, tenure and promotion material, and all other necessary papers.

(c) Quorum. A quorum shall consist of two-thirds of the Review and Appeals Board members eligible to vote in a case.

(d) Rules. The rules of parliamentary procedure as stated in the most recent edition of Robert's Rules of Order, shall govern the Review and Appeals Board in all cases to which they are applicable. See the "**Review and Appeals Board Guidelines for the Standing Rules Governing the Review of a Negative Recommendation by the Advisory Committee.**"

(e) Votes. In all votes regarding promotion or promotion conferring tenure, abstentions will count as if they were negative votes. The president shall report the vote when making recommendations to the Board of Trustees.

(f) Secretary. The Office of the Academic Secretary shall be responsible for keeping the minutes of the Review and Appeals Board. The minutes shall include the count of all written ballots or show of hands and the results of voice vote.

### **Part III. The Advisory Committee**

**Sec. 301. Functions.** A standing committee of the Academic Council, called the Advisory Committee, meets regularly with the president, consults with departments, drafts legislation for consideration by the Academic Council, and advises the president on matters pertaining to appointments, reappointments, and promotions in the faculty, and reports its advice to the council. In the case of promotions conferring tenure, that advice, if positive, constitutes a motion for the Review and Appeals Board's concurrence. The Advisory Committee also acts as a conference committee on behalf of the Academic Council for conference with the Board of Trustees.

**Sec. 302. Composition.** The Advisory Committee consists of nine tenured members: three members from each of the three divisions. All must be on full-time appointments. At least three must be professors, one from each division, and at least three must be associate professors, one from each division. One professor and one associate professor from each of the divisions shall be elected by the tenured members of that division, and one member from each division shall be elected by all the tenured faculty of the University. No more than two members may come from the same department. The Advisory Committee may, for brief periods occasioned by the abstentions of members for cause, enlist one or two faculty members who have served on the committee previously and who shall be selected from the same division as the

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absent member in order of the most recent date of prior service to provide an adequate number of members to vote on a tenure decision, and to participate in the review leading up to that vote.

**Sec. 303. Term.** The regular term of service of tenured faculty elected to the Advisory Committee shall be two years, served either sequentially or interrupted by sabbatical or leave. The maximum service in any seven-year period shall be two years. Associate professors shall serve a maximum of two years, and professors are excused from further service after serving six years, but may request to be placed on the ballot. All faculty shall have the choice of whether or not to count their service prior to July 1, 2009 toward their maximum.

### **Sec. 304. Elections:**

**304a. Date of Election.** The annual election of members of the Advisory Committee shall take place before April first of the academic year preceding that in which the term of service on the committee is to begin. Notice will be in accord with **Section 102c**.

**304b. Method of Election.** Elections for the Advisory Committee shall be conducted by the Office of the Academic Secretary following a set of procedures, approved by the faculty on May 3, 1995, providing for approval voting. A winning candidate must receive a number of votes equal to or greater than 50 percent of all ballots returned. If no candidate attains this, a runoff ballot shall be circulated with the names of the top candidates, whose votes, when combined, account for at least 50 percent of all ballots returned.

**Sec. 305. Vacancies.** A vacancy in the membership of the Advisory Committee arising before the expiration of a regular term of service shall be filled by the election of a member who shall be elected to serve out the uncompleted academic year and two additional academic years; except that whenever a member of the Advisory Committee is to be absent on sabbatical leave or other leave of absence for a period of one semester, a member of the Academic Council shall be elected to take his/her place for the entire academic year in which the leave occurs. Vacancies shall be filled as soon as they occur, or by election in the manner prescribed in **Sec. 304b**.

**Sec. 306. Meetings.** The Advisory Committee shall normally meet once each week during the academic year, at the call of the president or his/her designee, who prepares the agenda and chairs the meetings. Additional representatives of the administration may attend regular meetings of the committee, at the president's request after consultation with the committee. The Advisory Committee's final vote and recommendation on an appointment or a promotion may, at the request of the committee, be to the president alone, and shall in any case be delivered with no faculty members present other than the members of the committee.

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**Sec. 307. Vice-Chair.** The Advisory Committee shall elect each year one of its members as vice-chair. He/She may propose items for the agenda of regular meetings, and may convene special meetings of the committee, provided the president be informed of such meetings in advance, and of the agenda.

**Sec. 308. Committee Secretary.** The Office of the Academic Secretary shall serve as secretary to the committee and keep a record of its proceedings and decisions.

### **Part IV. Faculty Appointment, Promotion, and Tenure Procedures**

**Sec. 401. Initiative for Appointment, Promotion, and Tenure.** Nominations for appointment and promotion, including appointments and promotions conferring tenure, may originate with the president of Wesleyan University, or with departments through the president. (Note: by-laws that have been adopted by the Board of Trustees provide that only the president of the University has the power to make faculty appointments, subject to trustee approval of appointments conferring tenure. These trustee by-laws empower the president to make an independent judgment concerning each faculty appointment and the president is not bound by evaluations of candidates made by the faculty or by representations made by faculty members to candidates.)

If a nomination for a faculty appointment or promotion, including appointments or promotions conferring tenure, originates with the president, he/she consults the Academic Council in the department or departments concerned before presenting the nomination to the Advisory Committee. The Academic Council members in a department represent that department in recommending appointments, promotions, and tenure to the Advisory Committee. Where a department has fewer than three eligible Academic Council members, the VPAA, in consultation with the chair of the department, must supplement that number to a minimum of three.

**Sec. 402. Advice and Concurrence.** The president seeks advice from the Advisory Committee before making appointments or promotions or reporting them to the Board of Trustees. The Advisory Committee seeks the concurrence of the Review and Appeals Board on positive recommendations for appointments and promotions conferring tenure.

**Sec. 403. Procedure When There Is Agreement.** When the department and the Advisory Committee are in agreement with respect to a tenure recommendation,

(a) and the recommendation is positive, the case shall be forwarded to the Review and Appeals Board, where a simple majority of those present and eligible to vote shall be required for non-concurrence, based on whether the Advisory Committee made a telling procedural error or made its positive recommendation based on any of the three inappropriate criteria. If the Board votes non-concurrence, it shall remand the case to the Advisory Committee to

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address the procedural matters specified by RAB (see sections 101e through 101i). Alternatively, should the Board choose, by a two-thirds vote of those present and eligible to vote, it may review the case itself instead of remanding it to the Advisory Committee. If the Board remands the case to the Advisory Committee, the chair of the Board shall send to the Advisory Committee a statement indicating his or her understanding of the reasons for the Board's decision.

(b) and the recommendation is negative, the Review and Appeals Board and the President are so informed.

### **Sec. 404. Review of Negative Departmental Recommendation Concerning Reappointment, Promotion, or Tenure:**

**404a. Information and Criteria.** When a department declines to recommend a faculty member for tenure, reappointment, or promotion, including a promotion conferring tenure, it will forward its decision to the Advisory Committee for its review. Upon request from the candidate, the department will also provide the candidate a written summary of the reasons for its negative recommendation. In reviewing a case, the Advisory Committee will examine the reasons given for the department's decision and will have access to all evaluations solicited by the department as well as all other materials considered by it. Additionally, the Advisory Committee may seek new information; it will meet with the candidate and her/his Wesleyan faculty or administrative counselor, if the candidate so chooses; and it will invite tenured members of the department to meet with it.

The review by the Advisory Committee, however, will not be de novo and the Advisory Committee will not substitute its judgment about the merits of the case for the judgment of the department. The Advisory Committee's role during this review is limited to determining whether or not the department made a telling procedural error or made its recommendation based on any of the three inappropriate criteria. **[For definitions, see Sec. 101.]**

**404b. Tenure Case.** In a case involving the conferral of tenure, should the Advisory Committee determine that the department made a telling procedural error, it will either remand the case to the department or rectify the error itself. When the error has been rectified by either of these agencies, if the department's recommendation remains negative, the Advisory Committee will complete its review and will either sustain the department's negative recommendation or forward the case to the Review and Appeals Board for its concurrence with a positive recommendation of the Advisory Committee. Should the Advisory Committee determine that the department made its recommendation based on any of the three inappropriate criteria, it will either remand the case to the department or forward the case to the Review and Appeals Board for its concurrence with a positive recommendation of the Advisory Committee. In cases that the Advisory Committee forwards to the Review and Appeals Board with a positive recommendation but in which the

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department's recommendation is negative, concurrence of the Review and Appeals Board requires an affirmative vote of two-thirds of those present and eligible to vote.

**404c. Non-tenure Case.** In a case not involving the conferral of tenure, should the Advisory Committee determine that the department made a telling procedural error, it will either remand the case to the department or rectify the error itself. When the error has been rectified by either of these agencies, if the department's recommendation remains negative, the Advisory Committee will complete its review and will either sustain the department's negative recommendation or recommend to the president that the candidate be reappointed and/or promoted. Should the Advisory Committee determine that the department made its recommendation based on any of the three inappropriate criteria, it will either remand the case to the department or recommend to the president that the candidate be reappointed and/or promoted. The Committee shall report its actions to the Review and Appeals Board, for review but no vote.

### **Sec. 405. Review of Negative Advisory Committee Recommendation Concerning Reappointment, Promotion, or Tenure:**

**Sec. 405a. Review.** When the Advisory Committee does not concur with a department's positive recommendation for reappointment, or promotion, including promotion conferring tenure, the case shall be reviewed by the Review and Appeals Board. The Advisory Committee will provide the department with a written copy of its negative recommendation to the Review and Appeals Board. The department will submit a letter to RAB indicating whether the tenured members believe that the Advisory Committee made a telling procedural error or made its recommendation based on any of the three inappropriate criteria [**For definitions, see Sec. 101.**]; the department's letter should provide detailed descriptions of these points. The Chair of the department and the Vice Chair of Advisory will meet with the Executive Committee of the Review and Appeals Board to schedule the RAB meeting, to stipulate the record of the case, and to stipulate the points under consideration in the review. Should agreement not be forthcoming, as per Section 2 of the "Review and Appeals Board Guidelines for the Standing Rules Governing the Review of a Negative Recommendation by the Advisory Committee," the final determination will rest with the executive committee of the RAB. The review will be conducted in accordance with these same "Review and Appeals Board Guidelines for the Standing Rules Governing the Review of a Negative Recommendation by the Advisory Committee."

The review of Advisory's negative decision by the Review and Appeals Board, however, will not be de novo and the Board will not substitute its judgment about the merits of the case for the judgment of the Advisory Committee. The Board's role during this review is limited to determining whether or not the Advisory Committee made a telling procedural error or made its recommendation based on any of the three

inappropriate criteria. [For definitions, see Sec. 101.]

**Sec. 405b. Standing Rules Governing the Hearing of Cases.** It shall be the responsibility of the chair of the Review and Appeals Board to propose to that board standing rules governing the hearing of cases under review.

Members of the Review and Appeals Board can also propose changes in the standing rules. The purpose of these rules shall be to insure that procedures focus on the relevant issues, employ the appropriate standards, and give adequate weight to the various parties in a case. The Review and Appeals Board shall adopt these rules on the basis of a majority vote.

[Also see “Review and Appeals Board Guidelines for the Standing Rules Governing the Review of a Negative Recommendation by the Advisory Committee.”]

**Sec. 405c. Information and Criteria.** The Review and Appeals Board shall determine whether the Advisory Committee made a telling procedural error or made its negative recommendation based on any of the three inappropriate criteria. In reviewing the Advisory Committee’s procedures and judgment in the case, the Review and Appeals Board will examine the reasons given for the Advisory Committee’s negative recommendation and will have access to all evaluations solicited by the Advisory Committee as well as all other materials considered by it. The Review and Appeals Board will receive the written report from the Advisory Committee summarizing its procedures and findings in the case [see Section 405a of these By-Laws].

**Sec. 405d. Tenure Cases.** In a case involving a review of a negative recommendation by the Advisory Committee, should a simple majority of the Review and Appeals Board members present and eligible to vote determine that the Advisory Committee made a telling procedural error or that it made its negative recommendation based on any of the three inappropriate criteria (see sections 101f through 101i), the Board shall remand the case to the Advisory Committee to address the procedural matters specified by RAB (see sections 101e through 101i). If the Board remands the case to the Advisory Committee, the chair of the Board shall send to the Advisory Committee a statement indicating his or her understanding of the reasons for the Board’s decision. Alternatively, the Board, by a two-thirds vote of those present and eligible to vote, may choose to review the case itself instead of remanding it to the Advisory Committee. If it reviews the case itself, the Review and Appeals Board may recommend to the president by a two-thirds vote of those present and eligible to vote that the department’s positive recommendation be enacted. The President may decline to accept the Review and Appeals Board’s positive recommendation, but must so report to the Board of Trustees.

For its deliberations and votes, the Board will excuse members of the Department and core members of the program(s) excused under Section 204(b).



## 5.1 By-Laws of the Academic Council of Wesleyan University

In cases in which a college, program, or ad hoc committee makes or joins in a recommendation, references to a department also pertain to them.

**Sec 405e. Notification to Candidates.** If the Review and Appeals Board concurs with the negative recommendation of the Advisory Committee, the candidate, upon receiving notification of this concurrence, may, upon request, receive a written summary of the Advisory Committee's reasons for its recommendation.

**Sec. 406. Appeals by Candidates.** Should the Advisory Committee and the Review and Appeals Board determine that the negative recommendation in a case did not involve a telling procedural error or a decision based on any of the three inappropriate criteria, the candidate has no right to have the case reconsidered by the department. A candidate has no right of appeal to the Review and Appeals Board or to the Faculty Committee on Rights and Responsibilities of a negative recommendation for tenure, reappointment, or promotion, made by the department or the Advisory Committee.

**See Flow Diagram for Review of Cases Conferring Tenure.**

### **Other Personnel Actions:**

**Sec. 407. Administrative Appointments.** For administrative appointments primarily concerning academic affairs (Vice President for Academic Affairs and Provost, Vice President for Student Affairs, and Librarian, for example), the President normally asks the concurrence of the Review and Appeals Board in his/her recommendations.

**Sec. 408. Appointments and Promotions Not Conferring Tenure.** The president reports to the Review and Appeals Board non-tenure appointments he/she has made or intends to make. The president also reports non-tenure promotions and promotions to the rank of professor that do not newly confer tenure.

**Sec. 409. Summer Appointments and Emergencies.** During the summer, or in emergencies, non-tenured appointments and promotions are made by the president with the concurrence of the appropriate department chair. In extraordinary circumstances, the president may recommend a tenure appointment during a recess of the University after seeking concurrence of as many members of the Advisory Committee and the Review and Appeals Board as are readily available.

## **Part V. Faculty Appointment Contracts**

**Sec. 501. Intention.** In framing the following regulations the Academic Council intends to act in accord with the 1940 Statement of Principles of the American Association of University Professors.

## 5.1 By-Laws of the Academic Council of Wesleyan University

**Sec. 502 Criteria.** Teaching, scholarship, and collegueship are the three basic criteria by which a candidate for appointment, reappointment, and promotion to the high ranks should be judged. Both performance and promise in these categories should be evaluated.

**Sec. 502a. Teaching.** For purposes of evaluation, teaching refers primarily to classroom performance and promise as evaluated by students and other teachers. The influence on and contribution of the candidate to the teaching of his/her colleagues should also be considered. Supplementary evidence might include a candidate's contribution to formulating new or improved courses, programs, or teaching techniques and also his/her availability to and effect on students as a counselor.

**Sec. 502b. Scholarship.** Refers to intellectual power, depth and breadth of knowledge, originality and skill in research, creativity and significance of executed work, past contributions to knowledge, and promise of future growth. Published, performed, and executed works, important as a contribution to knowledge and understanding, are also the clearest measure of their author's scholarship. Other evidence might include mastery of skills and disciplines outside the candidate's field.

**Sec. 502c. Collegueship.** Refers to contributions to the collegial life of the faculty as a community of scholars and to faculty and university service. Colleagues are expected and encouraged to contribute generously to multiple aspects of university life. Of particular importance is service at the department/program and university level. Equally important is effectiveness in stimulating the thinking of colleagues and encouragement and constructive criticism of their work, both on the more formal occasions when faculty meet for serious discussion and in day-to-day associations with colleagues inside or outside the department. Sharing service in an equitable manner helps establish the conditions for sustaining a stimulating atmosphere for all faculty members at Wesleyan.

**Sec. 502d. Additional Considerations.** Besides these basic criteria, each case involves special factors that must be evaluated individually. Although tenure should not be considered a reward for administrative or committee work, the skills or wisdom so demonstrated may answer real needs of the University. These and other special aptitudes or achievements may strengthen the case for a candidate.

These general University criteria are meant to be interpreted by departments and programs in the specific terms appropriate to their fields and disciplines. Such interpretations, which may be in writing, should be communicated by department and program chairs both to faculty members when hired and to the administration.

## 5.1 By-Laws of the Academic Council of Wesleyan University

**Sec. 503. Notification.** All notices of appointment, reappointment, promotion, or termination of appointment are made in writing by the president or his/her designee, and thus become valid, except that appointments or promotions to tenured positions become valid only when they have been approved by the Board of Trustees. No oral assurances shall be binding.

### **Sec. 504. Appointments Without Tenure:**

**Sec. 504a. Ranks.** The ranks of instructor, assistant professor, and lecturer do not carry tenure. In exceptional circumstances, the rank of associate professor may be granted without tenure.

**Sec. 504b. Initial Appointments.** Initial appointments shall normally be made for terms of four years.

**Sec. 504c. Reappointments.** Before the end of the third year of an initial appointment of four years, a decision shall be made either to terminate the appointment at the end of the fourth year or to reappoint. Such reappointment shall normally be for four years, unless the faculty member has taught full-time at another institution before coming to Wesleyan.

**Sec. 504d. Total Length of Appointments and Reappointments.** The total period of full-time service as an instructor and/or assistant professor and/or lecturer and/or associate professor without tenure at Wesleyan, together with the years of full-time college or university teaching elsewhere, shall not exceed eight years, except that, if the years of full-time college or university teaching elsewhere amount to more than four, the period of service at Wesleyan may run to four years.

[Also see “**Advisory Committee Policy on the Total Length of Appointments and Reappointments,**” included under “Advisory Committee Policies.”]

### **Sec. 505. Appointment and Promotion to Ranks Conferring Tenure:**

**Sec. 505a. Timing of Promotions Conferring Tenure.** Promotions conferring tenure may be made at any time. Decisions on such promotions must be made by the end of the seventh year of the appointee’s full-time college or university teaching, except that, if the years of the appointee’s full-time college or university teaching elsewhere amount to four or more, the decision may be made as late as the end of the third year of his/her appointment at Wesleyan.

**Sec. 505b. Terms and Criteria for Associate Professor.** Appointments and promotions to the rank of associate professor shall normally be without limit of time. Such an appointment or promotion shall be made only if it is expected that the faculty member will qualify for a professorship in due course. [For further details see sections **502, 502a-d,** and **505c.**]

## 5.1 By-Laws of the Academic Council of Wesleyan University

**Sec. 505c. Promotion to Professorship.** Promotion to a professorship will depend mainly on the candidate's performance since receiving tenure. There should be significant additional scholarly and/or artistic accomplishments. Teaching done after receiving tenure should be at least as good as teaching done before that time. The candidate should have continued to make collegial contributions. [For further details see sections **502, 502a-d.**]

### **Part VI. Amendment and Publication of Academic Council By-Laws**

**Sec. 601. Amendment.** These by-laws may be amended by a two-thirds vote of members present at any meeting of the Academic Council, provided that notice shall have been given at least five days in advance of the meeting, and provided that the members in attendance constitute a special quorum of 40%. Voting shall be by ballot.

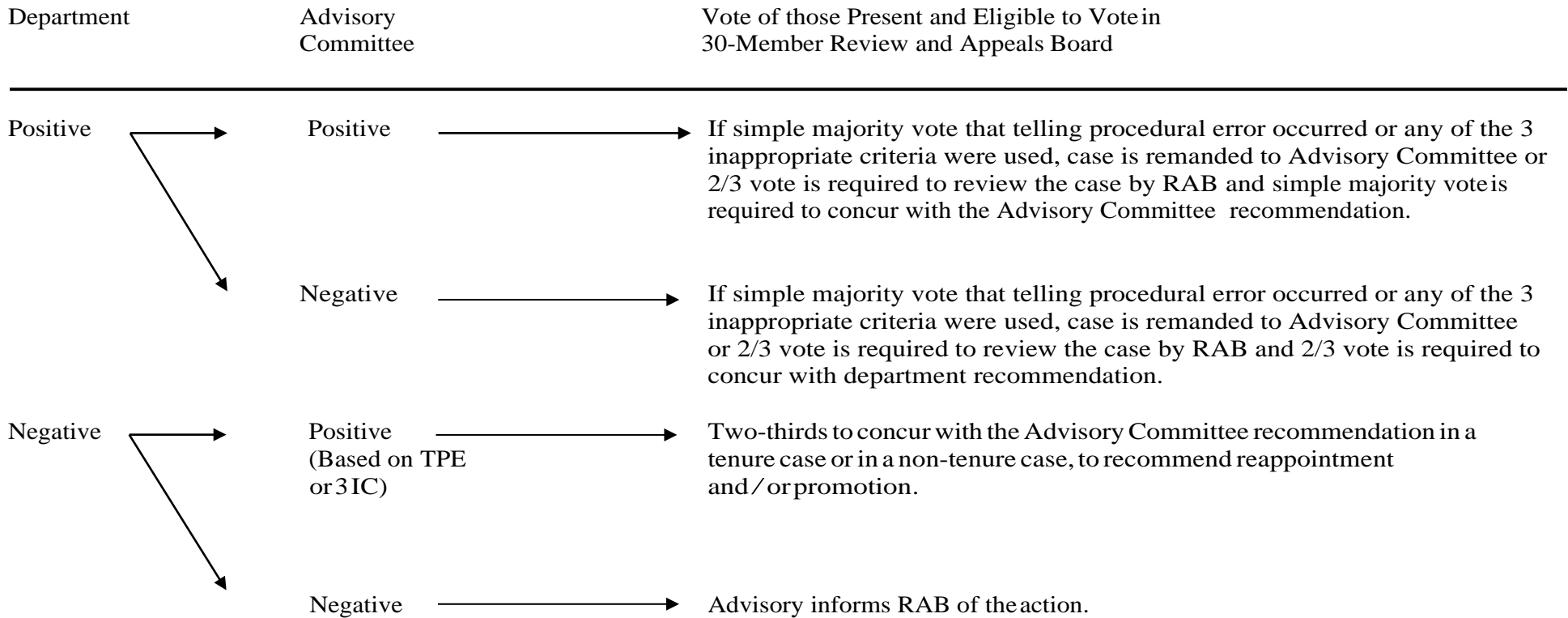
**Sec. 602. Publication.** Copies of the "Academic Council By-Laws" shall be available at all times to the faculty. Each new member of the faculty shall receive a copy of these by-laws upon his/her appointment to the faculty. When these by-laws are amended, each member of the faculty shall receive a copy, duly revised.

5.2 Flow Diagram for Review of Cases

5.2

**FLOW DIAGRAM FOR REVIEW OF CASES**

(This flow diagram is included only to aid in the interpretation of the procedures described herein, and is superseded by the text of these by-laws.)



\*3 Inappropriate Criteria are: bad faith, improper considerations, or inadequate consideration – for full meaning, see text.

Academic Council – composed of all tenured faculty and 3 tenure-track faculty - receives summary reports on the outcome of individual cases. It also receives reports from the Advisory Committee and the Review and Appeals Board about the workings of the appointment, promotion, and tenure processes. Council also enacts legislation governing appointment, reappointment, promotion, and tenure.

Updated 8/18/2010

### 5.3 Academic Council Statement on the Obligation of Collegiality

#### **5.3**

#### **ACADEMIC COUNCIL STATEMENT ON THE OBLIGATION OF COLLEGIALITY**

**[Adopted on February 19, 1980]**

A university community is a privileged arena for the free development and fearless exchange of ideas. Disagreements inevitably arise, but the way to resolve them is through persuasion by reasoned argument. Threats of violence or efforts to intimidate are not acceptable as forms of persuasion anywhere, least of all within the University. We regard it, therefore, as a breach of collegiality for a faculty member either to engage personally in threatening behavior or to counsel other constituents in the University to exert undue pressure by insulting, intimidating, coercing, or threatening individual faculty on controversial issues.

**5.4**

**GUIDELINES OF THE ACADEMIC COUNCIL FOR THE  
EVALUATION OF CANDIDATES FOR REAPPOINTMENT**

[As amended through May 23, 2018]

See the “By-Laws of the Academic Council,” **Sec. 502** for criteria, and **Sec. 504b–504d** for length of appointments.

**I. The Department's Relation to the Candidate Sec. 101.**

**Scheduling the Evaluation**

Following consultation with the candidate, the chair will set:

- (a) The deadline for the candidate’s submission of his/her current curriculum vitae and the body of scholarly and/or other creative work to be evaluated; and
- (b) The anticipated time for the completion of the department’s evaluation of his/her candidacy.

**Sec. 102. The Evaluation**

**(a) Teaching**

1. **Student Evaluations.** The student evaluations, collected by the Office of the Registrar and deposited in the Office of Academic Affairs, should be examined by the department chair. Other tenured members of the department may examine them as well.
2. **Other Student Evaluations.** In addition to the evaluations collected by the Office of the Registrar, the department may wish to solicit other evaluations from former or current students of the candidate.
3. **Faculty Peer Evaluation.** The chair may solicit information from faculty members within or without the department, e.g., those who have taught courses jointly with the candidate.
4. **The Candidate’s Own Evaluation.** Candidates should be invited to submit to department chairs for inclusion in their dossiers any teaching materials that they consider pertinent to their cases, such as course syllabi, examinations, lecture notes, and so on. They may, if they wish, make any further statement concerning their teaching that they consider relevant. Furthermore, candidates should feel free to request chairs to consult specified students—alumni, undergraduate, or graduate—concerning their teaching.

## 5.4 Guidelines of the Academic Council for the Evaluation of Candidates for Reappointment

### (b) **Scholarship**

In making this review, the department should normally include published and unpublished scholarly materials (and other created works where appropriate) provided by the candidate. When the dissertation is the candidate's primary piece of scholarship, the department should utilize it. Such review should be carried out by senior members of the department. In certain instances, a department may wish to draw upon competent outside referees.

### (c) **Collegueship**

See the "**By-Laws of the Academic Council,**" **Sec. 502c.** Testimony regarding collegueship shall be solicited by the department chair.

## **Sec. 103. The Relation of Reappointment to Promotion Conferring Tenure**

Departments making reappointments should consider the promise of the candidate for eventual promotion to tenure. Reappointment should not be taken to imply a subsequent favorable decision on tenure.

## **Sec. 104. Candidates and the Evaluation**

In addition to being informed ahead of time of the schedule of the evaluation, to nominating referees of their teaching, to commenting on the regular student evaluations of their teaching and to supplementing them with course materials (for all of which see above), candidates have the following rights in relation to their department:

**(a) Candidate's Statement.** Candidates should have the opportunity to state their own cases before the tenured members of the department, in person or in writing, without prejudicing their cases.

**(b) Counselor.** Candidates may, if they wish, request a tenured member of the faculty, usually of their own department (who may well be the chair), to assist them in presenting their cases to the department, to review their dossiers, and to ensure that their rights and interests are duly observed in the department and in the presentation of their cases to the Advisory Committee. The acceptance of a role as counselor in no way compromises the tenured person's right to come to an independent judgment and to vote as he/she sees fit.

**(c) Information and Confidentiality.** It is the responsibility of the chair and the counselor to keep the candidate promptly informed of the status of the case, including a summary of the department's discussion and of the Advisory Committee's general reactions to the evidence on teaching and scholarship. But, in aiding the candidate, the chair and counselor are cautioned not to impair the confidentiality of the Advisory Committee's procedures and



## 5.4 Guidelines of the Academic Council for the Evaluation of Candidates for Reappointment

discussions.

### **Sec. 105. Departmental Consultation in the Evaluation**

Chairs should consult all non-tenured members of the department except those in their first and last years at Wesleyan. The counsel of the non-tenured faculty members may be oral or written. After appropriate consultation with the department and with the concurrence of a majority of the tenured faculty, the chair recommends to the president reappointment of the candidate or not.

### **II. The Department's Relations to the Office of Academic Affairs and the Advisory Committee**

The statement in Sec. 401 of the Academic Council By-Laws, which states that when a department has fewer than three Academic Council members, the VPAA, in consultation with the chair of the department, must supplement that number to a minimum of three, applies to these Guidelines.

### **Sec. 201. Deadlines for Preparing the Evaluation**

The chair will inform the Office of Academic Affairs of:

- (a) The deadline for the candidate's submission of his/her current curriculum vitae and the body of scholarly and/or other creative work to be evaluated.
- (b) The anticipated time for the completion of the department's evaluation.

### **Sec. 202. Department's Presentation of the Recommendation**

(a) The reappointment of tenure-track faculty is usually considered by the Advisory Committee in the spring term. As soon as possible in the spring term, and not later than March 1, the department chair should deposit at the Office of Academic Affairs electronic copies of the following:

1. The department's recommendation and the rationale for it.
2. The candidate's current *curriculum vitae*.

[For more detail, see the Advisory Committee policy on **Presentation of Cases for Reappointment, Tenure, and Promotion.**]

(b) The materials for cases eligible for fall semester review should be deposited at the Office of Academic Affairs as soon as possible in the fall semester, and not later than November 1.

(c) The department chair should stand ready to supply the Office of Academic Affairs and the Advisory Committee with additional information as desired, and, with senior colleagues and the counselor, if any, to meet with the

## 5.4 Guidelines of the Academic Council for the Evaluation of Candidates for Reappointment

Advisory Committee if required.

See the “By-Laws of the Academic Council,” **Sec. 502** for criteria, and **Sec. 504b–504d** for length of appointments.

### **III. The Relations of the Office of Academic Affairs and the Advisory Committee to Candidates**

**Sec. 301. Response to Student Evaluations.** Untenured faculty members shall be invited each term to send comments on their student evaluations in writing to the Office of Academic Affairs as well as to their department chairs. They shall be invited again by the office, when their case is considered, to make a general summary comment on the evidence provided by the student evaluations. These comments shall be made available to the Advisory Committee.

**Sec. 302. Candidates May Meet with Advisory Committee.** Candidates have the opportunity to state their own cases before the Advisory Committee, in person or in writing, without prejudicing their cases.

**Sec. 303. Informing the Participants.** It is the responsibility of the Office of Academic Affairs to keep the department chair (and the candidate’s counselor if these are not the same) informed of the status of the case.

5.5 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion Conferring Tenure

**5.5  
GUIDELINES OF THE ACADEMIC COUNCIL FOR THE EVALUATION  
OF CANDIDATES FOR PROMOTION CONFERRING TENURE**

**[As amended through May 23, 2018]**

The statement in Sec. 405d of the Academic Council By-Laws, which states that references to departments also pertain in cases in which colleges, programs or ad hoc committees make or join in a recommendation, applies to these Guidelines.

**I. The Department's Relation to the Candidate Sec. 101.  
Scheduling the Evaluation**

Following consultation with the candidate, the chair will set:

- (a) The deadline for the candidate's submission of his/her current curriculum vitae and the body of scholarly and/or other creative work to be evaluated.
- (b) The anticipated time for the completion of the department's evaluation of his/her candidacy.

**Sec. 102. Consideration for tenure or promotion conferring tenure before a review is mandatory**

(a) When a tenure-track faculty member requests consideration for tenure or for promotion conferring tenure before such a review is mandatory, the tenured members of the department must give preliminary consideration to that request. If the majority of the tenured members of the department present and eligible to vote do not vote to conduct a full review, the chair must notify the candidate in a timely manner. The candidate may request reconsideration based upon additional information. The tenured faculty in the department must honor this request; however, the candidate is not entitled to a full review if the tenured faculty in the department do not think it is advisable.

(b) If the majority of the tenured faculty of the department present and eligible to vote do vote to conduct a full review, they will so notify the Vice President for Academic Affairs and the candidate. Consideration of the case must then proceed to a vote on whether or not to recommend tenure or promotion conferring tenure in keeping with the timetable presented in section 201. Once a decision has been made to conduct a full review, the review of the case will follow the procedures in the *Faculty Handbook*.

For additional information about tenure cases reviewed prior to the mandatory review year, see sections 103, 307, and 308.

5.5 Guidelines of the Academic Council for the Evaluation of Candidates for  
Promotion Conferring Tenure

**Sec. 103. The Evaluation**

**(a) Teaching**

1. **Student Evaluations.** The student evaluations, collected by the Office of the Registrar and deposited in the Office of Academic Affairs, should be examined by the department chair. Other tenured members of the department may examine them as well.

2. **Other Student Evaluations.** In addition to the evaluations collected by the Office of the Registrar, the department may wish to solicit other evaluations from former or current students of the candidate.

3. **Faculty Peer Evaluation.** The chair may solicit information from faculty members within or without the department, e.g., those who have taught courses jointly with the candidate.

4. **The Candidate's Own Evaluation.** Candidates should be invited to submit to department chairs for inclusion in their dossiers any teaching materials that they consider pertinent to their cases, such as course syllabi, examinations, lecture notes, and so on. They may, if they wish, make any further statement concerning their teaching that they consider relevant. Furthermore, candidates should feel free to request chairs to consult specified students—alumni or undergraduates—concerning their teaching.

**(b) Scholarship**

**1. Outside Opinions**

a. Ordinarily the chair should solicit from outside the Wesleyan faculty three to five opinions from qualified authorities of the department's choosing.

b. The candidate may name additionally up to three such authorities and request the chair to consult them. There may be more or fewer for cause. In both cases, the replies should be held in confidence from the candidate. The solicitors of the letters should represent that these practices of confidentiality are in force (namely, that the replies will be shared only with tenured members of the department, the Advisory Committee, and the Review and Appeals Board). The letters of solicitation should inquire at least concerning (a) the degree of acquaintance with the work of the candidate, (b) an appraisal of the work itself and (c) the candidate's standing in his/her field amongst scholars of comparable age and experience.

Copies of all letters received should be submitted to the Advisory Committee when the department is making positive recommendations.

## 5.5 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion Conferring Tenure

2. **Inside Opinions.** The chair of the department may, at the candidate's or department's behest, request letters of evaluation from authorities who are members of the Wesleyan faculty (either inside or outside the candidate's department) and who are familiar with his/her work. If the candidate requests a letter of evaluation from a program/department/ college of which the candidate is a core member, the department chair or the promotion committee chair must solicit a letter from the program/department/college for inclusion in the dossier provided to the Advisory Committee. These should be considered as supplementary to, but not substitutes for, outside opinions. In all cases, the letters of evaluation should be held in confidence.

3. **Bases of Judgment.** The usual evidence of scholarly publication consists of books, monographs, and articles. The latter could be published or accepted for publication in edited books, anthologies, or recognized scholarly journals. Such evidence might include anthologies, translations, technical reports, reviews, commentaries, textbooks, and so on, where such productions are pertinent to the evaluation of the candidate's performance and promise as a scholar.

Manuscripts, drafts, research proposals, public talks, and like may be included only if they can be evaluated by qualified external judges. Lectures that have been "refereed" could serve as evidence. Candidates should be made aware throughout their time at Wesleyan that their case for tenure or promotion is likely to be stronger if work to be evaluated is published or accepted for publication.

It may be the normal expectation of some departments to require a book or monograph or a specific number of significant papers. Where such a requirement exists, it should be made clear to the candidate when he/she comes to Wesleyan that this is the case.

Departments in which publication is not ordinarily expected should arrive at separate and clear understandings with the Office of Academic Affairs and the Advisory Committee as to what constitutes the usual evidence of performance and promise in that field. These understandings as to "the usual evidence" should be embodied in written statements prepared by such departments, to be reviewed and adopted by the Office of Academic Affairs after appropriate consultation. Such statements would be routinely made available to all members of those departments as well as members of the Review and Appeals Board.

### (c) Collegueship

See the "By-Laws of the Academic Council," **Part V, Sec. 502 (c)**. Testimony regarding collegueship shall be solicited by the department chair.

The same expectations of accomplishments and promise in scholarship, teaching, and collegueship apply to all cases reviewed for tenure and promotion conferring tenure. In particular, there must be clear and sufficient evidence that the normal expectations of excellence evidenced in scholarship, teaching, and collegueship have been met during the shortened time frame available in cases reviewed prior to the mandatory deadline.

## 5.5 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion Conferring Tenure

### **Sec. 104. Candidates and the Evaluation**

In addition to being informed ahead of time of the schedule of the evaluation, to nominating referees of their teaching and scholarship, to commenting on the regular student evaluations of their teaching and to supplementing them with course materials (for all of which see above), candidates have the following rights in relation to their departments:

**(a) Candidate's Statement.** Candidates should have the opportunity to state their own cases before the tenured members of the department in person or in writing.

**(b) Counselor.** Candidates may, if they wish, request a tenured member of the faculty, usually of their own department (who may well be the chair), to assist them in presenting their cases to the department, to review their dossiers, and to ensure that their rights and interests are duly observed in the department and in the presentation of their cases to the Advisory Committee. The acceptance of a role as counselor in no way compromises the tenured person's right to come to an independent judgment and to vote as he/she sees fit.

**(c) Information and Confidentiality.** It is the responsibility of the chair and the counselor to keep the candidate informed of the status of the case, including a summary of the Advisory Committee's general reactions to the evidence on teaching and scholarship. But in aiding the candidate, the chair and counselor are cautioned not to impair the confidentiality of the Advisory Committee's procedures and discussions.

### **Sec. 105. Departmental Consultation in the Evaluation**

Chairs should consult all non-tenured members of the department except those in their first and last years at Wesleyan. The counsel of the non-tenured faculty members may be oral or written. After appropriate consultation with the department, and with the concurrence of a majority of the tenured faculty, the chair recommends to the president promotion to tenure or not.

5.5 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion Conferring Tenure

**II. The Department's Relations to the Office of Academic Affairs and the Advisory Committee**

The statement in Sec. 401 of the Academic Council By-Laws, which states that when a department has fewer than three Academic Council members, the VPAA, in consultation with the chair of the department, must supplement that number to a minimum of three, applies to these Guidelines.

**Sec. 201. Deadlines for Preparing the Evaluation**

In the calendar year preceding a mandated tenure decision the chair will inform the Office of Academic Affairs of:

(a) the deadline set by the department for the submission to it of the candidate's current curriculum vitae and the body of scholarly and/or other creative work to be evaluated:

by May 30 for candidates whose appointments end on June 30, and by September 15 for candidates whose appointments end on December 30;

(b) the anticipated time for the completion of the department's evaluation:

by September 1 for candidates whose appointments end on June 30, and by December 15 for candidates whose appointments end on December 30.

The deadlines for the submission to the Advisory Committee of all materials to be evaluated are:

November 1 of the preceding calendar year for candidates whose appointments end on June 30, and February 15 of the same calendar year for candidates whose appointments end on December 30.

In order to be considered for tenure or promotion conferring tenure prior to the mandatory review year, the cases of candidates whose appointments end on June 30 must meet the notification and submission deadlines set for mandatory reviews of candidates whose appointments end June 30. Similarly, in order for candidates to be considered for tenure or promotion conferring tenure prior to the mandatory review year, the cases of candidates whose appointments end December 30 must meet the notification and submission deadlines set for mandatory reviews of candidates whose appointments end December 30.

Requests for extension of these deadlines must be submitted in advance to the Vice President for Academic Affairs and the Advisory Committee. Extensions will apply only if these requests are approved by the Vice President for Academic Affairs and by the Advisory Committee.

**Sec. 202. Department's Presentation of the Recommendation**

## 5.5 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion Conferring Tenure

**(a) Scheduling Meeting with Advisory Committee.** The chair, working through the Office of Academic Affairs, should make an appointment with the Advisory Committee as far in advance of the intended appearance as possible.

**(b) Presentation of the Written Case.** As soon as possible, and not later than two weeks before the appointment with the Advisory Committee, the chair should deposit at the Office of Academic Affairs electronic copies of the following:

1. Department letter.
2. Updated curriculum vitae of the candidate.
3. Candidate's research and teaching statements.
4. List of referees, indicating the candidate's and the department's choices.
5. Assessment of the quality of journals and presses.
6. Sample invitation letter to referees and sample follow-up letter.
7. Referees' letters.
8. List of materials sent to referees.
9. In cases where materials that have been subjects of evaluation were not electronic (such as artwork or hard copies of books), the chair should arrange with the Office of Academic Affairs to make appropriate copies available.

[For more detail, see the Advisory Committee policy on **Presentation of Cases for Reappointment, Tenure, and Promotion.**]

**(c) Department's Oral Presentation of the Case.** All tenured members of the department shall be requested to meet with the Advisory Committee at the appointed time to explain the reasons for their adherence to or dissent from the department's recommendation, and to answer such questions as are put to them. The counselor, if a member of another department, shall be requested to attend as well. In addition, the department chair may invite to be present and testify such Wesleyan colleagues outside the department as he/she sees fit.

**(d) Additional Information.** The department chair should stand ready to supply the Office of Academic Affairs and the Advisory Committee with additional information as desired, and, with senior colleagues, to meet again with the Advisory Committee for additional testimony if required.

### **III. The Relation of the Office of Academic Affairs and the Advisory Committee to Candidates**

**Sec. 301. Notification.** The Office of Academic Affairs will notify candidates in writing as far ahead as possible of the date on which their case is to be introduced in the Advisory Committee.

**Sec. 302. Response to Student Evaluations.** When student evaluations are returned to untenured faculty members, they shall be routinely invited to return a written comment on them to the Office of Academic Affairs as well as to their department chairs. They shall be invited again by the office, when their case is considered, to



5.5 Guidelines of the Academic Council for the Evaluation of Candidates for  
Promotion Conferring Tenure

make a general summary comment on the evidence

provided by the student evaluations. These comments shall be made available to the Advisory Committee.

**Sec. 303. Record of Leaves.** In addition, the Office of Academic Affairs shall make available to the Advisory Committee the candidates' applications for and reports on sabbaticals and leaves of absence.

**Sec. 304. Additional Outside Opinions.** The Office of Academic Affairs and the Advisory Committee, after notification and discussion with the department chair, the counselor, and the candidate, may solicit additional opinions of a candidate's work from outside and inside authorities. These opinions and the invitations to offer them are to be subject to the procedures guiding the department chair, the counselor, and the candidate in their solicitation of opinions (see **Sec. 102b.** and **Sec. 202b.**)

**Sec. 305. Candidate May Meet with Advisory Committee.** The candidate may appear, at his/her request, before the Advisory Committee, and he/she may submit statements in writing to that body.

**Sec. 306. Timetable for Completion of Advisory Committee and Review and Appeals Board Review.** The Advisory Committee must proceed to a vote in a timely manner to recommend or not to recommend tenure or promotion conferring tenure so that the university may comply with the deadlines stipulated in section 307. In the case of a positive recommendation from the Advisory Committee, the concurrence or non-concurrence of the Review and Appeals Board must also proceed in a timely manner to comply with these deadlines.

**Sec. 307. Informing the Candidate.** It is the responsibility of the Office of Academic Affairs to keep the department chair (and the candidate's counselor if these are not the same) informed of the status of the case. In a review for tenure or promotion conferring tenure conducted prior to the mandated review year, a candidate will be notified of the university's decision by June 30 if the case was submitted to the Office of Academic Affairs as per the above deadlines in the previous fall semester; and by December 30 if the case was submitted to the Office of Academic Affairs as per the above deadlines in the previous spring semester.

**Sec. 308. Declinations and Prior Reviews.** Candidates for tenure or promotion conferring tenure may decline to be considered in the year in which such decisions are mandated by AAUP principles. A decision to decline a review constitutes a waiver of the right to be considered for tenure. Departments may not request the Advisory Committee to consider candidates who have declined or who have not been granted tenure or promotion conferring tenure at the conclusion of prior full university reviews by the University, i.e. reviews in which the final outcomes have been reported to the candidate in writing by the president or his/her designee.

5.6 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion to the Rank of Professor

**5.6**

**GUIDELINES OF THE ACADEMIC COUNCIL FOR THE EVALUATION OF CANDIDATES FOR PROMOTION TO THE RANK OF PROFESSOR**

[As amended through May 23, 2018]

**I. The Department's Relation to the Candidate**

**Sec. 101. Scheduling the Evaluation**

(a) A tenured associate professor may at any time request to be considered for promotion by the professors in his/her department. They must give at least preliminary consideration to any such request. If they think a full review inadvisable at that time, they should give their reasons in writing. If the candidate nonetheless wishes a full review, he/she is entitled to one.

(b) If an associate professor has not been promoted by the end of the fifth year in rank, at that time the Office of the Vice President will notify both the departmental chair and the associate professor that consideration for promotion should be given during the sixth year. The associate professor may decline to be considered then. If he/she wishes to be considered, things proceed as in **Sec. 101 (a)**.

(c) If there is to be a full review, the chair will consult with the candidate, and set a deadline for submission of the candidate's curriculum vitae and of scholarly and other material to be evaluated. The chair will also set a date by which the professors will attempt to complete their evaluation.

**Sec. 102. The Evaluation**

**(a) Teaching**

1. **Student Evaluations.** The student evaluations, collected by the Office of the Registrar and deposited in the Office of Academic Affairs, should be examined by the department chair. Other tenured members of the department may examine them as well.

2. **Other Student Evaluations.** In addition to the evaluation collected by the Office of the Registrar, the department may wish to solicit other evaluations from former or current students of the candidate.

3. **Faculty Peer Evaluation.** The chair may solicit information from faculty members within or without the department, e.g., those who have taught courses jointly with the candidate.

4. **The Candidate's Own Evaluation.** Candidates should be invited to submit to the department chair for inclusion in their dossiers any teaching materials which they consider pertinent to their cases, such as course syllabi, examinations, lecture notes, and so on. They may, if they wish, make any further statement concerning their teaching which they consider relevant.

## 5.6 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion to the Rank of Professor

Furthermore, candidates should feel free to request chairs to consult specified students—alumni or undergraduates—concerning their teaching.

### (b) Scholarship

#### 1. Outside Opinions

a. Ordinarily the chair should solicit from outside the Wesleyan faculty two to four opinions (or more for cause) from qualified authorities of the department's choosing.

b. The candidate may name additionally one or two such authorities and request the chair to consult them. There may be more for cause. In both cases, the replies should be held in confidence from the candidate. The solicitors of the letters should represent that these practices of confidentiality are in force (namely, that the replies will be shared only with tenured members of the department the Advisory Committee and the Review and Appeals and Appeals Board). The letters of solicitation should inquire at least concerning (a) the degree of acquaintance with the work of the candidate, (b) an appraisal of the work itself, and (c) the candidate's standing in his/her field amongst scholars of comparable age and experience. Copies of all letters should be submitted to the Advisory Committee when the department is making a positive recommendation.

c. At least three opinions should come from authorities not consulted at the time of the previous promotion, or at the time of appointment if the candidate came to Wesleyan with tenure.

**2. Inside Opinions.** The chair of the department may, at the candidate's or department's behest, request letters of evaluation from authorities who are members of the Wesleyan faculty (either inside or outside the candidate's department) and who are familiar with his/her work. If the candidate requests a letter of evaluation from a program/department/college of which the candidate is a core member, the department chair or the promotion committee chair must solicit a letter from the program/department/college for inclusion in the dossier provided to the Advisory Committee. These should be considered as supplementary to, but not substitutes for, outside opinions. In all cases, the letters of evaluation should be held in confidence.

**3. Bases of Judgment.** The usual evidence of scholarly publication consists of books, monographs, and articles. The latter could be published or accepted for publication in edited books, anthologies, or recognized scholarly journals. Such evidence might include anthologies, translations, technical reports, reviews, commentaries, textbooks, and so on, where such productions are pertinent to the evaluation of the candidate's performance and promise as a scholar.

## 5.6 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion to the Rank of Professor

Manuscripts, drafts, research proposals, public talks, and the like may be included only if they can be evaluated by qualified external judges. Lectures that have been “refereed” could serve as evidence. Candidates should be made aware throughout their time at Wesleyan that their case for tenure or promotion is likely to be stronger if work to be evaluated is published or accepted for publication.

It may be the normal expectation of some departments to require a book or monograph or a specific number of significant papers. Where such a requirement exists, it should be communicated to the candidate in a clear and timely manner that this is the case.

Departments in which publication is not ordinarily expected should arrive at separate and clear understandings with the Office of Academic Affairs and the Advisory Committee as to what constitutes the usual evidence of performance and promise in that field. These understandings as to “the usual evidence” should be embodied in written statements prepared by such departments, to be reviewed and adopted by the Office of Academic Affairs after appropriate consultation. Such statements would be routinely made available to all members of those departments as well as members of the Review and Appeals Board.

### (c) Collegueship

See the “By-Laws of the Academic Council,” **Part V, Sec. 502 (c)**. Testimony regarding collegueship shall be solicited by the department chair.

### **Sec. 103. Candidates and the Evaluation**

In addition to being informed ahead of time of the schedule of the evaluation, to commenting on the regular student evaluations of their teaching and to supplementing them with course materials (for all of which see above), candidates have the following rights in relation to their department:

(a) **Candidate’s Statement.** Candidates should have the opportunity to state their own cases before the tenured members of the department in person or in writing.

(b) **Counselor.** Candidates may, if they wish, request a full professor of the faculty, usually of their own department (who may well be the chair) to assist them in presenting their cases to the department, to review their dossiers, and to ensure that their rights and interests are duly observed in the department and in the presentation of their cases to the Advisory Committee. The acceptance of a role as counselor in no way compromises the tenured person’s right to come to an independent judgment and to vote as he/she sees fit.

(c) **Information and Confidentiality.** It is the responsibility of the chair and the counselor to keep the candidate informed of the status of the case,

5.6 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion to the Rank of Professor

including a summary of the Advisory Committee's general reactions to the evidence on teaching and scholarship. But, in aiding the candidate, the chair and counselor are cautioned not to impair the confidentiality of the Advisory Committee's procedures and discussions.

**Sec. 104. Departmental Consultation in the Evaluation**

Chairs should consult all members of the department below the rank of professor except those in their first and last years at Wesleyan. The counsel of those consulted may be oral or written. After appropriate consultation with the department, and with the concurrence of a majority of the full professors, the chair recommends to the president that the candidate be promoted or not.

**II. The Department's Relations to the Office of Academic Affairs and the Advisory Committee**

The statement in Sec. 401 of the Academic Council By-Laws, which states that when a department has fewer than three Academic Council members eligible to participate in a case for promotion to the rank of professor, the VPAA, in consultation with the chair of the department, must supplement that number to a minimum of three, applies to these Guidelines.

**Sec. 201. Deadlines for Preparing the Evaluation**

(a) By October 1, the chair of a department that plans to consider a promotion to the full professorship will inform the Office of Academic Affairs of the deadline set by the department for the submission to it of the candidate's current curriculum vitae and the body of scholarly and/or other creative work to be evaluated.

(b) By February 1, the chair will inform the Office of Academic Affairs of the anticipated time for the completion of the department's evaluation.

(c) March 1 is the deadline for the submission to the Advisory Committee of all materials to be evaluated. Extension of this deadline must be requested in advance from the Office of Academic Affairs and Advisory Committee and must receive their approval.

**Sec. 202. Department's Presentation of the Recommendation**

**(a) Scheduling Meeting with Advisory Committee.** The chair, working through the Office of Academic Affairs, should make an appointment with the Advisory Committee as far in advance of the intended appearance as possible.

## 5.6 Guidelines of the Academic Council for the Evaluation of Candidates for Promotion to the Rank of Professor

**(b) Presentation of the Written Case.** As soon as possible, and not later than two weeks before the appointment with the Advisory Committee, the chair should deposit at the Office of Academic Affairs electronic copies of the following:

1. Department letter.
2. Updated curriculum vitae of the candidate.
3. Candidate's research and teaching statements.
4. List of referees, indicating the candidate's and the department's choices.
5. Assessment of the quality of journals and presses.
6. Sample invitation letter to referees and sample follow-up letter.
7. Referees' letters.
8. List of materials sent to referees.
9. In cases where materials that have been subjects of evaluation were not electronic (such as artwork or hard copies of books), the chair should arrange with the Office of Academic Affairs to make appropriate copies available.

[For more detail, see the Advisory Committee policy on **Presentation of Cases for Reappointment, Tenure, and Promotion.**]

**(c) Department's Oral Presentation of the Case.** All full professors of the department should be requested to meet with the Advisory Committee at the appointed time to explain the reasons for their adherence to or dissent from the department's recommendation, and answer such questions as are put to them. The counselor, if a member of another department, shall be requested to attend as well. In addition, the department chair may invite to be present and testify such Wesleyan colleagues outside the department as he/she sees fit.

**(d) Additional Information.** The department chair should stand ready to supply the Office of Academic Affairs and the Advisory Committee with additional information as desired, and, with senior colleagues, to meet again with the Advisory Committee for additional testimony if required.

### **III. The Relation of the Office of Academic Affairs and the Advisory Committee to Candidates**

**Sec. 301. Notification.** The Office of Academic Affairs will notify candidates in writing as far ahead as possible of the date on which their case is to be introduced in the Advisory Committee.

**Sec. 302. Response to Student Evaluations.** When student evaluations are returned to faculty members, they shall be routinely invited to return a written comment on them to the Office of Academic Affairs as well as to their department chairs. They shall be invited again by the office, when their case is considered, to make a general summary comment on the evidence provided by the student evaluations. These comments shall be made available to the Advisory Committee.

5.6 Guidelines of the Academic Council for the Evaluation of Candidates for  
Promotion to the Rank of Professor

**Sec. 303. Record of Leaves.** In addition the Office of Academic Affairs shall make available to the Advisory Committee the candidates' applications for and reports on sabbaticals and leaves of absence.

**Sec. 304. Additional Outside Opinions.** The Office of Academic Affairs and the Advisory Committee, after notification and discussion with the department chair, the counselor, and the candidate, may solicit additional opinions of a candidate's work from outside and inside authorities. These opinions and the invitations to offer them are to be subject to the procedures guiding the department chair, the counselor, and the candidate in their solicitation of opinions [see **Sec. 102 (b)**. and **Sec. 202 (b)**].

**Sec. 305. Candidate May Meet with Advisory Committee.** The candidate may appear, at his/her request, before the Advisory Committee, and he/she may submit statements in writing to that body.

**Sec. 306. Informing the Participants.** It is the responsibility of the Office of Academic Affairs to keep the department chair (and the candidate's counselor if these are not the same) informed of the status of the case.

5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status

5.7

**GUIDELINES OF THE ACADEMIC COUNCIL FOR THE REAPPOINTMENT AND PROMOTION OF INSTRUCTIONAL FACULTY WITH ADJUNCT STATUS**

[As amended through May 23, 2018]

The statement in Sec. 401 of the Academic Council By-Laws, which states that when a department has fewer than three Academic Council members, or, in cases for promotion to the rank of adjunct professor, fewer than three Academic Council members eligible to participate in a case for promotion to the rank of professor, the VPAA, in consultation with the chair of the department, must supplement that number to a minimum of three, applies to these Guidelines.

**I. REAPPOINTMENT**

**Sec. 101. Scheduling the Evaluation for Reappointment.** Following consultation with the candidate, the chair or a delegate designated by the chair will set the deadline for the candidate's submission of a current curriculum vitae and all other materials to be evaluated. The anticipated time for the completion of the evaluation of the candidacy by the department or program will also be set at this time.

**Sec. 102. Timing of the Review.** The reappointment of adjunct faculty is usually considered by the Advisory Committee in the spring term. The chair of the department or program should deposit the relevant materials for review at the Office of Academic Affairs as soon as possible in the spring term, and not later than March 1. The materials for cases eligible for fall semester review should be deposited at the Office of Academic Affairs as soon as possible in the fall semester, and not later than November 1.

**Sec. 103. Criteria for Consideration.** Reappointment shall be based on a consideration of the candidate's performance at Wesleyan, in most cases chiefly as a teacher but, where appropriate, also as a scholar, performer, writer, or artist. When consideration for reappointment will be based in part on a candidate's performance as a scholar, performer, writer, or artist, it should be made clear to the candidate at the time of the appointment that this is the case. The candidate's collegueship is a criterion for reappointment as well. The Advisory Committee encourages the submission of the fullest possible account of the candidate's applicable performance. The meaning of criteria such as teaching, collegueship, and other aspects of performance for evaluation purposes is discussed in **Sec. 502** of the "By-Laws of the Academic Council."



5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status

**Sec. 104. Evidence for the Evaluation**

**(a) Teaching**

**1. Student Evaluations.** The student evaluations, collected by the Office of the Registrar and deposited in the Office of Academic Affairs, should be examined by the department or program chair and those tenured members of the department or program who will consider the case. In addition, the department or program may solicit opinions about the candidate's teaching from the candidate's former students (alumni, undergraduate, or graduate). A candidate has to option to submit the names of up to five former students whose opinions about the candidate's teaching shall be solicited by the chair, or a delegate designated by the chair. If the candidate elects this option, the department or program shall solicit at least an equal number of opinions from other students selected from its own list of the candidate's former students. Every effort should be made to ensure that the practices of confidentiality are in force.

**2. Faculty Peer Evaluations.** The department or program chair may solicit information from faculty members within or outside of the department or program, for example, those who have taught courses jointly with the candidate, observed the candidate's teaching, or discussed pedagogical matters with the candidate in multi-section courses.

**3. The Candidate's Own Evaluation.** In addition to the curriculum vitae, the candidate should submit to the department or program chair for inclusion in the dossier any teaching materials that the candidate considers pertinent to the case, such as course syllabi, examinations, and so on. In most cases, a written statement concerning the candidate's teaching would also be appropriate.

**(b) Other Achievements.** When appropriate, the evaluation should include published and unpublished scholarly materials or other created works provided by the candidate.

**(c) Collegueship.** See the "By-Laws of the Academic Council," **Sec. 502c**. Testimony regarding collegueship shall be solicited by the department or program chair.

**Sec. 105. Candidates and the Evaluation**

In addition to including in their dossiers the materials mentioned above, candidates may comment on their student evaluations and may send their written comments to their department or program chair and to the Office of Academic Affairs at any time during their appointment as well as at the time of reappointment review, when they may wish to make a general summary comment, which shall be made available to the Advisory Committee. Candidates also have the right to be informed ahead of time of the schedule of the evaluation, to nominate referees of their teaching, and to the following:

## 5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status

**(a) Candidates Statements.** Candidates should have the opportunity to state their own cases before the tenured members of their department or program, in person or in writing, without prejudicing their cases.

**(b) Counselor.** Candidates may ask a tenured member of the faculty, who may or may not be from their own department or program, to advise them on presenting their cases to the department or program, to review their dossiers, and to ensure that their rights and interests are duly observed by the department or program and in the presentation of their cases to the Advisory Committee. If the counselor is a tenured member of the candidate's department or program, the acceptance of a role as counselor in no way compromises the counselor's right to come to an independent judgment and to vote based on the merits of the case.

**(c) Information and Confidentiality.** Candidates should be informed promptly of the status of the case by the department or program chair and the counselor, including a summary of the department's or program's discussion and of the Advisory Committee's general reactions to the evidence. But, in aiding the candidate, the chair and counselor are cautioned not to impair the confidentiality of the discussions by the department, program, or Advisory Committee.

### **Sec. 106. Role of the Department or Program in the Evaluation**

**(a) Consultation in the Reappointment of Adjunct Instructors, Assistants or Associates.** The reappointment of adjunct instructors or adjunct assistant and associate professors shall be considered by all tenured faculty members in the department, or by tenured core faculty members in the program, who are employed by the university half-time or more. Faculty members considering the case shall solicit the opinions of the tenure-track and adjunct faculty members in the department or program except those in their first or last years at Wesleyan. These opinions may be oral or written. After appropriate consultation with the department or program, and with the concurrence of the majority of the tenured faculty members in the department or tenured core faculty members in the program, the chair shall recommend to the president whether or not to reappoint the candidate.

**(b) Consultation in the Reappointment of Adjunct Full Professors.** The reappointment of adjunct full professors shall be considered by all tenured full professors in the department or by tenured core full professors in the program who are employed by the university half-time or more. Faculty members considering the case shall solicit the opinions of all the associate professors and all tenure-track and adjunct faculty members in the department or program except those in their first or last year at Wesleyan. These opinions may be oral or written. After appropriate consultation with the department or program, and with the concurrence of the majority of the tenured full professors in the department or tenured core full professors in the program, the chair shall

5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status recommend to the president whether or not to reappoint the candidate.

**(d) Materials to Deposit at the Office of Academic Affairs.** In addition to forwarding copies of the teaching materials and, when appropriate, the scholarly, or created works submitted by the candidate, the department or program chair should deposit at the Office of Academic Affairs, not later than the deadlines stated in Sec. 102, electronic copies of the following:

1. The department's recommendation and rationale therefor.
2. The candidate's curriculum vitae.
3. The candidate's statement(s) on teaching and scholarship, and, when applicable, creative work.
4. If applicable, the candidate's works since the time of appointment or promotion (whichever is the most recent) that have been subjects of evaluation.

**Sec. 107. Role of the Advisory Committee.** Following review and a positive recommendation by the department or program, the request for contract renewal shall be presented to the Advisory Committee, which will consider the case and forward a recommendation to the president. These recommendations shall also be reported in the personnel agenda that is sent to the Academic Council. The Advisory Committee may seek additional information, including information from the department or program. If necessary, it may also request a meeting with the tenured faculty members or full professors in the department or the tenured core or tenured core full professors in the program, as well as with the counselor, if any.

**Sec. 108. Candidates May Meet with the Advisory Committee.** Candidates have the opportunity to state their own cases before the Advisory Committee, in person or in writing, without prejudicing their cases.

**Sec. 109. Matters Affected by these Procedures.** These procedures apply only to the reappointment of adjunct faculty members whose appointments are not coterminous with their administrative appointments. The reappointment of adjunct faculty members with the status of coaches is also governed by the procedures in the Manual of the Physical Education Department, which differs from and, in the case of coaches, takes precedence over the procedures stated herein. These procedures do not govern such matters as length of contract and sabbatical policy. In the event that the procedures in these guidelines or in the Manual of the Physical Education Department change from a candidate's appointment to the time of reappointment review, the applicable procedures will be those in effect at the time of the reappointment review.

**Sec. 110. Total Length of Appointments and Reappointments.** The contracts of adjunct lecturers as well as adjunct assistant and associate professors shall normally be for four-year terms and those of adjunct full professors shall normally be for six-year terms. At the university's discretion, these contracts may be for shorter periods of time. No adjunct faculty member shall be asked to resign from the university or be denied reappointment

5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status because the faculty member has more than 12 semesters at any rank.

**Sec. 111. Informing the Participants.** Candidates for appointment as adjunct faculty shall be informed about these guidelines and the website where they are located. After appointment to the faculty, they shall receive a copy of the Faculty Handbook. It is the responsibility of the Office of Academic Affairs to keep the department or program chair (and the candidate's counselor if these are not the same) informed of the status of reappointment cases.

## **II. PROMOTION**

The statement in Sec. 401 of the Academic Council By-Laws, which states that when a department has fewer than three Academic Council members, or, in cases for promotion to the rank of adjunct professor, fewer than three Academic Council members eligible to participate in a case for promotion to the rank of professor, the VPAA, in consultation with the chair of the department, must supplement that number to a minimum of three, applies to these Guidelines.

**Sec. 201. Experience Prior to Wesleyan.** Relevant experience, such as scholarship, teaching, or other achievements at other institutions, shall be considered by the vice president for academic affairs only at the time of the original appointment. This shall be done in order to determine the appropriate level of the appointment and the number of semesters at that level to be credited to the candidate. The vice president shall make this determination after consultation with the department or program chair and the relevant academic dean.

**Sec. 202. Timing of Consideration for Promotion.** Instructional faculty members with adjunct status are eligible for consideration of the following promotions after the completion of the given number of semesters at Wesleyan, including the sabbatical semester awarded to adjuncts after each five years of service: to adjunct assistant professor after 12 semesters as an adjunct instructor; to adjunct associate professor after 12 semesters as an adjunct assistant professor; to adjunct professor after 12 semesters as an adjunct associate professor. Adjunct faculty members currently employed by the university who have accumulated more than 24 semesters as an adjunct lecturer and/or instructor may request promotion to adjunct associate professor. Adjunct faculty members currently employed by the university who have accumulated more than 12 but fewer than 24 semesters at the rank of adjunct lecturer and/or instructor and who are promoted to the rank of adjunct assistant professor may count those additional semesters in the 12 needed to request promotion to adjunct associate professor.

**Sec. 203. Initiating the Request.** Adjunct faculty members who have spent the required number of semesters at rank have the option of requesting that they be considered for promotion. The department or program chair or a delegate designated by the chair, shall discuss the possibility of promotion with adjunct faculty members after the completion of the required number of

5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status  
semesters at rank, but no adjunct faculty member shall be considered for promotion without requesting such a review.

A candidate who wishes to be considered for promotion shall send a request, along with a curriculum vitae and other relevant materials, to the department or program chair, or a delegate designated by the chair.

- (a) Requests to be considered for promotion to adjunct assistant professor or adjunct associate professor shall be addressed to all tenured members in the candidate's department or all tenured core faculty members in the candidate's program.
- (b) Requests to be considered for promotion to adjunct professor shall be addressed to the full professors in the candidate's department or all tenured core faculty members in the candidate's program.

**Sec. 204. Scheduling the Evaluation for Promotion.** Following consultation with the candidate, the chair or a delegate designated by the chair will set the deadline for the candidate's submission of his/her current curriculum vitae and all other materials to be evaluated; and the anticipated time for the completion of the evaluation of his/her candidacy by the department or program.

**Sec. 205. Timing of the Review.** The promotion of adjunct faculty members is usually considered by the Advisory Committee in the spring term. The chair of the department or program should deposit the relevant materials for review at the Office of Academic Affairs as soon as possible in the spring term, and not later than March 1. The materials for cases eligible for fall semester review should be deposited at the Office of Academic Affairs as soon as possible in the fall semester, and not later than November 1.

**Sec. 206. Criteria for Consideration.** Promotion shall be based on a consideration of the candidate's performance at Wesleyan, in most cases chiefly as a teacher but, where appropriate, also as a scholar, performer, writer, or artist. When consideration for promotion will be based partly on a candidate's performance as a scholar, performer, writer, or artist, it should be made clear to the candidate at the time of appointment that this is the case. The candidate's collegueship is a criterion for promotion as well. The Advisory Committee encourages the submission of the fullest possible account of the candidate's applicable performance. The meaning of criteria such as teaching, collegueship, and other aspects of performance for evaluation purposes is discussed in **Sec. 502** of the "By-Laws of the Academic Council."

**Sec. 207. Evidence for the Evaluation.** In addition to the items mentioned in Sec. 104, in some cases outside opinions may be appropriate. In those cases, the department or program chair will solicit the opinions of two to four individuals chosen by the department or program and, if the candidate wishes, one or two additional opinions from names submitted by the candidate. In soliciting these opinions the department or program chair should use the

5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status  
standard letters to referees and the replies should be held in confidence from the candidate.

**Sec. 208. Candidates and the Evaluation.** In addition to initiating the request for promotion after the required number of semesters, and to submitting the above-mentioned materials in their dossiers, candidates have the rights mentioned in **Sec. 105**.

**Sec. 209. Role of the Department or Program in the Evaluation.** Upon receiving a request for promotion, the department or program chair, or a delegate designated by the chair, shall ask the Office of Academic Affairs for a summary of the candidate's teaching evaluations.

**(a) Consultation in the Promotion to Adjunct Assistant or Adjunct Associate Professor.** Requests for promotion to the ranks of adjunct assistant professor and adjunct associate professor shall be considered by all tenured faculty members in the department or all tenured core faculty members in the candidate's program who are employed by the university half-time or more, and who shall solicit the opinions of the tenure-track and adjunct faculty in the department or program except those in their first or last year at Wesleyan.

**(b) Consultation in the Promotion to Adjunct Professor.** Requests for promotion to the rank of adjunct professor shall be considered by all tenured full professors in the department or all tenured core full professors in the candidate's program who are employed by the university half-time or more. Faculty considering the case shall solicit the opinions of all the associate professors and all tenure-track and adjunct faculty in the department or program, except those in their first or last year at Wesleyan.

If, upon examination of the evidence, the department or program members considering the request think a review is inadvisable, the department or program should give its reasons in writing. If the candidate nonetheless wishes a full review, then one must be conducted.

In cases where created works or other types of performance are among the criteria for promotion, a department or program that proceeds with a full review should draw upon the opinions of qualified outside authorities. The Advisory Committee encourages the submission of the fullest possible account of the candidate's applicable performance.

After appropriate consultation with the department or program faculty members, and with the concurrence of the majority of the faculty members considering the case, the department or program chair shall recommend to the president whether or not to reappoint the candidate.

**Sec. 210. Materials to Deposit at the Office of Academic Affairs.** In addition to forwarding copies of the teaching materials and, when appropriate, the scholarly, or created works submitted by the candidate, the department or

5.7 Guidelines of the Academic Council for the Evaluation of Candidates for the Reappointment and Promotion of Instructional Faculty with Adjunct Status program chair should deposit in the Office of Academic Affairs electronic copies of the following:

- a. The department's or program's recommendation and rationale therefor.
- b. The candidate's curriculum vitae.
- c. The candidate's statement of teaching and scholarship, and, when applicable, creative work.
- d. If applicable, the letters soliciting outside evaluations and the letters responding to the request.
- e. If applicable, the candidate's works since the time of appointment or promotion (whichever is the most recent) that have been subjects of evaluation.

**Sec. 211. Role of the Advisory Committee.** Following review and a favorable vote by the department or program, the request for promotion shall be presented to the Advisory Committee, which will consider the case and forward a recommendation to the president. The recommendation shall also be reported in the personnel agenda that is sent to the Academic Council.

**Sec. 212. Role of the Counselor.** Candidates may, if they wish, ask a tenured member of the faculty, who may or may not be from their own department or program, to advise them on presenting their cases to the department or program, to review their dossiers, and to ensure that their rights and interests are duly observed by the department or program and in the presentation of their cases to the Advisory Committee. If the counselor is a tenured member of the candidate's department or program, the acceptance of a role as counselor in no way compromises the counselor's right to come to an independent judgment and to vote based on the merits of the case.

**Sec. 213. Matters Affected by these Procedures.** These procedures apply only to the promotion of adjunct faculty members whose appointment is not coterminous with their administrative appointments. They do not govern such matters as length of contract and sabbatical policy. The promotion of adjunct faculty members with the status of coaches is also governed by the procedures in the Manual of the Physical Education Department, which differ from and, in the case of coaches, take precedence over the procedures stated herein. In the event that the procedures in these guidelines or in the Manual of the Physical Education Department change from a candidate's appointment or reappointment to the time of promotion review, the applicable procedures will be those in effect at the time of the promotion review.

**Sec. 214. Informing the Participants.** It is the responsibility of the Office of Academic Affairs to keep the department or program chair (and the candidate's counselor if these are not the same) informed of the status of promotion cases.

## **6. POLICIES OF THE ADVISORY COMMITTEE**

### **6.1**

#### **ADVISORY COMMITTEE POLICY ON THE PRESENTATION OF CASES FOR REAPPOINTMENT, TENURE, AND PROMOTION**

**[As amended through May 23, 2018]**

This statement is intended to clarify questions that frequently arise from by-laws, guidelines, and legislation of the Academic Council and to increase the uniformity of presentations of information to departments and to the Advisory Committee.

#### **1. Proper Format for Vita**

**1a. Publications.** The publication status of every vita entry should be completely clear to the reader. An item should be listed as a publication only if the work has either been published or is definitely forthcoming. A publication is literally that: a book, article, or chapter in completed published form. A forthcoming work is a final, completed draft of a manuscript that has been irrevocably accepted by a press or journal. A book under advanced contract or a manuscript submitted for review to a publisher or journal should not be listed as forthcoming unless it meets this test.

**1b. Unpublished Works.** Works submitted for review, works in progress, works under advanced contract, and conference papers should either be listed in separate sections or grouped under appropriately titled sections that clearly distinguish them from published and forthcoming works. Faculty in the visual and performing arts should provide comparably clear designations regarding performances, exhibitions, and other types of professional work.

**1c. Publication Status.** Candidates are responsible for providing the department with accurate and complete information about the status of unpublished manuscripts listed in the vita. They must immediately report to the department chair any changes, favorable or unfavorable, in the publication status. Upon receipt of this information, the chair must then (1) immediately forward the updates to departmental faculty reviewing the case and (2) include this information in the recommendation sent to the Office of Academic Affairs.

**1d. In the Case of Promotion not Conferring Tenure.** The vita must make clear materials that were included in the dossier for tenure, and list in a separate section all “published materials since tenure.”



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**1e. Academic Affairs Approval of Vita.** Prior to sending the candidate's vita to outside reviewers, the department/program/college chair will submit the vita to the Associate Provost for review.

### **2. Candidate's Rights with Regard to Materials to be Evaluated**

**2a. Materials Sent to Referees.** Candidates have the right to specify items to be distributed to referees (e.g. publications, preprints, manuscripts, and documentation of exhibitions and performances). Materials so designated must be sent to referees for evaluation and must be provided to the Advisory Committee.

**2b. Performances or Nonpermanent Exhibitions.** Where part or all of a candidate's professional work consists of performances or nonpermanent exhibitions, the candidate and the department should cooperate to insure that either a record or an evaluation of the work is created at the time it occurs. Where a candidate feels that it is in his/her interest to have events reviewed live, the candidate should request the department to have one or more external referees or department members present at the event so that its quality can be evaluated at the time it occurs.

**2c. Approved Understandings About Performance Evaluation.** The Guidelines for the Evaluation of Candidates for Promotion Conferring Tenure (and other, parallel guidelines on reappointment and promotion) include the following statement: "Departments in which publication is not ordinarily expected should arrive at separate and clear understandings with the Office of Academic Affairs and the Advisory Committee as to what constitutes the usual evidence of performance and promise in that field." In departments with an approved understanding that includes understandings on the evaluation of performances or nonpermanent exhibitions, the approved understanding takes precedence over any statement in section 2 above with which it is inconsistent.

### **3. Statements on Research and Teaching**

Candidates for promotion or tenure should write statements on their teaching and their research. These statements are intended primarily to inform the department and the Advisory Committee. A candidate may request that the research statement be included in the dossier sent to external reviewers. The research and teaching statements will not be in the dossier distributed to the Review and Appeals Board.

**3a. The Research Statement.** The research statement should explain the candidate's research interests and identify themes that run through the scholarship included in the dossier. This is especially helpful when the scholarship takes the form of a collection of publications or works in the visual or performing arts. The research statement should also highlight the interrelationships between a candidate's completed projects and work in progress and projected work.

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**3b. The Teaching Statement.** The teaching statement should address the primary educational goals of a candidate's courses and the pedagogical approaches he or she has found most productive in achieving those goals. To supplement this statement, the candidate is encouraged to provide the department and the Advisory Committee with examples of course syllabi, examinations, or other information about teaching that illustrate the pedagogical approach.

### 4. Selection of Referees and Solicitation of Letters

**4a. Standard Letter.** The Advisory Committee has adopted two standard letters to be sent to all referees evaluating a candidate's dossier. Also, see [Standard Letter to Potential Referees to Ask if Willing to Write](#) and [Standard Letter to Referees After they Agreed to Write](#) for the text of the letters. All referees should receive the same dossier, except when a referee states that he or she already owns a book or other material that would otherwise be included.

**4b. Contacting Actual or Potential Referees.** All inquiries to actual or potential referees should be made by the department chair or his or her designee, who should keep a record of all such contacts. Inquiries to invite a referee to review a dossier should only be made by letter or by electronic mail. Telephone contacts are permissible only to ascertain information such as the address to which a referee would like a dossier mailed or the expected date when the evaluation will be returned.

With regard to referees selected by the candidate, **Section 102 (b).1.b.** of the Guidelines of the Academic Council for the Evaluation of Candidates for Promotion Conferring Tenure states, "The candidate may name additionally up to three such authorities and request the chair to consult them." **Section 102 (b).1.b.** of the Guidelines of the Academic Council for the Evaluation of Candidates for Promotion to the Rank of Professor states, "The candidate may name additionally one or two such authorities." The candidate should not communicate with potential referees to ascertain their willingness to serve. A referee should not know whether he or she has been nominated by the department or the candidate.

**4c. Exclusion of Potential Referees.** A department may ask a candidate whether there are persons who should not be asked to be among the department's referees on grounds that personal considerations would make it difficult for the referee to write an unbiased evaluation. The department is the judge of the reasonableness of a request to exclude a potential referee. Exclusion of whole classes of referees is not allowed.

The department should not consult the candidate on the referees the department is considering. That is, the candidate should not review either the names of specific referees or a larger list from which the departmental selections will be made. The names of department referees must remain

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confidential throughout the entire process.

**4d. Potential Referees with Close Associations with the Candidate.** The department should make a good faith effort to avoid selecting referees who have had close professional or personal associations with the candidate, including, for example, persons who have served as Ph.D. advisor or mentor or as coauthor or co-investigator on research projects. Such referees, if selected, should be chosen by the candidate. Neither should persons who have had close associations with the candidate be asked for their recommendations about other persons who might serve as external referees.

In an appendix to its written statement, the department will inform the Advisory Committee which referees were selected by the candidate and which by the department. The department must provide information about the qualifications of all referees from whom evaluations were received and a list of those who failed to respond or who declined to provide letters, as well as, in the case of the latter group, any reasons given.

**5. Quality of Journals and Presses.** The department's presentation should include information on the quality of the journals and presses in which a candidate's work has been published and whether the publications have been refereed.

**6. Evidence with Regard to the Quality of Teaching.** The Advisory Committee appreciates having information from the department about teaching quality that goes beyond a recitation of statistics from student evaluations. It especially values comments from colleagues who have co-taught with the candidate, who have observed his or her teaching first hand, or who have had a significant opportunity to observe the products of a candidate's courses. Information about the range of a candidate's teaching is useful, as is an indication of any special aspects of the types of courses that have been taught (e.g., service or introductory courses as opposed to upper-level courses in the area of specialization). If the candidate wishes the department to solicit letters from specific students on the candidate's teaching, the department is required to do so and to forward these letters to the Committee.

**7. Negative Votes in a Positive Departmental Recommendation.** The Advisory Committee expects a full explanation of negative votes within the department. The clearest statements usually come directly from the individuals themselves at the meeting with Advisory. If they are disinclined to present their reasons for negative votes in this forum, dissenting members should do so clearly in the written material that is presented to the Committee.

### **8. Negative Departmental Decision on Reappointment, Tenure, and Promotion.**

**8a. Tenure-Track Reappointments and Cases Conferring Tenure.** Decisions on tenure and on the initial reappointment of tenure-track faculty require a formal departmental vote at a designated time. Negative decisions

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result in the termination of appointment. These decisions must be reported to the Advisory Committee for review, as described in **Section 404** of the “By-Laws of the Academic Council.”

**8b. Promotion Not Newly Conferring Tenure.** Decisions on the promotion of associate professor to professor do not have to be made at a mandated time, and do not lead to the termination of appointments. We therefore establish the following procedures with regard to negative actions at this stage:

- (a) If the department completes a full review and takes a formal vote on the case, this must be reported to the Advisory Committee for review, as described in **Section 404** of the “By-Laws of the Academic Council.”
- (b) If the department completes a full review, and as a result feels that it would be inadvisable to proceed with the case, it may inform the candidate before a formal vote is taken. If the candidate agrees with the department that the case should not be carried further, the department may refrain from taking a formal vote. In this situation, the department need only inform the Advisory Committee that it and the candidate have agreed that the case will not be completed, and there will be no Advisory review. If the candidate still wants the department to vote, the department must do so; and forward the case to the Advisory Committee for review.
- (c) If Advisory after reviewing the case feels that it would be inadvisable to proceed, it may inform the department before a formal vote is taken. The department will then inform the candidate. If the candidate agrees with Advisory, the case is withdrawn and Advisory takes no further action.
- (d) The guidelines for promotion to the rank of professor (**Section 101a**) state that when a candidate requests consideration for promotion, the department may, after preliminary consideration, inform the candidate that it thinks a full review is inadvisable at that time. If the candidate concurs, the result need not be reported to the Advisory Committee. If the candidate exercises his/her right to a full review, either paragraph A or B above pertains.
- (e) If a department completes a review of a case that is not forwarded to Advisory with a favorable recommendation or is not forwarded to it at all, it must keep the letters that have been provided by the external referees on file. When the case is considered again in a subsequent year, the department may choose either an entirely new set of referees, or it may supplement the letters it received previously with some new letters. If it uses any of the previous letters when the case is reconsidered, it must use all of them. If the department contacts any of the previous referees for a new opinion, it must contact all of them. If the department chooses to get an entirely new set of referees, the Advisory Committee may still request to see the earlier set. The department should consult with the Advisory Committee before selecting and contacting external referees when a promotion case is considered for a second time.

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**8c. Adjunct Faculty Reappointments.** Departmental decisions not to reappoint instructional adjunct faculty with renewable, multiyear contracts must be reported to the Advisory Committee for review. Departmental decisions not to promote such faculty should be treated by the principles defined in section 8b above for the promotion of tenured faculty to the rank of Professor.

### **9. Preserving the Anonymity of Referees in Departmental Letters.**

Department letters should not refer to referees by name. If it is necessary to make reference to the views of a specific referee, the person should be referred to as “Referee number one” with the letter so numbered.

**10. Submission of Dossiers to the Office of Academic Affairs.** The department should submit electronic copies of the following materials:

1. Department letter.
2. Updated curriculum vitae of the candidate.
3. Candidate’s research and teaching statements.
4. List of referees, indicating the candidate’s and department’s choices.
5. Assessment of the quality of journals and presses.
6. Sample invitation letter to referees and sample follow-up letter.
7. Referee’s letters.
8. List of materials sent to referees.
9. In cases where materials that have been subjects of evaluation were not electronic (such as artwork or hard copies of books), the chair should arrange with the Office of Academic Affairs to make appropriate copies available.

### **11. The following deadlines apply in cases to be evaluated for promotion conferring tenure scheduled for review in the spring.**

- (a) By September 15 the chair will inform the Office of Academic Affairs of the deadline set by the department for the submission to it of the candidate’s current curriculum vitae and the body of scholarly and/or creative work to be evaluated.
- (b) By December 15 of the canonical year, the chair will inform the Office of Academic Affairs of the anticipated time for the completion of the departments’ evaluation.
- (c) February 15 is the deadline for the submission to the Advisory Committee of all materials to be evaluated.

## 6.2 Advisory Committee Policy on the Length of Appointments and Reappointments

### 6.2

#### **ADVISORY COMMITTEE POLICY ON THE LENGTH OF APPOINTMENTS AND REAPPOINTMENTS**

**[Approved by the Advisory Committee, April 28, 2000]**

At the time of a faculty member's initial appointment at Wesleyan and only at this time, the candidate, the chair(s) of the department and program to which the candidate is appointed, and the vice president for academic affairs may jointly agree to waive some period of service at another college or university as counting toward Wesleyan's total probationary period if the candidate's prior service included significantly different responsibilities or occurred in a significantly different institutional setting. Semesters or years may be waived in such circumstances as: when the total years of prior full-time teaching includes service before the candidate has received the Ph.D.; when this service has included an instructional or administrative load that is significantly higher than Wesleyan's; or when the prior institution is not accredited by a United States accrediting association, including foreign institutions.

This policy authorizes exceptions to the total length of appointments stated in **Sec. 504 (d)** of the "By-Laws of the Academic Council" and in "Academic Tenure", **Section (2)** of the policy statement, "Academic Freedom and Tenure: the 1940 AAUP Statement of Principles."

### 6.3

#### **ADVISORY COMMITTEE POLICY ON THE ROLE OF ADVISORY COMMITTEE MEMBERS IN FACULTY SEARCHES**

[Approved by the Advisory Committee, September 30, 2011]

##### **Meetings with Candidates for Faculty Positions**

Every candidate who visits campus to interview for a tenure-track faculty position must meet with a current member of the Advisory Committee, and candidates for senior positions must meet with two members of Advisory. Chairs of departments with authorized searches are informed of this requirement by the Vice President for Academic Affairs and are responsible for scheduling this meeting as part of the candidate's visit. In the beginning of the academic year the members of the Advisory Committee will agree on a list of interviewing assignments. Normally, the same member (or the same *two* members in senior searches) of the Committee will see all of the candidates for a particular position, and the Advisory interviewer may not be a member of the searching department or program. If a scheduling conflict arises, another representative of the Advisory Committee should be enlisted to meet with the candidate.

##### **Purposes of the interview**

*(1) Description of the Wesleyan tenure and promotion process.* In the course of the discussion, the member of Advisory should describe in some detail the procedures followed in the consideration of tenure cases. This presentation should include a discussion of the three criteria applied to this evaluation and the methods by which information is gathered. The Advisory member should indicate the role of the department in soliciting outside letters on the candidate's scholarship, the role of student evaluations, the consideration departments normally give to tenure cases, and the nature of the recommendations and supporting information forwarded to Advisory. The discussion should also include a description of the deliberations within the Advisory Committee, including the meeting with the tenured faculty of the recommending department (and program, if applicable). The role of the Review and Appeals Board should be described. Additional topics may include the responsibilities of senior colleagues in mentoring junior faculty, and the procedures for reappointment and second and fifth year reviews.

*(2) A Forum for Candidate Questions.* Candidates should be informed that the meeting with the Advisory member provides them with an opportunity to pose questions that they might not wish to air with members of the department or with the Academic Dean. Many candidates, including successful candidates who are currently members of the Wesleyan faculty, have found this to be an invaluable source of information and a welcome feature of their interview visit. All discussions with the Advisory member are confidential. Since candidates are encouraged to use this meeting to ask sensitive questions, they should be made aware in advance that the Advisory member will not transmit any information to the department or program.

## 6.4 Advisory Opinion on the Role of a Counselor Who Is Not a Member of the Department

### **6.4 ADVISORY OPINION ON THE ROLE OF A COUNSELOR WHO IS NOT A MEMBER OF THE DEPARTMENT**

**[Approved by Academic Council May 17, 2000]**

The Guidelines of the Academic Council state that “Candidates may, if they wish, request a tenured member of the faculty, usually of their own department (who may well be the chair), to assist them in presenting their cases to the department.” Pursuant to the counselor’s responsibility to ensure that a candidate’s “rights and interests are duly observed in the department and in the presentation of their cases to the Advisory Committee,” the Advisory Committee recommends that a counselor who is not a member of the candidate’s department may participate in meetings of the department concerning the candidate but may not vote. The department may hold a final meeting or session for a concluding discussion and vote without the counselor being present.

The counselor must be provided with the same materials that department members are reviewing. Like all other participants who have access to confidential materials, the counselor must respect the confidentiality of the dossier and the department’s and the Advisory Committee’s procedures and discussions.



## 6.5 Standard Letter to Potential Referees to Ask if Willing to Write

### 6.5 STANDARD LETTER TO POTENTIAL REFEREES TO ASK IF WILLING TO WRITE

[N.B.: Please put this letter on department letterhead, make the necessary adjustments, and send either as a signed and scanned PDF attached to an email or as hard-copy letter.]

Dear Professor \_\_\_\_\_:

During the coming academic year, <candidate's name>, currently <Assistant/Associate Professor> of <field>, will be considered for promotion to <associate professor with tenure/professor>. At Wesleyan we base promotion on excellence in scholarship, teaching, and collegueship. While we depend on local evidence for assessing the quality of the teaching and collegueship, to inform our evaluation of the scholarship we turn to distinguished colleagues outside the institution. Because you are a respected expert in the candidate's area of specialization, I am writing to ask whether you would be willing to serve as a reviewer in this case. Realizing how much work such appraisals entail, my colleagues in the <Department/Program/College> and I would be immensely grateful for your help in assessing Professor <candidate's name's> contributions to the field. Let me assure you that your assessment would be shared only with those directly involved in the <tenure/promotion> decision and otherwise would remain confidential. Candidates for tenure or promotion do not learn the identities of the outside reviewers.

Attached you will find a copy of Professor <candidate's name's> *Curriculum Vitae* and a listing of the materials on which the scholarly aspects of the case rest. If you agree to evaluate this research, I will arrange for you to have electronic access to those materials that are available in digital form and will mail you any that are not. If you prefer, we can mail you hard copy of the entire dossier. We will also provide a statement of the <Department's/Programs's/College's> expectations for <tenure/promotion>.

To meet the <fall/spring> deadline for submitting the case to Wesleyan's tenure-and-promotion committee, my department must begin its evaluation by <date>. We will therefore need to have your review by <date>. Please let me know at your earliest convenience whether you can help us with this important task.

As a recipient of similar invitations, I am well aware of how much I am asking of you, but I do hope you can give us and the candidate the benefit of your expertise. Thank you so much for considering this request.

With best wishes,

Sincerely,

Department/Program/College Chair/Director *or* Chair of Tenure/Promotion Committee

Attachments: CV and Listing of Materials to be Assessed

## 6.6 Standard Letter to Referees After They Agreed to Write

### **6.6 STANDARD LETTER TO REFEREES AFTER THEY AGREED TO WRITE**

[N.B.: Please put this letter on department letterhead, make the necessary adjustments, and send either as a signed and scanned PDF attached to an email or as hard-copy letter.]

Dear Professor \_\_\_\_\_:

Thank you so much for agreeing to review the scholarship of <candidate's name> in conjunction with our consideration of his/her promotion to <associate professor with tenure/professor> of <field>. As I mentioned in my previous letter, we will need to receive your evaluation, on official letterhead and with your signature, by <date> (can be sent as a PDF). Your candid appraisal of <candidate's name's> work will help us greatly in our assessment of the scholarly record. Let me remind you that your evaluation will remain confidential.

In addition to commenting in detail on the materials in the dossier, please mention the degree to which you are acquainted with <candidate's name> and with <his/her> work. I would also ask that you give us your view as to the candidate's standing among scholars in the same subfield at a comparable stage in their careers. I am attaching the Wesleyan <Department's/ Program's/ College's> standards for <tenure/promotion> to provide context for your consideration of the case.

Any other observations you feel are relevant to the case may be useful to me and the others involved in this review. If, however, you happen to have access to materials produced by the candidate that are not included in the listing I sent with my previous letter, please confine yourself to commenting on the materials on the list. (An exception might be scholarly works you have seen and perhaps reviewed in earlier stages of preparation.)

My administrative assistant will provide electronic access to <candidate's name's> CV, research statement, and those materials to be evaluated that are available in digital form. Materials not available in digital form, or the entire dossier, if you wish, will be mailed to you. Please let me know your preference and indicate what address we should use.

If you need further information, please do not hesitate to ask. Even if you are well acquainted with the candidate's work, please wait to receive all the materials before beginning your review so you can gain an accurate sense of the record we will be assessing.

My colleagues and I are indebted to you for your assistance in this important matter, and look forward to receiving your letter by <date>.

With best wishes,

Sincerely,

Department/Program/College Chair/Director *or* Chair of Tenure/Promotion  
Committee

Attachments: Department/Program/College Standards for Tenure/Promotion

## 6.7

### **ADVISORY COMMITTEE POLICY REGARDING TEACHING EVALUATIONS 2019-2020**

**[Approved by Academic Council May 22, 2019]**

Advisory has discussed in detail how to consider the new-form teaching evaluations in tenure/promotion cases in a consistent manner. We can provide an interim guideline for summarizing these evaluation data and for mentoring junior faculty.

As always, Advisory reads every evaluation, with special attention to the student comments. We look for patterns in these comments; a single negative evaluation or a small cluster of negative evaluations within a particular course offering often receive little attention.

With regard to numerical data, it is not possible to directly compare the old and new forms, because there is no direct correspondence between the old 4 categories and the new 9-point scale for responses. The new forms just spread out the answers along a continuum, so they can show the distribution in a more nuanced way. Here is how Advisory has decided to evaluate the numbers. First, we limit our attention primarily to 2 questions:

**3. Please rate the overall quality of the course**

**4. Please rate the overall quality of the teaching**

Second, we look at the numerical data for these 2 questions in the following ways:

a. **the total proportion of student responses that are  $\geq 6$**  (i.e., 6, 7, 8 or 9)

We consider that this number conveys excellence in teaching in a manner similar to the old metric of "total percentage in the top 2 categories (good and outstanding)".

b. We also consider **the total proportion of student responses that are  $\geq 7$**  (i.e., 7, 8 or 9).

This number conveys similar information to the old **percentage outstanding**. We do this in order to distinguish exceptionally strong teaching. We do not consider it useful to distinguish further, for instance 8 and above or 9, because our impression from close reading of the evaluations is that individual students may interpret the 9-point scale somewhat differently, so we are reluctant to over-interpret finer gradations.

It is important to note that there is no universal threshold used by Advisory for the satisfactory proportion of responses described by (a) and (b). Advisory is well aware that student ratings for courses may vary depending on class size, division, and whether a course is required or elective, and numerical data are considered in context. Instead of testing a faculty member's summary ratings against a rigid threshold, Advisory examines patterns of student response as articulated in individual comments, and assesses trends in the numerical results (for instance, by comparing a faculty member's later vs earlier offerings of a course, or a candidate's overall ratings for Quality of Teaching before and after reappointment or tenure).

For faculty who wish to know how their evaluations compare to others in their department and/or division, they may ask their Chair to request the departmental and divisional statistics (means and medians) for Quality of Teaching and Quality of Courses from the Office of Institutional Research.

## **7. GUIDELINES OF THE REVIEW AND APPEALS BOARD**

### **7.1 GUIDELINES FOR REVIEW AND APPEALS BOARD ELECTIONS**

**[As amended through December 10, 2002]**

1. Members of the Review and Appeals Board shall normally be elected before April first of the academic year preceding the beginning of their term of service.
2. The following shall be exempt from service on the Review and Appeals Board: Current members of the Advisory Committee; Academic Council members with administrative appointments (i.e., the Vice-President for Academic Affairs, the Vice-President and Secretary of the University; the Academic Deans of Divisions I, II, and III); the Chair of the Faculty; and Council members on sabbatical and/or leave for both semesters of the academic year when their term of service would be scheduled to begin. All other tenured members of the Academic Council are eligible for election. Service by those elected is regarded as a collegial obligation.
3. The electoral process shall proceed in two stages. In the first, members elected by their respective Divisions shall be chosen; in the second, the electorate shall be the tenured membership of the Academic Council at large. The names of members elected in the first stage shall be dropped from the list of eligibles in the second stage. In the event that two members of a single Department were elected in Stage I, the names of all members of that Department shall be scratched from the list of eligibles in Stage II. Similarly, if a Department already has its quota of two faculty members who will continue to serve on the Board in the following semester or year, members of the Department who would otherwise be eligible shall not be listed on the ballot.
4. The procedures of the approval balloting system (now standard infaculty elections) shall be observed. Approval by 40 percent of those voting shall be necessary for election. Run-offs shall be mounted until the number of candidates crossing this threshold matches the number of vacancies to be filled. In the event of ties, the successful candidate shall be determined by lot. Should the balloting qualify for election more than two members of a single Department, the Department's representation would be capped at two and remaining vacancies shall be filled by faculty members from the same Division who received the next highest number of votes.

## 7.1 Guidelines for Review and Appeals Board Elections

5. In the Spring Term, 2001-02, ten members shall be elected to three- year terms (with each Division having a maximum of four representatives and a minimum of three representatives) to replace the ten members then serving one-year terms. A similar procedure shall be followed in subsequent years. Divisions replacing three members in the Spring Term, 2001-02 shall elect two members on a Divisional basis and one member shall be selected by the tenured membership of the Academic Council. This procedure shall be reversed in the subsequent year. The Division replacing four members shall select two members through each electoral process.
6. Because the Academic Council By-Laws stipulate that no member of the Review and Appeals Board can serve for more than three years out of six, charter members of the Board serving a minimum of a full year shall not be eligible to succeed themselves.
7. Pursuant to **Sec. 206** of the “By-Laws of the Academic Council,” the continuing and newly elected members of the Review and Appeals Board shall elect a chair in the spring semester preceding his or her term from a list of its membership who are full Professors and who will be on duty both semesters of the coming academic year. The Academic Secretary shall conduct the election by electronic ballot and approval voting. Approval by a minimum of 40% of all ballots cast is necessary for election. The ballot shall distinguish between the continuing and incoming members.
8. The runner-up in the approval balloting (excluding members of the newly elected chair’s department) will automatically become vice-chair. The vice-chair will serve a one-year term. The vice-chair shall be acting chair in the chair’s absence. The vice-chair will also replace the chair during the review of a personnel recommendation from the chair’s department.

## 7.2 Procedures Governing Personnel Recommendations and Other Agenda Items

### 7.2

#### **PROCEDURES GOVERNING PERSONNEL RECOMMENDATIONS AND OTHER AGENDA ITEMS**

[Approved by the Academic Council through May 19, 2010]

##### Sec. 1. Definitions.

(a) All references to the *Board* in this legislation are to the Review and Appeals Board.

(b) All references to *By-Laws* are to the “By-Laws of the Academic Council.”

(c) All references to the *chair* are to the chair of the Review and Appeals Board

(d) All references to the *department* are to the department initiating the personnel recommendation. In cases in which a college, program, or ad hoc committee makes or joins in the recommendation, references to the department also pertain to it.

Sec. 2. Meetings and Agendas. Consistent with **Sec. 206** of the by-laws, the chair of the Board shall distribute agendas, notices, and related materials to Board members at least five days ahead of scheduled meetings. In the case of a review of a negative recommendation of the Advisory Committee, these materials shall include the record of the case and any points of disagreement between the Advisory Committee and the department (see Sec. 405a). The chair shall consult with the chairs of the Advisory Committee and the department in scheduling the date and approximate time when each personnel recommendation will be reviewed. In consultation with the Academic Secretary, the chair shall establish procedures for notifying invited departmental visitors regarding the date and time they should appear and for sending them personnel materials. Departmental visitors will typically attend only for the duration of the review of the personnel recommendation they have initiated.

Sec. 3. Presentation of a Personnel Recommendation Conferring Tenure, Following a Positive Recommendation by the Advisory Committee. This section applies to both positive and negative department recommendations.

(a) The motion on the floor is concurrence with the positive recommendation of the Advisory Committee.

(b) The normal order of presentation and discussion is as follows:

1. Identification of the referees’ letters by the Academic Secretary.
2. A statement from an Advisory Committee representative on the Committee’s recommendation.

## 7.2 Procedures Governing Personnel Recommendations and Other Agenda Items

3. A statement from a department representative on the department's recommendation.
4. Additional statements from other members of the department.
5. General discussion, which shall include opportunity for comment in turn on each of the three canonical categories germane to a recommendation: scholarship, teaching, and collegueship.
6. In consultation with the President or his or her designated representative, the chair may modify the normal order of the presentation.
7. The chair may establish time limits for the presentations numbered 2-4 above.

(c) The Board shall vote on the motion for concurrence by written ballot.

Sec. 4. Presentation of a Personnel Recommendation Not Newly Conferring Tenure, Following a Positive Recommendation by the Advisory Committee. This section applies to both positive and negative department recommendations. For cases not conferring tenure, there is no motion for concurrence with the recommendation of the Advisory Committee. The Board discusses the recommendation but does not vote. The normal order of presentation of the case follows that of **Sec. 3(b)** above.

Sec. 5. Presentation in a review of a negative recommendation of the Advisory Committee. This section applies to both recommendations conferring tenure and promotions not conferring tenure.

(a) The motion on the floor is concurrence with the negative recommendation of the Advisory Committee.

(b) The normal order of presentation and discussion is the same as detailed in **Sec. 3(b)** above.

(c) Deliberation on the motion will follow the "Standing Rules Governing **the Review of a Negative Recommendation by the Advisory Committee**" adopted by the Academic Council, May 19, 2010 and any other such procedures that the Academic Council may subsequently adopt.

(d) The Board shall vote on the motion for concurrence by written ballot.

Sec. 6. Reports to the Academic Council. Pursuant to **Sec. 103** of the by-laws, the chair of the Board shall consult with the chair and vice-chair of the Advisory Committee on the form of the mandated reports to the Academic Council.

## 7.3 Guidelines for the Standing Rules Governing the Appeals Procedure

### 7.3

#### **GUIDELINES FOR THE STANDING RULES GOVERNING THE APPEALS PROCEDURE**

[As amended by the Academic Council through May 19, 2010]

1. At the beginning of each academic year, the chair of the Review and Appeals Board shall designate an executive committee consisting of the chair and vice-chair of the RAB and the most recent chair of the RAB who is not on leave or sabbatical. The Academic Secretary shall serve as an ex officio member of the committee.
2. The executive committee of the RAB shall facilitate agreement between the vice-chair of the Advisory Committee and the chair of the candidate's department in the stipulation of the record in the case, and the points of disagreement between the Advisory Committee and the department. Should agreement not be forthcoming, the final determination will rest with the executive committee of the RAB.
3. The record and any points of disagreement shall be the agenda for the review hearing. The deliberations of the Review and Appeals Board shall be restricted to this agenda.
4. In every case, consideration of the four criteria (i.e., telling procedural errors and the three inappropriate criteria in Sec 101e-h) will include examination of the candidate's CV and the referees' letters and reports from the Advisory Committee, the department and where relevant, the program.
5. New evidence in a case may not be introduced by members of the Advisory Committee, the candidate's department, or the Review and Appeals Board unless it contains relevant information that existed at the time of: (a) the departmental review, but was unknown and could not have been known by the department, despite a good faith effort, when it made its negative recommendation; or (b) the Advisory Committee review, but was unknown and could not have been known by the Advisory Committee, despite a good faith effort, when it made its negative recommendation.
6. The department and Advisory Committee shall designate a spokesperson for each respective body.
7. The chair of the Review and Appeals Board shall rule on the relevance of questions or comments to determine whether they are out of order and therefore to be stricken from the record. Questions and comments are relevant only to the extent that they bear on the specific grounds of the review.



### 7.3 Guidelines for the Standing Rules Governing the Appeals Procedure

8. In each tenure review case, the Chair of the RAB shall provide an oral report to the President on committee's deliberations, procedures, and voting. The Chair of RAB shall also file a written report with the President reporting the number of members present and voting, the number of members recused, and the final vote (positive, negative, and abstentions).

## **8. POLICIES OF THE OFFICE OF ACADEMIC AFFAIRS**

### **8.1**

#### **POLICY OF THE OFFICE OF ACADEMIC AFFAIRS ON THE DUTIES OF DEPARTMENT CHAIRS**

Updated as of September 1, 2019

Note: Throughout the Policies of the Office of Academic Affairs, where the word “department” appears, it means “department, college, or program.”

#### **1. Selection and Tenure of Office of Chair**

Election of department chairs is generally for a three-year term by majority vote of those full-time tenured, tenure-track, and adjunct faculty who are teaching at least half-time in the department or have been granted a core affiliation. Only tenured members who are teaching at least half-time in the department or have been granted core affiliation are eligible to serve as chair. Under extraordinary circumstances, a willing non-tenure-track faculty member may be eligible to serve for a one-year term if elected and approved by the vice president for academic affairs (VPAA). After two consecutive three-year terms, a chair must be replaced by another faculty member for at least one term unless (a) there is no one else eligible or (b) the department unanimously re-elects the incumbent. In electing a chair, consideration should not be given to the possibility that he/she may be eligible for a sabbatical or leave during his/her term of office. When a vacancy impends, the election should be held before mid-December if possible.

A member of the faculty may be a voting member of two departments simultaneously in the following circumstances: (a) by right, if he/she teaches half-time in (or for) each of the departments in question or has been granted core affiliation; or (b) by privilege, if he/she is invited to voting membership, even though he/she does not teach half-time in the department extending the invitation. Half-time should be reckoned in terms of the norm formally prevailing in the department in question, with due regard to the course relief to which one is entitled, whether claimed or not, for specified kinds of non-instructional service.

An eligible faculty member is obliged to serve as chair if elected by the department, unless excused by the VPAA following consultation with the incumbent chair and/or the department’s senior faculty. The chair may decline to serve on the Advisory Committee.

#### **2. Faculty Personnel**

##### **a. Departmental Organization and Procedures**

When warranted, and after appropriate consultation with the department, the chair will be responsible for the appointment of committees necessary to the implementation of departmental policies and programs. In consultation with

## 8.1 Policy of the Office of Academic Affairs on the Duties of Department Chairs

the department, he/she will determine the procedures necessary to the effective and equitable functioning of the department.

### **b. Recruiting**

After appropriate consultation with the department, the chair recruits and coordinates recruiting for the department.

### **c. Appointment of Tenure-Track and Other Continuing Faculty**

The chair, with the concurrence of a majority of the department, and through the divisional dean, recommends to the VPAA the appointment of non-tenured faculty members, including tenure-track faculty, adjunct faculty, professors of the practice, and artists-in-residence. In the case of a joint or shared appointment, the chair shall also consult with the chair of the other relevant department.

### **d. Appointment of Visiting Faculty**

The chair, through the divisional dean, recommends to the VPAA the appointment of visiting faculty members.

### **e. Appointment of Affiliated Faculty**

The chair, with the concurrence of a majority of the department, and through the divisional dean, recommends that the VPAA appoint a faculty member a core, affiliate, or courtesy member of a department. Each model of voluntary affiliation varies along several dimensions, as outlined in Table 1 at the end of this section.

### **f. Advising of Tenure-Track Faculty**

Academic Affairs provides tenure-track faculty members the policy documents that are pertinent to their promotion and tenure reviews. If a tenure-track faculty member has questions about the review process, the chair should be available to help clarify the process and to direct him or her to the relevant documents that are the authoritative sources. The chair may also refer the faculty member to the University officers who may have additional information.

The chair, in consultation with senior faculty colleagues, should keep informed as to the progress of tenure-track faculty in teaching, scholarship, and collegueship. By April 1 of the second and fifth years of a tenure-track faculty member's appointment, the chair of each department [or her/his designate(s)], in consultation with the tenured members of the department, shall meet with the tenure-track faculty member for a discussion of the review process and her/his progress toward reappointment or promotion. Please note that second and fifth year means year in rank, not necessarily years at Wesleyan. Most often, second-year reviews occur during a faculty member's

## 8.1 Policy of the Office of Academic Affairs on the Duties of Department Chairs

fourth semester of Wesleyan teaching and fifth-year reviews occur three semesters prior to the tenure review. This timing, however, may be affected by a variety of circumstances, such as a shorter probationary period due to a faculty member's prior experience or by Leaves. These circumstances may affect both the timing and the number of reviews.

Departments should be internally consistent in their procedures for conducting second- and fifth-year reviews, but it is both appropriate and inevitable that they may differ one from the other in their approaches to them. Generally, the department chair [or her/his designate(s)] shall provide a written evaluation to the other tenured members of the department for their approval and/or amendments. Once approved by the department, the written evaluation shall be sent to the VPAA for final approval, and then to the non-tenured faculty member. The usual deadline is May 15; for candidates whose review clock differs by a semester, it is generally December 15. The faculty member being reviewed shall have the opportunity to respond in writing as long as the response is filed with Academic Affairs within four months after the submission of the evaluation. The written evaluation and the response, if there is one, will be made available to the Advisory Committee, if requested, when the non-tenured faculty member is being considered for reappointment and/or promotion conferring tenure.

While keeping informed about the progress of the tenure-track faculty member, the chair should exercise due diligence to observe whether any unduly onerous responsibilities associated with University service may be falling disproportionately on that faculty member. The chair, in consultation with the VPAA, should recommend remedies designed to safeguard against the possibility that a candidate's opportunities for promotion or tenure might be diminished by taking on such responsibilities.

The above processes, combined with the reappointment review, should provide the means for clear and extended communication between tenure-track faculty and the tenured members of their department. Chairs should keep in mind, however, that tenure-track faculty may not accept the advice given to them or may implement it according to their own ideas and abilities. Tenure-track faculty members are responsible for the quality of the scholarship, teaching, and collegueship that will be evaluated during each of the above reviews.

### **g. Advising of Other Continuing Faculty**

The chair, in consultation with senior colleagues, should keep informed as to the progress of other continuing faculty, including adjunct faculty, professors of the practice, and artists-in-residence, in teaching and collegueship, and should offer them counsel regularly regarding their performance. The chair's responsibility for advising other continuing faculty includes reviewing the process, timing, and criteria by which they are reviewed and evaluated for reappointment and promotion.

## 8.1 Policy of the Office of Academic Affairs on the Duties of Department Chairs

### **h. Reappointment of Non-Tenured Faculty**

The chair recommends to the VPAA the reappointment of tenure-track and other continuing faculty. Prior to the recommendation, the chair must consult the non-tenured faculty and receive the concurrence of a majority of the tenured faculty. In addition, the chair recommends to the VPAA, through the divisional dean, the reappointment of visiting faculty members. These latter recommendations do not require the concurrence of a majority of the tenured faculty.

### **i. Promotion**

- (1) The chair recommends to the VPAA promotion conferring tenure. Prior to the recommendation, the chair must consult with the department and receive the concurrence of a majority of the tenured members of the department. (See “Guidelines for the Evaluation of Candidates for Promotion Conferring Tenure.”) In cases where tenure is not recommended the chair must submit a report to the VPAA detailing the department’s reasons for this recommendation.
- (2) The chair recommends to the VPAA promotion to full professor. Prior to the recommendation, the chair must consult with the department and receive the concurrence of a majority of the full professors in the department. (See “Guidelines for the Evaluation of Candidates to the Rank of Full Professor.”)

### **j. Appointment of Tenured Faculty**

The chair recommends to the divisional dean and the VPAA the appointment of tenured faculty. Prior to the recommendation, the chair must consult with the divisional dean, a member of the Advisory Committee, and the department, and receive the concurrence of a majority of the tenured members in the department (or of the full professors in the department, in the case of an appointment at that rank). (See Section 2k, “Consulting and Reporting”, below.)

### **k. Consulting and Reporting**

On reappointments, promotions, and conferrals of tenure, chairs must consult all non-tenured members of the department except those in their first and last years at Wesleyan. The counsel of the non-tenured faculty members may be oral or written.

In recommending faculty appointments, reappointments, promotion, or conferrals of tenure, the chair is required to make known any minority opinions within his/her department. Especially in recruiting faculty for tenured positions, the chair is expected to report to the VPAA any dissenting opinion of non-tenured faculty.

## 8.1 Policy of the Office of Academic Affairs on the Duties of Department Chairs

### **l. Faculty Compensation**

(1) The divisional dean will notify the chair when the department's recommendation to offer an appointment to a particular candidate has been approved. Where appropriate, the chair will be consulted by the divisional dean regarding the start-up package that will be offered by Academic Affairs.

(2) The chair makes recommendations through the divisional dean to the VPAA on merit increases for continuing faculty. Merit awards are based on performance in scholarship, teaching, and collegiality since the previous merit review, as described in the annual merit memo from the VPAA.

### **m. Research Support**

The chair, through the divisional dean, consults with Academic Affairs in all matters of research support and use of University research funds affecting members of the department (see "Policy on Use of Departmental Funds from Gifts and Endowments", below).

### **n. Sabbaticals and Leaves**

The chair is responsible for the short- and long-term planning of sabbatical and leave schedules. This responsibility should be informed by a consideration of the potential impacts on the curriculum of the department and any units it serves and under the assumption that faculty on sabbatical will not be replaced. The recommended schedule is then submitted for approval through the divisional dean, to the VPAA. Decisions to accept or reject chair recommendations will occur after consultation with the chair (see "Academic Affairs statement on Sabbaticals and Leaves", below).

### **o. Evaluation of Teaching**

The chair assumes primary responsibility for the evaluation of teaching in the department.

## **3. Departmental Programs, Courses, Curricula**

After appropriate consultation with the department, the chair is responsible for preparing the list of departmental courses, supervising existing programs, and submitting to the Educational Policy Committee proposals for the establishment of new departmental and interdepartmental programs.

The chair has the responsibility to review course offerings annually and to recommend to the department the abandonment or addition of courses. New courses must be approved by the divisional dean, who reviews such requests on behalf of the Educational Policy Committee. In doing so, the chair shall ensure that the department fulfills its obligations to the major as well as its responsibilities to the University for providing courses for non-majors, including first-year seminars. The chair must also ensure that courses are

## 8.1 Policy of the Office of Academic Affairs on the Duties of Department Chairs

spread throughout the day and week in keeping with the course scheduling principles endorsed by the faculty, and that teaching times are distributed equitably among faculty.

Within the policies on teaching loads established by Academic Affairs (see “Policy of the Office of Academic Affairs on Teaching Loads”) and after consultation with departmental faculty, the chair has the responsibility to make appropriate course assignments in individual cases. The chair is also responsible for seeing that teaching responsibilities as well as responsibilities for advising in the major are distributed equitably within the department.

Last, after consulting with the department and obtaining authorization from the divisional deans, the chair has the responsibility for recruiting visitors and replacement instructors for individual courses, when needed.

### **4. Budget, Personnel, Facilities, and Other Responsibilities**

The chair is responsible for the direction and supervision of non-teaching personnel. In consultation with the department, the chair will determine the procedures necessary for the effective and equitable functioning of the department. In consultation with the department, the divisional dean, and the VPAA, the chair will be responsible for determining and directing expenditures within the departmental budget. The administrative assistant should provide regular reports to the chair on the departmental budget and should carry out the chair’s decisions, but the responsibility for making those decisions in accordance with Academic Affairs policy lies with the chair. The chair is also responsible for ensuring that the public information about the department that is on the departmental website and the catalog is accurate and up-to-date.

The divisional deans are responsible for the allocation and use of facilities that have been made available to academic departments. The divisional deans may choose to delegate this responsibility to chairs, though when conflicts regarding facilities arise, the divisional deans will make final decisions regarding the allocation and use of these facilities.

Academic Affairs schedules mandatory meetings for department chairs, typically twice per semester. Given the increased complexity in faculty governance and often limited experience of many chairs, these meetings are critical opportunities for the VPAA to discuss with chairs matters important for the operation of all departments, and to provide chairs with information necessary for them to do their jobs.

In the rare event that a chair cannot attend a particular meeting, the chair should inform Academic Affairs and appoint a replacement from the department.

**8.2 MODELS FOR VOLUNTARY AFFILIATION WITH A DEPARTMENT\***

<b>Topic</b>	<b>Core</b>	<b>Affiliate</b>	<b>Courtesy</b>
Process for joining	1. Department votes to offer core membership to a faculty member, and submits this to the divisional dean; 2. The VPAA consults with divisional deans and the home department; 3. The VPAA makes the appointment	Same as core	Same as core
Process for leaving	1. Membership is for three years after which a faculty member can propose to continue core status or leave; 2. To continue in core status, the decision must be mutual – the faculty member proposes to continue and the department shall hold a formal vote on the proposal	Can leave at the end of any semester (not obligated to keep a three year term)	Can leave at any time
Governance	Voting member: Holds full voting rights and obligations, except in reappointment, tenure, or promotion cases when the core member has been core for less than half of the candidate's years at Wesleyan	Voice, but no vote	No voice, no vote
Teaching obligation	Yes	No	No
Tutorials & thesis eligibility	Yes	To be evaluated by the chair on a case- by-case basis	To be evaluated by the chair on a case- by-case basis
Advising obligation	Yes	No	No
Eligible to serve as chair	Yes	No	No
Length of appointment	Three years	Open	Open

*\*CSS and COL have different structures for faculty affiliation*



8.3 Academic Affairs Non-Tenure Track Appointments

**8.3 ACADEMIC AFFAIRS NON-TENURE-TRACK APPOINTMENTS**

**1. Salaried ongoing teaching appointments**

<b>Topic</b>	<b>Adjunct</b>	<b>Professor of the Practice</b>	<b>Artist in Residence</b>
Structure of appointment	Four-year renewable (6 if full). Each year confers a 9-month appointment. Expected to be in residence & participate fully in intellectual & programmatic life of department.	Three-year renewable (4 if associate, 5 if full). Unless otherwise specified, each year confers a 9-month appointment. Expected to be in residence & participate fully in the intellectual & programmatic life of department.	Three-year renewable. Each year confers a 9-month appointment. Expected to be in residence & participate fully in the intellectual & programmatic life of department.
Faculty status	Members of the faculty; those who are at least .5 FTE have voice and vote in faculty meetings.	Members of the faculty; those who are at least .5 FTE have voice and vote in faculty meetings.	Members of the faculty; those who are at least .5 FTE have voice and vote in faculty meetings.
Departmental governance	They vote for department chair if they are full-time faculty teaching at least half-time in the department.	They may have voice in departmental governance, with the exception of personnel matters, at invitation of dept.	They may have voice in departmental governance, with the exception of personnel matters, at invitation of dept.
Associate and Full promotion eligibility	Yes; salary increases for such promotions are made at the discretion of the VPAA.	Yes; salary increases for such promotions are made at the discretion of the VPAA.	No.
Basis for promotion	12 semesters of teaching.	Ad-hoc proposal by the department.	Not eligible.
Full-time course load (1.0 FTE)	5 courses.	5 courses or equivalent for 9-month contracts; 6 courses or equivalent for 12-month contracts.	5 courses or equivalent.
Advising responsibilities	Pre-major advising; major advising if appropriate (department's discretion).	Pre-major advising; major advising if appropriate (department's discretion).	No advising.
Eligibility for sabbatical	No schedule of sabbatical eligibility accrual. Sabbaticals may be awarded by the VPAA on an ad-hoc basis.	No schedule of sabbatical eligibility accrual. Sabbaticals may be awarded by the VPAA on an ad-hoc basis.	No schedule of sabbatical eligibility accrual. Sabbaticals may be awarded by the VPAA on an ad-hoc basis.
Eligibility for GISOS	Yes, as stipulated in annual GISOS memo from the VPAA.	Yes, as stipulated in annual GISOS memo from the VPAA.	Yes, as stipulated in annual GISOS memo from the VPAA.
Schedule for reappointment	One year prior to end of appointment.	Fall of the final year of appointment.	At end of appointment.
Basis for reappointment review	Quality of teaching, collegueship, and scholarship (when expected as part of the appointment), and performance of any other duties described in the appointment letter; ongoing need and budget for the position.	Quality of teaching, collegueship, and performance of any other duties described in the appointment letter; ongoing need and budget for the position.	Quality of teaching, collegueship, and performance of any other duties described in the appointment letter; ongoing need and budget for the position.
Advisory review of teaching	As part of reappointment or promotion.	As part of promotion.	As part of reappointment.
Annual salary increase review process	Increase based on chair recommendation; for details see annual merit memo.	Increase based on chair recommendation; for details see annual merit memo.	Increase based on chair recommendation; for details see annual merit memo.

**8.3 ACADEMIC AFFAIRS NON-TENURE-TRACK APPOINTMENTS CONTINUED****2. Visiting teaching appointments**

<b>Topic</b>	<b>Full-time visitor</b>	<b>Per-course visitor (includes staff who teach)</b>	<b>Private music lessons teacher</b>
Title of appointment	Visiting instructor or visiting assistant, associate, or (full) professor.	Visiting instructor or visiting assistant, associate, or (full) professor.	Private lessons teacher.
Structure of appointment	Full-time appointment for 1–3 years. Each year confers a 9-month appointment. Expected to be in residence & participate fully in intellectual & programmatic life of department.	Course by course appointment; Appointments are made one semester or one year at a time.	Appointments are made one year at a time. Teachers are paid by the hour for 12 one-hour sessions on a per-student basis.
Faculty status	Eligible to attend but not vote in faculty meetings.	Eligible to attend but not vote in faculty meetings.	No faculty status.
Departmental governance	Multi-year full-time visitors may have voice in departmental governance, with the exception of personnel matters, at invitation of dept.	Not eligible to participate in departmental governance.	Not eligible to participate in music department governance other than as stipulated in the private lessons handbook.
Full-time course load (1.0 FTE)	5 courses per year.	6 courses per year; a person may teach no more than 2 courses per semester on a per-course basis.	Varies in response to student demand; no full-time equivalent.
Advising responsibilities	No pre-major advising. May advise majors at the discretion of department.	No advising.	No advising.

**3. Non-teaching unpaid “courtesy” appointments**

<b>Topic</b>	<b>Research Professor</b>	<b>Visiting Scholar</b>	<b>Research Affiliate</b>
Structure of appointment	Non-teaching non-salaried title-only affiliation with a department.	Non-teaching non-salaried title-only affiliation with a department.	Non-teaching non-salaried title-only affiliation with a department.
Why this title?	For distinguished scholars with whom the department wants to have a long-term affiliation.	To give scholars, who have a connection to Wesleyan faculty, official status (e.g., faculty spouse/partner with Ph.D., faculty from other institutions doing research here with a Wesleyan faculty member).	For staff with Ph.D.s to have an official relationship with the department of their discipline.
Perquisites	Wesleyan email address, library privileges, gym access.	Wesleyan email address, library privileges, gym access.	Staff privileges already provided.
Appointment process	Department submits proposal to Dean; Dean proposes to VPAA. Background check required.	Department submits proposal to Dean; Dean proposes to VPAA. Background check required. Waiver signed if working in a lab.	Department proposes to Dean, Dean proposes to VPAA. Background check required. [should be already completed]
Term of appointment	One to four years.	Minimum of one month; maximum of one year; renewable.	One year, renewable.
Renewal process	Request from department to VPAA.	Request from department to VPAA.	Request from department to VPAA.

Note: the term “department” refers to “department, program, college, or center” throughout

**8.4  
POLICY OF THE OFFICE OF ACADEMIC AFFAIRS ON  
TEACHING LOADS**

Updated as of July 1, 2018

**1. Normal Teaching Load**

The normal teaching load for full-time, tenured/tenure-track faculty is two full-credit courses (or the equivalent) per semester. Other continuing faculty normally teach five full-credit courses per year, subject to the details of the particular appointment. There are two kinds of established exceptions:

- a. In some departments the customary teaching load may be greater than two courses per semester because of a significant number of studio or other special courses. The overall workload should be comparable to that in departments where two courses per semester are taught.
- b. In some departments the customary teaching load may be fewer than two courses per semester because their faculty members have additional responsibilities, such as the generation of research grants or the management of a graduate research lab. If individual faculty members do not bear such additional responsibilities, their course load will be adjusted accordingly. The overall workload should be comparable to that in departments where two courses per semester are taught. The divisional deans will review the practices of departments in their divisions and establish appropriate policies and guidelines for the division.

**2. Deployment of Faculty**

Department chairs should monitor teaching assignments and deploy faculty members to areas where teaching strength is needed. Courses that tend to enroll fewer than five students should be offered only as frequently as is required by the structure of the major. Except by special arrangement, courses with fewer than five students will not be credited to the instructor's teaching load. The instructor will be expected to make up the deficit in a later semester, typically within the next academic year. Departments with few majors should balance their offerings to attract significant numbers of non-majors.

**3. Special Types of Courses**

In the interests of equity among faculty members, the vice president for academic affairs (VPAA) will monitor three instructional practices: the teaching of courses with fewer than five students; team-taught courses where each instructor takes a full teaching credit; and courses for which an individual instructor receives more than one teaching credit. Departments or instructors should apply to the VPAA if they wish to establish that an existing or a proposed course might properly follow one of these practices.

## 8.4 Policy of the Office of Academic Affairs on Teaching Loads

### a. Enrollment thresholds

- (3) Special arrangements may be made for courses with fewer than five students that must be offered in order to sustain the major, a graduate program, or for other compelling reasons. Without such special arrangement, a course with an enrollment of fewer than five students should be converted to a tutorial.
- (4) Except by special arrangement with Academic Affairs, very large courses will carry only one teaching credit for their instructor. Instructors of such courses may apply for extra resources for graders to reduce their burden.

### b. Team-Taught Courses

See Policy on Team-Taught Courses.

## 4. Responses to Discrepancies

Immediately following the end of the drop/add period each semester, the divisional deans and the VPAA examine the courses and enrollments for faculty in all departments. If they find reductions in the teaching responsibilities of individual faculty that cannot be accounted for by the approved departmental norm or by Leaves or teaching reductions approved by Academic Affairs, they will follow up with the chair to see how the deficit can be made up in a later semester.

## 5. Course Relief

Course relief is granted for a heavy burden of service on a committee or as department chair. A heavy burden of service is defined as one comparable in its time demands, over the course of a year, to the time required to teach a semester course.

Course relief is expressed as a fraction of a faculty member's nominal teaching load (e.g., .25). It is expected that course relief will be taken during the period of the burden that led to the relief. Course relief may be banked and used later in two kinds of circumstances:

- a. If a last-minute assignment makes it difficult to take course relief in a timely fashion, a faculty member may apply to the VPAA for permission to bank the relief.
- b. Course relief amounting to a fraction of a course may be routinely banked until enough has accumulated to be used.

Course relief banked for either reason should be taken as soon as possible. Banked course relief must be used prior to the faculty member's next sabbatical; it may not be carried over and used in the subsequent sabbatical

## 8.4 Policy of the Office of Academic Affairs on Teaching Loads

cycle. In no case shall course relief for duties as chair or on committees result in a faculty member having a semester of service with no assigned courses.

Where judgments are to be made on special cases the VPAA will make them, acting in consultation with the divisional deans and the chair(s) of the relevant department(s).

### **6. Course Relief for Committee Service**

Course relief of .25 is awarded to all members of the Advisory Committee and to the chair of the Educational Policy Committee. Other faculty members whose assignments on committees and task forces appear to constitute a “heavy burden of service” in the sense given above may apply to the VPAA for course relief.

Committee chairs should limit the amount of work assigned to untenured faculty. Untenured faculty members whose overall burden of service to the University and their department becomes excessive may apply to the VPAA for exemption from further committee service for a time.

Faculty members who have served for two consecutive years on standing committees, the Advisory Committee, or as vice-chair/chair of the faculty, may be excused from nomination to these committees, and the offices of vice-chair and chair of the faculty for a period of three years after said service. Those serving for three full years may be excused from nomination as above for four years. These “immunity” periods are intended to be in addition to (not concurrent with) the immunity from committee service permitted to department chairs.

### **7. Course Relief for Service as Chair of a Department**

The VPAA maintains a table of course relief allotted to department chairs. In general, course relief for chairs is determined with a view to the number of faculty in the department, the number of majors, the number of courses mounted, the complexity of the department, and similar factors, including whether there are auxiliary programs administered from the departmental office. Course relief for a chair may not exceed one-half of the nominal teaching load of the department.

Additional course relief may on occasion be granted to a chair who incurs a special burden of work: for instance, a review of the department, or an unusual number of searches or tenure cases. Application should be made to the VPAA.

## 8.5 Policy of the Office of Academic Affairs on Team-Taught Courses

### **8.5 POLICY OF THE OFFICE OF ACADEMIC AFFAIRS ON TEAM- TAUGHT COURSES**

Updated as of July 1, 2018

Team teaching is a resource to be shared among faculty across the University. In considering requests for team teaching, Academic Affairs must balance the pedagogical innovation that team teaching affords with the distribution of enrollments, faculty members' course loads, and curricular demands and requirements. All proposals must be approved by the appropriate department chairs and divisional deans.

Department chairs will manage the proposals. Requests for approval will include a clear rationale that explores the intellectual and pedagogical purposes to be served by this format. If instructors are from the same department, the rationale must include a full discussion of why the proposed course should be team-taught.

In each case, a team-taught course must provide an appropriate number of spaces. Although this will vary across discipline and academic division, it is expected that spaces will be more plentiful than in a course taught by a single faculty member within the departments in question. The request should specify the minimum number of spaces that will be available. It is unlikely that requests for team-taught courses with very low enrollments will be approved.

All instructors are expected to collaborate in the design of the course, be present for all class meetings, and to share in assessing and evaluating student work.

Team-taught courses may be repeated, but this will require that the chairs submit a new request that incorporates and is justified by an evaluation of the prior iteration of the course.

Team-taught courses that have been approved according to the above procedures will normally count as one full-credit course for each instructor.

**8.6**  
**SABBATICALS AND LEAVES**

Updated as of July 1, 2019

This policy addresses Sabbaticals and different forms of Leaves for faculty, including scholarly Leaves and other unpaid Leaves.

**1. Definition of Sabbaticals and Leaves**

- a. A Sabbatical is a leave of absence for a semester or an academic year with salary and other benefits that the recipient would have were he/she on present duty. All Sabbaticals are subject to approval by the vice president for academic affairs (VPAA). Sabbaticals do not count as semesters of full-time service towards the accrual of future Sabbatical eligibility.
- b. A Leave is a leave of absence from the University for one semester or an academic year of a continuing appointment, without salary from the University. All Leaves are subject to approval by the VPAA. Leaves do not count as semesters of full-time service towards the accrual of Sabbatical eligibility.

Faculty may apply for two types of unpaid Leaves: a scholarly Leave, to conduct research or take a temporary prestigious academic appointment; or an unpaid Leave to work elsewhere in a tenured/tenure-track, or equivalent, appointment or to work in a nonprofit or for-profit organization/company. During an unpaid non-terminal scholarly Leave, faculty will be eligible for most benefits; during an unpaid Leave to work elsewhere in a tenured/tenure-track or equivalent appointment, or in a for-profit organization/company, Wesleyan will provide no benefits.

- c. A faculty member is eligible to receive a small stipend from the University if he or she is on a one-semester Leave of absence without salary from the University during a non-terminal year and is funded that semester by a fellowship that is less than the faculty member's salary but which is at least 40% of the annual salary of a beginning assistant professor. The amount of the stipend will be adjusted from time to time. The University will not make pension contributions based on the stipend and will limit its insurance premium contributions as per section 1b. All requests should be made through the divisional dean to the VPAA upon receipt of a fellowship that meets the above-stated criteria.

## 8.6 Sabbaticals and Leaves

### 2. Request Process for Sabbaticals and Leaves

All requests for Sabbaticals and Leaves should be submitted by the department chair for approval through the divisional dean, to the VPAA. These requests should be in writing and should include a statement of the purpose for which the Sabbatical or Leave is requested and the potential impacts on the curriculum of the department and any units it serves.

### 3. Eligibility for Sabbaticals and Leaves

In approving requests for Sabbaticals and Leaves, the VPAA will take into consideration the purpose of the Sabbatical or Leave and the eligibility of the applicant. The following principles in regard to eligibility are intended to serve as norms in practice with the understanding that exceptions may be made as the circumstances require.

- a. The purpose of a Sabbatical is for research, study, writing, or other creative work contributing to the professional development and effectiveness of the recipient as a scholar and teacher. It should not be granted primarily for purposes of health or rest, nor for general travel except as this may serve the main purpose. The Sabbatical may not be used for purposes of salaried services elsewhere except with Fulbright appointments or other similar assignments where Sabbatical salary or a part of it is necessary for fulfillment of Sabbatical purposes, the amount of such Sabbatical salary needed for such purposes to be determined by the VPAA after consultation with the faculty member involved.
- b. A tenured faculty member is eligible for a semester's Sabbatical after every three years of full-time service on the Wesleyan faculty or for a year's Sabbatical after every six years of such service, subject to the qualifications in 3i and 3j below; and in addition is eligible for a semester's or a year's Leave after every three years of such service, the actual incidence of Sabbaticals and Leaves being determined by consideration of the circumstances of one's department.
- c. A pre-tenure, tenure-track faculty member is eligible for a maximum of one semester of Sabbatical. This Sabbatical may be taken only after reappointment. Additional pre-tenure service on the faculty will count toward eligibility for Sabbatical after tenure is awarded.
- d. An appointee to the faculty who has had two or more years of previous full-time service as a member of the faculty at another college or university may receive sabbatical credit for such service, as specified in the appointment letter.
- e. A non-tenured faculty member is not eligible for a Sabbatical in the last two years of a terminal appointment.
- f. Sabbatical and Leave eligibility for non-tenure-track faculty: Sabbaticals for



## 8.6 Sabbaticals and Leaves

non-tenure-track faculty may be awarded by the VPAA in exceptional circumstances. The VPAA's decision will be based on the ability of the department to deal effectively with the absence of the faculty member, and on the circumstances of the faculty member's appointment. In cases where the appointment is solely a teaching appointment, the VPAA will look for evidence of significant and public involvement in the advancement of pedagogy, both in the proposal itself and in the faculty member's record. Examples could include publication of peer reviewed textbooks in the field, peer reviewed articles on pedagogy, other substantial professional publications, or other significant off-campus professional activities. In cases where the appointment involves other aspects, such as research or performance, the VPAA will look for significant and public involvement in those areas, both in the proposal itself and in the faculty member's record. Examples in performance could include significant off-campus exhibitions or performances, or service as a guest artist for a prominent institution or group.

Personal or scholarly unpaid leaves (as opposed to parental and medical leaves, which are covered under human resources benefits) for non-tenure-track faculty may be awarded by the VPAA. The VPAA's decision will be based on the ability of the department to deal effectively with the absence of the faculty member, and on the circumstances of the faculty member's appointment. Such leaves do not extend the term of the faculty member's current contract.

- g. The total of Sabbaticals and Leaves should not be more than one year in every four. In general, a schedule should be observed that will separate all full years of absence of an individual (whether on Sabbatical or Leave or a combination of both) by three consecutive years of teaching.
- h. There shall be no accumulation of credit toward longer Sabbaticals or Leaves or combinations of the two (for example, two consecutive years of absence after six years of teaching service, or three consecutive years of absence after nine years of teaching service, etc.).
- i. In exceptional circumstances, absences of up to four contiguous semesters may be recommended by the department and approved by the President, with the understanding that the absentee will indicate not later than the end of the third contiguous semester away (December 31 or June 30) whether or not he/she will return after the fourth semester away. Failing a positive indication at that time, the absentee's appointment will be deemed to lapse as of the end of the fourth contiguous semester away (June 30 or December 31).
- j. Departmental recommendations for extensions of appointment for persons taking Leaves of unusual duration (i.e., Leaves totaling three terms or more, continuous or not) will be submitted to close scrutiny by the VPAA, with attention both to equity and to the scholarly advancement of the applicant.

## 8.6 Sabbaticals and Leaves

### **4. Sabbatical and Leave Reports**

Following a Sabbatical or Leave, the recipient will submit a report to the VPAA, via the divisional dean, indicating the benefits realized. The report will be considered in evaluating requests for subsequent Sabbaticals and Leaves.

### **5. Constraints**

The extent to which the University's Sabbatical and Leave policy can actually be implemented will depend necessarily on budget considerations. In recognition of this, the following practices are recommended as ways by which the cost of the program may be minimized.

- a. Faculty members are requested to secure research grants or funds from outside sources when feasible, in lieu of Sabbatical stipends.
- b. Departments should plan their offerings in such a way that Sabbaticals can be taken without the provision of replacements.

### **6. Parental Leaves.**

For information on faculty parental leaves, visit <http://www.wesleyan.edu/hr/faculty/leaves/index.html>.

### **7. Medical Leaves.**

For information about faculty medical leaves, visit <http://www.wesleyan.edu/hr/faculty/leaves/index.html>.

## 8.7 Policies on Compensation and Outside Work

### 8.7

### **POLICIES ON COMPENSATION AND OUTSIDE WORK**

Updated as of July 1, 2018

#### **1. Compensation**

For the purpose of calculating a maximum fiscal-year salary, a faculty member may not earn, from all Wesleyan sources, more than twelve-ninths (12/9ths) of his or her annual faculty base salary without prior approval from the Office of Academic Affairs. In addition, faculty may not accept compensation from an outside source while on a paid sabbatical without explicit approval from the vice president for academic affairs (VPAA).

#### **2. Outside Work**

Before a faculty member undertakes substantial commitments in addition to his/her Wesleyan responsibilities during the academic year, including while on a paid sabbatical, he/she should consult with the chair of the department, the appropriate divisional dean, and the VPAA. Their explicit approval is required for outside commitments that make substantial demands upon the time and energy of a faculty member.

The circumstances of appointments are sufficiently favorable that the University feels justified in emphasizing that off-campus activities should not make major inroads on time and energy.

Faculty should not accept additional pay from an outside source while on a paid sabbatical.

## 8.8 Guidelines for Service on Faculty Committees

### **8.8 GUIDELINES FOR SERVICE ON FACULTY COMMITTEES**

Updated as of July 1, 2018

The following guidelines regarding service on faculty committees have been endorsed by the Advisory Committee and have been discussed without dissent by chairs of departments and programs.

Service on standing committees of the faculty is the responsibility of every faculty member. It is expected that a person elected to a faculty committee will serve unless he/she:

- is serving on another such committee;
- is on Sabbatical or Leave of absence;
- is elected after the beginning of classes in the year during which he/she is expected to serve;
- has what he/she believes are extenuating circumstances that should allow for declination of service. In such cases, these circumstances should be discussed with the vice president for academic affairs (VPAA).

Attention should be drawn to the “By-Laws of the Faculty,” **Sec. 503 (c)**:

Faculty members who have served for two consecutive years on standing committees, the Advisory Committee, or as vice-chair/chair of the faculty, may be excused from nomination to these committees, and the offices of vice-chair and chair of the faculty for a period of three years after said service. Those serving for three full years may be excused from nomination as above for four years. These “immunity” periods are intended to be in addition to (not concurrent with) the immunity from committee service permitted to department chairs.

## 8.9 A Policy on Dispensing Departmental Funds from Gifts and Endowments

### **8.9**

#### **A POLICY ON DISPENSING DEPARTMENTAL FUNDS FROM GIFTS AND ENDOWMENTS**

Updated as of July 1, 2018

Departmental gift and endowment funds are funds that have been donated to Wesleyan to benefit the mission of the department and the University, and may have additional specific restrictions. As such, spending from them is subject to the usual policies and oversight of Academic Affairs and Finance, as well as scrutiny to ensure spending matches the intent of the donor. Academic Affairs will also monitor the failure to spend effectively from such funds, as allowing them to grow without sufficient spending serves neither the mission of the University nor the intent of the donor. If a department fails to spend such funds effectively, Academic Affairs and University Relations may consider reallocating them to better serve the purpose of the donor.

All salary payments to Wesleyan employees, whether faculty or staff, from departmental accounts must be approved by Academic Affairs in advance.

Payment to faculty for summer salary is allowed under this policy, subject to Academic Affairs' Policies on Compensation and Outside Work and to prior approval by the vice president for academic affairs (VPAA), who will evaluate all requests in terms of how the moneys will contribute to progress on a specific research or teaching initiative. Any request for summer compensation should, therefore, include a brief description of the activity to be undertaken and some discussion of how it fits into the larger picture of individual or departmental research or teaching programs. Brief reports of progress derived from summer activity that was underwritten by departmental funds will be submitted to the Office of Academic Affairs by October 30th of each year.

Any equipment purchased by any Wesleyan funds, including departmental gift or endowment funds, will be the property of Wesleyan. Such equipment may therefore not be given away or sold without approval of the VPAA.

### **8.10 PATENT AND INVENTION POLICY**

Updated as of July 1, 2018

This policy codifies the University's position when its resources and/or facilities support work that leads to discoveries and/or inventions that might be expected to have direct value in the marketplace. It applies to faculty, staff, students, or any person performing research or engaging in work or study utilizing University resources or facilities. Title to discoveries or inventions resulting from research, work, or study that was supported by externally sponsored funds that are administered by the University or resources drawn directly from the University will belong to Wesleyan University. The University makes no claim to discoveries and/or inventions by University employees unrelated to the activities for which the individual is employed or which have not involved the use of University facilities.

A person using Wesleyan facilities who discovers an idea, process, or device that may be patentable will disclose that fact to the Office of Academic Affairs. The University will evaluate the disclosure, perhaps in collaboration with a commercial research enterprise whose primary focus is to make such evaluation, to determine the likelihood that it will lead to a patent. The University may then decide to file a patent. If it does not, it relinquishes all claim to the invention; if it does, then the University will seek appropriate licensing arrangements to commercialize the invention.

After the recovery of all costs related to the patent process, the net royalties accruing to the University shall be divided equally between the University and the inventor. Royalties accruing to the inventor shall be deemed income, but they arise outside of the normal channel of compensation. As such, they count neither toward regular compensation from the University nor against the limits imposed by the University Policy on Compensation from Extramural Sources. The Office of Academic Affairs shall use the University's 50 percent share exclusively to support University research.

Contractual allocation of any net royalties that might result from work sponsored jointly by the University and any other agent will be negotiated as part of the initial agreement that brings supplementary support from that agent to campus. Equal allocation of net royalties between inventor and the University will then apply to the University's share of this contractual allocation.

The dean of natural sciences and mathematics shall be responsible for administering this policy.

## 8.11 Policies and Procedures for Addressing Allegations of Possible Misconduct in Scientific Research

### 8.11

### **POLICIES AND PROCEDURES FOR ADDRESSING ALLEGATIONS OF POSSIBLE MISCONDUCT IN SCIENTIFIC RESEARCH**

Updated as of July 1, 2018

#### **1. Introduction**

Science scholars at Wesleyan University strive to maintain the highest professional standards and realize that unethical practices in the conduct of scientific research represent a grave breach of trust between the researcher and the scientific community. Because of their potential impact on the integrity of the body of scientific knowledge, and on the reputations of the University and its researchers, allegations of misconduct in scholarship and research must be dealt with in a prompt, serious, and decisive way. The following policies for dealing with instances of alleged misconduct have been formulated to conform to the requirements of Section 493 of the Public Health Service (PHS) Act (and also Section 501 (f) of the PHS Act as amended by Section 2058 (a) (2) (C) of the Anti-Drug Abuse Act of 1988), and to conform to National Science Foundation regulations that set forth the standards expected of grantee institutions in preventing, detecting, investigating, and correcting misconduct involving individual researchers.

#### **2. Definitions**

The definition of misconduct will conform to that required by the funding agency involved. Current NIH and NSF guidelines define misconduct in scientific research as including: 1) fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research; 2) material failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for ensuring the welfare of laboratory animals; 3) retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.

Allegations of misconduct in scholarship and research are resolved in two stages:

An *inquiry* consists of information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

An *investigation* is the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, to determine its scope, and to evaluate the seriousness of the offense.

#### **3. General Policies**

The resolution of a case involving alleged misconduct in scholarship and

## 8.11 Policies and Procedures for Addressing Allegations of Possible Misconduct in Scientific Research

research involves the accused, the University, the relevant funding agency (i.e., the one that funded the work), and all relevant witnesses. In order for all parties to be treated fairly and for the funding agency to be kept adequately apprised of the developing case, the following guidelines must be adhered to at all times during the proceedings:

a. The University will notify the funding agency immediately if it determines during the course of the inquiry or investigation that any of the following conditions exists:

- (1) The seriousness of the apparent misconduct warrants it.
- (2) Immediate health hazards are involved.
- (3) There is an immediate need to protect the interest of the person(s) making the allegations or the individual(s) who is the subject of the investigation.
- (4) There is an immediate need to protect funding agency resources, reputation, or other interests.
- (5) It is probable that the alleged incident is going to be reported publicly.
- (6) There is reasonable indication of possible criminal violation.

b. The position(s) and reputation(s) of person(s) making the allegations in good faith must be protected.

c. To the extent possible, the confidentiality of all proceedings must be maintained.

d. Questions of procedure and policy which are not explicitly addressed herein will conform to the specific requirements of the funding agency.

### **4. Inquiry Procedures**

a. Allegations of misconduct in scholarship and research will be referred, in writing, to the appropriate divisional dean who will notify the vice president for academic affairs (VPAA). If more than one division is involved, then the dean(s) of the other division(s) will also be notified of the allegation. For scientific misconduct the Dean of Division III will serve as the Research Integrity Officer. When an accusation of misconduct is made, the matter is no longer an issue between the accuser and the accused, but between the University and the accused.

b. Inquiry, or if called for investigation, shall be carried out through standing or ad hoc arrangements, as seems appropriate by the appropriate divisional dean, in consultation with the VPAA.



## 8.11 Policies and Procedures for Addressing Allegations of Possible Misconduct in Scientific Research

- c. The goal of the inquiry will be to conduct preliminary information gathering and fact finding to determine if the accusation of scientific misconduct has enough substance to warrant a more detailed investigation.
- d. The inquiry should be conducted under strict rules of confidentiality, and should be conducted in a manner to avoid any real or apparent conflict of interest. If necessary, appropriate experts to evaluate relevant data may be secured.
- e. The inquiry must be completed within 60 days of its initiation unless circumstances clearly warrant a longer period. If the inquiry is not completed within 60 days, the record of the inquiry will document the reasons for exceeding the 60-day period.
- f. A written report will be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The accused's comments or response to the inquiry report will be made part of the record.
- g. The Inquiry Committee will forward the results of inquiry to the divisional dean(s) and the VPAA with recommendations on the need for an investigation.
- h. Based on the inquiry report, the VPAA, in consultation with the divisional dean(s), will determine whether or not to proceed with an investigation. If the charges are found to be without merit or can be resolved by mediation between the accused and the accuser, then the matter may be dismissed. The basis for the finding will be documented.
- i. If the VPAA, in consultation with the divisional dean(s), determines that there is a need for an investigation, the granting agency supporting the research will be informed immediately. The granting agency will be informed of the name(s) of the person(s) being investigated, the general nature of the allegation(s), and the application or grant number(s) involved.

### **1. Investigation Procedures**

- a. If the accused is a faculty member, the investigation, as described below, will be conducted by the VPAA or his/her delegate as described for an inquiry. Cases of alleged academic fraud by students shall be subject to the normal disciplinary rules and processes governing students. If the accused is a staff member, the investigation will be conducted by the Office of Human Resources.
- b. The investigation should be conducted under strict rules of confidentiality. Its purpose is to determine whether misconduct in scholarship and research, as defined above, has in fact occurred, and to determine how serious an offense it represents. The investigation should be conducted in a manner to avoid any

## 8.11 Policies and Procedures for Addressing Allegations of Possible Misconduct in Scientific Research

real or apparent conflict of interest and should include participation by faculty members with appropriate expertise to provide a thorough and authoritative evaluation of the relevant evidence.

c. The investigation must begin within 30 days of the completion of the inquiry, and must be completed within 120 days of its initiation. If the institution determines that it will not be able to complete the investigation in 120 days, it must submit a written request for an extension to the affected agency and an explanation for the delay. The explanation must include an interim report on the progress to date and an estimate for the date of completion of the investigation.

d. The funding agency will be notified of any significant developments during the course of the investigation. The investigators may examine all relevant documentation, including original research documents. If necessary, appropriate experts to evaluate relevant data may be secured.

e. The investigators may interview any individuals involved. A stenographer will be provided and transcripts of the interviews will be prepared. Each interviewed witness will be allowed to review and comment on the transcript of his/her testimony. Transcripts with accompanying comments will be made a part of the investigatory file.

f. A written report containing the findings of the investigation will be prepared. The report will be given to the accused for comment before a final recommendation is made. The accused's response will become part of the report. The final report containing the findings and the recommendations of the investigators will be sent to the VPAA.

g. In the case of substantiated misconduct, the VPAA will either take final action short of dismissal or suspension without pay, or if he/she seeks dismissal or suspension without pay will bring the matter to the FCRR.

**h.** The affected funding agency must be notified of the final outcome. The final report must include: a) a description of policies and procedures under which the investigation was conducted; b) how and from whom information was obtained; c) the findings and the basis for the findings; c) the response of the accused person(s); e) a description of the sanctions imposed by the institution.

## 8.12 Financial Conflict of Interest in Research

### **8.12**

### **FINANCIAL CONFLICT OF INTEREST IN RESEARCH**

To view information about financial conflict of interest in research, visit:

<http://www.wesleyan.edu/acaf/support/FCOI.html>

## **8.13**

### **POLICY ON HUMAN SUBJECTS: INSTITUTIONAL REVIEW BOARD**

Updated as of July 1, 2018

#### **1. Purpose of the Institutional Review Board (IRB)**

To protect human subjects involved in research conducted by persons affiliated with Wesleyan University.

If human subjects are involved in research, the IRB reviews and approves those aspects of research protocol that may have an impact on the human subjects of the research, solely for the purpose of protecting those human subjects. The need for IRB approval extends to any manner of research, including experiments, interviews, surveys, and other data collecting methods. This process is designed to protect the rights and welfare of human participants by ensuring that they are selected equitably, participating voluntarily, fully informed of the risks and benefits of the research, and that the research minimizes risks to humans and protects their privacy and confidentiality.

The IRB must review and approve externally sponsored ongoing projects at least once a year and all projects involving human subjects whenever changes occur in the research design.

The IRB must be notified of any unanticipated problems involving risks to subjects or others, including physical or psychological injury to subjects, improper disclosure of private information, economic loss, or other potentially harmful occurrences.

#### **2. Scope**

The IRB is responsible for reviewing, either with a full board review or an expedited review, all research involving human subjects conducted by faculty, researchers, students, or staff of Wesleyan University.

#### **3. Process for Submitting Projects to the IRB**

##### **a. Application Instructions**

For the most up to date information, see:

<http://www.wesleyan.edu/acaf/support/reviewboard.html>

Anyone planning research involving human subjects needs to submit to the IRB the following information:

- (1) A copy of the research proposal including a summary of the research, a description of the subject population, and the method by which subjects will be recruited. If IRB review by the full committee is

### 8.13 Policy on Human Subjects: Institutional Review Board

warranted, the principal investigator should submit ten (10) copies of the research protocol.

- (2) The research protocols (e.g., recruitment letter, poster, ad, etc.)
- (3) The Informed Consent Statement which will be used in the research and an explanation of the method by which informed consent will be obtained.
- (4) The process by which subjects will be debriefed following the study.
- (5) An explanation of how subjects' privacy will be guaranteed.

A description of how the data will be stored, for how long, and how and when it will be destroyed, as well as who is responsible for the data during this period.

#### **b. Schedule of Meetings**

Student research should be submitted to the IRB according to the following timetable:

- (1) First semester course research—by last week of October
- (2) Second semester course research—by last week of February
- (3) Summer research—by mid-April

For exact deadline dates, please check the IRB's website.

Most often, though not always, student proposals are given an expedited review.

Faculty, administration, and research grants are currently being reviewed on an as needed basis—with the stipulation that the full committee can be convened ten days after the materials (as outlined above) have been submitted to the IRB.

The schedule for an expedited review is usually two to three days following receipt of the materials (as described above).

#### **c. Communication of status of application**

Principal investigators generally are informed of the status of the proposal within a day or two following the meeting. In some cases, clarification, revisions or changes to the protocol are necessary prior to formal approval. In such cases, the investigator is sent a memo with the recommended revisions and is asked to comply by instituting the changes and the principal investigator is expected to confirm the changes recommended. A formal letter and/or memorandum of approval is usually mailed by the IRB chair to the principal investigator within a week after the meeting, or when warranted,

### 8.13 Policy on Human Subjects: Institutional Review Board

after the recommended revisions to the protocol have been made.

Contact Information:

<http://www.wesleyan.edu/acaf/support/reviewboard.html>

## 8.14 Benefits for Retired Faculty

### **8.14 BENEFITS FOR RETIRED FACULTY**

#### **OFFICES AND LABS**

Newly retiring faculty should send a request four months in advance of their retirement date to their department or program chair and to their Divisional Dean if they would like the use of a faculty office and/or lab space for up to one year past full retirement. This request will be granted when possible, but may not always be possible.

Already-retired faculty occupying office and/or lab space should send a request four months in advance of the end of their current occupancy to their department or program chair and to their Divisional Dean if they would like the use of a faculty office and/or lab space or share space with another person for up to an additional year, explaining the need for the space. This request will not be routinely granted.

Retired faculty should apply to the Director of the Wasch Center if they would like to use office space there.

#### **RETIREE BENEFITS AND FAQs**

<https://www.wesleyan.edu/hr/retiredfaculty/index.html>

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Office of the President  
Middletown, Connecticut 06459-0290  
860-685-3500 Fax: 860-685-3501

**Presidential Statement on the Conferral  
of Tenure and on the Promotion to  
Tenured Full Professor  
May 2005**

The following statement outlines the expectations of the President of Wesleyan University regarding appointments and promotions.

Wesleyan has a strong and enduring commitment to outstanding achievement in scholarship, teaching and collegial dedication to the university as a community of scholar-teachers. Demonstrated excellence in scholarship, encompassing scholarly and/or artistic achievements, is essential because it is the foundation for the research mission of the university. Demonstrated excellence in teaching, both in and beyond the classroom, is essential because it is the basis of the small and interactive residential learning community we have established and seek to strengthen. Excellent scholarship and teaching are closely intertwined because the most effective guides for students in their quest for knowledge are teachers whose ongoing research continues to engage them as learners at the frontiers of their own fields and who thereby bring the excitement of discovery to the classroom. Dedication to the collegial life of the university as a community of scholars is important because all of us, as members of a residential learning community, are responsible for the intellectual caliber and the general well-being of the university and for helping all community members develop a strong sense of responsibility for the university and its contributions to higher education and society. High achievement in all of these areas – scholarship, teaching, and collegiality – is the surest indication of the continued success of the university and all of its faculty members.

Clearly demonstrated excellence is expected for the conferral of tenure and promotion. When making decisions on appointments and promotions conferring tenure, the president will recommend favorable action to the Board of Trustees on candidates whose promise of excellence at the time of appointment, in his or her judgment, has been fulfilled and whose accomplishments show evidence of distinction in all three areas. Scholarly accomplishments must show that the candidate is among the best compared to other scholars or artists in the field at a comparable career stage and that he or she is on a promising trajectory that will likely lead to continued excellence. The candidate's teaching record, defined primarily, but not exclusively, as



## 9.1 Presidential Statement on the Conferral of Tenure and on the Promotion to Tenured Full Professor

accomplishment and promise in the classroom, but extending as well to all aspects of teaching, must also demonstrate excellence and promise. And collegueship should reveal constructive participation and accomplishments in meeting the collegial responsibilities shared by the faculty, positive contributions to the intellectual and cultural life of the faculty member's department, program, the university, and the academic profession, and the likelihood that such collegueship will continue in the future. No precise weight can be given to any one of these three areas, but the first two are most important.

When considering promotions to a full professorship, the president's decision will be based on the candidate's performance since receiving tenure. Candidates must show significant additional scholarly and/or artistic achievements, teaching that maintains or improves upon the accomplishments attained prior to the conferral of tenure, and continued contributions to the collegial and intellectual life of the university. In scholarship or artistic achievement, teaching, and collegueship, there must be evidence that the promise of future accomplishments that was exhibited at the time of the conferral of tenure has been fulfilled.

Before making decisions on the conferral of tenure and promotion, the president will seek the advice of the faculty, as stipulated by the Academic Council, and will be guided by the university's Statement on Academic Freedom and the Academic Council's Statement on the Obligation of Collegiality. As noted in the University and the Academic Council by-laws, the Board of Trustees require the president to make an independent judgment concerning each faculty appointment and promotion and the president is not bound by the evaluations of candidates made by the faculty or outside reviewers, or by representations made by faculty members to candidates. The president will exercise this responsibility with the utmost regard for the recommendations made by the faculty and will explain presidential promotion and tenure decisions to Academic Council in a timely manner if and when they do not agree with those of the faculty.

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Office of the President  
Middletown, Connecticut 06459-0290  
860-685-3500 Fax: 860-685-3501

January 18, 2006

TO: Department and Program Chairs

SUBJECT: Tenure and Promotion Expectations

In Fall 2005, I discussed with members of the Academic Council how to implement the May 2005 Presidential Statement on the Conferral of Tenure and on Promotion to Full Professor when considering actual cases. As a result of those discussions, and with input from members of Advisory, I have clarified some of the issues and would like now to share my expectations with you. Please add this note to your Handbook for Department and Program Chairs so that future chairs will be able to consult it when necessary. In early February, Judith Brown will meet with tenure-track faculty, as she does every spring, and during those meetings she will distribute this letter and discuss it with them.

At all levels of decision-making, including my own, tenure and promotion decisions depend on the university's judgments about the quality, quantity, and pace of accomplishments, as well as on assessments of the impact of the candidate's scholarship, and the likelihood that he or she will continue to make significant scholarly contributions in the future. The candidate's record must show clearly that he or she is a participant in the important scholarly conversations in the field. A significant body of high quality scholarship, published or accepted for publication, strengthens our confidence that a scholar is beginning to gain recognition and will continue to do so in the future. As the Academic Council By-Laws (Section 502b) state, "published, performed, and executed works, important as a contribution to knowledge and understanding, are also the clearest measure of their author's scholarship." Such a record also insures that knowledge presented in the classroom is at the edge of scholarly research and has entered the critical arena of scholarly discourse.

I am frequently asked whether in fields where books are the primary scholarly output, I will expect an accepted book manuscript in all cases. My answer is, not always. But because an evaluation of the scholarly impact that a candidate has and is likely to have is an important component of the tenure evaluation, I will expect in nearly all cases to see an accepted book manuscript by the time of the tenure review. I will also expect to see additional articles, some accepted and some published. Ideally, some of the accepted articles, conference presentations, or successful fellowship applications would be in areas pointing to the candidate's next major project.

## 9.2 Presidential Statement on Tenure and Promotion Expectations

Occasionally, even in fields where a book is the primary scholarly output, a candidate's work may best be expressed in the form of a substantial body of accepted and published articles that together make an important argument that is a significant addition to a field. This is one of the reasons why I use the term "expectations" rather than "standards" or "requirements." Occasionally, cases present themselves differently for good scholarly reasons, and I want to be able to affirm such cases.

The above expectations regarding accepted or published scholarly works do not detract from the university's institutional right and responsibility to arrive at an independent judgment of the quality, quantity, and pace of a candidate's scholarship. The acceptance of scholarship by publishers informs our judgments but does not determine them. Additional information is provided by the letters of outside reviewers who are qualified authorities from outside the Wesleyan faculty as well as the letters of qualified authorities from within our faculty. Together, all of these sources of information enrich and strengthen the quality of our evaluations, but the final outcome is based on the institution's independent evaluations.

There cannot be a concrete formula applicable to every tenure case, but the university has always expected a clear record of first-rate scholarly accomplishment and promise. The great majority of the current tenured faculty have met these expectations. They are not a change from past practice but an effort to record what I have observed as practice in the last ten years. They are reasonable because our tenure-track faculty, in addition to being talented and hardworking, are supported by an environment that aids research and teaching, a generous sabbatical policy, a superb library, laboratories and computer resources, grants in support of scholarship, reasonable teaching loads, and excellent students.

I have focused on expectations regarding published scholarship because this topic tends to elicit the most discussion. I will expect comparable quality, visibility, and impact in fields such as the performing arts, where publication is not necessarily the primary scholarly output.

I will also expect excellence in teaching and collegiality in all fields. The presidential statement I issued in May 2005 states that a candidate's accomplishments must show evidence of distinction in all three areas: that the candidate is among the best scholars in the field at a comparable career stage, that the teaching reveals excellence and the promise of continued high quality, and that collegiality shows constructive participation and accomplishments in the collegial life of the university.

Because each tenure case has unique features and depends on qualitative judgments, we know from the outset that some of these concepts will become clearer as we apply them. I urge departments and programs to clarify their expectations so that they reflect the highest aspirations of their disciplines and to continue to inform newly appointed tenure-track faculty about the university-wide and departmental and program expectations. I also encourage departments and programs to develop their expectations in consultation with the Vice President for Academic Affairs. This has produced excellent results in the departments and programs that have done so. Such collaboration ensures that their expectations align with those of the university, and that candidates will face expectations that are rigorous as well as consistent, fair, and attainable by the great majority of tenure-track faculty we appoint at Wesleyan.

Thanks so much for your input on these issues during the Academic Council meetings.

## 9.2 Presidential Statement on Tenure and Promotion Expectations

Please distribute this letter to the tenured faculty in your department or program and feel free to discuss it with them. As mentioned earlier, Judith Brown will distribute the letter to tenure-track faculty and discuss it with them very shortly as part of her spring semester lunch meetings with them.