

1 **ACADEMIC SENATE**
2 **Resolution 19/20-07**

3
4 **Miscellaneous Amendments to the Faculty Handbook**

5
6 WHEREAS, the 2019-2020 Handbook Committee of the Academic Senate
7 has considered and proposed amendments to certain sections of the
8 Faculty Handbook;

9
10 WHEREAS, the Executive Board reviewed and approved the proposed
11 amendments;

12
13 WHEREAS the specific amendments are set forth in Attachment A to this
14 Resolution;

15
16 BE IT RESOLVED that the Academic Senate hereby endorses and
17 recommends that the President of the University adopt the proposed
18 changes to the Faculty Handbook set forth in the Attachment A.

19
20
21 Resolution Number: 19/20-07
22 Date: May 13, 2020

Motion by: Executive Board

23
24 These amendments were presented for a first reading during the April 15
25 2020 meeting, and presented for the second reading during the May 13,
26 2020 meeting.

27
28 Action taken: Passed with 37 in favor, 0 opposed, and 0 abstentions.
29
30

1 **Attachment**

2
3 **Amendments from first reading in yellow highlight;**
4 **changes since the first reading to address comments**
5 **and concerns blue (teal?) highlight.**

6
7
8 **LIST OF MISCELLANEOUS CHANGES WITH THEIR**
9 **RATIONALES, FOR FIRST READING**

10
11
12 **CHANGE 1: REFLECTING CURRENT PRACTICE.**

13
14 **2-A (2) The President and Other Officers of the Corporation**

15
16 (a) The Board of Trustees elects annually the officers of the corporation
17 including the Chairman of the Board; the President of the University; Provost
18 and Senior Vice President, Academic Affairs; Senior Vice President,
19 Administration; Senior Vice President, Finance and Chief Financial Officer; Senior
20 Vice President, Human Resources; Senior Vice President, University
21 Advancement; Senior Vice President, University Relations; Senior Vice President
22 and Chief Communications Officer; Senior Vice President and Chief Executive
23 Officer, Keck Medicine of USC; and Senior Vice President and General Counsel.

24
25 **CHANGE 2 FOR CONVENIENCE, CROSS-REFERENCING TO EXISTING**
26 **POLICIES.**

27
28 **3-B (3) Additional Responsibilities**

29
30 (a) Faculty, or certain groups of faculty, including those with clinical assignments
31 and those performing research, have additional responsibilities and duties,
32 detailed in University, school, and medical enterprise documents and websites,
33 including but not limited to the following.

34
35 This non-exhaustive index is set out here for convenience.

36
37 **General**

- 38
39
40
41
42
43
- 3-B (2), Academic and Professional Responsibilities
 - Policies, <https://policy.usc.edu>
 - Office of Culture, Ethics and Compliance, <https://ooc.usc.edu>;
 - Who do I call if?, <https://ooc.usc.edu/who-do-i-call-if/>

44 **Conflicts**

- 45
- 3-G, Personal Conflicts of Interest, and 6-I, Consensual Relationships

- 1 • 3-I, Outside Activities of Faculty Members and Conflicts
- 2 • 3-I, Professional and business conflicts of interest and
- 3 <https://policy.usc.edu/conflict-of-interest/>
- 4 • 3-I (2), Conflicts of Commitment and Absences
- 5 • 3-I (3), Outside consulting, research, and practice and
- 6 <https://policy.usc.edu/research-conflict-interest/>
- 7 • 3-I (4), Outside educational work
- 8 • Fundraising Coordination, <https://policy.usc.edu/fundraising/>

9

10 ***Discrimination, Harassment, and Retaliation***

- 11 • 6-B, Policy Against Discrimination, Harassment, and Retaliation
- 12 • 6-AA(2) Non-Protected Class Harassment
- 13 • 6-C Harassment Awareness Training

14

15 ***Teaching***

- 16 • 3-C, Responsibilities to Students ³
- 17 • Courseware, <https://policy.usc.edu/courseware/>;

18 ⁶

19 ***Research***

- 20 • Research Policies, <https://faculty.usc.edu/scholarship/policies/>
- 21 • Research: Ethics & Compliance, <https://research.usc.edu/policies/ethics-compliance/>
- 22 • Office for the Protection of Research Subjects, <https://oprs.usc.edu/>;
- 23 • Guide to Research, <https://ooc.usc.edu/research-compliance/guide-to-research/>
- 24
- 25 • Scientific Misconduct, <https://policy.usc.edu/scientific-misconduct/>;
- 26 • *Intellectual Property, <https://policy.usc.edu/faculty/>. Including duty to
- 27 disclose
- 28 • *Conflict of Interest in Research, <https://policy.usc.edu/research-conflict-interest/>;
- 29

30 ***Clinicians***

- 31 • Relations with Industry, <https://policy.usc.edu/industry-relationships/>, including duty to
- 32 disclose
- 33

1 *Culture, Ethics, and Compliance*

- 2 • University Culture and Ethics, <https://policy.usc.edu/university-culture-and-ethics/>;
- 3
- 4 • Office of Culture, Ethics and Compliance, <https://ooc.usc.edu/>
- 5 • Compliance, <https://policy.usc.edu/admin/compliance/>
- 6 • Cooperation with Compliance Investigations,
- 7 <https://policy.usc.edu/cooperation-with-compliance-investigations/>.
- 8

9 *Health and Safety*

- 10 • Illness and Injury Prevention Program, <https://policy.usc.edu/injury-prevention/>.
- 11
- 12 • Environmental Health & Safety, <https://ehs.usc.edu/>
- 13 • Hazard Communication Program, <https://ehs.usc.edu/files/USC-HazComm-Program.pdf>
- 14

15 3

16

17 (b) Section 8-C's first sentence – listing neglect of duty, incompetence, violations of
18 academic freedom, misconduct, dishonesty, unmanaged or unreported conflict of interest,
19 and moral turpitude – identify fundamental shortfallings in faculty obligations.

20

21

22 **CHANGE 3: REFLECTING CURRENT PRACTICE.**

23

24 **3-E LEAVES OF ABSENCE**

25 **3-E (1) General**

26 The following section summarizes leaves of absence for which faculty members
27 may qualify. Detailed policies are available on the University Policies website,
28 (<http://policy.usc.edu>). Failure to return to work after one year on leave or
29 absent from duty may be a basis for termination of employment by the
30 President or Provost without formal proceedings, unless the Provost approves an
31 extension. Most types of leave are granted for one semester, or one year as a
32 maximum.

33 Faculty anticipating a leave without pay should consult the Benefits Office for
34 information about the effect of the leave on their fringe benefits.

35 Tenure-track faculty who have been granted leave may under certain
36 circumstances request an extension of the Tenure Decision Date, and special
37 provisions are set out in the policy on Academic and Family Life Balance,
38 Chapter 9. Requests for extension of the Tenure Decision Date shall be in
39 writing and shall be directed to the Committee on Deadlines and Leaves for its
40 review and recommendation in writing to the Provost on behalf of the President,
41 either prior to the leave or within six months after returning to regular activities.
42 The Committee will not review extensions to which the faculty member is
entitled under Chapter 9, extensions based on a medical leave, and extensions

1 based on legally-protected leaves of absence such as leaves under the CFRA and
2 FMLA.
3

4 The ADA/504 Coordinator serves as a resource for information about
5 government and University rules on leaves and benefits and their coordination.
6

7 The University provides all other leaves required by federal or state law or city
8 ordinance.

9
10 **CHANGE 4: REFLECTING CURRENT PRACTICE.**

11
12 **3-E (4) Military and Other Statutory Leaves**

13 The University grants military leaves and other leaves in accordance with law,
14 including but not limited to Unpaid School Activities Leave, and Voting Leave.
15 Detailed policies are available on the University Policies website, e.g.,
16 <http://policy.usc.edu/military-leave/>.

17
18 **CHANGE 5: REFLECTING CURRENT NAME OF OFFICE.**

19
20 *3-I (1)(b) Disclosure of Outside Activities*

21
22 All outside employment, as well as other outside activities or personal
23 relationships described in the University policy ([http://policy.usc.edu/conflict-of-](http://policy.usc.edu/conflict-of-interest/)
24 [interest/](http://policy.usc.edu/conflict-of-interest/)), must be disclosed through the “diSClose” online system
25 (<http://disclose.usc.edu>).

26 If in doubt concerning the possibility of conflict arising from a consulting or other
27 remunerative activity, the faculty member should report it. This responsibility to
28 report continues through the summer and while on leave.
29

30 The Office of Culture, Ethics and Compliance serves as a resource for
31 information about government and University policies and regulations regarding
32 conflict of interest. (See also policies posted on the University Policies website
33 (<http://policy.usc.edu>). This office bears responsibility to collect this
34 information and disseminate it to the deans of the schools and colleges of the
35 University and to other administrative personnel. Thus, faculty members who
36 report to them and who are working on government-sponsored activities are
37 kept abreast of policies and regulations touching upon conflict of interest.
38

39 **CHANGE 6: FOR CLARITY.**

40
41 *3-I (1)(c) Other Disclosure of Conflicts*
42

1 In University decision-making (including participating in recommending
2 appointments, promotions, or granting of honors, or service on grievance panels
3 or hearing boards) a faculty member shall disclose to fellow members of a
4 committee making the recommendation, and also to the dean or Provost, any
5 current or previous relationships or circumstances that create the appearance of
6 a conflict of interest (including mentoring, teaching, patient or client,
7 dissertation supervision, or co-authorship.)
8

9 **CHANGE 7: INCLUDING REMOTE TEACHING. To make this applicable to**
10 **all faculty, including faculty permitted to work remotely, changed the**
11 **term to describe absence from "absence from campus" to "absence**
12 **from duty."**
13

14 **3-I (2) Conflicts of Commitment and Absences**

15 (a) Faculty members have a binding obligation to discharge instructional
16 and other regular duties, and performance of these duties may be
17 impaired by any other activity requiring a large portion of time. It is
18 important that students receive the instruction the curriculum
19 envisages and almost always from the instructor of record. For faculty
20 permitted to work remotely, failure to perform remote duties is
21 deemed absence from duty.
22

23 (b) Faculty members who belong to professional associations and societies
24 or who serve on scholarly or advisory bodies in their field of expertise
25 will necessarily be absent from duty on occasion, but such absences
26 are subject to the review of the department chair, division head, or
27 dean on how the individual's instructional and other responsibilities will
28 be met. There may be other good reasons, acceptable to the chair or
29 dean that justify brief absences from the faculty member's usual
30 obligations.
31

32 ~~In this Section 3-I(2), "absence" includes absence from duty for faculty~~
33 ~~permitted to work remotely.~~
34
35

36 (c) For brief absences from duty, faculty members shall make appropriate
37 arrangements subject to the review of the chair or dean as requested and
38 according to University and school policies, so that absences interfere only
39 minimally with their normal teaching and other responsibilities. (See also
40 policies posted on the University Policies website: (<http://policy.usc.edu>). For
41 lengthy or frequent periods of absence from duty, however, a faculty member
42 must seek an approved leave (statutory Family Care and Medical Leave,
43 medical, parental, or personal leave of absence) and may qualify for disability
44 benefits. Neglect of duty, in accordance with Section 8-C, may occur if there is

1 excessively lengthy or frequent absence **from duty** due to illness or other
2 reason, if taken without obtaining an approved leave.

3
4 (d) The Provost may place on leave without pay faculty members who are
5 absent **from duty** for more than two consecutive weeks without an approved
6 leave, vacation, or permission from the dean or the dean's designee.

7
8 (e) All outside employment, as well as other activities described in the University
9 policy (<http://policy.usc.edu/conflict-of-interest/>) which pose potential conflicts
10 of commitment, must be disclosed through the "diSClose" online system
11 (<http://disclose.usc.edu>).

12
13 **CHANGE 8: FIXING TYPO. FOR CONVENIENCE, CROSS-REFERENCING**
14 **EXISTING POLICY.**

15
16 **3-I (3) Outside Consulting, Research, and Clinical Practice**

17
18 In addition to external consultation, a faculty member may engage in clinical
19 practice for a University-approved faculty practice plan corporation, within the
20 terms of the appropriate school or departmental practice plan and as approved
21 **by the dean. Full-time status** for purposes of benefits, governance, and
22 applicability of University policies may be extended to such faculty even though
23 the extent of their practice with the practice plan corporation means that the
24 professional services provided directly to the University are less than full-time.

25 It should always be borne in mind that consulting is a conditional privilege
26 granted by the University. As such, the University is the final judge of the
27 appropriateness of the outside activity and whether it unduly compromises the
28 faculty member's primary responsibilities implicit in his or her contract for
29 full-time employment with the University.

30
31 (a) All outside employment, as well as other activities described in the University
32 policy (http://policy.usc.edu/conflict-of-interest), must be disclosed through the
33 "diSClose" online system (<http://disclose.usc.edu>).

34
35 (b) Compensated external research is subject to (1) the same time limitations as
36 external consultation; (2) the policy of Conflict of Interest in Research
37 (<http://policy.usc.edu/research-conflict-interest/>); (3) the policy on Conflict of
38 Interest in Professional and Business Practices ([http://policy.usc.edu/conflict-of-](http://policy.usc.edu/conflict-of-interest/)
39 [interest](http://policy.usc.edu/conflict-of-interest/)); and (4) the duty to disclose through the "diSClose" online system
40 (<http://disclose.usc.edu>).

41
42 (c) Healthcare providers must also comply with the policy on Relationships with
43 Industry (<http://policy.usc.edu/industry-relationships/>).

1 (d) The creation of new intellectual property must be promptly and
2 completely disclosed to the University, even if created at an external entity
3 and even if the University does not necessarily have rights to the
4 intellectual property, as provided in the Intellectual Property policy
5 (https://policy.usc.edu/files/2014/02/intellectual_property.pdf).
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1 **CHANGE 9: FOR CLARITY. REFLECTING CURRENT PRACTICE.**

2
3 **3-I (4) Outside Appointments and Educational Work**

4 Faculty members occasionally have the opportunity to receive recognition and
5 remuneration through activity as an educator or researcher with outside
6 institutions while holding a USC faculty appointment. Any faculty member, full-
7 or part-time, may be an educator, or hold a faculty or research appointment, at
8 another institution or enterprise upon the written prior approval of the Executive
9 Vice Provost. **This Section 3-I (4) applies also to part-time faculty because of**
10 **the principle stated at Section 4-B(4)(a) that having instructors who**
11 **simultaneously teach at multiple academic institutions is not appropriate at USC.**
12 All outside employment, as well as other activities described in the University
13 policy (<http://policy.usc.edu/conflict-of-interest/>) which includes educational
14 work, outside research, and faculty appointments, must be disclosed through
15 the "diSClose" online system (<http://disclose.usc.edu>).

16
17 The criteria to be applied in deciding whether approval will be granted are stated
18 the first paragraph of Subsection 3-I(4)(b).

19
20 *3-I (4)(a) Process*

21
22 Faculty should submit a request for advance approval, for work at another
23 college, university or research institution, or instruction or course creation for
24 other outside enterprises. If the individual making the request has a
25 department chair, the request should be submitted through the chair; it then
26 goes to the dean; and the request and evaluation of the request by the chair
27 and dean then go to the Executive Vice Provost for decision. Faculty may seek
28 advice in these situations from the Executive Vice Provost and the President of
29 the Faculty. Department Chairs and Deans can make recommendations, but the
30 decision for approval lies with the Executive Vice Provost. Faculty may appeal
31 the Executive Vice Provost's decision to the Provost.

32
33 *3-I (4) (b) Criteria*

34
35 The standard to be applied is whether the outside work may be inconsistent with
36 a faculty member's responsibilities to USC, create a conflict or appearance of
37 conflict with any USC program, dilute USC's academic stature, detract from the
38 prestige of the University or the professional stature of the faculty member or
39 unduly impinge on the faculty member's primary responsibilities with the
40 university.

41 Examples of situations typically approved are: (1) responding to a request from
42 a peer institution, after identifying the special or emergency needs that occasion
43 their request, and (2) outside teaching where the added value of the
44 corresponding USC offering is clear, and the work does not impinge on the
45 faculty member's responsibilities with the University. Some examples typically
46 disapproved are: (1) outside teaching that largely duplicate a course in the USC

1 curriculum, whether or not currently taught or taught by the individual making
2 the request, (2) outside work that dilutes USC's academic stature, and (3)
3 outside work that interferes with the individual's USC responsibilities.

4
5 Activities such as lectures at professional societies, occasional guest lectures, or
6 community activities, that are pro bono or awarded an honorarium, generally do
7 not require approval under this section. Advance approval must be obtained for
8 designation as principal investigator, honorary professor, and similar titles.

9
10 Schools shall keep the Executive Vice Provost informed in a timely fashion
11 concerning any concurrent activity as an educator to be done by a faculty
12 member of their unit at other institutions

13
14 **CHANGE 10: FOR CLARITY, STATING SCOPE OF FOOTNOTE 2.**

15
16 **4-B (2) Academic Titles Currently in Use**

17
4-B (2)(a) Tenured and Tenure-Track

INSTRUCTOR IN <DISCIPLINE>¹

Entry-level position, generally for those who have not yet completed their terminal degree.

ASSISTANT PROFESSOR OF <DISCIPLINE>

Entry-level position, generally for those who have completed their terminal degree.

ASSOCIATE PROFESSOR OF <DISCIPLINE>

Senior faculty rank.

PROFESSOR OF <DISCIPLINE>.²

Highest faculty rank

18 **CHANGE 11: FOR CONVENIENCE CROSS-REFERENCING OTHER**
19 **HANDBOOK SECTION.**

5-D PATENT POLICY

A basic function of the University is to contribute to knowledge and culture by creative activity in all academic areas, and to disseminate the results of such creative activity by the most appropriate and effective means. The securing of a

1. Wherever "Discipline" is shown in this list it includes, at the school's option as its faculty deem appropriate, discipline, inter-disciplinary area, department, or school.

2 Whenever "Professor" is shown subsequently in **Section 4-B(2)**, it includes the options of Instructor, Assistant Professor, and Associate Professor.

patent, in certain circumstances, may be the most appropriate and effective means of disseminating the knowledge involved, and it is the general policy of the University to encourage and support production of such patents for the purpose of dissemination of knowledge. For the requirement to disclose creation of intellectual property, see Section 3-I (3)(d).

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CHANGE 12: REFLECTING CURRENT TITLE.

(7) Definitions

6-A (7) (a)

Mentions of “this policy” refer to all of Chapter 6. “A student” refers to a USC student. “Protected characteristics” are defined in Section 6-A (5). References to “discrimination, harassment, or retaliation” encompass any violation of this policy, mentions of “sexual harassment” in this Handbook encompass any gender-based violation of this policy and not just Section 6-B (4), and mentions of any prohibited behavior include threats or attempts to perform that behavior. “Action” and similar terms include failure to act when there is a duty to do so. “Designated Investigator” is defined in Section 6-E (1). References to the “Vice Provost” mean the official reporting to the Provost, who is trained in the requirements of Title IX and this policy, and who is designated by the Provost to take actions under this policy. When the official supervising the Office of Equity and Diversity is not available, another official, trained in the requirements of Title IX and this policy, who is designated by the Senior Vice President, **Human Resources**, will act instead.

6-A (7)(c)

“University-authorized fact-finding processes” include, for example, the processes of the Office of Equity and Diversity, the Offices of Audit and Compliance, and the Office of Conduct, Accountability and Professionalism, the process to determine Scientific Misconduct, and the processes of affiliated institutions. The Office of Conduct, Accountability, and Professionalism deals with violations of University policies that have not been investigated by another office. University-authorized fact-finding processes should coordinate appropriately with one another, and may draw on reports from **schools and affiliated institutions**.

CHANGE 13: FOR CONVENIENCE CROSS-REFERENCING OTHER HANDBOOK SECTION.

6-AA (2) Non-Protected Class Harassment

Subject to due respect for the protection of academic freedom as described in Section 6-A (3), no faculty member may take actions that are harassing, abusive, or intimidating against another member of the University community, even if not based on a protected characteristic, if a reasonable person would have perceived them as objectively offensive.

Information about other obligations has been moved to Section 3-B (3)(a) and Section 3-B (3)(b).

CHANGE 14: FOR CLARITY.

6-F(1)(a) In General

In any case under Section 6-AA (3), within thirty calendar days of being notified of the determination of sanctions and corrective actions by the Sanctioning Panel, the responding party may appeal the findings, conclusions, sanctions and corrective actions, or any of them to a delegate of the Provost who is not otherwise involved in any step of the process) The appeal should be emailed by the faculty member to the Executive Vice Provost (vpafa@usc.edu). The appeal will be conducted on the basis of the information before the Sanctioning Panel without a hearing.

...

CHANGE 15: FOR CLARITY.

6-F (1)(b) In Title IX Cases

If government regulations require, for Title IX cases the reporting party has the same rights as the responding party to file an appeal.

In addition, in Title IX cases ,if OED's findings and conclusions do not establish a policy violation the reporting party may file an appeal within thirty days of being notified of that result, to contest: (a) whether the conclusions are supported by the findings, (b) whether the findings are supported by the information

considered by OED, and (c) whether there were procedural errors that had a material impact on the fairness of the investigation.

....

CHANGE 16: REFLECTING EXISTING PRACTICE AND CROSS-REFERENCING OTHER HANDBOOK SECTIONS..

7-B (3) Resolving the Grievance Prior to Arbitration or a Grievance Hearing

The Academic Senate President shall, within five working days, deliver a copy of the grievance to the first administrative officer stated in the formal grievance as able to solve the problem, the Provost, the Chair of the Senate Committee on Faculty Rights and Responsibilities, and the Ombuds.

Because hearings on grievances involving Title IX are to be held promptly, as provided in Section 7-C (2)(a), the Academic Senate President shall at once forward the grievance to the Provost for a hearing without waiting for completion of a mediation period. The remainder of this Section 7-B (3) deals with grievances that do not involve Title IX.

The chair of the Senate Committee on Faculty Rights and Responsibilities or an Ombuds shall then begin procedures for mediation, unless mediation has already been attempted and proven futile. **Mediation is voluntary and goes forward only with the agreement of both sides.**

...

8-D (1) Preliminary Inquiry When Section 6-AA (3) is Not Utilized

Step 1: (a) When reason arises to consider whether cause exists to dismiss a faculty member who has tenure, the relevant dean or academic director shall invite the faculty member to meet with him or her in a personal conference to discuss the problem, its possible resolution, and the possibility of dismissal proceedings if it is not resolved. The dean's consideration of recommending dismissal for cause shall be based on a thorough inquiry into the circumstances.

(b) Before making a recommendation to the Provost, the dean shall consult with an ad hoc faculty committee, whose existence will be immediately disclosed to the faculty member concerned, to invite its views whether sufficient grounds exist for the dean to forward the matter to the Provost. The ad hoc committee, which the dean shall constitute, shall include one or more members of the Faculty Council and also a member drawn from either the Senate Committee on Faculty Rights and Responsibilities or the Committee on Tenure and Privileges Appeals and the dean shall ask the Provost to notify the President of the Faculty as to the appointment and composition of the ad hoc committee.

Alternatively, the dean may elect to ask that the Provost request the President of the Faculty to appoint a three-person ad hoc committee from a list of six members of the Committee on Tenure and Privileges Appeals nominated by the Chair of that committee. The ad hoc committee's recommendations are not binding on the dean.

(c) The chair of the Senate Committee on Faculty Rights and Responsibilities, and the Ombuds, are available for consultation, and mediation may be arranged if desired by both sides, but mediation is not mandatory. **Mediation is voluntary and goes forward only with the agreement of both sides.**

...

Step 5: **The chair of the Senate Committee on Faculty Rights and Responsibilities, and the Ombuds, are available for consultation, and mediation may be arranged if desired by both sides, but mediation is voluntary and goes forward only with the agreement of both sides.** If the faculty member has not resigned and the Chair of the Senate Committee on Faculty Rights and Responsibilities and the Ombuds have not through mediation effected a mutual settlement, it shall be assumed that the faculty member contests the statement of charges. **If the Provost has not already done so in Step 4, the** Provost shall ask the Chair of the Committee on Tenure and Privileges Appeals to convene a Hearing Board to recommend whether the proposed dismissal should occur. The hearing shall be convened no earlier than 30 calendar days after the date on which written notice was sent to the faculty member by means specified in Step 4. Normal procedures as set out in Chapter 7 shall then be followed; for scheduling **(section 7-C(2)(a)(ii) and 7-C(2)(b))**, and conduct of the hearing **(section 7-C (4))**, including participation by the faculty member; for formulation of findings, reasons, and recommendations of the Hearing Board **(section 7-D)**; and for final disposition of the case by the President **(section 7-E)**. The normal procedures specified for use in faculty grievances are incorporated herein as required procedures in tenured dismissal cases, except that there is no option for binding arbitration as an alternative to a dismissal hearing in cases involving dismissal for cause, and except that the University representative (not the grievant) takes the lead on scheduling. **In cases of dismissal from a tenured position, the burden of persuading the Hearing Board that adequate cause for dismissal exists rests upon the University, and is as defined in Section 7-C (5).**

CHANGE 17: FOR CLARITY, REFLECTING CURRENT PRACTICE.

8-D (2)(a) Constituting the Hearing Board

The Hearing Board consists of a chair and two members, selected from among the members of the committee who will be available to serve. The chair shall inform the parties of the composition of the Hearing Board as soon as its selection is completed.

In cases under this Chapter, the normal procedures as set out in Chapter 7 for constituting a panel shall be used to select the chair and two members of the Hearing Board.

CHANGE 18: FOR CLARITY, CROSS-REFERENCING HANDBOOK SECTION.

8-D (3) Suspension of a Faculty Member

A faculty member may be suspended from his or her duties, without loss of pay and usual faculty privileges, only as part of the initiation of a dismissal action and only if, in the judgment of the Provost, immediate harm to the faculty member or others is threatened by his or her continuance, or as provided in this Section 8-D(3).

8-D (3)(a) Limitation on Suspensions

In no event shall suspension be used as penalty, an alternative to dismissal, or outside normal dismissal procedures, except for sanctions determined by the Committee on Professional Responsibility under Section 6-AA (3), paid leave under Section 6-H (1), or temporary separation under Section 8-D (3)(b).

8-D (3)(b) Temporary Separation

The Provost may temporarily separate a faculty member from his or her duties even before an investigation is initiated, without loss of pay and usual faculty privileges, if it is the Provost's judgment that immediate harm to the faculty member or others is threatened by his or her continuance and that extraordinary circumstances warrant the action. The Provost may also use the term "administrative leave" in announcing a temporary separation.

In the case of temporary separation from duties, within fourteen days either an investigation will be initiated, or a voluntary agreement will be reached between the individual and the University. The faculty member retains the right to file a grievance seeking an end to the temporary separation. During the separation period, the faculty member may consult with members of the University community, except those persons or categories of persons with whom the Provost expressly prohibits or restricts contact. The University shall make reasonable efforts to protect the continuity of the academic work of students, faculty and staff who are adversely affected. The Provost shall consult with the President of the Faculty and the dean of the relevant school during the temporary separation and indicate the reasons underlying any prohibited or restricted contact between the faculty member and other members of the University community.

Interim protective measures, including paid leave, may also be authorized by the Provost as provided in Section 6-H (1).

8-D (3)(c) Protections in Connection with Dismissal Proceedings

A faculty member may not be dismissed nor, except as specified in Section 8-D (4), may his or her compensation be cut off or withheld before the dismissal procedure has been completed and a final decision has been made by the President, unless a sanction under Section 6-H (3) has been determined by the Committee on Professional Responsibility.

