

To: The Faculty
From: Geoff Schneider, on behalf of the Faculty and Academic Personnel Committee
Regarding: FAPC & CAFT Motion to Adopt the Following Changes to the Faculty Handbook
Date: March 1, 2005

Dear Colleagues:

The changes to the *Faculty Handbook* proposed below reflect the work of the Faculty and Academic Personnel Committee (FAPC) in consultation with the Committee on Academic Freedom and Tenure (CAFT), Wayne Bromfield and Genie Gerdes. The changes thus have the support of FAPC, CAFT, and members of the administration. Aside from some clarifications and “pointers” to where documents are located, the changes below reflect an effort to make the *Faculty Handbook* compatible with the 1999 edition of the AAUP *Recommended Institutional Regulations on Academic Freedom and Tenure* (hereafter *AAUP 1999*) while addressing the concerns of the faculty and the administration.

The document below is broken into two sections. The first section contains excerpts of the key sections of the handbook and highlights exactly what we propose to change. The second section contains a narrative explaining why we decided to recommend those changes.

You may wish to view these proposed changes along side the existing version of the faculty handbook. The version of the faculty handbook that was passed by the faculty last year and the new version that we are proposing are both available on e-reserve at <http://eres.bucknell.edu/coursepage.asp?cid=1041>, password “handbook.” All of the important changes that we are proposing are from section III of that version of the *Handbook*.

I encourage you to read over these changes carefully and to bring any concerns you have to the March faculty meeting.

Sincerely,

Geoff Schneider
Chair, FAPC

Section 1: Proposed changes to the *Faculty Handbook* from the Faculty and Academic Personnel Committee and the Committee on Academic Freedom and Tenure

Changes (indicated by a number in parentheses – e.g., **(1)**) suggested in the text below reflect our proposal to revise the version of the *Faculty Handbook* that appears on E-Reserves, i.e., the handbook that was approved by the Faculty last spring. Many of the changes are made merely to indicate the location of documents that are in the two appendices. It is assumed that the documents in the appendices are not themselves part of the *Faculty Handbook*. Changes numbered **(1)**, **(2)**, **(3)**, **(4)**, **(9)**, **(10)** and **(14)** below are references to the appropriate appendix.

- Underlined text is new. Removed text uses ~~strike through~~. **[Text inside brackets is a comment and will not be in the handbook.]**
- Only paragraphs that have proposed changes are included.

(1) Section II D 1) footnote 5

The 1967 Joint Statement on the Rights and Freedoms of Students has been endorsed by the Board of Trustees, and forms the basis of University policy in these matters (see Appendix B).

(2) Section III A.

The University's *Affirmative Action Plan* is ~~available from the office of the Provost and Vice President for Academic Affairs~~ included in Appendix A.

(3) Section III E

Status as an Emeritus member of the Faculty may be conferred on members of the Faculty by the Board of Trustees upon recommendation of the President. Faculty action is not required. The rights and benefits of the members of the Emeritus Faculty are stated in a policy memorandum (see Appendix A).

(4) Section III I 5

Occasional or infrequent consultation (one day or less per month) does not require any report to a chairperson or to the Provost and Vice President for Academic Affairs. ~~See also "Conflict of Interest and Commitment" which is available from the office of the Vice President for Administration and Finance.~~ See also *Conflict of Interest and Commitment* in Appendix A.

(5) Section III J [note: M. changed to N.]

Academic freedom insures that faculty members are free to support a controversial idea or a colleague whose responsible pursuit of truth runs against the tide of established or convenient opinion and belief. Academic freedom and tenure are closely linked. Academic tenure is one form by which the University gives legal protection to academic freedom. An appointment with tenure means an appointment without limit of time that can be terminated only for adequate cause (see Section III.M ~~N~~ N).

Academic freedom entails the responsibility of insuring that methods of inquiry and results of work are continually open to critical examination. Such critical examination is part of the legitimate exercise of professional judgment; if substantive criticism is offered in order to improve a faculty member's performance -- or to improve the quality of the Faculty as a whole -- rather than to stifle the pursuit of truth, it is not only legitimate but serves to maintain the forum in which academic freedom flourishes. The Board of Trustees has approved the AAUP 1940 *Statement of Principles on Academic Freedom and Tenure* and the University further subscribes to the AAUP *Recommended Institutional Regulations on Academic Freedom and Tenure (1999)* insofar as these regulations are not inconsistent with specific procedures or policies of the Faculty Handbook.

(6) Section III K [3 changes: “III.M.” becomes “III.N.” ; “1999 version of the” is inserted; and a sentence referring to circumstances covered fully in Section III N (formerly III M) is deleted.]

Judgments which can result from an evaluation of a person who is serving in a provisional appointment are:

- (a) to reappoint with continued provisional status
- (b) to reappoint with tenure
- (c) not to renew the appointment.

A decision not to reappoint or not to grant tenure differs significantly from termination for cause; see Section III.M N. A provisional appointment is a probationary period, one which does not include the right to permanent employment. In deciding not to renew a provisional appointment, Bucknell is neither bringing charges nor showing cause for its action; instead, it is concluding that the candidate is not the best appointment that the University can make consistent with its resources. Following notice of non-reappointment, the Dean of the College will summarize the basis for the decision orally with the candidate. At the candidate’s request, a formal letter stating detailed reasons will be provided (see Section III.K.2. and the 1999 version of the AAUP Recommended Institutional Regulations on Academic Freedom and Tenure).

It is the policy of the University and the Committee on Staff Planning to plan carefully for appointments to the Faculty. Appointees are expected to make steady progress in meeting the institution’s stated criteria for reappointment or award of tenure. ~~In the rare and unusual circumstances in which changes in the academic program threaten the elimination of a position or in which severe budgetary constraints make renewal doubtful, the Provost and Vice President for Academic Affairs will consult with and receive recommendations from the Committee on Staff Planning.~~

(7) Section III M [The entire section M is new.]

M. PROCEDURES FOR IMPOSITION OF SANCTIONS OTHER THAN DISMISSAL

1. Severe Sanction

If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, the administration may institute a proceeding to impose such a severe sanction; the procedures outlined in Regulation 5 of the AAUP *Recommended Institutional Regulations on Academic Freedom and Tenure* (1999) will govern such a proceeding.

Severe sanctions include a penalty that has severe adverse financial consequences for a faculty member and/or a penalty that significantly abridges the faculty members normal rights and responsibilities within the University. Specifically, a severe sanction is defined as follows:

- a. Any raise below the minimum raise permitted by the merit procedures (normally ½ of CPI) is considered a severe sanction. In particular, a sanction that reduces base salary is considered a severe sanction. A loss of merit pay through the review process for any reason, including failure to participate in the merit review process, is a review consequence, not a sanction.
- b. In a one year period, a financial penalty greater than \$1000 or 1% of annual salary, whichever is lesser, is considered a severe sanction; a smaller amount is considered a minor sanction. Financial penalties are above and beyond reimbursement for theft, misuse of University property or funds, or other transgressions for which restitution is appropriate. Financial penalties may be deducted from pay over a 12-month period at the request of the sanctioned party.
- c. Sanctions that significantly impair an employee’s ability to perform essential professional duties will be considered severe. Examples of such severe sanctions would include the loss of office space, suspension from meeting classes, and sanctions that significantly impair a faculty member’s ability to engage in research.

2. Minor Sanction

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction that does not impair essential professional duties, such as a letter of reprimand, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may, pursuant to Section III.Q.3. of the Faculty Handbook, petition the Faculty Hearing Committee (see III. N) for such action as may be appropriate.

(8) Old Section III M, now III N

M N. TERMINATION OF CONTRACT

Should the cause alleged be (a) bona fide financial exigency, or (b) discontinuance of a program or department of instruction upon educational considerations, or (c) incapacity of the faculty member to continue to fulfill the terms and conditions of an appointment for medical reasons, then the procedures and standards to be followed are those stipulated in the appropriate section of Regulation 4 of the latest version of the AAUP Recommended Institutional Regulations on Academic Freedom and Tenure (1999) approved by the AAUP. The Faculty Council shall ~~discharge~~ recommend to the faculty for its approval appropriate faculty committees or bodies to execute the tasks assigned in (c) and (d) of Regulation 4.

If the cause alleged is related, directly and substantially, to the fitness of a faculty member in his or her professional capacity as teacher or scholar or researcher, the termination of the appointment is considered dismissal for cause, and the procedures to be followed are those stipulated in Regulations 5 and 6 of the *Recommended Institutional Regulations*. The willful failure to fulfill obligations for teaching, sexual harassment of students or colleagues (see Appendix A), conviction for a serious crime, and physical interference with students or colleagues in the exercise of their civil or academic rights are examples of adequate cause for dismissal. The informal inquiry that is mandated in Regulation 5 (b) will be conducted by the Faculty Council. The Faculty Hearing Committee shall discharge the several tasks which are assigned to faculty committees by Regulation 5 (c), and as described in III.M.2. and III.Q., and in accordance with the procedural regulations stipulated therein. The Faculty Hearing Committee shall consist of five tenured faculty members elected every three years, one from each of the standard groups (see II.F.6.).

(9) Old Section III N, now III O

N O. GUIDELINES ON POLITICAL ACTIVITIES

The buildings, facilities, or resources of the University may not be used to support or subsidize, directly or indirectly, any activities which cannot legitimately be carried out under Federal or Commonwealth laws. Guidelines to assure that Bucknell remains an open campus where all points of view may be heard within the limits of the law and within the conditions of Bucknell's status as a tax-exempt eleemosynary institution will be found in Bucknell's *Guidelines on Political Activity* in Appendix A. Members of the faculty who are uncertain about the application of the policy may consult the Provost and Vice President for Academic Affairs or the General Counsel.

(10) Old Section III O, now III P

O P. REGULATIONS RELATING TO CONDUCT

Faculty, administrators, staff, and students of Bucknell University believe that the educational aims and purposes of Bucknell must be upheld and promoted by means of the personal integrity and responsibility of each individual member of the University. The University values a constituency composed of individuals with diversity of interests and opinions, bound together by respect for the individual and collective rights of others. Rules and regulations to promote necessary order and unity derive from the corporate authority of Bucknell University. That corporate authority, in turn, derives both from public law and from the Charter of Bucknell. Rules and regulations governing conduct and procedures necessary for their implementation express Bucknell's corporate authority for its members and are consistent with the AAUP *Joint Statement on Rights and Freedoms of Students, 1967* (see Appendix B and Bucknell's statement *Students' Rights* in Appendix A).

(11) Old Section III P, now III Q [“Faculty Hearing Committee” is substituted for the “grievance committee” specified in III.P.2. and III.P.3. The AAUP suggests an elected faculty grievance committee hear such matters that are outside of the purview of CAFT. We do not have such a committee, but the Faculty Hearing Committee seems appropriate for such a role. To the best of our knowledge, a grievance committee has never been constituted, so this is an unlikely event. Also, the phrase “and other issues not covered above” replaces “and the like” in the first sentence of III.P.3. This insures an appeals process in all matters.]

P Q. GRIEVANCE PROCEDURES

2. In matters not covered in the preceding paragraph or if the faculty member elects not to petition the Committee on Academic Freedom and Tenure, any faculty member who has a grievance involving the impermissible use of the factor of race, creed, national origin, sex, age, or other irrelevant quality may present a written complaint within 180 days of the date of the grievance to the Affirmative Action Officer, who shall review the matter within thirty days. If the grievance is not resolved by the Affirmative Action Officer, the complainant may invoke the jurisdiction of the Faculty Hearing Committee (see III.N) ~~a grievance committee~~. When the grievance includes a charge directed against the Affirmative Action Officer, the President shall act in his/ her stead. The Faculty Hearing Committee ~~grievance committee~~ shall investigate the charge and report its recommendations to the President.
3. In grievances involving teaching loads, office space, working conditions, and other issues not covered above the like, the faculty member is expected to discuss the problem with his/her department chairperson, Dean, and/or the Provost and Vice President for Academic Affairs. If this discussion does not resolve the question, the complainant may invoke the jurisdiction of the Faculty Hearing Committee ~~a grievance committee~~. The faculty member may present a written complaint to the Provost and Vice President for Academic Affairs, who shall convene the Faculty Hearing Committee ~~a grievance committee~~. When the grievance includes a charge directed against the Provost and Vice President for Academic Affairs, the President shall act in his/her stead. The Faculty Hearing Committee ~~grievance committee~~ shall investigate the charge and report its recommendations to the Provost and Vice President for Academic Affairs or President.

Questions about complaint procedures ~~and grievance committees~~ should be addressed to the Affirmative Action Officer or the Office of the Provost and Vice President for Academic Affairs.

(12) Old sections Q and R have become R and S.

Q R. BUCKNELL POLICY ON SEXUAL HARASSMENT

R S. AMENDMENT OF FACULTY POLICIES

(13) Appendix A, Bucknell Documents [note in particular the deletion of the 1972 document on disciplinary procedures and the updating of four other documents. The Faculty and Academic Personnel Committee is working on a mechanism to insure that the latest version of all Bucknell documents is available electronically, and that all documents are dated so that it is clear when a document has been updated.]

APPENDIX A. BUCKNELL DOCUMENTS

The documents in this appendix are Bucknell University policies and procedures separate from those specified in the *Faculty Handbook*.

Bucknell University Organization Chart, FY04-05

AAUP 1940 Principles [moved to Appendix B]

AAUP Regulations (1968) [moved to Appendix B, 1999 version substituted]

AAUP Procedural Standards (1989) [moved to Appendix B]

AAUP Standards for Notice (1963) [moved to Appendix B]

~~AAUP Students Rights (1967)~~ [moved to Appendix B]
~~Disciplinary Procedures (1972)~~ [deleted entirely]
Guidelines for Political and Campaign Activity (2004) [updated]
Bucknell Policy and Procedures on Sexual Harassment (2000)
Bucknell University's Commitment to Academic Excellence through Equal Opportunity and Affirmative Action (1997)
Committee on Staff Planning Report to the Faculty on Affirmative Action Policy (4/98)
Conflict of Interest and Commitment
Related Persons as Students (2002)
University Review Committee's Reviews for Retention and Tenure (revised 4/04) [updated]
Accountable Plan Guidelines (2000)
Advisory Concerning Alcohol Policy (revised 8/02)
Faculty Emeriti and Emeritae (revised 5/04) [updated]
Human Subjects Research and the Institutional Review Board (2005) [updated]
Ownership and Disposition of Computer Equipment (1990)
Bucknell University Public Art Placement on Campus Grounds (2001)
Students' Rights

Other policies

- AIDS/HIV
- ANIMALS ON CAMPUS AND IN BUILDINGS
- APPROPRIATE COMPUTER USAGE POLICY
- BIAS-RELATED HARASSMENT AND VIOLENCE
- BLOODBORNE PATHOGENS
- CHILDREN AT THE WORKPLACE
- COPYRIGHT AND INTELLECTUAL PROPERTY
- DRUG-FREE WORKPLACE/CAMPUS COMMUNITY/ALCOHOL POLICY
- GUIDELINES FOR THE RECRUITMENT, SELECTION, AND APPOINTMENT OF FACULTY AND ADMINISTRATIVE/ PROFESSIONAL STAFF
- SMOKING
- SNOW/SEVERE WEATHER CANCELLATIONS
- SOLICITATION
- TRAVEL ADVANCE AND EXPENSE REIMBURSEMENT POLICY
- WORKPLACE VIOLENCE, STALKING, HARASSMENT

(14) Appendix B, AAUP Documents [note the change from the 1968 version to the 1999 version of the AAUP Recommended Institutional Regulations on Academic Freedom and Tenure. Full document titles have replaced abbreviations.]

APPENDIX B. AAUP DOCUMENTS

AAUP 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments
AAUP Recommended Institutional Regulations on Academic Freedom and Tenure (1999) [the most recent version]
AAUP Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments (1989)
AAUP Standards for Notice of Nonreappointment (1963)
AAUP Joint Statement on Rights and Freedoms of Students Rights (1967)

Section 2: FAPC narrative on the proposed changes to the *Faculty Handbook*

Changes 1-4, 9, 10, and 14 refer to Bucknell Policies and Documents, which will be placed in a section of the handbook entitled “Appendix A.” Appendix A will begin with the following statement: “The documents in this appendix are Bucknell University policies and procedures separate from those specified in the *Faculty Handbook*.” This statement is designed to highlight the fact that the documents in Appendix A are not an official part of the faculty handbook. The handbook is silent on the proper way to change these policies, and some of them have been approved by the faculty while others have not. Nevertheless, they are official Bucknell policies and documents, and it would be useful to have them printed with the *Faculty Handbook* along with other important policies. Thus, we believe they should be included with the *Faculty Handbook*, while making it explicit that the policies and documents in Appendix A do not have handbook status. This is consistent with past practices.

Appendix B will contain “AAUP Policies and Documents.”

Change 5: Section III.J now refers explicitly to the 1999 edition of the AAUP *Recommended Institutional Regulations on Academic Freedom and Tenure*. Also, a qualifying phrase has been added: “insofar as these regulations are not inconsistent with specific procedures or policies of the *Faculty Handbook*.”

There are several areas in which the *Faculty Handbook* conflicts with *AAUP 1999*. Unfortunately, these conflicts were deemed too numerous to review at this time. (We do recommend that this issue be revisited at some point in the future, but for now, we think it is best to work with the existing structure of the *Handbook* and *AAUP 1999*. We have, after all, been living with these conflicts for years.) Furthermore, it seemed to us that the *Faculty Handbook* procedures were usually more favorable to the faculty when there was a conflict with the AAUP document, and that they should be accorded higher status because they had been explicitly approved by the faculty. Thus we thought it best to give the *Faculty Handbook* primary status where there were conflicts.

Changes (6) and (8): Some text at the end of Section III.K referring to the elimination of a position due to budgetary constraints was eliminated. *AAUP 1999* contains extensive procedures to deal with this situation, and there was some conflict between III.K and III.N of the *Handbook* with regard to what AAUP procedures would be followed when. Both sections refer to the termination of a position or contract, but mandate different procedures. To resolve the conflict, the changes we suggest would mean that the procedures in III.N and *AAUP 1999* would govern all terminations.

Regulation 4 sections c and d of *AAUP 1999* contain sets of tasks too varied for one faculty body. Thus, we thought it would be appropriate for the Faculty Council to decide how to apportion the tasks described by *AAUP 1999*, in the unlikely event that it is necessary to follow these procedures. The alternative would have been to write a lengthy addition to the handbook describing in detail what faculty body should undertake what task in *AAUP 1999* Regulation 4.

The charge to the Faculty Hearing Committee was adjusted to reflect changes to section III.Q. See the narrative on Change (11) below.

Change (7): Section III.M is entirely new. The key to moving forward with the *Faculty*

Handbook and *AAUP 1999* was to define as clearly and comprehensively as possible what a severe sanction was. The ambiguity with the AAUP definition created problems in the past, when members of the administration insisted that a salary freeze for a number of years was not a severe sanction, while CAFT maintained that it was.

We began by using CAFT's language defining a severe sanction as a penalty that has severe adverse financial consequences and/or a penalty that significantly abridges a faculty member's normal rights and responsibilities. We then proceeded to try to operationalize this language. We thought that any reduction of *salary* that occurs outside the merit system should be deemed a severe sanction. Furthermore, to limit the possibility that other types of financial penalties could be used without the severe sanction procedures being invoked, we added the provision that any financial penalty greater than \$1000 or 1% of annual salary was a severe sanction, and any financial penalty of a smaller amount was a minor sanction (which still offers the faculty member rights of appeal). We have every reason to believe that financial penalties will be rarely used. But if they are used, there is now a clear sanction process to follow.

Section III.M.1.c contains our attempt to define sanctions that would significantly abridge a faculty member's normal rights and responsibilities.

Section III.M, through explicit definitions of severe and minor sanctions, constrains the range of sanctions that may be imposed.

Change (11): In section III.Q, "Faculty Hearing Committee" is substituted for "grievance committee." The AAUP suggests an elected faculty grievance committee hear matters that are outside the purview of CAFT, but we do not currently have such a committee. The Faculty Hearing Committee is an elected, existing committee, it is not overworked, and it is separate from CAFT, which insures that procedural appeals on other grounds can still be heard by another body.

Change (13): The major change here is the deletion of the 1972 document on disciplinary procedures. It is our impression that this document is no longer in use, and that it is superseded by other sections of the handbook.