

***CHAPTER 3: FACULTY: ACADEMIC PRACTICES AND POLICIES**

3.1 Statement on Academic Freedom, Tenure, and Responsibilities

The following statement has been approved by the University Senate and by the Board of Administrators.

3.1.1 Preamble

Tulane University, as an institution of higher learning, exists for the pursuit and communication of knowledge. It serves the common good rather than the interest of individual teachers or the University as a whole. The common good depends upon the free search for truth and respect for the individual and the processes by which inquiry and teaching are pursued.

Academic freedom is essential in a university and should apply to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in teaching is fundamental for the protection of the rights of the teacher so far as teaching is concerned and for the student so far as freedom to learn is concerned. Such freedom, of course, carries with it duties and responsibilities which are correlative to these rights. Tenure for faculty members is a means to an end and not the end in itself. It embraces specifically: (1) Freedom in teaching and research and extramural activities; and (2) A sufficient degree of economic security to make the teaching profession attractive to persons of ability. Guarantees of freedom and economic security to faculty members are indispensable to the success of a university in fulfilling its obligations to the students and to society.

Faculty status, including appointments, re-appointments, decisions not to reappoint, promotions, the granting of tenure, discipline and dismissal, is primarily a faculty responsibility. The power of review or final decision should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. The primary responsibility of the faculty for such matters is based upon the fact that judgment of faculty members is central to general education policy. Furthermore, scholars in a particular field or activity have the chief competence for judging work of their colleagues; in such competence, it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees, having a broader charge, such as that assigned to the Senate Committee on Faculty Tenure, Freedom and Responsibility. Determinations in matters of faculty status should first be by faculty action through established procedures with subsequent review by the dean of the appropriate division and other academic officers as are designated by the President of the University with the concurrence of the Board of Administrators.

**Any change to this part requires two readings at separate regular meetings of the University Senate and a 2/3 vote of those present.*

3.2 Faculty Membership

The faculty of Tulane University is defined as those engaged in teaching and/or research or creative activity appointed to appropriate faculty status by the Board of Administrators of the University in accordance with the existing policies of the University.

The faculty includes members of the teaching and research personnel holding titles including the following: Professor, Associate Professor, Assistant Professor (including all titles with modifiers such as Clinical, Research, Visiting, Adjunct, etc.), Professor of the Practice, Senior Professor of the Practice, Lecturer, Senior Lecturer, Instructor, and Senior Instructor. The faculty consists of those properly appointed members of the teaching and research personnel holding these tenured, tenure-track, and non-tenure-track faculty titles. The type of appointment of individual faculty is clearly specified in the initial and subsequent appointment letters.

Academic personnel such as graduate assistants (teaching or research assistants), postdoctoral and predoctoral fellows, visiting scholars, artists-in-residence, or administrative faculty are not designated as faculty. However, the same rights and responsibilities associated with academic freedom outlined below are applicable to all academic personnel affiliated with the University.

3.3 Faculty Rights and Responsibilities

3.3.1 Academic Freedom

Tulane University adheres to national standards and procedures concerning the maintenance of academic and professional freedom, academic tenure, and full academic due process. (See also Chapter 4, Faculty Appointments, Promotions and Tenure; Chapter 6, Faculty Grievances; and Chapter 7, Faculty Disciplinary Actions and Dismissals for details as to how this adherence is made specific.)

Tulane University, as an institution of higher learning, exists to sustain the creation, preservation and communication of knowledge. It serves the common good rather than the interest of individual teachers or the University as a whole. The common good depends upon the free search for truth and respect for the individual and the processes by which inquiry and teaching are pursued.

Academic freedom is essential in a university and applies to both teaching and research/creative activity. Freedom in research and creative activity is fundamental to the advancement of truth and artistic achievement. Academic freedom in teaching is fundamental to the protection of the rights of the teacher and the student. It carries with it corresponding duties.

Tenure for faculty members is a means to an end and not the end in itself. It embraces specifically: (1) Freedom in teaching and research and extramural activities; and (2) A sufficient degree of economic security to make the teaching profession attractive to persons of ability. Guarantees of freedom and economic security to faculty members are indispensable to the success of a university in fulfilling its obligations to the students and to society.

Faculty members are entitled to academic freedom in the classroom. They have a corresponding responsibility to state the truth as they see it, and to the exercise of critical self-discipline and judgment in using, extending, and transmitting knowledge. At the same time, the faculty as a whole have a collective responsibility for the curriculum and academic programs. Academic departments or schools may adopt pedagogical, curricular and/or disciplinary standards.

Faculty members are entitled to full freedom in research and/or creative activity and the publication and/or exhibition of results. Academic freedom allows faculty to engage in research, inquiry, study, creative enterprise, and exhibition of the results of scholarly activity unfettered by unreasonable restrictions imposed by the institution. This freedom is consistent with the faculty and administration's role in evaluating scholarship and/or creative activity and in making rules concerning the ownership and conduct of university-related research and creative endeavor.

3.3.2 Academic Responsibilities

The faculty create and enhance the scholarly and artistic excellence of the University. Their importance to the intellectual life of the University and the community at large confers on them, individually and collectively, certain rights and responsibilities to the institution, to their students, and to their respective disciplines.

Faculty status and matters related thereto are primarily a faculty responsibility, as it is the faculty who undertake the processes whereby faculty are appointed; reviewed for reappointment, promotion and tenure; and/or disciplined or dismissed. The primary responsibility of the faculty for such matters is based upon the fact that judgement of faculty members is central to general educational policy and that scholars/artists in a particular field have the chief competence for judging the work of their colleagues, whether positively or adversely. Determinations in matters of faculty status should first be by faculty actions through established procedures and committees of the schools and university. The dean of the school and the Senior Vice President for Academic Affairs, as the designee of the President and the Board of Administrators, will review dossiers forwarded by the faculty committees and, in the case of disagreement, will consult with the appropriate faculty committees prior to the final decision. A final decision contrary to the faculty recommendation should be taken only in exceptional circumstances.

(a) Faculty Activities

Faculty discharge most of their responsibilities through teaching, research and/or creative activity, and service. The percentage of each will vary depending on the needs of the faculty member's academic unit, but it is expected that each tenured and tenure-track faculty member will make a significant contribution in each of the three areas of responsibility. Non-tenure-track faculty will have a different activity profile depending on the needs and expectations of the academic unit in which they serve. The specific nature of a faculty member's teaching, research, and/or service to the University may be adapted in accordance with the demands of the specific academic unit, or the terms of a particular faculty member's established profile, or both, in consultation between each faculty member and the dean or chair of the academic unit. Faculty members may pursue other professional activities, in accordance with the University's conflict of interest policies (See Section 3.7), as long as these endeavors do not interfere with the faculty member's responsibilities to the University.

(b) Teaching

Teaching includes classroom and other instruction of undergraduate, graduate, and professional and post-graduate students, academic advising, preparation, and the direction of research and/or creative activity. Faculty are expected to meet their classes, be accessible to their students through regularly scheduled and sufficient office hours and evaluate and grade student work in a timely fashion. Faculty are expected to teach courses that have been assigned to them. Assignments will be made after consultation with department faculty, on the basis of departmental or school needs. In case of faculty absences for professional reasons, it is incumbent on the faculty member to provide appropriate class coverage. Absences of two consecutive weeks or more require approval by the chair or dean. In addition, in the case of longer term university closures, faculty are responsible for maintaining instructional continuity to fulfill course contact hours through scheduled make up dates or alternative instructional delivery methods as outlined in "Instructional Continuity Policy for University Closures" at <https://academicaffairs.tulane.edu/policies/academic-policies>.

Mentoring is an important component of faculty responsibilities. Depending on the discipline, the research effort and/or creative activity involves the supervision and mentoring of undergraduate students, graduate students and those occupying post-doctoral or other research positions. Such mentoring is also part of a faculty member's teaching effort.

(c) Research and Artistic Work

Faculty are expected to engage in high quality, continuing research or creative activity of a type appropriate for the field, discipline, or interdisciplinary area. Typically, the product of the research effort is publication or its counterpart in the visual and performing arts (performances, exhibitions, and the like). Similarly, depending on the field or discipline, research and creative activity may require considerable effort in the writing of proposals or related endeavors to acquire extramural funding as may be needed to conduct a faculty member's research.

Participation in conferences, professional societies, and peer review panels are common activities. Ultimately, the results of research and creative activity are expected to contribute to the scholar's national and international reputation.

(d) Service

Service includes effort on committees and other activities at the departmental level through the University level. All faculty are expected to fulfill service responsibilities as appropriate to their title and their appointment agreements. Mentoring of junior faculty is a significant service responsibility of senior faculty members. Depending on the field or discipline, service may also include work outside the University.

3.3.3 Professional Rights of Faculty and the Obligations of the University to Protect Them

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach in accord with appropriate standards of scholarly inquiry and artistic expression.

In support of the University's central function as an institution of higher learning, a major responsibility of the administration and the faculty is to protect and encourage the faculty in its teaching, learning, research, creative development, and public service. It is the responsibility of the administration and the faculty to respect and protect faculty rights, including:

1. free inquiry, artistic expression, and exchange of ideas;
2. presentation of controversial material relevant to a course of instruction;
3. enjoyment of protected freedom of expression;
4. freedom to address any matter of institutional policy or action when acting as a member of the faculty, whether or not as a member of an agency of institutional governance;
5. participation in the governance of the University, including
 - a. approval of course content and manner of instruction,

- b. establishment of requirements for matriculation and for degrees,
- c. appointment and promotion of faculty,
- d. selection of chairs of departments and certain academic administrators,
- e. discipline of members of the faculty, and the formulation of rules and procedures for discipline of students in academic matters,
- f. establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement,
- g. determination of the forms of departmental governance, and
- h. evaluation by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.

3.3.4 Faculty Ethical Principles

This listing of faculty ethical principles is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. They are drawn primarily from the 1966 Statement on Professional Ethics and its June 1987 revisions, issued by the American Association of University Professors. They comprise ethical prescriptions affirming the highest professional ideals. They are aspirational in character and represent objectives toward which faculty members should strive.

Teaching and Students Ethical Principles

“As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.” (AAUP Statement, 1966; Revised, 1987)

In this section, the term student refers to all individuals under the academic supervision of faculty.

Scholarship

Ethical Principles

“Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end, professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.” (AAUP Statement, 1966; Revised, 1987)

Faculty and the University

Ethical Principles

“As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987)

Faculty and Colleagues

Ethical Principles

“As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.” (AAUP Statement, 1966; Revised, 1987)

Faculty and the Community

Ethical Principles

“Faculty are simultaneously members of the public sphere, of learned professions, and of the University. When they speak as experts, i.e., within their own professional areas, they are entitled to identify themselves as members of the University. When they speak or write as private individuals, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As members of the academic community, they should remember that the public may judge their profession and the University by what they say. Hence, they 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 they are not speaking for the University in any official capacity.” Faculty Handbook, Chapter 3.2.5 below.

3.3.5 Appointment Letters

Appointment letters shall be issued to all academic personnel, full-time or part-time, by the appropriate University officer, specifying academic rank and title, salary, any change in tenure status, starting and ending dates for all appointments, and any change in the tenure decision date (where appropriate). Any other conditions or limitations of employment also shall be given or incorporated by reference. Offer letters for all faculty are reviewed and approved by the Office of Academic Affairs and Provost. With the exception of nontenure -track appointment letters in the School of Medicine, appointment letters for all faculty shall be reviewed and approved by the Office of Academic Affairs and Provost. Nontenure -track appointment letters in the School of Medicine shall be approved by the Senior Vice President for the Health Sciences.

3.3.6 Additional Professional Activities

Faculty members are citizens, members of learned professions, and officers of an educational institution. When they speak as experts, i.e., within their own professional areas, they are entitled to identify themselves as members of the University. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As educational officers, they should remember that the public may judge their profession and the University by their utterances. Hence, they should always be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the University in any official capacity.

a) Political Participation:

As individual citizens, faculty members are free to engage in political activities, including candidacy for public office. Where necessary, unpaid leaves of absence may be given for the duration of an election campaign or a term of office on timely application, and for a reasonable period of time. The terms of such leave of absence shall be set for in writing (see Section 3.5.9). Such a leave shall not affect the tenure status of a faculty member,

except that time spent on such leave shall not count as probationary service unless otherwise agreed to.

There shall be no restraint upon the partisan political activity of a member of the Tulane faculty, provided that they are acting as a private citizen and scrupulously avoid giving the impression of representing the University.

b) Other Extramural Activities:

Tulane University encourages faculty involvement in outside consulting, research, and professional activities, as well as community service. However, the primary responsibility of a full-time faculty member is to the University. Extramural research and consultation shall be in accord with University policy. Within the limits specified below, such activities provide an opportunity for the professional development of the faculty member and the enhancement of the University's impact beyond the classroom and laboratory. However, the facilities and services of the University may not be used in connection with compensated outside effort except to a purely incidental extent, or for appropriate University-determined compensation and in accord with University regulations, including the University's Conflict of Interest and Conflict of Commitment Policy (see 3.7 below).

As a rule, the maximum expenditure of time on such outside consulting, research and professional activities should not exceed one day per seven-day week during the academic year. The faculty member is expected to inform the dean of the details of any extramural activity. No faculty member should accept employment or carry on professional or business activities that would conflict with Tulane's conflict of interest or conflict of commitment policies or that would interfere with the performance of his or her primary responsibilities of teaching and research.

The University assumes no responsibility for private consulting services, professional, or business activities by faculty members. A faculty member must make it clear to private employers that consulting work is personal and not related to the University and that the name of the University is not to be connected with the service rendered or the results obtained.

A formal agreement must be made between the appropriate university representative and the sponsor for consulting projects requiring the use of university facilities.

***CHAPTER 6: FACULTY GRIEVANCES**

PREAMBLE

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge and creative endeavors. Effective performance of these central functions requires that faculty members, administrators, and staff treat each other fairly and with civility, mutual respect, and reasonable consideration.

The grievance process provides a means to resolve disputes that have not been resolved through the normal process of reasoned discussion. The grievance process is intended to clearly define the matters that are at issue; to assure the faculty member that their complaint or problem has been presented to and considered by appropriate University officials and bodies; and to assure the University community that decisions involving faculty members in their relationship to the University are fully considered.

A grievance is an official statement of a complaint over workplace or employment conditions believed to be wrong or unfair. This chapter addresses grievances initiated by faculty. A faculty member may file a grievance, for example, if they have been subject to a violation, misinterpretation, or inequitable application of the provisions of the Faculty Handbook, other published University or School/Unit policies, or their appointment letter.

6.1 Purpose

This chapter provides the procedures for grievances by faculty regarding conditions of employment, due process, violations of academic freedom or academic responsibility, and other issues of grievance or unfair action of concern to the faculty not listed below. Although each school grievance committee also hears disciplinary and research misconduct matters, this Chapter relates solely to grievance committee procedures related to workplace conditions.

Procedures for addressing other types of grievances are outlined elsewhere in the Faculty Handbook:

1. Grievances alleging discrimination, harassment, or retaliation on the basis of race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identify, gender expression, pregnancy, marital status, military status, veteran status or any other status or classification protected by federal, state or local law, are handled by the Office of Institutional Equity and the Senate Committee on Equal Opportunity Grievances as outlined in 6.4.
2. Cases involving allegations of scholarship and research misconduct will be forwarded to the School Grievance Committee by the dean of the school after an initial inquiry as outlined in Chapter 9.6 of the Faculty Handbook.

**Any change to this chapter requires two readings at separate regular meetings of the University Senate and a 2/3 vote of those present.*

3. When a dean or administrator intends to take disciplinary action against a faculty member, they initiate disciplinary processes as outlined in Chapter 7.
4. Faculty who wish to appeal tenure and promotion decisions may file those concerns with the Senate Committee on FTFR as outlined in Chapter 4.
5. Faculty who believe a student is acting in a disruptive, disrespectful, dishonest manner, or exhibits otherwise problematic behavior in a class or office may file a report with the [Office of Student Conduct](#).

6.2 School Faculty Grievance Procedures

6.2.1 Preliminary Faculty Grievance Proceedings

When faculty members believe their rights as faculty have been violated, they should ordinarily discuss the matter with the relevant chair, dean, or other administrator(s) to reach a mutual settlement. If the parties are unable to solve the problem through discussion, then the faculty member can follow the grievance procedure as outlined below.

When appropriate, parties can seek mediation to resolve disputes. The Office of Human Resources & Institutional Equity offers a conflict resolution program to support the Tulane community to take a positive, proactive approach to resolving conflicts and disputes in the workplace. Please visit <https://hr.tulane.edu/conflict-resolution-program> to learn more and to speak with Tulane's conflict resolution specialist.

6.2.2 School-Based Faculty Grievances (Not involving Equal Opportunity/Anti-Discrimination)

Formal proceedings for a faculty grievance shall commence within the aggrieved faculty member's school and following the procedures outlined by the school for the operations of its standing Grievance Committee (see 6.2.3 below). Typically, the faculty member must file a grievance in writing to their school's standing grievance committee within six (6) months of the discovery of the action on which the grievance is based.

The school's dean's office shall maintain all grievance records in a confidential manner.

The grievance must clearly state the nature of the dispute and the relief being sought.

Two or more persons with essentially the same grievance may file a single grievance, covering all of them. If an individual files a grievance, and it is later discovered that one or more others are similarly affected, the others may ask to join the original grievant at any stage of the grievance procedure.

Grievances against a dean are first heard by the school's grievance committee.

The faculty member may seek the counsel of the chair of the Senate Committee on Faculty Tenure, Freedom and Responsibilities at an early stage.

6.2.3 Procedures for School Faculty Grievance Committees

For both legal and policy reasons, it is appropriate for each school to adopt and publish procedures providing for the prompt and equitable resolution of grievances or complaints.

It is also important for school-based grievance procedures to be standardized to ensure fair and equitable disposition of all faculty concerns regardless of the school of appointment. These procedures are presented to the faculties to achieve this outcome in each school.

6.2.3.1 Constitution of the School Faculty Grievance Committee

- a. Each school must have a standing grievance committee comprising at least 3 (three) elected faculty members who do not hold administrative positions with the title of dean, provost, or Department chair. Elections must be competitive. The committee shall elect a chair either annually or for a pre-established term.
- b. The charge to the committee must be clearly outlined either in the school's constitution or in some other policy document that is available to faculty.
- c. The school's constitution or other policy document should also indicate that a member of the faculty with a grievance should, in the first instance, take the matter to their department chair, director, dean, or the dean of faculty affairs for the school/unit, or other appropriate administrator and attempt to pursue an informal resolution before bringing up formal charges.

6.2.3.2 Jurisdiction of the School Faculty Grievance Committee

- a. The School Faculty Grievance Committee shall have jurisdiction to receive, hear, and recommend dispositions of grievances and complaints originated by faculty members in the school.
- b. In the event of any jurisdictional ambiguity – for example, a grievance involving individuals from several schools – the school Faculty Grievance Committee shall forward the case to the Senate Committee on Faculty Tenure, Freedom, and Responsibility (FTFR).

6.2.3.3 School Faculty Grievance Committee Procedures

Upon receiving a formal written complaint or grievance, the committee may pursue the following actions:

- a. Decide to hold formal hearings;
- b. Decide that a case does not warrant a formal hearing and provide a written explanation to the person who brought the grievance, the person against whom the grievance was brought, and the dean of the school. If the Dean is the respondent, the explanation will go to the Provost's Office.
- c. Appoint a sub-committee consisting of at least three members of the committee to hold a preliminary hearing to determine whether a formal hearing should be held. If the sub-committee decides that the grievance should be heard, that decision shall be binding.
- d. Any member of the Grievance Committee who has a conflict of interest or the reasonable appearance of a conflict of interest in the grievance (as determined by the chair) shall be recused from discussion and vote in that grievance. The final authority on resolving conflicts of interest rests with the Committee chair. If there is an allegation that the Chair of the Grievance Committee has a conflict of interest, then, out of the presence of the Chair, the other members of the Grievance Committee shall determine, by majority vote, whether to recuse the Chair due to a conflict of interest. If there are only two members of the Grievance Committee other than the Chair, the Committee may appoint an additional member on an ad hoc basis, as necessary, from the School's faculty to the Grievance Committee to obtain a majority vote.
- e. If grievances involve departmental/area decisions, members of that department/area shall recuse themselves from the grievance process.
- f. The Committee shall explain its findings in writing to the person or persons who brought the grievance and the respondents(s). The Committee shall also report its recommendation to the dean of the school and other appropriate administrative officers. If the dean is a party to the grievance, the Committee shall report its recommendation directly to the Senior Vice President for Academic Affairs and Provost.

6.2.3.4 School Faculty Grievance Hearings

Each school will determine and publish appropriate hearing procedures, which should include the following provisions:

- a. The hearings shall be private and all matters pertaining to the grievance shall be kept strictly confidential except to the extent that (i) release of information is necessary to the implementation of these procedures and (ii) the Dean is kept informed of the fact of the submission of the grievance, its contents, and the status of the grievance procedures as applied (unless the Dean is the respondent).
- b. The burden of proof shall rest upon the grievant to establish the facts supporting the grievance by the equivalent of a preponderance of

evidence. They must submit the grievance in writing. The respondent should be given the opportunity to submit a written response.

- c. An advisor for each party may be present, as long as the advisor is a faculty member of the University and receives no compensation for being an advisor. The role of the advisor is to serve in a consulting capacity. An advisor normally may not address the grievance committee but can with permission of the Chair.
- d. The Committee is not bound by strict rules of legal evidence and may admit any evidence that is of probative value for the issues involved but shall afford all parties to the grievance the opportunity to present witnesses, documentary or other evidence, and arguments on their behalf.
- e. Only the Chair and Members of the Committee can question witnesses. While parties cannot directly cross-examine witnesses, either party may provide the Chair and Committee members with questions to ask witnesses on their behalf.
- f. The Chair of the Committee is responsible for maintaining records of all Committee meetings and hearings.

6.2.3.5 Timeline for Faculty Grievance Committee Actions

- a. All grievances must be handled in an expeditious manner.
- b. Typically, the grievance should be submitted within six months of the date of the alleged action. (Grievances alleging discrimination, harassment or retaliation (see Chapter 5 of the Faculty Handbook) or research misconduct (see Chapter 9 of the Faculty Handbook) have no statute of limitations).
- c. In schools where the majority of the faculty hold 9-month appointments, Faculty Grievance Committee actions occur during the academic year so that the timetables below may have to be revised to accommodate summer breaks.
- d. Upon receiving a grievance, the Faculty Grievance Committee shall notify in writing all parties involved within five (5) working days.
- e. No later than twenty (20) working days after resolving any jurisdictional issues, the Faculty Grievance Committee shall set dates and places for the hearing which are mutually acceptable to all parties, which dates shall not be sooner than twenty (20) working days nor later than forty (40) working days after the delivery of the notice.
- f. No later than fifteen (15) working days after the hearing, the Faculty Grievance Committee shall make explicit findings of fact and arrive at conclusions. The report may include such supporting material as deemed appropriate by the committee and a recommendation to the dean. The parties to the grievance shall be given a copy of the report and they may submit a statement to the dean concerning the committee report within ten (10) working days after receipt of the Faculty Grievance Committee report.

- g. Upon receipt of the report, the dean may:
 - i. Take or initiate whatever action in his/her view the report warrants and so advise the parties to the grievance.
 - ii. Ask the Faculty Grievance Committee to investigate or to consider the matter further. Upon completion of the supplementary review by the committee, the dean shall take whatever action, if any, that in their view the report warrants and so advise the parties to the grievance.
 - iii. If the Dean's decision is contrary to the Committee's recommendations, the Dean shall communicate the reasons to the Committee and the parties to the grievance.
- h. The final action by the dean completes the formal grievance procedures at the school level.

6.2.3.6 Subsequent Faculty Grievance Actions

The grievant or the respondent may pursue an appeal to the Senate Committee on Faculty Tenure, Freedom and Responsibility. outlined below.

6.3 Faculty Grievance Appeal Process (not Equal Opportunity/Anti-Discrimination)

If the faculty member believes the decision of the school's standing faculty grievance committee or the decision by the dean is unsatisfactory, they may appeal the ruling and bring the grievance forward to the Senate Committee on Faculty Tenure, Freedom, and Responsibility (FTFR) within six (6) months of the first findings. See the FTFR bylaws for the process governing appeals.

***CHAPTER 7: FACULTY CONDUCT, CORRECTIVE ACTIONS AND DISMISSALS**

7.1 Faculty Conduct

PREAMBLE

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach in accord with appropriate standards of scholarly inquiry and artistic expression.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships among the faculty's special professional competencies, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members. See Chapter 3, Section 3.2 Faculty Rights and Responsibilities which sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions and enumerates standards of professional conduct and of appropriate faculty behavior shared across the academic profession. The faculty of the University views conduct that departs from these ethical standards as unacceptable because it is inconsistent with the mission of the University.

It is the right and responsibility of the faculty to foster academic freedom and to maintain the highest standards of teaching, scholarship, and artistic expression and to advance the mission of the University as an institution of higher learning.

This chapter deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and is primarily the responsibility of the faculty.

7.2 Procedures for Disciplinary Actions and Dismissals

7.2.1 Scope

This section applies to all corrective actions and dismissals for cause of faculty. This section does not apply to faculty on appointments of less than a year or on the first one-year appointment. Corrective actions and dismissals for cause should not be confused with non-reappointment or termination, as discussed in Chapter 4, "Faculty Appointments, Promotion and Tenure."

**Any change to this chapter requires two readings at separate regular meetings of the University Senate and a 2/3 vote of those present.*

7.2.2 Types of Disciplinary Actions and Dismissals

- a. Disciplinary actions may include a written warning, written censure, or suspension without pay for adequate cause, including but not limited to misconduct, dereliction of duty or violations of the University's Equal Opportunity and Affirmative Action (EO) policies. See Chapter 5.
 - (1) A **written warning** is a communication that informs the faculty member of the nature of the misconduct, the method of correction, and the probable consequence of continued misconduct. A written warning is to be distinguished from an informal spoken warning. An informal spoken warning or a letter outlining performance expectations is not an official disciplinary action.
 - (2) A **written censure** is a formal written expression of institutional rebuke that contains a description of the misconduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the censure.
 - (3) A **suspension** is removal without pay from appointment responsibilities for a stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to University property and parking and library privileges.
- b. **Dismissal** is the termination of an appointment for adequate cause (unfitness as a teacher, researcher/artist or practitioner) initiated by the University prior to the ending date of appointment.

7.3 PROCEDURES FOR DISCIPLINARY ACTIONS

Procedures against faculty may originate in an Equal Opportunity/Anti-Discrimination grievance, a research misconduct violation, or other grounds. Initial procedures pertaining to allegations of unlawful discrimination, harassment or retaliation against faculty are specified in Chapter 5, "Integrity of the Academic Environment." Initial procedures pertaining to allegations of research misconduct are outlined in Chapter 9. Initial procedures for other grievances are outlined below in 7.3.1-7.3.4.

7.3.1 Informal Resolution

Prior to instituting a disciplinary action or dismissal, efforts may be made to resolve the issue(s) informally. The relevant department chair, dean or academic director may invite the faculty member to meet with them in a personal conference to discuss the problem, possible resolutions, and the possibility of disciplinary actions if it is not resolved.

7.3.2 Making A Recommendation for Disciplinary Actions other than Dismissal (See Dismissal Procedures in Section 7.5)

Recommendations for disciplinary actions originate in a faculty body such as an academic department/school and are referred to a standing elected grievance committee of full-time faculty who do not hold positions as Associate Deans or Provosts. School grievance committee membership is determined by competitive elections, voted on by all voting members of the faculty. The faculty committee will review the case and forward its recommendations in writing to the dean/academic director. If, after reviewing the faculty committee's report, the dean/academic director elects to proceed, they will forward the recommendation for an official disciplinary action to the Senior Vice President for Academic Affairs and Provost, including a detailed statement of charges and recommended disciplinary actions (see 7.2.2).

The Senior Vice President for Academic Affairs and Provost will inform the President of the process and review the charges to make their own determination of the appropriate corrective action. They may also seek the counsel of the Senate Committee of Faculty Tenure, Freedom and Responsibilities (FTFR) and the General Counsel's office.

7.3.3 Written Notice of Intent

Representing the University, the Senior Vice President for Academic Affairs and Provost shall provide a written Notice of Intent to the faculty member prior to initiating the disciplinary actions. The Notice shall state:

- 7.3.3.1 the intended action, including reasons for the action and the proposed effective date;
- 7.3.3.2 the basis of the charges, including copies of pertinent materials supporting the charges;
- 7.3.3.3 the faculty member's right to respond in writing within ten (10) working days of the date of issuance of the written Notice of Intent; and
- 7.3.3.4 The name of the person to whom the faculty member should respond.

A Notice of Intent is not required for a written warning.

7.3.4 Response to Written Notice of Intent

The faculty member who receives a written Notice of Intent shall be entitled to respond, in writing, within ten (10) working days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the faculty committee that reviewed the case at the school level. That committee shall prepare its own response/recommendation and forward to the Dean and to the Senior Vice President for Academic Affairs and Provost within (15) calendar days.

7.3.5 Written Notice of Action for all Grievances

If the University justifies disciplinary action following the review of all timely responses, if any, from the faculty member and the faculty review committee or the Senate Committee on Equal Opportunity Grievances or the Research Misconduct Grievance Committee, and within thirty (30) working days of the date of issuance of the written Notice of Intent, the designated representative of the President shall issue a written Notice of Action to the faculty member of the disciplinary action to be taken and its effective date. In cases of disciplinary actions due to alleged EO policy and/or research misconduct violations, the chair of the EO Grievance Committee or the Research Misconduct Grievance Committee shall also receive the notice of action. Based on this Notice of Action, the faculty member has the right to appeal all disciplinary actions to the University Senate Committee of Faculty, Tenure, Freedom, and Responsibility (FTFR). The Notice of Action may not include an action more severe than that described in the Notice of Intent.

7.3.6 Appeal Hearings of Disciplinary Actions

If the faculty member elects to proceed with an appeal to FTFR, a hearing committee shall be constituted as soon as practical and will proceed to hear the appeal of the case according to the normal procedural practices outlined in the Senate By-Laws and below.

7.3.6(1) Conflict of Interest

Members of FTFR shall be recused from the case, either at the request of the respondent, the complainant, or the designated representative of the President, or on their own initiative, if they deem themselves disqualified for reasons of bias or personal interest. The place of a member of the Committee shall remain vacant unless a substitute has been elected by the faculty of the division prior to the date fixed for the hearing. The final authority for resolving conflicts of interest rests with the chair of FTFR

7.3.6(2) Confidentiality

Appeal hearings shall be private

7.3.6(3) Burden of Proof

The burden of proof in challenging the disciplinary action shall rest upon the faculty member making the appeal.

7.3.6(4) Evidence

The FTFR Committee shall not be bound by strict rules of legal evidence. The Committee will offer all parties the opportunity to present witnesses, documents, or other evidence they consider relevant. FTFR has the discretion to determine what evidence or witnesses are relevant to the issues involved.

7.3.6(5) Representation

During the proceedings both the faculty member and the designated representative of the President shall be permitted to have legal counsel and should notify the Chair of their intention to be so accompanied. Faculty members may also bring a full-time faculty member of the University as an advisor to the appeal hearing. The advisor shall not receive any compensation from Tulane University for this service. The role of the advisor is to serve in a consulting capacity.

All sides shall have the opportunity to address FTFR and question witnesses (cross examination). In some circumstances when questions become harassing, redundant, or burdensome for example, FTFR may require during the hearing, in lieu of direct questioning, that questions be directed, in writing, to the FTFR chair, who will have the discretion to determine whether and how to pose such questions. A record of all questions submitted to the chair must be retained. When the witnesses cannot or will not appear, FTFR shall seek written statements from them.

7.3.6(6) Process

- a) The Chair of FTFR shall be responsible for conducting the hearing and shall rule on all evidentiary questions. The chair will establish the guidelines for the hearing, establish its pace, determine when people are heard, and ensure that all participants remain within the bounds of what the panel believes is appropriate in a hearing conducted by faculty colleagues in the efficient pursuit of truth.
- b) The Chair of FTFR shall not have a vote in the outcome of the proceedings.
- c) The Committee's recommendations must be in accordance with established University policies including those contained in the Faculty Handbook and the faculty member's appointment letter.
- d) A full written or audiovisual record of the hearing shall be maintained and made available upon request only to the parties, FTFR members, to the President of the University or his/her designee. The record shall be kept for at least one year after the conclusion of the appeal process.

7.3.7 Outcomes

At the conclusion of the hearing, as promptly as is consistent with due deliberation and, in any event, not later than fifteen (15) working days thereafter, the Committee shall make its recommendation. The findings of fact and recommendation of the Committee shall be based solely on the record of the hearing. The recommendations shall be in writing, shall state the basis for the decision, and shall recommend any proposed action. The written recommendation shall be provided to the appellant, the Senior Vice President for Academic Affairs, the President or the President's representative, and/or any other relevant parties.

The Provost will review these findings and recommendations and will make his/her own recommendations within fifteen (15) working days to the President and Board of Administrators. The President and Board of Administrators shall take final action within fifteen (15) working days of receipt of the Provost's recommendations.

7.4 Adequate Cause for Dismissal

The term adequate cause shall refer to gross violations of responsibilities as teacher, researcher, artist, or clinical practitioner, including gross negligence of professional duty, gross incompetence, violations of academic freedom, gross personal misconduct, violations of the University's conflict of interest policy, or violations of the University's Equal Opportunity and Anti-Discrimination policies. Dismissal shall not be used to restrain faculty members in their exercise of academic freedom or other rights as faculty.

7.5 Dismissal Procedures

Procedures against faculty may originate in an Equal Opportunity/Anti-Discrimination grievance, a research misconduct violation or other grounds. Initial procedures pertaining to allegations of unlawful discrimination, harassment or retaliation against faculty, are specified in Chapter 5, "Integrity of the Academic Environment." Initial procedures pertaining to allegations of research misconduct are outlined in Chapter 9. Initial procedures for other grievances are outlined below in 7.5.1

Every action to dismiss a faculty member then follows the hearing procedures described in 7.5.2. The full set of faculty rights enumerated herein must be observed.

7.5.1 Preliminary Inquiry

(skip to Step 2 for EO/Anti-Discrimination Violations and Research Misconduct cases)

Step 1:

- A. When reason arises to consider whether cause exists to dismiss a faculty member who has tenure or whose term of appointment or contract has not expired, 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. At the level of the school, the elected faculty grievance committee shall conduct its own inquiry into the case which may, failing to reach an acceptable settlement, determine whether in its opinion dismissal procedures should be undertaken. The committee's recommendations are not binding on the dean; should the dean disagree with the recommendation, they shall justify the reasons for the decision to the committee. The committee's written report of its assessment is to be included in the dossier if the action is to proceed.
- C. During Step 1, the dean may write a preliminary statement of charges with reasonable particularity of the grounds pertinent to the dismissal action under consideration. If the dean does so, a copy of the preliminary statement shall be given to the faculty member for the faculty member's written comments. The dean may also elect to provide evidence in writing to the faculty member and invite comment on that as well, and if the dean does so, the faculty member shall be allowed fifteen (15) working days from the date on which the charges were sent to them to provide in writing their comments on the evidence to the dean. If the dean receives such comments on the preliminary statement, the evidence or both, and has not yet consulted with a faculty committee as provided above, the dean will share the comments with the committee as part of the consultation.
- D. If the dean continues to believe that there is probable cause for dismissal, the dean shall forward their recommendation to the Senior Vice President for Academic Affairs and Provost, together with any preliminary statement or evidence (which has been shared with the faculty member), comments submitted by the faculty member, and the faculty committee's report. The Provost will inform the President of the University of the process.

Step 2:

The Senior Vice President for Academic Affairs and Provost receives recommendations for dismissal from the dean and/or the Senate Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty. If the Senior Vice President for Academic Affairs and Provost does not believe there is cause for dismissal, he or she shall dismiss the case within fourteen (15) working days after receipt of the dean's or the Senate Committee's recommendation. The Senior Vice President for Academic Affairs and Provost may elect an alternative disciplinary action in lieu of dismissal. If they believe there is adequate cause for a dismissal, they shall formulate a preliminary statement of charges with reasonable particularity of the grounds pertinent to the dismissal action under consideration within fifteen (15) working days after receipt of the recommendations of the dean or the Senate

Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty. A copy of the charges and grounds shall be given to the faculty member for the faculty member's comment to the Provost. The faculty member shall have fifteen (15 working days to respond to the Provost.

Step 3:

The faculty member concerned, upon written request made within twenty (20 working days following delivery of such statement of charges, shall have the right to be heard by a Committee composed of the members of the Senate Committee on Faculty, Tenure, Freedom and Responsibility (FTFR. If the faculty member waives their right to a hearing in writing or does not deny the charges in writing within said twenty (20 day period, the case moves to Section 8.7 below.

7.5.2 Hearing Proceedings

- A. Members of FTFR shall be recused from the case, either at the request of the respondent, the complainant, or the designated representative of the President, or on their own initiative, if they deem themselves disqualified for reasons of bias or personal interest. The place of a member of the Committee shall remain vacant unless a substitute has been elected by the faculty of the division prior to the date fixed for the hearing. The final authority for resolving conflicts of interest rests with the chair of FTFR.
- B. As soon as practicable after receipt of a written request for a hearing and in any event within twenty (20) working days, FTFR shall provide the faculty member and the President or the President's designated representative a copy of the statement of charges and written notice of the place and date of the hearing/appeal. In cases for dismissal due to alleged research misconduct and/or EO policy violations, the chair of the EO Grievance Committee or the Research Misconduct Grievance Committee shall also be notified and will be parties to the hearing. The hearing shall be fixed for a date not sooner than twenty (20) working days nor later than forty (40) working days after the delivery of the notice.
- C. The hearing shall be private.
- D. In a hearing involving charges of incompetence, the testimony shall include that of qualified faculty members from Tulane or other institutions of higher education.
- E. The designated representative of the President (and, if applicable, the chair of the Senate Committee on Equal Opportunity and Anti-Discrimination Grievances Against Faculty and/or the Research Misconduct Grievance Committee) shall speak directly to FTFR and present necessary witnesses and documentary or other evidence. The faculty

member shall have the opportunity to do the same. The designated representative of the President shall, insofar as it is possible, secure the cooperation of such witnesses and make available necessary documents and other evidence within their control.

- F. During the proceedings both the faculty member and the designated representative of the President shall be permitted to have legal counsel and should notify the Chair of their intention to be so accompanied. Faculty members may also bring a full-time faculty member of the University as an advisor to the appeal hearing. The advisor shall not receive any compensation from Tulane University for this service. The role of the advisor is to serve in a consulting capacity.

All sides shall have the opportunity to address FTFR and question witnesses (cross examination). In some circumstances, when questions become harassing, redundant or burdensome for example, FTFR may require during the hearing, in lieu of direct questioning, that questions be directed, in writing, to the FTFR chair, who will have the discretion to determine whether and how to pose such questions. A record of all questions submitted to the chair must be retained. When the witnesses cannot or will not appear, FTFR shall seek written statements from them.

The chair will establish the guidelines for the hearing, establish its pace, determine when people are heard, and ensure that all participants remain within the bounds of what the panel believes is appropriate in a hearing conducted by faculty colleagues in the efficient pursuit of truth.

- G. The chair of FTFR shall not have a vote in the outcome of the hearings.
- H. At the request of any party or FTFR, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer. Other representatives may be admitted or excluded at the discretion of the chair of FTFR.
- I. A verbatim written and/or audiovisual record of the hearing or hearings shall be taken, and a copy shall be made available to the parties without cost.
- J. The burden of proof that adequate cause exists rests with the University and shall be satisfied only by clear and convincing evidence in the record considered as a whole. A different standard of proof shall be applied if required by law.
- K. FTFR shall grant adjournments of reasonable periods of time, not to exceed ten (10) working days, to enable any of the parties to investigate evidence about which a valid claim of surprise is made.
- L. FTFR shall not be bound by strict rules of legal evidence and may admit any evidence which is of relevant value in determining the issues involved. Every possible effort shall

be made to obtain the most reliable evidence available.

7.6 Outcomes

- A. As soon as practicable and in any event not later than ten (10) working days following receipt of a transcript of the hearing, FTFR will make explicit findings of fact and arrive at conclusions based solely on the hearing record with respect to each of the charges contained in the statement of charges and shall give a concise statement of its reasons for so finding and concluding. The findings, conclusions and statement of its reasons shall be promptly delivered to all parties.
- B. As soon as practicable and in any event within ten (10) working days following receipt of FTFR's findings, conclusions, and statement of reasons, the President shall either accept or reject FTFR's report. If the President rejects all or any portion of the report, the President shall promptly notify the committee and all parties stating the reasons for such rejection in writing and allow ten (10) working days for response FTFR before transmitting the case to the Board of Administrators.
- C. Should questions involving procedure relating to the hearing arise before or during the hearing which are not covered by this statement, FTFR shall decide such questions.
- D. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by any of the parties (and their legal counsel and/or advisers) members of FTFR, administrative officers of the University, or members of the Board of Administrators, shall be avoided as far as possible until the proceedings, including consideration by the Board of Administrators of Tulane University, and appeal action, as provided in Section 8.7 below, if any, shall have been completed and communicated to the parties.
- E. Statements of charges, notices of hearings and all other notices or communications required or permitted by this policy shall have been correctly served if delivered by hand or sent certified mail to all the parties and the President or the University's counsel.

7.7 Actions by the Board of Administrators of Tulane University

7.7.1

The faculty member who is dismissed shall have the right to a review of the finding for dismissal by the Board of Administrators or a committee appointed by it for this purpose. In

the event that the faculty member desires the Board to review the matter, they shall within ten (10 working days of receipt of the final action by the President request such review in writing and send or deliver a copy of such request to the President. The President shall thereupon transmit the complete record of the proceedings, including the findings, conclusions and statement of reasons by FTFR and the resulting action of the President with relation thereto, to the Board of Administrators. On or before thirty (30 working days following the date on which the faculty member filed a request for a review by the Board of Administrators, the faculty member may submit a brief or memorandum in support of the faculty member's position setting forth reasons why the dismissal or other recommended penalty should not be imposed.

7.7.1(1)

The Board of Administrators will set a time and place for argument by the faculty member and by the President's designated representative. The Board's review will be based solely on the record of the proceeding before FTFR.

7.7.2

In the event that, after the hearing, the Board disagrees with the findings and conclusions of FTFR, it will return the proceedings to the committee with its findings and conclusions. FTFR shall within twenty (20 working days thereafter reconsider its findings and conclusions and may receive new evidence if the receipt of evidence is necessary and thereafter return the proceedings to the Board together with its report on the results of its reconsideration and such additional findings and conclusions as may be required by any new evidence received. The Board of Administrators shall make a final decision contrary to FTFR's report on reconsideration only after a conference between the President or the President's designated representative, three members of the Board, and three members of FTFR convened for the purpose of attempting to reconcile the conflicting opinions.

7.8 Protections During the Appeals Process

7.8.1 Administrative Leave

The Senior Vice President for Academic Affairs and Provost may temporarily separate a faculty member from their duties before a hearing process is finalized or an unlawful discrimination, harassment, or retaliation investigation is initiated under Chapter 6.3 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 their continuance and that extraordinary circumstances warrant the action.

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 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.

7.8.2 Other Protections in Connection with Dismissal Proceedings

A faculty member may not be dismissed nor, except as specified above, may their compensation be cut off or withheld before the dismissal procedure has been completed and the President and the Board of Administrators have made a final decision.

7.8.3 Implementation of Dismissals

Dismissal decisions will be implemented after the hearing and, if applicable, after all the appellate processes have been exhausted.