



Faculty

Handbook

and

Policies

August 2017



VISION

An internationally renowned research university—a first choice for education and health care.

MISSION

UAB is a research university and academic health center that discovers, teaches, and applies knowledge for the intellectual, cultural, social, and economic benefit of Birmingham, the State, and beyond.

MESSAGE FROM THE PRESIDENT

It is my privilege as president to work with a faculty whose extraordinary dedication, talent and imagination keep our university on a constant upward trajectory. We are making great strides together in all areas of our multi-faceted mission and toward our goal of becoming one of the most dynamic and productive universities of the 21st century.



Our collaborative, interdisciplinary culture continues to spur innovation campus-wide—in research and scholarship, teaching, the arts, patient care, and service. Our longtime partnership with our community grows ever stronger, as we work to make Alabama—and the U.S.—all the more competitive in a global, knowledge economy.

Strengthening UAB’s impact on all fronts requires continued collaboration and innovation, as we develop a strategic plan that will establish top priorities and focus on our greatest strengths and opportunities. It also requires maintaining a campus culture that encourages the professional development and personal growth of our faculty.

To that end, this handbook is designed to familiarize you with the benefits, opportunities, and responsibilities of your employment at UAB. The Faculty Policies and Procedures Committee did an outstanding job in developing this informative handbook, which addresses overarching, university-level guidelines. Additionally, each individual school has more detailed policies specific to its requirements and responsibilities. Please review these materials, as well, and consult with your chairs, deans and others about any questions or suggestions you might have.

My deepest thanks for the vital role you play, individually and collectively, in training tomorrow’s leaders in 21st century

fields of study, advancing the innovations that will transform our state and nation, and discovering the knowledge that will change our world.

A handwritten signature in cursive script that reads "Ray L. Watts". The ink is dark and the signature is fluid and legible.

Ray L. Watts, M.D.
President
University of Alabama at Birmingham

The provisions of the Faculty Handbook apply to all faculty members, including those originally employed under the provisions of an earlier document, except in those unusual cases in which the application of a new provision will effect an arbitrary and unreasonable damage to, or loss of, any benefit to the faculty member.

Although this handbook intends to reflect current policies or rules of the Board of Trustees of The University of Alabama, referred to or incorporated herein, users are cautioned that changes or additions to such policies, or rules may have become effective since the approval and publication of this material. In the event of such a conflict, the current statements of Board policy contained in the official minutes and manual of rules, bylaws, and guidelines shall prevail.

This Handbook is not the only document containing faculty-related and other policies of the University. Approved policies concerning UAB employees are also published in other handbooks and manuals such as the *You and UAB Handbook*, the *Human Resource Management Personnel Policies and Procedures Manual*, and the *UAB Policy Reference Manual*. Also, there may be older policies or recently approved policies which are not yet published in any manuals and which are not included in this document. This handbook should not be used as a sole indication of whether or not UAB has a policy covering a particular subject. If further clarification or information is needed concerning the existence of a specific policy, please contact the Office of the Provost.

Updates to the UAB Faculty Handbook and Policies

Date	Revision	New/Revised
1-15-09	Section 5 - Compensation	Sentence deleted/added
3-03-09	Section 7.1 - Holidays	Wording to be consistent with “You & UAB” and other documents
4-15-10	Section 2.6.3.7 - Faculty Evaluations	Sentence added
4-20-10	Section 2.6.4.2 Section 2.6.4.5	Revised wording in this section New Section – paragraph added to clarify temporary appointments
10-27-10	Section 1.2.2 Section 2.10.2	Revised listing of academic units Revised membership of FPPC All as a result of the implementation of the College of Arts and Sciences.
5-16-11	Introduction Section Section 1.2.2 Section 1.2.2.1 Section 1.3.2 Section 2 – Faculty Appointments, Promotions, Tenure, Resignation, Termination, and Grievance Appendices Section 3 – Other Faculty Rights and Responsibilities Section 3.1 Section 3.11 Sections 4, 5, and 6	Updated process and position titles. Revised to list current academic units reflecting the new organization New Section – Shared Governance Updated to incorporate new Strategic Plan and new revised goals Reorganization of subsections to facilitate searching document and content organization within the Policies and Procedures Library; deletion of reference to other subsections within subsections; deletion of references to Policies in Section 8.0 of Handbook as this format is no longer needed with implementation of Policies and Procedures Library; updating based on CAS implementation (e.g., election and representation to Senate and to FPPC and election to UAB Grievance Panel for CAS/School of Education) and position titles Deleted all (see Section XXX) references and delete the word “-wide” from UAB-wide and added references to College if needed for clarification when reference to unit or school is made in any of the A, B or C appendices. Reorganized subsections, deleted references to “see Section XXX”, and deleted information duplicated in other UAB resources and if not unique to faculty New section – Principles of Responsibilities Revised to clarify use of online disclosure forms and process Deleted

	Section 7	Renumbered (Section 4) and revised to delete information not unique to faculty or duplicated from other resources
7-25-13	Section 1 Section 2 Section 3	Committee list updated Updated Equal Opportunity and Discriminatory Harassment Policy Distinguished FPPC review (requiring Senate approval) from FPPC feedback (not requiring Senate approval) Added timeline for Provost response to tenure/promotion appeal Exclude administrators at or above level of department chair from School or Library committees Language changed for consistency with UAB Enterprise Conflict of Interest and Conflict of Commitment Policy
2-19-14	Section 4	Updated all portions of Section 4 affected by changes to HR benefits policies implemented in August 2013
7-8-2014	Section 1 Section 2 Section 3	Updated list of university-wide committees to which the Faculty Senate appoints representatives. Updated language on Faculty Policy and Procedures Committee to reflect change to a standing committee of the Faculty Senate rather than independently elected. Updated language regarding appointment to emeritus status process Updated language on nepotism policy to conform with changes in state law.
7-1-2015	Section 2.4 Section 2.9 Section 2.14 Section 3.9 and 3.10	2.4 To accommodate the change of the Faculty Policy and Procedures committee from being an independently elected and functioning committee to become a committee of the UAB Faculty Senate. 2.9 To define “instructor of record” to bring it into compliance with SACS-COC expectations. 2.14 To allows a Chairman to designate an individual with supervisory authority (e.g. division director) to conduct annual faculty reviews and defines that non-regular faculty who are in charge of a course must be annually reviewed, irrespective of their faculty status. 3.9 and 3.10 To change the name of the UAB Research foundation to the UAB Institute for Innovation and Entrepreneurship.

<p>7-1-2016 These changes were approved by the Board of Trustees on 9/23/2016</p>	<p>Multiple Sections</p> <p>Section 1.2.2</p> <p>Section 1.3.2</p> <p>Section 2.9</p> <p>Section 2.14</p> <p>Section 3.4</p> <p>Section 3.8</p> <p>Section 3.9</p> <p>Section 3.11.1</p> <p>Section 4.5.2.2</p>	<p>Changes have been incorporated throughout the Handbook relative to the merging of the UAB libraries into a single unit under a Dean of Libraries. This includes noting that the Libraries no longer have departments and thus the Dean of the UAB libraries acts in the stead of a chair for all faculty related determinations that are otherwise the purview of a chair. (Took out instances of “Library Director,” “Librarian,” Associate Librarian,” and “Senior Assistant Librarian,” “Assistant Librarian”)</p> <p>Updated list of university-wide committees</p> <p>Updated the goals of UAB with the newly developed Overarching Mission Pillars</p> <p>Updated the definition of “instructor of record”</p> <p>Changed term “irregular faculty “ to “non-regular faculty”</p> <p>Updated a VP title and moved the reference to the policy and guidelines</p> <p>Updated the title of the policy (all instances)</p> <p>In the disclosures paragraph, changed “should be” to “are.”</p> <p>Updated the process/form name and added a link to the form</p> <p>Added this section to update due to new parental leave policy effective on July 1, 2016</p>
<p>5-23-2017</p>	<p>Section 1,2,2</p> <p>Section 1.2.2.1.3.1</p> <p>Sections 2.11.1 and 2.11.2</p> <p>Section 2.22</p> <p>Section 3.7</p> <p>Section 3.8</p> <p>Section 3.9</p>	<p>Updated to include 2015 reaffirmation</p> <p>Adding requirement for the president, provost, deans, and chairs to include plans to address outcomes from Faculty Senate Evaluation.</p> <p>Allow units to determine constituency of their committees.</p> <p>Added section to address supervisors with institutionally-determined conflicts and referenced in 2.15, 1.15.7, and 2.16.1</p> <p>Revise with hyperlink to point to policy and avoid duplication with HR 123.</p> <p>Revise to match Title IX practices and link to related policies.</p> <p>Added link to Research Foundation’s Disclosing Intellectual Property website.</p>

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Introduction

The *Faculty Handbook* of the University of Alabama at Birmingham is issued by the President of the University of Alabama at Birmingham under the laws of the state of Alabama and the regulations of the Board of Trustees of The University of Alabama. Section 16-47-34 of The Code of Alabama 1975 states in part:

The board of trustees has the power to organize the university by appointing a corps of instructors, who shall be styled the faculty of the university and such other officers as the interest of the university may require; to remove such instructors or officers, and to fix their salaries or compensation and increase or reduce the same at their discretion; to institute, regulate, alter or modify the government of the university, as they may deem advisable; to prescribe courses of instruction, rates of tuition, price of board, and regulate the necessary expenses of students; and to confer such degrees as are usually conferred by similar institutions. They may delegate to the faculty of the university, or other officers, such powers and functions in the government of the students, and in the administration of the affairs of the university, as they may deem proper...

Further, The Board of Trustees Bylaws, Article 5, Section 3, indicates:

...the President shall perform duties and responsibilities including but not limited to the following: ...4. Personnel administration including employment and termination, wage determination, and conditions of employment for faculty and other employees of the campus.

Additionally, the Board of Trustees Board Rule 306 states:

Although this Handbook intends to reflect currently any policies or rules of the Board of Trustees of the University of Alabama referred to or incorporated herein, users are cautioned that changes or additions to such policies or rules may have become effective since the publication of this material. In the event of such a conflict, the current statements of Board policy contained in the official minutes and manual of rules, bylaws, and guidelines shall prevail.

The *UAB Faculty Handbook* will be reviewed, and revisions will be recommended to the President, by the UAB Faculty Policies and Procedures Committee of the Faculty Senate, after consultation with the faculty and appropriate faculty groups. Suggestions for changes to the Handbook should be directed to the Chair or members of the UAB Faculty Policies and Procedures Committee. The *UAB Faculty Handbook* shall be reviewed and updated as needed. The UAB Provost will inform the UAB Faculty Policies and Procedures Committee of any Board of Trustees rule changes that appear to be in conflict with the UAB Faculty Handbook.

This Handbook does not attempt to include all UAB policies. Employee policies which relate to faculty are contained in the Policies and Procedures Library and in the *YOU and UAB Handbook*. These UAB policies may be revised periodically, and changes to these policies may constitute a change to the *UAB Faculty Handbook and Policies*. It is the responsibility of the UAB Faculty Policies and Procedures Committee to review proposed Faculty Handbook and/or faculty policy changes and to make recommendations through the Faculty Senate to the President. It is the responsibility of the Vice Provost for Student and Faculty Success to assure that changes in policy approved by the President will be transmitted to each dean, department/unit head and distributed to the faculty.

1.0 Organization

1.1 History

The University of Alabama was projected in the Constitutional Convention in Huntsville, Alabama Territory, on June 5, 1819. The University was opened for admission of students on April 8, 1831, at Tuscaloosa.

During the first half of the twentieth century, in addition to its regular educational programs at the Tuscaloosa campus, the University began to offer additional educational opportunities to citizens in the urban communities throughout Alabama. Extension centers, open for both day and night classes, were established in Birmingham, Huntsville, Montgomery, Mobile, Dothan, and Gadsden. The Birmingham and Huntsville centers were the nuclei for the two new University campuses which were later established in addition to the Tuscaloosa campus.

The first extension classes were offered in Birmingham in September 1936. The major growth in Birmingham activities began in 1945 when the medical school was moved from the Tuscaloosa campus and a new medical center was established. In 1954 a new building for the extension program was completed adjacent to the growing and rapidly expanding medical center, and for the first time the University's Birmingham operations were combined physically within the same geographic area.

In September 1966, all University operations in Birmingham were designated as The University of Alabama in Birmingham by the Board of Trustees, with the University Extension Center's being transformed into a four-year, degree-granting branch of the campus in Tuscaloosa. Two months later, a vice president for Birmingham Affairs was named with administrative responsibilities for all operations in Birmingham; he reported directly to the president of The University of Alabama.

In June 1969, the campuses were given independence within the framework of The University of Alabama System. By this action, The University of Alabama in Birmingham became one of the three major autonomous campuses of the University system, with each campus having its own administrative structure with a president as the chief executive officer. The new three-campus system included The University of Alabama, The University of Alabama in Birmingham, and The University of Alabama in Huntsville, which had been established in 1964 as a four-year school. In 1984, the name of The University of Alabama in Birmingham was changed to The University of Alabama at Birmingham.

1.2 Governance

The University of Alabama System is governed by a Board of Trustees. The System has a Chancellor and a full-time staff which provide liaison with the campus administrations for the Board and its various committees. Each campus has its own appropriate organization.

1.2.1 Board of Trustees

The Board of Trustees Bylaws, Article I, Sections 1 and 2, state:

The Board consists of two *ex officio* members, namely, the Governor and the Superintendent of Education of the State of Alabama, who serve by virtue of their respective offices, three members elected by the Board from the congressional district in which Tuscaloosa County is located, and two members elected by the Board from each of the other congressional districts in the State of Alabama. *Ex Officio* Trustees shall serve only while holding their respective state offices. Elected Trustees shall hold office for a term of six (6) years, commencing on the date of

their election except as modified below. When the term of any Trustee shall expire, or in case of a vacancy by death or resignation of a Trustee, or from any other cause, the remaining Trustees shall elect a successor by secret ballot; provided, that any Trustee so elected shall hold office from the date of his election until his confirmation or rejection by the Senate, and, if confirmed, until the expiration of the term for which elected and until his successor is elected, or, in the case of a vacancy, for the unexpired term for which he was elected and until his successor is elected. If the Senate should reject the name of any Trustee, it shall thereupon elect Trustees in the stead of those rejected. Neither the existence nor continuation of a vacancy in the office of a Trustee shall serve to impair or hinder any provisions of these Bylaws or the validity of the operations and actions of the Board by virtue of that vacancy alone. A Trustee shall not serve more than three consecutive full six (6) year terms on the Board.

The Board has delegated to each campus President the authority to administer the policies and programs of that institution. A System Council, composed of the Chancellor and the three Presidents and selected members of the System staff, makes recommendations to the Board concerning matters affecting the common interests of The University of Alabama System. They also act on matters of intercampus significance not requiring Board approval.

1.2.2 The University of Alabama at Birmingham (UAB)

The University of Alabama at Birmingham (UAB) is governed by its President in accordance with Board rules and System policies and was accredited as an independent educational institution in 1970 by the Southern Association of Colleges and Schools. The accreditation was reaffirmed in 1984, 1994, 2005, and 2015. Individual schools and programs at UAB have been accredited, where appropriate, by independent accrediting groups.

UAB includes the following academic units [defined as schools, JHS departments, libraries and college]:

- a. College of Arts & Sciences
- b. Graduate School
- c. Joint Health Sciences Departments
- d. School of Business
- e. School of Dentistry
- f. School of Education
- g. School of Engineering
- h. School of Health Professions
- i. School of Medicine
- j. School of Nursing
- k. School of Optometry
- l. School of Public Health
- m. UAB Libraries

1.2.2.1 UAB Faculty Participation in Shared Governance in a Community of Learners

As reflected in the preamble of the UAB Faculty Senate Constitution, the principle of shared governance is essential for ensuring a culture of trust, collaboration, and mutual accountability. Faculty participation in governance promotes a diversity of ideas, collaboration, shared responsibility, collegiality, and institutional excellence.

Faculty shall have representation on committees/groups at the University and academic unit level that support the practice of shared governance. Refer to the Faculty Senate website at

<http://www.uab.edu/facultysenate> then Documents for the Faculty Senate preamble, constitution and bylaws. Refer to UAB's Policies and Procedures Library for a compilation of UAB policies, procedures and guidelines at <http://www.uab.edu/policies>.

1.2.2.1.1 Faculty Representation and Participation on University Committees

Certain University standing committees address issues related to the primary purpose and priorities of the University; these committees have a broad impact and are better informed by faculty representation. Standing University committees for which the Faculty Senate should recommend representatives may include but are not limited to the following:

- Advisory Committee of the Graduate Council
- Advisory Council to the Center for Teaching and Learning
- Athletic Advisory Committee
- Bookstore Advisory Committee
- Campus Planning and Facility Advisory Committee
- Campus Recreation Advisory Committee
- Chemical Safety and Environmental Management Committee
- Commission on the Status of Women
- Committee of Academic Advisors
- Council of Center Directors
- Council for Translational Science
- Dean's Council
- Diversity Council
- DSS Existing & Emerging Technologies Committee
- eLearning Advisory Council
- Fringe Benefits Committee (aka Employee Benefits Committee)
- Institutional Biosafety Committee
- Information Security Advisory Committee
- Radioisotope and Radiation Safety Committee
- Retention and Graduation Committee
- Sustainability Committee
- Undergraduate Curriculum Committee
- University Compliance Committee
- University Safety Committee
- Web Presence Committee

All University standing committees shall have written copies of their function and structure available for faculty. University ad-hoc committees that affect university faculty shall have faculty representation selected by the Faculty Senate.

1.2.2.1.2 Faculty Representation and Participation on Academic Unit or Departmental Committees

Faculty participation on standing and ad hoc committees at the academic unit or departmental levels is critical to the mission and goals of the academic units and the University in teaching, research and scholarship. Forms of faculty governance will vary among units. Academic standing committees shall have written copies of their function and structure available for faculty. On ad hoc committees at the unit level, an appointing authority will communicate in writing to the committee chair and participating faculty members the purpose of the

committee as well as an expected timeline for completion of the charge. Ad hoc groups or committees are meant to be time limited and dissolved upon completion of their charge.

1.2.2.1.3 Faculty Participation in Evaluation of University and Academic Administrators

1.2.2.1.3.1 Faculty Senate Evaluation of University and Academic Administrators

The Faculty Senate Executive Committee of the UAB Faculty Senate shares responsibility with the President and Provost for periodic evaluations of academic administrators (chairs and deans) and university administrators (the Provost and the President) by their constituents. The Senate evaluations shall be utilized by the immediate supervisor as a component of comprehensive reviews to assess performance of responsibilities. Within 120 days of distribution of results, all administrators who are evaluated will provide to the evaluating constituents, written and verbal feedback on the report including plans to address all major survey outcomes.

Full- and part-time regular faculty members of the University have the right to participate in these Senate administrator evaluations.

1.2.2.1.3.2 Faculty Participation in Administrator Evaluations Conducted at the Academic Unit or Departmental Level

All faculty members with a primary academic full-time or part-time appointment may also evaluate deans, associate or assistant deans, department chairs, or program directors/coordinators at an academic or departmental level independent of Faculty Senate evaluations (e.g., requirement of accreditation standards, achievement of strategic plans) if said administrators are not included in the Faculty Senate evaluations. These independent evaluations will be developed by faculty and administrators of the academic unit or department.

1.3 Mission

The University of Alabama System Mission states that “Institutions of the University of Alabama System exists to serve all people of Alabama through teaching, research, and service programs.” Each of the three institutions has “a unique mission that is consistent with the broader mission of the System.”

1.3.1 The University of Alabama System

The three-campus University of Alabama system has an impressive record of service to the people of the state. From its beginnings as Alabama’s first university, it has traditionally provided educational leadership for the state and should continue to do so. Its role is to serve all the people of the state through teaching, research, and public service and, as resources permit, respond to both national and international needs.

The Board of Trustees clearly recognizes the diverse and comprehensive nature of the University of Alabama System. It provides instruction for students at all levels. It supports graduate education and research. It is committed to broad public service. The extraordinary degree to which the state’s economy is dependent upon the results of research and technology leads the Trustees to reaffirm The University of Alabama System’s commitment to both pure and applied research, a function especially appropriate to this university’s system. Professional education is equally important to Alabama. None of these, however, overshadows The University of Alabama System’s commitment to the instruction of undergraduate students.

1.3.2 The University of Alabama at Birmingham

As part of its 2003 strategic planning process, UAB developed and adopted the following mission statement:

“UAB is a research university and academic health center that discovers, teaches, and applies knowledge for the intellectual, cultural, social, and economic benefit of Birmingham, the State, and beyond.”

This statement was approved by the Board of Trustees in 2004.

The following Overarching Mission Pillars are part of [UAB’s Strategic Plan](#):

I: Education

Provide education that prepares diverse students to lead, teach, provide professional services and become prominent scholars and societal leaders of the future.

II: Research, Scholarship and Creative Activities

Pursue research, scholarship and creative activities that spur innovation, make UAB a vibrant cultural center and expand UAB’s capability to continually discover and share new knowledge that benefits society.

III: Patient Care

Deliver the highest quality patient care that reflects our ability to translate discoveries into revolutionary therapies in one of the nation’s largest academic medical centers.

IV. Service

Encourage partnerships that improve education, the arts and humanities, health, economic prosperity and quality of life through service at home and around the globe.

V: Economic Development

Foster and stimulate innovation and entrepreneurship that contributes to the economic development and prosperity of the city of Birmingham, the state of Alabama and beyond.

Further information, including priorities and summaries, is maintained on UAB’s website.

2.0 Faculty Appointments, Promotions, Tenure, Resignation, Termination, and Grievance

UAB is composed of diverse academic units, each with its own special needs. The general policies set forth in this section are to serve as overall guidelines in the administration of faculty matters and in meeting UAB's Role and Scope.

2.1 UAB Equal Opportunity Policy

See UAB's [Equal Opportunity and Discriminatory Harassment Policy](#)

2.2 Faculty Rights and Responsibilities

In accepting appointment to the faculty of UAB, faculty members commit to continuing professional development and assume an obligation for active involvement in teaching, scholarship, and/or service as defined by the nature of their appointments. Faculty members also accept the responsibility to respect the rights of students and other faculty, to maintain honesty and integrity, and to adhere to other stated policies and procedures of the institution. In addition to those responsibilities noted above, the responsibilities with respect to teaching, scholarship, and service and the specific rights and responsibilities described elsewhere in this Handbook, the faculty of UAB will be involved individually or through representative committees in specific UAB activities such as:

- determining requirements for student admissions
- recommending the designations of degrees
- approving the requirements for degrees
- determining the courses for which students may receive credit toward a degree
- determining course content
- determining program curriculum content
- determining the grades of courses and examinations
- determining the scholastic standards required of students
- recommending those students who qualify for degrees
- participating in disciplinary proceedings for academic misconduct
- participating in the selection of their department chairs, deans, Provost, and President
- participating in the periodic evaluation of their department chairs, deans, Provost, and President
- recommending to their deans and faculty appointments, reappointments, promotions, the award of tenure, and other faculty employment issues
- advising all levels of administration regarding the allocation and utilization of resources
- advising the President regarding faculty responsibilities and needs or matters of general interest and concern to the faculty and to UAB.

2.3 Faculty Senate

The Faculty Senate is the elective body charged with representing the interests of the faculty to the administration. It derives its authority from the Constitution and Bylaws of the Faculty, which were adopted by a majority vote of the faculty in 1995. The Constitution and Bylaws define the faculty members who are eligible to vote for, and serve as, members of the Senate; the purposes and powers of the Senate; and the Senate's structure, organization, and procedures. The Constitution and Bylaws also describe the procedures by which they may be amended.

2.4 UAB Faculty Policies and Procedures Committee

The Faculty Policies and Procedures Committee (FPPC) is a standing committee of the UAB Faculty Senate. The FPPC is charged with the responsibility of providing advice to the Faculty Senate, the Administration and the President regarding UAB policies and procedures, which affect UAB faculty. It reviews proposed new and revised university-wide policies and procedures, which affect faculty and considers changes to the UAB Faculty Handbook and Policies to insure their consistency with Senate and UAB practice. Working together with the UAB Faculty Senate, Faculty, and Administration, the FPPC recommends changes to ensure that policies and the Handbook are up-to-date and attuned to the needs of the UAB faculty.

Membership of the FPPC Voting members consist of one regular full-time faculty appointee from each constituent unit, except the College of Arts and Sciences, which has three regular full-time faculty appointees. Voting members are selected by the Chair of the Faculty Senate from the Senators and Alternates or other faculty of their respective units. Voting members also include one appointee of the President and one appointee of the Provost.

Ex-Officio members have the privilege of participating in the discussions of the committee but may not make any motions or vote. To assist in conducting the business of the Committee, the Chair may appoint ex-officio members as needed. Permanent ex-officio members consist of one representative from each of the Office of Counsel, University Compliance Office, and Department of Human Resources; and the immediate Past Chair of the FPPC and the Chair-Elect of the Senate.

If a regular member of the FPPC cannot attend a meeting, that member should ask that a Senator or Alternate Senator or faculty member representing the member's school or unit attend on the member's behalf. This individual will have voting rights, as specified in the FPPC operating rules.

A simple majority of the members shall constitute a quorum for both regular and called meetings. Members who synchronously connect to the meeting electronically shall be voting members and be counted for the quorum.

Recommendations from the committee concerning revisions to the *UAB Faculty Handbook and Policies* or to existing policies and procedures are forwarded to the Faculty Senate. The Faculty Senate must make final recommendations to the Provost regarding changes to the *UAB Faculty Handbook and Policies* or to existing policies and procedures. Feedback from the FPPC concerning policies developed or revised by Enterprise or University compliance committees are forwarded to the initiating committee and copied to the Chair of the Senate.

2.5 Types of Faculty Appointments

2.5.1 Primary Faculty Appointments

The primary faculty appointment is in an academic unit through which a faculty member has a primary academic affiliation. It is through this unit that a tenured faculty member holds tenure in the University, and it is from this unit that recommendations for appointment, promotion, tenure, and other actions concerning a faculty member are initiated.

An academic unit, for purposes of an academic appointment and tenure, is usually a department, school or library within the institution. School-wide appointments, wherein the dean is directly responsible for the faculty member, may be made after such recommendations for appointment have been reviewed by a school's faculty affairs committee and have been approved by the dean, the Provost, and President. In no circumstances will a primary appointment be made in centers, laboratories, programs, or institutes.

2.5.2 Secondary Faculty Appointments

An individual faculty member may hold one or more secondary appointments in addition to, and outside of, the academic unit of the primary faculty appointment. Academic rank in a secondary appointment may be at the same level but may not be at a level higher than that of the primary appointment. No tenure is possible through the unit making a secondary appointment.

2.5.3 Non-academic Appointments

Members of the faculty also may hold administrative or other non-faculty appointments at UAB. Administrative appointments are for no specific term but continue at the discretion of the appointing administrator.

2.5.4 Part-Time Tenure-Track and Tenured Appointments

While tenure-track and tenure appointments are normally full time, UAB recognizes the importance of allowing flexibility in their employment so that faculty members can better manage the balance between their professional work and family or personal obligations over a defined period of time, or perhaps permanently. This policy is intended to encourage departments to accommodate reasonable requests for part-time appointments; however approval of part-time appointments is at the discretion of the department chair, dean and provost and part-time appointments are not an entitlement, and requests may be denied when the faculty member and the department cannot agree on a workable plan.

Tenure-track faculty members may make a request for a part-time appointment only for reasons of balancing work and family for the arrival or care of a child, the care of a family member or member of the immediate household, or for personal circumstances related to the health of the faculty member. Such acceptable reasons include the qualifying circumstances covered by Family Medical Leave including personal medical leave and military leave. Faculty members should consult with Human Resources about eligibility and policies regarding Family Medical Leave and Personal Medical Leave before requesting part time appointments. In addition, they may request a *term* part-time appointment only, allowing the issue to be revisited on a defined cycle. While such term appointments can be renewed throughout the probationary period, an indefinite part-time appointment will not be granted until tenure is awarded.

Tenured faculty members may request either term or indefinite part-time appointment for reasons stated above, or to balance work at UAB with professional practice or significant community or public service, for example, a faculty member who wishes to serve as a consultant in addition to an appointment at UAB, or a faculty member who wishes to engage in entrepreneurial activity outside of university responsibilities. Other reasonable justifications may be considered if approved by the departmental chair, dean and provost. University policies pertaining to internal and external activities, conflicts of interest and intellectual property must be addressed and applied in arranging part-time appointments.

Requests for conversion from full-time to part-time appointments may only be initiated by the faculty member. The reasons for the request for a change in the percentage of appointment should be clearly stated. The department chair should make a careful assessment of the needs of the department, and work with the faculty member requesting the part-time appointment to facilitate the request if possible. The period for which the part-time appointment is granted shall be clearly stated. The period can be for one semester, or can be an equivalent period for those faculty members whose responsibilities are not directly tied to teaching on the semester academic calendar (up to two years) or indefinite.

The written agreement should include a detailed statement of work expectations for the part-time appointment. Generally, faculty members should continue to contribute to all areas of responsibility, but with

reduced expectations for accomplishment, proportional to the percentage of a full-time appointment. Service responsibilities for faculty members on part-time appointments are generally seen as proportional to their appointments. Faculty members on part-time appointments are not excused from usual departmental, school, or university service because of part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status, and any subsequent renewal, must be approved by the faculty member, department chair, dean and provost.

Part-time appointments will be either for a stated *term* or *indefinite*. *Term* part-time appointments may be made in increments from one semester or equivalent (see above), up to two years. During the duration of a part-time term appointment, terms of the appointment will only be changed by the agreement of the parties. A term agreement must specify the date on which the faculty member is expected to return to full-time status. Renewal of a term appointment should be negotiated no less than three months before the end of the current term so that the department can plan accordingly.

For *indefinite* part-time appointments, a return to full-time appointment is not guaranteed. If tenured, the faculty member remains entitled to the tenured appointment on the part-time basis only. However, an increase in the percent appointment up to full-time may be renegotiated between the faculty member and department chair if mutually agreeable and funds are available. Final approval will be provided by the dean.

Faculty members on part-time appointments, whether term or indefinite, retain all the rights and responsibilities attendant to their appointment as a tenure-track or tenured faculty member.

Part-time appointments can be made for any fraction from 50% up to a full appointment (100%); faculty members will receive proportional salary. Faculty members considering such appointments are responsible for meeting with representatives in Human Resources so that they will clearly understand the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

2.5.5 Non-tenure-earning Faculty Appointments

Non-tenure-earning faculty appointments may be conferred on full-time or part-time faculty whose responsibilities may be less broad than tenure-earning or tenured faculty and whose appointments may be limited in time. At the discretion of the school and department involved, the non-tenure-earning faculty may serve on school and departmental committees and may be appointed to the Graduate Faculty. Non-tenure-earning faculty are governed by the policies and procedures in the *Faculty Handbook*; however, their privileges may be defined further by the appointing school for activities within that school.

Non-tenure-earning faculty appointments may include faculty ranks with or without such descriptive terms as Clinical, Research, Teaching, Adjunct or Visiting. The preceding five descriptors may be used to define non-tenure-earning faculty ranks more clearly. Other descriptors may be used as well. The descriptor Clinical is used to designate an individual whose major role in a school is primarily related to a clinical education or service mission of the school. The descriptor Research designates a faculty member whose primary responsibility is conducting research. Typically, these individuals are paid from grant or contract funds. Teaching faculty are primarily responsible for assisting in a school's educational mission. Adjunct should be used to designate individuals who are not full-time employees of UAB but who are appointed to the faculty of a school to perform instructional, research, and/or service functions. Visiting is a courtesy title given to a visitor from another institution of higher education or from an appropriate organization or agency on a temporary duty assignment within a component of UAB. If the individual is from an institution of higher education, he or she

shall be given a rank that is equivalent to the rank held in his/her home institution with the designation Visiting added to the title.

Non-tenure-earning faculty members may be appointed for specific terms of up to five years. Such appointments may be renewed for more than one year. Departments, schools or libraries may adopt policies limiting the overall length of UAB employment for non-tenure-earning faculty members within that unit. A non-tenure-earning appointment does not carry with it the assurance of reappointment beyond the current appointment period. However, the policies governing notice of non-reappointment apply to all non-tenure-earning appointments including those with the descriptive titles of Adjunct, Clinical, Research, and Teaching.

A non-tenure-earning full-time faculty member may seek a temporary (short-term) reduction in workload and request a change in status from full-time to regular part-time (at least half-time). This policy is intended to encourage departments to accommodate reasonable requests for part-time appointments; however, part-time appointments are at the discretion of the department chair and dean and are not an entitlement; and requests may be denied when the faculty member and department cannot agree to a workable plan. Interested faculty must present a request in writing to the appropriate chair and dean of their unit. Final approval must be granted by the dean. Faculty will receive proportional pay. Faculty members are responsible for meeting with representatives in Human Resources so they will clearly understand the consequences of the change to their benefits. Office and laboratory space may be adjusted for part-time appointments.

2.5.6 Graduate Faculty Appointments

Appointment to the faculty of the Graduate School is required for participation in Graduate School activities. Such appointments are supplementary to faculty appointments in an established school. No faculty appointments in the Graduate School are primary faculty appointments. If appointment to the graduate faculty is anticipated for a faculty member, the letter of nomination should originate in a graduate program. The Graduate School should be consulted in advance, and approval of the planned appointment should be obtained. Continuation of appointment to the graduate faculty shall be based on a periodic evaluation of the appointees' participation in graduate training activities. Responsibility for evaluation rests with graduate program directors and chairs of departments with graduate programs.

2.5.7 Temporary Faculty Appointment and Reappointment

A full time temporary faculty appointment is primarily used for short term (one year or less) appointments when a unit needs to hire a faculty member and there is not sufficient time to conduct a search. A faculty member appointed as a full time temporary employee can be reappointed for a second year with approval of the chair, dean and provost.

At the end of the two year period of time or before, any faculty member who is employed in a temporary position must be either appointed as regular faculty through a competitive search process, or terminated. If a temporary faculty member has been in the position for less than one year, then a three month notice of termination must be given if the position is to be terminated. Such appointment must follow guidelines described in this Handbook.

2.6 Faculty Ranks

UAB uses the following designations of rank for its faculty. The general criteria for appointment or promotion to each rank are described in this section. Note that the faculty titles listed herein may be used for tenure-earning or tenured faculty as described below. Each faculty rank may be used with or without such descriptive terms as Adjunct, Clinical, Research, Teaching and Visiting for non-tenure-earning faculty.

2.6.1 Instructor

Appointment as Instructor is non-tenure-earning and usually requires training beyond the baccalaureate degree. In some special cases, demonstrated technical proficiency or professional experience may serve in lieu of formal training or an academic terminal degree.

2.6.2 Assistant Professor

Appointment as an Assistant Professor usually requires a terminal degree and potential to make significant academic contributions. Appointments to this rank may be tenure-earning or non-tenure-earning.

2.6.3 Associate Professor

Associate Professor is a rank that usually requires a terminal degree and service as an Assistant Professor for at least three years at UAB or equivalent service elsewhere. Associate Professors may be tenured, tenure-earning, or non-tenure-earning. The individual holding this rank should have demonstrated the ability to make significant contributions in academic duties. Such contributions should be of high quality and should be nationally recognized. Further, the individual should show promise of continued professional growth.

2.6.4 Professor

Professor is the highest academic rank granted at UAB except for a limited number of university professors, distinguished professors, or endowed professorships. Individuals holding this rank may be tenured, tenure-earning, or non-tenure-earning. The rank of Professor requires the demonstration of nationally recognized excellence in the conduct of academic duties. The rank of Professor usually requires academic service as an Associate Professor for at least three years at UAB or equivalent service elsewhere.

2.7 Titles for Academic Librarians

Distinct Academic Library faculty titles were eliminated in 2015, and this section is no longer applicable.

2.8 Special Faculty Ranks and Appointments

2.8.1 Distinguished Professor

Board Rule 508 (“Establishment of Academic Chairs, Professorships, and Endowed Lectureships and the Designation of Holders of Academic Chairs and Professorships”) specifies that the rank of Distinguished Professor is a campus-wide appointment, recognizes international accomplishments, is to be limited in number, and is to be recommended to the Board by the appropriate President and the Chancellor in order to confer richly deserved prestige and honor on those selected to receive this designation. The following criteria will be used in determining the selection of a Distinguished Professor:

- a. Accomplishments bringing great credit to UAB.
- b. Noteworthy academic service to UAB as a teacher and/or research scientist and/or clinician.
- c. International recognition for scholarly contribution to the individual’s chosen profession.
- d. Outstanding performance of service associated with the individual’s chosen professional or academic discipline.
- e. Numerous achievements and extensive peer recognition in the individual’s chosen professional or academic discipline.
- f. Unstinting dedication to standards of excellence in all endeavors.

- g. Exemplary character and integrity reflecting great honor upon UAB.

Procedures for Appointing Individuals to the Rank of Distinguished Professor:

- a. The appropriate dean, after consultation with the appropriate departmental chairpersons, will recommend the appointment to the Provost.
- b. The Provost shall seek the advice of a committee of five members, appointed by the Provost, consisting of four senior faculty not holding administrative appointments, two of whom are from the department of primary appointment of the candidate, and an individual currently holding the rank of Distinguished Professor, if available, who will serve as chair. Affirmative approval of at least three committee members is required for the Provost to recommend the candidate to the President.
- c. If the Provost's decision is favorable, the Provost shall then recommend the appointment to the President.
- d. If the President's decision is favorable, the President shall then recommend the appointment to the Board of Trustees.
- e. The preceding steps apply to the appointment of individuals who are already members of the UAB faculty. In the case of someone to be brought in from the outside at this rank, the usual procedures for recruitment and appointment to the rank of Professor will be followed, after which the procedure described in Steps (a) through (d) will be followed.

Notes:

- a. It is vital that this procedure be conducted in such a way that, when the decision is made not to appoint someone to this rank, there is no awkward sense of being turned down. Being appointed Distinguished Professor should continue to be regarded as a signal honor and not merely a next step above the rank of Professor.
- b. Where appropriate, individuals with the rank of Distinguished Professor should be provided special financial support for their research and professional activities.
- c. The primary difference between Distinguished Professor and University Professor is that Distinguished Professor recognizes achievement in a single field; whereas, University Professor is the appropriate designation for individuals whose work is more interdisciplinary in nature.
- d. Individuals holding this rank should be allowed the greatest latitude in apportioning their time between teaching, writing, and scholarly research.

2.8.2 Distinguished Service Professor

At UAB the designation of Distinguished Service Professor is treated as a variation of Distinguished Professor. The title is used as a way of honoring members of the faculty who have contributed to UAB through long years of distinguished service in administrative and service positions. Such an individual also should have received recognition for distinguished accomplishments in his or her field of administration. The following criteria will be used in determining the selection of a Distinguished Service Professor:

- a. Accomplishments bringing great credit to UAB.
- b. Unstinting dedication to standards of excellence in all endeavors.
- c. Exemplary character and integrity reflecting great honor upon UAB.
- d. Noteworthy value to UAB in an administrative or service capacity.
- e. The academic rank of Professor.
- f. Numerous achievements and peer recognition in UAB service roles.
- g. Recognition for service achievements beyond UAB boundaries.

Procedures for Appointing Individuals to the Rank of Distinguished Service Professor:

- a. Any member of the UAB community may nominate to the Provost an individual for appointment.
- b. The Provost shall seek the advice of a committee of five members, appointed by the Provost, consisting of four senior faculty members not holding administrative appointment above that of a department chair, and an individual currently holding the rank of Distinguished Service Professor, if available, who will serve as chair. Affirmative approval of at least three committee members is required for the Provost to recommend the candidate to the President.
- c. If the Provost's decision is favorable, the Provost shall then recommend the appointment to the President.
- d. If the President's decision is favorable, the President shall then recommend the appointment to the Board of Trustees.

Note:

- a. It is vital that this procedure be conducted in such a way that, when the decision is made not to appoint someone to this rank, there is no awkward sense of being turned down. Being appointed Distinguished Service Professor should be regarded as a signal honor and not merely as the next step after administrative service.

2.8.3 University Professor

Board Rule 508 ("Establishment of Academic Chairs, Professorships, and Endowed Lectureships and the Designation of Holders of Academic Chairs and Professorships") specifies that the rank of University Professor is a campus-wide appointment primarily in a specific discipline; is to be recommended to the Board of Trustees by the appropriate President and the Chancellor; is to bestow on an individual an academic rank which transcends departmental and disciplinary lines; is to allow each designated individual the greatest latitude in teaching, writing, and scholarly research, and is to give such an individual with broad expertise a UAB-wide platform. The following criteria will be used in the selection of an individual to be designated University Professor:

- a. Scholarly achievement and intellectual maturity.
- b. Dedication to the highest standards of professional excellence.
- c. Numerous achievements and extensive peer recognition in the individual's chosen professional field.
- d. Academic competence to enable him/her to undertake cross-departmental, cross-disciplinary activities in research and teaching, and UAB and community service.
- e. Exemplary character and integrity reflecting great credit upon UAB.

Procedures for Appointing Individuals to the Rank of University Professor:

- a. Any member of the UAB community may nominate to the Provost an individual for appointment.
- b. The Provost shall seek the advice of a committee of five members, appointed by the Provost, consisting of four senior faculty members not holding administrative appointments, representing the breadth of academic programs, and an individual currently holding the rank of University Professor, if available, who will serve as chair. Affirmative approval of at least three committee members is required for the Provost to recommend the candidate to the President.
- c. If the Provost's decision is favorable, the Provost shall then recommend the appointment to the President.

- d. If the President's decision is favorable, the President shall then recommend the appointment to the Board of Trustees.
- e. The preceding steps apply to the appointment of individuals who are already members of the UAB faculty. In the case of someone to be brought in from the outside at this rank, the usual procedures for recruitment and appointment to the rank of Professor will be followed, after which the procedure described in Steps (a) through (d) will be followed.

Notes:

- a. It is vital that this procedure be conducted in such a way that, when the decision is made not to appoint someone to this rank, there is no awkward sense of being turned down. Being appointed University Professor should continue to be regarded as a signal honor and not merely a "next step" above the rank of Professor.
- b. Where appropriate, individuals with the rank of University Professor should be provided special financial support for their research and professional activities.
- c. The primary difference between Distinguished Professor and University Professor is that Distinguished Professor recognizes achievement in a single field; whereas, University Professor is the appropriate designation for individuals whose work is more interdisciplinary in nature.
- d. Individuals holding this rank should be allowed the greatest latitude in apportioning their time between teaching, writing, and scholarly research.

2.8.4 Academic Chairs, Professorships, and Endowed Lectureships

All academic chairs, professorships, and endowed lectureships must be established by actions of the Board of Trustees, and appointments to fill them likewise shall be made by the Board of Trustees only after recommendation of the President and the Chancellor. Such appointments are prestigious appointments not only to recognize the conditions of the endowments, gifts, or other funding sources but also to reflect honor on the individual so designated. Procedures for the selection of academic chairs, professorships, and endowed lectureships may be established by each campus, but must be approved by the Board of Trustees.

2.8.5 Emeritus Faculty

After ten or more years of service with The University of Alabama System, or with less service upon having made an exceptional contribution to UAB or the System, a faculty member may be considered for appointment to emeritus status.

An emeritus appointment to a faculty rank may become effective only after the faculty member retires or no longer holds the full-time position. An academic administrative emeritus appointment, such as Dean Emeritus, may be conferred at such time that the faculty member resigns from that academic administrative appointment, even though the faculty member may continue to hold a full-time faculty position at UAB until the time of retirement.

An appointment to emeritus status should be initiated at the departmental level with preparation of the UAB Agenda Item Recommendation Form. Accompanied by the faculty member's curriculum vitae, Board resolution and a cover memorandum delineating justification for the appointment, the form should be sent through the offices of the appropriate dean(s), and Provost, and forwarded to the President. When the appointment has been approved by the President, the form will be forwarded to the Office of Human Resources, and notification will be sent to the faculty member. The appropriate personnel documents should be processed by the department according to university and Human Resources guidelines. Appointment to emeritus status is campus-specific. Current practice is for emeritus status to be approved by the Chancellor and the Board of Trustees.

Certain privileges will be inherent in emeritus faculty status. An identification card will be furnished to the person for use in the libraries, recreation center, bookstore, and campus dining facilities, and a guest-parking permit (annually renewable) also will be made available. Any faculty fees and charges for use of these facilities shall be applied to emeritus faculty. At the discretion of the appropriate dean and/or department chair, laboratory or office space may be assigned, if such is available.

Re-employment of retired faculty members is allowed within the limits set by the UAB “Policy Concerning the Re-employment of UAB Retirees.”

2.9 Faculty Credentials

UAB employs competent faculty members qualified to accomplish its missions and goals. When determining acceptable qualifications of its faculty, UAB gives primary consideration to the highest earned degree in the discipline in accord with Credential Guidelines published by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). UAB also considers competence, effectiveness, and capacity including, as appropriate, undergraduate and graduate degrees, related work experience in the field, professional licensure and certification, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies or achievements that contribute to effective teaching and student learning outcomes.

The current Credential Guidelines published by the Southern Association of Colleges and Schools Commission on Colleges include the following:

- Faculty teaching at the undergraduate level: a doctoral or master’s degree in the teaching discipline or a master’s degree with a concentration in the teaching discipline (minimum of 18 graduate semester hours in the teaching discipline). This requirement applies to both general education courses and major courses within a baccalaureate curriculum.
- Faculty teaching graduate and post-baccalaureate course work: earned doctorate/terminal degree in the teaching discipline or a related discipline.
- Graduate teaching assistants (these are not faculty but are included here for information purposes): master’s in the teaching discipline or 18 graduate semester hours in the teaching discipline, direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned and periodic evaluations.

This section is taken largely from SACSCOC “Principles of Accreditation,” Comprehensive Standards. See [SACSCOC website](#) for the latest Credential Guidelines.

UAB defines an “instructor of record” as an individual designated by the academic unit as responsible for a course, including development of the design, delivery, assignments, or assessments. Faculty guest lecturers, who contribute to a course based on his or her specialized expertise, are excluded as instructors of record. Graduate or undergraduate students who are assigned to a course in a support capacity, i.e., grader, proctor, lecturer, recitation assistant, classroom assistant, lab assistant, are not considered instructors of record.

2.10 Specific Criteria for Appointment, Promotion, and Award of Tenure

The university policies and the departmental, school, and/or library policies shall be used in evaluating faculty members for appointment, promotion, and award of tenure. However, the departmental, school, and/or library policies may not be less stringent than, or be inconsistent with, the UAB-wide policies contained herein.

Faculty appointment, promotion, and award of tenure are based on a faculty member’s training, experience, and activities, as well as the potential for continued growth, in the areas of (1) teaching; (2)

scholarly activities, including research and other creative activities; and (3) service. In the case of non-tenure-earning faculty, the requirement for demonstrated proficiency in one, two, or all three areas, as specified in the policies of the department, school, or library, shall apply to appointment and promotion. Candidates shall prepare appointment, promotion, and tenure award support materials as prescribed by the Provost.

An individual will be judged by the criteria outlined in this Handbook in proportion to their relative importance to each academic rank, to the type of appointment held by the faculty member, and to the program priorities of the appointing unit. Each faculty member shall be evaluated in these areas by colleagues at UAB, as well as by a minimum of three reviewers outside of the institution qualified to review the faculty member's qualifications. In the area of teaching, student evaluation also should be solicited.

2.10.1 Effectiveness as a Teacher

Effectiveness as a teacher can be demonstrated by a review of the following considerations: the individual's knowledge of a subject field, including current developments in that field, and the ability to develop effective curriculum materials, to organize and effectively present course work, to motivate student interest and participation, and to contribute significantly to the academic progress of students.

2.10.2 Effectiveness in Scholarly Activities

Although scholarly work takes many forms, including design, basic and applied research, and other creative activities, a faculty member's effectiveness can be demonstrated by such achievements as publications, fine arts creations, personal presentations of formal papers, artistic performances, patents, and the like. The quality of the individual's scholarly approach, capacity for independent thought, originality, and products of scholarship must be addressed.

2.10.3 Effectiveness in Service Activities

Service functions can be those performed for UAB, the Birmingham community, the state of Alabama, and regional, national, or international groups. Service may include such activities as (1) participation in committee work, (2) fulfillment of administrative assignments, (3) contributions to the improvement of student and faculty life, (4) faculty consultation within or outside UAB, and (5) professional service.

2.11 Procedures for Faculty Appointments, Reappointments, Promotions, and Awards of Tenure

Each school and library shall have, and departments may have, written statements of policies that set forth criteria and procedures for new appointments, reappointments, promotions, awards of tenure, leaves, and other matters related to faculty affairs.

Before written school or library policies are put into effect, they should be reviewed by the school or library faculty affairs committee and approved by the dean. Final approval is granted by the Provost. In absence of such school or library policies, the appropriate dean, with the approval of the Provost and President, may establish relevant school or library policies, on an interim basis, which are consistent with this *Faculty Handbook*. Before department policies are put into effect, they should be reviewed by the school faculty affairs committee and approved by the department chair/library dean. Final approval of department policies is granted by the dean. Approved (signature and date documentation) policies and policy changes as defined by the school, library, or department handbooks, should be made available to a faculty member throughout his or her appointment.

Faculty appointments and changes in faculty status require approval of the appropriate dean and Provost and are not effective until approved by the Provost.

2.11.1 School or Library Committees

The policies of each school or library shall provide for a group of faculty to (1) consider and make recommendations to the dean concerning faculty personnel actions related to tenure and promotion and (2) present general advice and recommendations concerning faculty matters to the dean. Among other duties, the committee(s), in consultation with the dean, shall be charged with the responsibility of ensuring adequate faculty personnel procedures in the school or library.

The committee shall be comprised of faculty members elected by the faculty and appointed by the dean. However, no more than one-half of the membership shall be appointed. Administrators (Deans, Chairs, or Division Directors) must recuse themselves from Committee discussion or votes of any individual they supervise. Only tenured faculty, regardless of rank, may vote on initial appointments with tenure and awards of tenure. Only faculty members at or above the rank to which the individual under consideration is to be appointed or promoted may vote on such actions.

2.11.2 Departmental Policies and Committees

(Note, that since the UAB Libraries do not have departments, the Dean of the UAB Libraries shall act in the place of a chair for all library-related faculty policy and employment decisions normally carried out by a UAB departmental chair)

If departments desire that the policies and procedures for appointment, reappointment, promotion, and tenure be more specific than those of their respective schools or reflect a unique departmental mission, such policies and procedures shall be contained in departmental written policy. Departmental faculty policies and procedures shall be developed by the department chair and departmental faculty, in consultation with the dean, and must be approved by the departmental faculty, department chair, the school faculty affairs committee and the dean. Departmental policies shall not be less stringent than, or be inconsistent with, UAB or school policies.

Unless specifically stated otherwise in a school's policies, each department within that school shall have a committee (which may include all faculty in a department who are eligible to vote on tenure and/or promotion decisions) to consider and make recommendations to the chair concerning faculty personnel actions whenever departmental review is required. This committee shall be comprised of faculty members chosen by the faculty. This committee shall allow only faculty at or above the rank to which the individual under consideration is to be appointed or promoted to vote on such actions. Only tenured faculty may vote on appointments that involve tenure. Administrators (Deans, Chairs, or Division Directors) must recuse themselves from Committee discussion or votes of any individual they supervise.

2.12 Initial Appointments of Faculty

For all full-time regular tenured or full-time regular tenure-earning positions, recruitment at the national level is required. For all full-time or part-time regular non-tenure-earning positions, recruitment at the national level is required unless otherwise justified and approved by the dean and Provost.

The process to make a new appointment is initiated by the department chair upon completion of recruitment and selection in accordance with all approved department, school, library, and UAB policies and procedures. Upon recommendation of the department chair and approval by the appropriate dean and the Provost, an offer of appointment may be made by the chair. This offer shall be contingent on final approval by the President.

All appointments must be made in accordance with UAB hiring practices and government regulations and, following acceptance by the candidate of the initial offer of appointment must be approved by the President.

All appointments must be made in compliance with “Faculty Credentials,” the procedures for documenting and verifying credentials must be followed, and the documentation must be included in the prospective faculty member's recruitment file. In part because the credential guidelines are based on earned degrees, before an appointment may be finalized an official transcript of the course work completed for the terminal degree(s) is required. All offers of appointment must include a request for the transcript. After the faculty member has accepted appointment to UAB, the documentation verifying credentials must be retained and maintained as part of the faculty member's official, permanent UAB personnel file.

In the case of tenure-earning appointments, the date which defines the start, and therefore the completion, of the tenure-earning period shall be determined by the date of appointment if it is October 1. If the appointment date comes after October 1, the October 1 which next follows the initial appointment date to a tenure-earning position shall determine the start of the tenure-earning period.

2.12.1 Appointments with Tenure

The school, library, and, if applicable, department tenure and promotion committees shall review an offer of initial appointment with tenure prior to approval of such an offer by the dean, the Provost, and the President.

2.12.2 Appointments as Instructor

Unless otherwise specified in writing, initial appointments at the rank of Instructor at UAB shall be for one year and may be renewed annually.

2.12.3 Appointments as Assistant Professor or Associate Professor

Initial tenure-earning appointments at the ranks of Assistant Professor or Associate Professor at UAB shall be for two years unless a shorter period is designated in writing. Tenure-earning appointments may be renewed annually for one year thereafter until the probationary period expires or tenure is awarded.

Non-tenure-earning faculty appointed to these ranks may be appointed or reappointed for periods of one to five years.

All appointments below the rank of Associate Professor shall be without tenure. Initial appointment at the rank of Associate Professor or above may be offered with or without tenure.

2.12.4 Appointments as Professor

Appointments to the faculty at the rank of Professor may be tenured, tenure-earning or non-tenure-earning. Tenure-earning appointments to these ranks are made for at least one year and are renewed annually until tenure is awarded. Non-tenure-earning faculty may be appointed to these ranks for periods of one to five years.

2.13 Reappointment and Non-reappointment of Non-tenured Faculty

2.13.1 Review for Reappointment and Non-reappointment of Non-tenure-earning Faculty

Non-tenure-earning faculty shall be reviewed for reappointment by the department chair on a schedule that allows adequate notice regarding reappointment or, should a decision not to reappoint be made, notice shall be in accordance with the schedule defined in this Handbook.

2.13.2 Review for Reappointment and Non-reappointment of Non-tenured Faculty

Non-tenured faculty shall be reviewed for reappointment at least every two years by the department chair or in accordance with other departmental, school/college, or library procedures, on a schedule which allows adequate notice regarding reappointment or, should a decision not to reappoint be made, notice shall be in accordance with the schedule in this Handbook or in accordance with other departmental, school/college, or library procedures. The department chair shall advise, in writing, the faculty member and dean each year regarding the progress of non-tenured faculty members and the continued need for their services.

2.13.3 Notice of Non-reappointment

When a decision against reappointment is made, the faculty member shall be informed of the decision and the reasons for non-reappointment, in writing, by the department chair (Note, that since the UAB Libraries do not have departments, the Dean of the UAB Libraries shall act in the place of a chair for all library-related faculty policy and employment decisions normally carried out by a UAB departmental chair), in accordance with the following standards:

- a. During the first full year of service, a non-tenure-earning faculty member must receive a minimum of three months' notice of non-reappointment. As used herein, a full year of service is equal to nine months for faculty on nine-month appointments and twelve months for faculty on 12-month appointments. Tenure-earning faculty appointed to the ranks are appointed for an initial period of two years; therefore, this section is not relevant to such initial appointments.
- b. After one or more full years of service to UAB, a faculty member must receive twelve months' notice that his or her appointment will not be renewed. The date upon which the initial notice is given of non-reappointment shall commence the running of the 12-month terminal appointment.

The following American Association of University Professors (AAUP) statement, while not being UAB policy, may be pertinent and may provide guidance in many instances:

“At many institutions, moreover, the procedures of evaluation and decision may make it difficult, if not impossible, to compile a statement of reasons which precisely reflect the basis of the decision. When a number of faculty members participate in the decision, they may oppose a reappointment for a variety of reasons, few or none of which may represent a majority view. To include every reason, no matter how few have held it, in a written statement to the faculty member may misrepresent the general view and damage unnecessarily both the morale and the professional future of the faculty member.

In many situations, of course, a decision not to reappoint will not reflect adversely upon the faculty member. An institution may, for example, find it necessary for financial or other reasons to restrict its offerings in a given department. The acquisition of tenure may depend not only upon satisfactory performance but also upon a long-term opening. Non-renewal in these cases does not suggest a serious adverse judgment. In these situations, providing a statement of

reasons, either written or oral, should pose no difficulty, and such a statement may in fact assist the faculty member in searching for a new position.”

(This statement was extracted from the AAUP Statement on Procedural Standards in the Renewal or Non-renewal of Faculty Appointments, a revision of a statement originally adopted in 1971, which was approved by Committee A on Academic Freedom and Tenure, adopted by the Council as Association policy in November 1989, and endorsed by representatives in attendance at the Seventy-sixth Annual Meeting.)

2.13.4 Non-reappointment Because of Changes in Program Priorities

Although an individual faculty member may meet the criteria for reappointment, a decision to deny reappointment may be based on considerations of curriculum, enrollment, finances, or other program factors not prevalent or predictable at the time of the original appointment. It shall be the responsibility of the department chair to ensure the earliest possible notification of faculty who will be affected by such changes, but in no case shall such notice be less than that specified in this Handbook.

2.14 Annual Faculty Evaluations

The purpose of faculty evaluations is to serve as a mechanism to measure and enhance faculty members' professional development and productivity, to assist faculty members in achieving their professional goals and the goals of the academic unit and university. The department chair, or designee with supervisory authority (e.g. division director), is responsible for an annual, written evaluation of all full-time and part-time regular faculty (non-tenure earning, non-tenured, tenure-earning and tenured) and to provide feedback concerning past and future faculty performance. If the reviewer has been conflicted by the institution, see 2.22. The primary assessment of the faculty member's performance shall be conducted in a professional manner that both upholds the highest ethical standards of the educational process and respects the integrity of the faculty member, the department, and the discipline.

Annual evaluations should help promote the productivity of faculty by articulating any actions that will enhance professional contributions, by recognizing relevant talents, abilities and contributions, and by identifying any areas falling below expectations that should be addressed during the next evaluation period. The annual faculty evaluation process should be designed to establish a link between the evaluation and considerations for merit increases, tenure, and promotion. University and academic administrators shall value and reward teaching, scholarship, and service contributions, consistent with each academic rank, type of appointment, and program priorities. In the case of faculty members who have not achieved tenure or promotion to associate professor or professor, the department head should take particular care to relate the faculty member's job performance to the promotion and tenure criteria established in this Handbook "Faculty Appointments, Promotions, Tenure, Resignation, Termination and Grievance." Further, the process is based upon the following guiding principles:

- The department chair, or designee with supervisory authority (e.g. division director), has ultimate responsibility for the faculty evaluation process.
- Criteria for annual evaluations should be aligned with criteria for promotion and tenure and the UAB Standards of Behavior.
- Annual evaluations and responses to the evaluation must be in writing.
- Verbal feedback is also recommended as an important part of the process.
- Faculty members and the department chair should annually establish and monitor goals which should be assessed as a part of the annual evaluation.
- Reviews should be completed annually in a timely manner.

In addition to the above, the department chair, or designee, is responsible for an annual, written assessment of all non-regular faculty (full-time, part-time, adjunct, voluntary, or emeritus) who are instructors of record (§2.9). The assessment should reflect the non-regular faculty member's contribution to the institutional mission and be commensurate with their effort.

Faculty Member Rights:

Faculty member rights in the annual evaluation process shall include the following guidelines:

- A copy of the written evaluation is provided to the faculty member, and a copy placed in the faculty member's department activity file.
- Every faculty member has access to his/her department activity file.
- The faculty member has the right to read and discuss the evaluation and the right to provide written feedback in response to the evaluation. The faculty member's written feedback will be placed in the faculty member's department activity file.

2.15 Tenure

2.15.1 General Statement

(This Statement was adapted from the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure, with 1970 Interpretive Comments, and from the University of Alabama Board of Trustees Board Rule 301 on Tenure).

“Institutions of higher education exist for the common good and not to further the interest of either the individual teacher or the institution as a whole. Achievement of the common good depends, in part, upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and other scholarly activities. Freedom in research and scholarship is fundamental to the advancement of truth. Academic freedom, in its teaching aspect, is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.

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

By granting faculty a right of continuing employment, UAB meets its responsibilities to ensure that UAB faculty remain free to pursue truth and to propagate knowledge, through both teaching and scholarship, without undue or inappropriate interference from external forces.

The awarding of tenure is a serious and significant step for both the faculty member and UAB. It is not awarded merely on the basis of time in service. Tenure is awarded to individual faculty members upon evidence of the capacity and likelihood for continued intellectual, scholarly, and professional vitality; upon evidence of the ability and willingness to perform assigned duties; and upon evidence of a sense of responsibility and dedication to make the continuing exemplary performance of duties a reasonable expectation. Protected from arbitrary dismissal and from transient political and ideological currents, the individual faculty member assumes a responsibility to make a continuing effort to achieve the expectations upon which the award of tenure was based.

The following is definitional language taken from the University of Alabama Board of Trustees Rule 301 “Tenure” and it applies to UAB:

The definition of tenure used in each institutional policy should recognize that tenure is an affirmative commitment by the Board of Trustees to a faculty member, generally offered after a probationary period of employment, of a right to continuing employment except upon dismissal for cause, retirement, resignation, bona fide financial exigency of the institution or division in which tenure is held, or major curtailment or formal discontinuance of a program or department of instruction.

Absent of cause for termination as defined in this handbook, tenure at UAB is a grant of continuing appointment at least at the same faculty rank. Promotion of a tenured faculty member indicates continuation of tenure at the new rank. The services of a faculty member with tenure shall be terminated only for cause or in cases of bona fide financial exigency, bona fide financial crisis, or academic program/unit closure at UAB. The requirement of showing of cause does not apply in cases of voluntary retirement or retirement due to disability.

As with any freedom, academic freedom carries with it duties correlative with rights. Tenure at UAB should be regarded as a most valuable possession, signifying a long-term commitment of resources by UAB, matched by the sincere commitment by the faculty member to continued professional growth and achievement.

2.15.2 Tenure Eligibility

Tenure may be awarded to individuals appointed to the faculty as described in this Handbook. Eligibility for tenure consideration is limited to faculty appointments of 50 percent or greater. Tenure may not be awarded to non-tenure-earning faculty.

Administrative appointments do not carry tenure, but an administrator who holds a tenured academic appointment retains that tenured appointment, and an administrator who holds a tenure-earning appointment on the faculty may be awarded tenure in accordance with procedures and criteria of UAB and the appropriate department, school, or library.

2.15.3 Tenure by Faculty Rank

Tenure may be conferred at any time but only upon appointees holding the ranks of Associate Professor or Professor, and only in accordance with policies stipulated for the awarding of tenure.

Tenure may be awarded to someone initially appointed at a rank below Associate Professor only after promotion to the rank of Associate Professor, or higher, and provided the original search which resulted in recruitment of the individual solicited candidates for a tenure-earning or tenured position.

Initial appointments to the tenure-earning faculty at the ranks of Assistant Professor or Associate Professor must be under the rules of earning tenure, and the initial appointment must be for at least two years unless a shorter period is designated in writing. Such appointments shall be renewable for specified duration of time through procedures stated in this Handbook, unless specific exception is written into the letter of appointment.

Appointments or promotions to the faculty at the rank of Professor usually carry tenure unless specific exception is written into the letter of appointment.

2.15.4 Length of Tenure-earning Period

Any faculty member appointed to a tenure-earning faculty position shall have a maximum of seven years to earn tenure except in schools in which the tenure-earning period has been extended, as detailed below. If tenure has not been awarded prior to one year before the end of the specified maximum tenure-earning period, the appointment for the final year shall be a terminal appointment. Only in cases in which there is substantial new evidence in support of candidacy for tenure may a candidate be considered for tenure during the terminal year. To qualify for consideration of tenure during the terminal year, the individual had to be considered for tenure prior to the terminal year. This review shall serve as the primary basis upon which to determine whether substantial new evidence is apparent. Each level of review (departmental committee, if applicable, school committee, dean, and Provost) must make this determination.

As noted in this Handbook, the date which defines the start, and therefore the completion, of the tenure-earning period shall be determined by the date of appointment if it is October 1. If the appointment date comes after October 1, the October 1 which next follows the initial date of appointment to a tenure-earning position shall determine the start of the tenure-earning period.

A school may establish a longer tenure-earning period for faculty appointed in that school or library, but in no case shall such period exceed ten years. A change in the tenure-earning period for a school may be implemented only after discussion by the faculty; approval by a majority vote of the tenured and tenure-earning faculty; and approval by the dean, the Provost, and the President. The maximum length of the tenure-earning period shall be specified clearly in school or library policies and in the faculty member's initial letter of appointment. The maximum tenure-earning period of an individual faculty member may not be reduced from that specified by UAB or school policy at the time of his or her initial faculty appointment at UAB. Emphasis must be placed on the award of tenure based on the merit of the applicant's achievements, and not years in pursuit of tenure.

The maximum total period for full-time tenure-earning is seven years (or ten years in schools with a ten year maximum period), unless an approved extension has been granted. The decision about tenure, if not made earlier, is made in the sixth year (or ninth year) of the probationary period appointment. If the tenure decision made in the sixth year (ninth year) is negative, a one-year terminal appointment will be offered.

Tenure-earning faculty members may request a term, part-time appointment for reasons of balancing work and family or personal health issues. In such cases, the probationary period will be extended proportionately. For example, two years of service at 50% will count as one year of full-time service. The term appointment may be renewed. (An indefinite part-time appointment may only be requested and granted following award of tenure.)

In determining the mandatory year for tenure review for those with partial appointments in schools with a maximum seven year tenure period, general equivalency to full-time appointments is expected, so that approximately five years of full-time equivalent service is expected prior to the mandatory tenure earning review year (In summing partial years of service, a total resulting in a fraction equal to or less than .5 would be rounded down, and a fraction greater than .5 would be rounded up.) However, review for tenure must occur no later than the tenth year of service, resulting in somewhat less full-time equivalent service (4.5 years) for a faculty with 50% appointment throughout all nine pre-tenure years prior to review. (This example assumes renewal of several term appointments.) If denied tenure following a mandatory review, a one-year terminal appointment will be given. The terminal appointment will be for one calendar year from the notification for denial of tenure. The percent effort will be agreed upon by the chair and faculty member.

In determining the mandatory tenure review, for those with partial appointments in schools with a maximum ten-year tenure earning period, general equivalency to full-time appointments is expected, so that

approximately eight years of full-time equivalent service is expected prior to the mandatory tenure review year (In summing partial years of service, a total resulting in a fraction equal to or less than .5 would be rounded down, and a fraction greater than .5 would be rounded up.) However, review for tenure must occur no later than the sixteenth year of service, resulting in somewhat less full-time equivalent service (7.5 years) for a faculty with 50% appointment throughout all fifteen probationary years prior to review. If denied tenure following a mandatory review, a one-year terminal appointment will be given. The terminal appointment will be for one calendar year from the notification for denial of tenure. The percent effort will be agreed upon by the chair and faculty member.

Faculty members on part-time appointments may request a tenure clock extension. (Extensions are granted in one-year increments, not prorated by the part-time appointment percentage.) However, the extension will not be approved if it results in a mandatory review date beyond the tenth year, or sixteenth year, respectively, in seven-year and ten-year maximum tenure-earning periods.

A faculty member on probationary appointment who wishes to request a leave of absence shall consult with his or her department chair and dean about the effect of the leave on the duration of the tenure-earning period, taking into account the professional development that the leave promises. The request for leave should address this matter and the provost's approval of the leave request will specify whether the leave will be included in the probationary period.

2.15.5 Extension of tenure-earning period

An extension of the tenure-earning period may be approved on a discretionary basis for extenuating non-professional circumstances that have had a significant impact on the faculty member's productivity such as, the arrival or care of a child, the care of a family member or member of the immediate household, or personal circumstances related to the health of the faculty member.

Faculty members who benefit from this policy are expected to fulfill their normal responsibilities during the tenure period extension, unless they have been also granted a period of modified duties, or unless other approved arrangements have been made.

Tenure period extensions are granted in one-year increments. A cumulative total of two years is normally the maximum probationary period extension for any combination of reasons. Requests should be made within a year of the qualifying event or extenuating circumstance and prior to the department deadline for submission of promotion/tenure application. Exceptions to these limitations may be approved by the provost.

Requests for a tenure period extension should be submitted in writing to the department chair. Documentation of childbirth/adoption and medical reasons will be required prior to the approval; documentation of other extenuating circumstance may also be required. Approval by the department chair, dean and provost are required for probationary period extensions.

It is very important that all individuals and committees participating in tenure reviews understand that any individual who has received a tenure period extension must be held to the same standard - not a higher or more stringent one - to which other candidates without such an extension are held.

2.15.6 Changes in Tenure-earning Status

Individuals appointed to faculty positions at UAB may be appointed to the tenure-earning faculty only once during a period of continuous employment at UAB. That is, with appropriate approval, (a) individuals initially appointed to the tenure-earning faculty may later be appointed to the non-tenure-earning faculty, but they may not subsequently return to the tenure-earning faculty during a period of continuous employment; or

(b) individuals initially appointed to the non-tenure-earning faculty may later be appointed to the tenure-earning faculty position provided that the search under which he or she is selected is for a tenure-earning faculty position. When appropriate, these individuals could then return to the non-tenure-earning faculty. Appointment change from a tenure-earning to a non-tenure-earning faculty position requires notification of the faculty member whose status is to change and the approval of his/her chair, dean, and Provost.

2.15.7 Review for Progress Toward Award of Tenure

Tenure-track faculty shall be reviewed by the department chair for progress toward the award of tenure in conjunction with the review for reappointment. Faculty also shall be reviewed at least every two years (or two-year equivalent for those with part time appointments) for progress toward the award of tenure by an appropriate departmental or, in its absence, school-wide or library committee, according to the tenure and promotion guidelines for that school or library. These reviews are substantive and thorough. At a minimum, departmental/school promotion and tenure committees must review annual activity reports and/or department chair reviews, teaching evaluations, and authored materials or other scholarship/creative research, appropriate to the field. The pre-tenure reviews should analyze the faculty member's progress toward promotion and tenure and offer guidance regarding future activities and plans. All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for his or her departmental file. In addition, the department chair (or division chair) will meet with the faculty member to discuss the departmental/school review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues and the department chair (or division chair). Pre-tenure faculty members bear responsibility for understanding departmental expectations for promotion and tenure and for meeting those expectations. The department chair shall take whatever action is required to initiate the review within the department or school. Upon initiation of any review, the faculty member shall be invited to provide any information not previously submitted to the departmental activity file. The faculty member, department chair, and dean will be advised, in writing, of the results of the departmental committee review, and the faculty member and dean will be advised, in writing, of the results of the chair's review. If the reviewer has been conflicted by the institution, see 2.22.

2.15.8 Review for Award of Tenure

2.15.8.1 Departmental and School or Library Committee Review

Review for the award of tenure begins with a departmental committee or, in its absence, a school-wide committee. Committees must be formed in accordance with procedures outlined in this Handbook. The faculty member shall take whatever action is required to begin the initial review. The recommendation of the departmental committee, together with the recommendation of the department chair, shall be forwarded to the dean who must refer it to the appropriate school or library committee for review. The school or library committee shall forward its recommendation to the dean.

2.15.8.2 Review and Decision of Dean

The dean shall notify the school or library committee, the department chair, the department committee, where appropriate, and the faculty member of his/her decision.

If the dean's decision is recommendation for tenure, the recommendation with supporting documentation will be sent to the Provost. If the Provost does not concur, the Provost shall notify the appropriate dean who shall, in turn, notify the appropriate parties.

If the dean's decision is not to recommend tenure, the faculty member may appeal according to the process outlined in this Handbook.

2.15.8.3 Notification of Faculty Member

The Provost shall notify in a timely manner each candidate recommended by the dean concerning the award of promotion and/or tenure. Appropriate deadlines will be set by the Provost to allow each department or school adequate time for consideration, including actions by the President. Each involved faculty member shall receive prompt official notification prior to the release of public information concerning promotion or the award of tenure. The dean shall inform the faculty member in writing of the reasons for not awarding promotion and/or tenure if the dean did not forward a positive recommendation to the Provost. The Provost shall inform the faculty member in writing of the reasons for not awarding promotion and/or tenure if a negative decision is made by the Provost. If the Provost recommends awarding promotion and/or tenure, the President will notify the faculty member in writing.

2.15.8.4 Non-award of Tenure Because of Changes in Program Priorities

Although an individual faculty member may meet the criteria for the award of tenure, a decision to deny tenure may be based on considerations of curriculum, enrollment, finances, or other program factors not prevalent or predictable at the time of original appointment.

2.16 Faculty Promotion

Tenure-earning, tenured, and non-tenure-earning faculty are eligible for promotion.

2.16.1 Review for Progress Toward Promotion

Non-tenured tenure-earning faculty at the rank of instructor, or assistant professor shall be reviewed for progress toward promotion by both the department chair and an appropriate departmental (or, in its absence, school-wide or library) promotions committee concurrently with reviews for progress toward the award of tenure. Non-tenured tenure-earning faculty at the rank of associate professor or above, tenured faculty, and non-tenure-earning faculty initiate the process by requesting reviews by both the department chair and an appropriate departmental (or, in its absence, school-wide or library) promotions committee. The faculty member shall be invited to provide information not previously submitted to the departmental or unit's activity file. The chair and faculty member shall be advised in writing of the results of the departmental or, where appropriate, school or library review of progress toward promotion. If the reviewer has been conflicted by the institution, see 2.22.

2.16.2 Review for Promotion

The procedure for review and decision for faculty promotions shall follow the process outlined in this Handbook and specific policies developed in unit handbooks. Promotion of a faculty member's primary appointment does not automatically result in promotion of secondary appointment(s).

2.17 Appeals

Appeals are requests to the Provost for a reconsideration of the judgment by a dean that a faculty member should be denied reappointment, promotion, or tenure. Appeal of a negative decision shall be communicated to the Provost by the faculty member, in writing, within thirty calendar days of the date of denial. The Provost decision shall be communicated to the faculty member, in writing, within 60 days unless the Provost extends the timeframe for extenuating circumstances. Appeals to the Provost not resolved within the 60 day period will be considered as falling under the extenuating circumstances exception, and shall not be construed as accepted or granted. A negative decision by the Provost ends the administrative review. The date upon which the initial written notice of non-reappointment is given in writing to the faculty member shall

commence the running of the 12-month terminal appointment, not the date upon which the Provost appeal decision is given.

2.18 Termination of Employment of Tenured Faculty

Within this section, the following terms have the meanings indicated:

- (1) “Termination” means the termination of employment of a tenured faculty member for cause or for reasons of bona fide financial exigency, bona fide financial crisis, or academic program/unit closure.
- (2) “Bona fide financial exigency” means a significant decline in UAB financial resources that is brought about by decline in institutional enrollment or by other actions or events that compel a reduction in UAB’s current operating budget.
- (3) “Bona fide financial crisis” means that a school or library is unable, and for the foreseeable future will likely remain unable, to fulfill its teaching and research missions unless it is allowed to reduce its financial obligation to tenured faculty within that school or library. The financial crisis may not be precipitated by a redistribution of funds among the schools that comprise UAB, and requires that UAB could not meet the obligation without significantly compromising the teaching and research missions of other schools and libraries.
- (4) “Academic program/unit closure” means that (a) a unit in which primary tenured appointments are held (for example, department or library) is eliminated based on educational considerations which reflect long-range judgment and/or (b) a program has been eliminated due to significant changes in program priorities (see Board of Trustees Rule 301).

2.18.1 Termination for Cause

Except as detailed in this Handbook, employment of a tenured faculty member shall not be terminated without cause. Cause for termination is defined as gross professional misconduct or serious failure of a faculty member to discharge his or her obligations to UAB.

In those instances in which a department chair or the appropriate dean believes a faculty member’s behavior merits termination for cause, he/she shall refer charges to the Provost. If, after initial consideration, the Provost believes that the charges, if proven, could merit termination, the faculty member shall be informed in writing of the charges and will be advised of a right to a hearing prior to a decision on dismissal, as detailed in Appendix B. Such a hearing shall be conducted in accordance with written procedures set forth in Appendix B of this Handbook.

Prior to the final decision by the President concerning the termination for cause, the faculty member shall not be suspended unless the Provost determines that continuance of employment poses an imminent risk to the faculty member, others, or UAB. Suspension can be effected only by the President, and salary shall continue during a suspension. Only the President of UAB can make a final decision to terminate a UAB faculty member for cause.

2.18.2 Termination of Tenured Faculty Due to Bona Fide Financial Exigency, Bona Fide Financial Crisis, or Academic Program/Unit Closure

2.18.2.1 General Grounds for Termination

Tenured faculty appointments may be terminated with one year's notice due to demonstrable circumstances of bona fide financial exigency or bona fide financial crisis or due to an academic program/unit closure that is necessitated by compelling institutional rationale. Any decision by the President to terminate tenure for these causes must be made in accordance with the procedures described below and Board of Trustees Rule 301.

Any termination of tenure for reasons of bona fide financial exigency, bona fide financial crisis, or academic program/unit closure shall consider advice from the faculty of the affected departments or libraries. The appointment of a tenured faculty member shall not be terminated in favor of retaining a faculty member without tenure in the same academic unit unless this would result in an extreme distortion of that academic unit.

Before terminating tenured faculty, UAB will make efforts to place affected tenured faculty members in suitable available positions within UAB. If a reasonable period of retraining of an affected faculty member would qualify him or her for another available position at UAB, then reasonable and appropriate institutional resources shall be considered. No tenured faculty member shall be terminated within less than twelve months from the date of the Board of Trustees' approval of UAB's decision of financial exigency, financial crisis, program discontinuance, or unit elimination. UAB shall give reasonable assistance in the identification and facilitation of other employment opportunities.

2.18.2.2 Re-employment of Tenured Faculty Dismissed as a Result of Bona Fide Financial Exigency, Bona Fide Financial Crisis, or Academic Program/Unit Closure

UAB shall not replace a tenured faculty member terminated for reasons of bona fide financial exigency, bona fide financial crisis, or academic program/unit closure for a period of two years, without first offering the position to the individual whose employment was terminated. Such offers should be made by certified mail, and the former tenured faculty member must respond within thirty days. If such former tenured faculty member accepts such a position, his or her tenure shall be reinstated.

2.18.3 Bona Fide Financial Crisis and Bona Fide Financial Exigency

Should a dean, in consultation with the Provost, determine that a bona fide financial crisis exists within a school or library and that the resolution of the crisis could involve the termination of faculty members holding tenure in academic units within the affected school or library, the dean shall prepare a statement describing (a) the rationale for proposing the existence of a bona fide financial crisis and (b) a specific plan based on this rationale. The statement shall be reviewed by the faculty affairs committee within the potentially affected school or library for the purpose of advising the dean. In addition, the dean should review the rationale and plan with the school or library administrative leaders (associate and assistant deans), department chairs, and elected Faculty Senate members from the school or library. Based on these consultations, the dean shall make a recommendation to the Provost.

If the President believes that a bona fide financial exigency exists or is predictable or concurs with the school or library that a bona fide financial crisis exists or is predictable and if the resolution of either financial emergency could involve the termination of a tenured faculty member, then the President shall inform the Senate through the Chair of the Faculty Senate of the nature and extent of the financial emergency and shall request that the Provost develop a plan to accommodate academic and research portions of the financial

emergency. The Provost's plan to resolve a bona fide financial crisis may propose the termination of tenured faculty only from the school or library in which the bona fide financial crisis exists.

2.18.3.1 Acquisition of Faculty Advice by the Provost

The Provost shall appoint a committee composed of tenured faculty members, where possible, from each school or library, who does not hold an administrative appointment at or above the level of department chair. Half of the members shall be selected by the Faculty Senate, and half of the faculty members shall be selected by the Provost.

The committee is charged with reviewing the urgency of the bona fide financial exigency or bona fide financial crisis and the appropriateness of the Provost's plan, while acting in the best interests of UAB as a whole. The committee shall have access to all information reasonably available at the time, including documentation that a bona fide financial exigency or bona fide financial crisis exists and documentation concerning the Provost's plan for alleviating the financial emergency. Within 30 calendar days after its initial meeting, the committee shall submit to the Provost a written recommendation concerning the financial urgency and the Provost's plan for its resolution.

2.18.3.2 Provost's Actions

The Provost shall submit a recommendation to the President describing a specific plan to accommodate the bona fide financial exigency or bona fide financial crisis, including any recommendations for the termination of tenured faculty members. The Provost also shall submit to the President the recommendations of the faculty committee.

2.18.3.3 President's Actions

Within thirty days of receipt of the Provost's recommendation, the President shall (a) deny the recommendation, (b) return alternative recommendations to the Provost for his or her advice, or (c) accept the original recommendation. Alternative recommendations returned to the Provost for his or her advice will follow the process of acquisition of faculty advice detailed in this Handbook.

If the President's decision requires the termination of tenured faculty member(s), such faculty will be notified in writing by the President before the President requests approval of the decision of financial exigency or financial crisis by the Chancellor and the Board of Trustees. A faculty member may request a hearing in accordance with Appendix C.

If, after the above notification(s), the President remains committed to a declaration of a financial emergency, then, in accordance with Board Rule 301, the President shall notify the Chancellor and the Board of Trustees that a bona fide financial exigency or bona fide financial crisis exists within UAB and the President shall propose UAB's plan to meet the crisis, including any and all proposals for termination of tenured faculty members. The Chancellor and the Board of Trustees must approve the declaration of a bona fide financial exigency or a bona fide financial crisis before the termination of any tenured faculty member for either financial cause. Simultaneous with the President's notification to the Chancellor and the Board of Trustees, the President shall inform the Faculty Senate through the Chair of the Faculty Senate of the details of UAB's proposed plan.

2.18.4 Procedures for Academic Program/Unit Closure

If a dean or the Provost determines that it is in the best interest of UAB to consider an academic program/unit closure that could involve the termination of faculty holding tenure in that academic unit, he or she shall prepare a statement describing (a) the rationale for proposing a program/unit closure and (b) a specific

plan based on this rationale. The statement shall be reviewed by the faculty affairs committee within the potentially affected school or library for the purpose of advising the dean. In addition, the dean should review the rationale and plan with the school or library administrative leaders (associate and assistant deans), department chairs, and elected Faculty Senate members from the school or library. Based on these consultations, the dean shall make a recommendation to the Provost.

2.18.4.1 Acquisition of Faculty Advice Concerning the Recommendation

If, after receiving the recommendation, the Provost believes that action may be appropriate and determines that internal school or library review has been conducted, he or she shall appoint a committee composed of five faculty members who do not hold administrative appointments above that of a department chair, selected by the Faculty Senate, and five faculty members who do not hold administrative appointments above that of a department chair, selected by the Provost.

The committee is charged with acting in the best interest of UAB as a whole and is responsible for evaluating whether the decision to close the academic unit or discontinue the program is based on educational considerations and assessing any other issues deemed relevant by the Provost and the committee.

The committee shall have access to all information reasonably available at the time, including documentation of the necessity and rationale for the academic program/unit closure and documentation concerning the Provost's plan. Within 30 calendar days after its initial meeting, the committee shall submit to the Provost and the faculty (through the chair of the Faculty Senate) a written recommendation concerning the advisability of the academic program/unit closure and the Provost's plan.

2.18.4.2 Provost's Action

If the Provost believes an academic unit closure is in the best interest of UAB as a whole, he or she shall submit a recommendation to the President describing the necessity and rationale for proposing the academic program/unit closure and a specific plan based on this rationale, including any recommendations for the termination of tenured faculty members. In the formulation of this plan, the Provost in consultation with the affected faculty member(s) and appropriate deans shall consider the feasibility and advisability of placing the potentially terminated faculty members in other academic units at UAB. The Provost also shall submit to the President the recommendations of the faculty committee.

2.18.4.3 President's Action

Within thirty days of receipt of the Provost's recommendation, the President will (a) deny the recommendation, (b) return alternative recommendations to the Provost for his or her advice, or (c) accept the original recommendation.

If the President's decision requires the termination of tenured faculty, such faculty shall be notified in writing by the President before the President requests approval of the decision of academic program/unit closure by the Chancellor and the Board of Trustees. A faculty member may request a hearing in accordance with Appendix C. If the President's decision is unchanged as a result of the hearing, the President shall submit the request for approval of the recommendation of closure to the Chancellor.

2.19 Grievances (other than appeals)

This grievance section does not apply to instances covered by Appendix B, Appendix C, or other sections of this chapter. Termination for cause (see Appendix B) or termination due to bona fide financial

exigency, bona fide financial crisis, or academic program/unit closure (see Appendix C) supersedes the Faculty Grievance Procedures.

A faculty member with a grievance relevant to his or her position as a UAB faculty member should file a written complaint and should seek solution of the problem through the appropriate department chair or dean. Thus, each school and library may develop and disseminate to its faculty a clear description of the unit's grievance procedure. If unable to obtain a satisfactory resolution at the school or library level, following established school or library procedures, the faculty member may then file a written grievance with the Provost. Upon receipt of a written grievance, the Provost will review the grievance and will determine a course of action as appropriate. The grievance procedure is described in Appendix A of this Handbook.

It is not within the purview of a grievance committee to make any judgment regarding professional qualifications of the grievant. This responsibility is vested in the department, school, or library peer groups; academic administrators; and consultants used by department, school, or library peer groups. Decisions related to professional qualifications and performance with which the faculty member does not agree are to be resolved in accordance with the Appeals Procedure.

The Provost shall report quarterly to the chair of the Faculty Senate the status of new and continuing Grievances and Termination for Cause cases during the reporting period.

2.19.1 UAB Grievance and Termination Hearing Panel

The UAB Grievance and Termination Hearing Panel shall be used as a panel from which to select a Grievance Committee, should one be needed and from which to select a Hearing Committee in the case of termination for cause of a tenured faculty member, as described in Appendix B, or in the case of termination due to a bona fide financial exigency, bona fide financial crisis, or academic program/ unit closure, as described in Appendix C. The panel shall consist of three faculty members elected from the Libraries, each school and the Joint Health Sciences departments and nine elected faculty members from the College of Arts and Sciences. To be eligible for service on this panel, faculty members must have tenure or in the case of the Libraries, must hold the rank of Associate Professor or Professor in UAB Libraries. Members must not have significant administrative responsibilities. Only tenured faculty will be eligible to serve on Hearing Committees in the case of termination for cause of a tenured faculty member or termination of a tenured faculty member due to a bona fide financial exigency, bona fide financial crisis, or academic program/unit closure.

Panel members shall be elected every two years by the faculty of their respective schools and libraries, in accordance with procedures adopted by each unit. The elections shall be coordinated by the appropriate dean who shall forward the names of elected faculty to the Provost. The Provost or his/her designee shall arrange those names in random order to create the panel from which Grievance or Hearing Committees shall be obtained.

Each Grievance Committee shall be made up of three members of the standing panel. Each Hearing Committee shall be made up of five tenured faculty members of the standing panel. The first Grievance or Hearing Committee of the biennium shall be made up from the first names on the randomly generated list of panel members. Panel members who are in line for service on a committee, but who do not serve for whatever reason, shall be the first called for service on the next committee.

Complete procedures for selecting a Grievance Committee and the role of that committee are described in this Handbook and in Appendix A. Complete procedures for selecting Hearing Committees and the duties of those committees are described in Appendices B and C.

2.20 Resignation

Acceptance of a full-time faculty appointment is a commitment to the scheduled academic year. When circumstances do not permit the completion of such a commitment, UAB may agree to an earlier resignation with a written notice.

2.21 Retirement

There is no compulsory retirement age for faculty. A member of the Teachers' Retirement System of Alabama is eligible for benefits at any time after acquiring 25 years of creditable service or, with ten years of creditable service, at age 60 or thereafter.

2.22 Supervisors with Institutionally-Determined Conflicts

Supervisors with institutionally-determined conflicts of interest may be required by the Institution to recuse themselves in the review and recommendation for promotion, tenure, and salary determinations of individuals whom they supervise.

3.0 Other Faculty Rights and Responsibilities

3.1 Principles of Responsibilities

All faculty members of the University of Alabama at Birmingham are expected to comply with applicable federal, state and local laws as well as the policies and procedures of the University of Alabama at Birmingham. For those faculty members who are a member of an occupation or profession that has established standards of conduct [including licensure, registration, and certification as required] they shall be expected to conduct the affairs of the University and his/her profession according to the standards of conduct applicable to such occupations or professions.

The core values of the University of Alabama at Birmingham include academic freedom, accountability, caring and responsive service, collaboration, commitment to excel, community involvement, diversity, entrepreneurial/can-do attitude, ethical conduct, shared governance, and unity of purpose.

The responsibilities of the faculty as a community of scholars include:

- Conduct of teaching, service and research fulfilling an ethical obligation to the University and the community of recipients of such activities
- Practice of ethical behaviors with integrity related to all academic responsibilities
- Respect for the rights of students to an environment supportive of learning achievements
- Conduct that represents fair and respectful interactions with colleagues, students and community members
- Conduct of work responsibilities in accordance with the University's policies and procedures
- Use of all types of University resources appropriately
- Practice of work related policies of the University, a specific academic unit and department to assure fair and equitable treatment of all UAB employees
- Contribution to a culture of compliance by identifying, reviewing, and managing conflicts of interest and commitment appropriately
- Preservation and practice of academic freedom
- Contribution to a culture of trust among colleagues and students and interactions with administrators
- Appropriate management of information to assure rights to privacy and confidentiality for constituents of the University
- Promotion of health and safety for all in the workplace and learning environments
- Supporting a workplace environment of collaboration and civility appropriate with academic citizenship practices and absence of workplace harassment.

It is expected that members of the University community of scholars shall comply with policies and procedures included in the *UAB Faculty Handbook of Policies and Procedures*, the *You and UAB Handbook for Faculty and Staff*, and Human Resources Policies as well and other operations policies in the UAB Policies and Procedures Library and related official entities of the University.

While it is the responsibility of UAB's Administration to maintain current and fair policies and procedures and to appropriately and frequently communicate current information about policies and procedures to appropriate UAB employees, it is the responsibility of faculty members to be aware of such policies and procedures and recognize that lack of compliance with specific policies and procedures can potentially lead to actions up to and including termination.

3.2 Academic Freedom

(This statement was adapted from the [American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure and 1970 Interpretive Comments.](#))

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

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

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties, but publication or research for pecuniary return should be based upon an understanding with the authorities of the institution. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as a citizen, they should be free from institutional censorship or discipline, and should make every effort to indicate that they are not speaking for the institution.

3.3 Political Activity

Board of Trustees rule (Board Rule 304) Political Activities of University Personnel and any guidelines which may be promulgated hereunder apply to all administrative officers, faculty, staff or other employees of The University of Alabama System. Important aspects of Board Rule 304 include these major requirements:

- UAB employees are not to use UAB resources for political activities
- UAB employees are not to coerce colleagues to participate in political activity

Any faculty member who plans to seek election or appointment to a public office must first notify their Dean and Department Chair and must have the approval of the President and the Chancellor.

3.4 Fundraising

All efforts within UAB to raise funds from private sources including corporations, foundations, individuals, or other charitable entities must be approved, *prior to their initiation*, by the Vice President for Development and Alumni in accordance with the [Fundraising Policy and Gift Acceptance Guidelines](#).

Individual staff and faculty members are encouraged to answer questions and discuss gift opportunities with potential donors. These inquiries *must be reported promptly* to the UAB Development Office.

All gifts and pledges, whether solicited or unsolicited, must be reported and/or delivered immediately to the UAB Gift Records Office for acknowledgment and record-keeping purposes.

3.5 Maintenance of Ethical Standards When Conducting Teaching, Research and Service Activities

The principles that govern scientific research and other scholarly activities have long been established and have been applied by faculties and administrators for the discovery of new knowledge. The [Policy Concerning the Responsible Conduct of Research and Other Scholarly Activities](#) has been developed at UAB to emphasize UAB's commitment to ethical standards and to deal effectively and responsibly with instances in which misconduct is suspected.

The University is a participant with the UA System Ethics Hotline and all employees are expected to practice ethical behaviors in teaching, service and research <http://www.uab.edu/ethics/>.

It is the responsibility of each UAB employee to accurately document information related to work practices. All faculty members must be aware of and comply with the [Policy Concerning Employee Falsification of UAB Records and Documents](#).

3.6 Standards of Behavior

In the continuing effort to maintain an effective and safe work/study environment and to comply with relevant federal and state laws, UAB has adopted a variety of policies governing faculty, staff, and student behavior. These policies were established to ensure acceptable standards of behavior. A key strategic goal of UAB is to create and maintain a positive, supportive, and diverse work/study environment where faculty, staff, and students can excel. To fulfill this goal, UAB expects that faculty, staff, and administrators will display professionalism as applicable to teaching, research and institutional service.

Spirited argument among faculty on technical or policy issues conducted within the normal modes of discourse in their area of academic expertise shall not be construed as unprofessional behavior. All faculty and administrators are charged with fulfilling these responsibilities as defined in this Handbook. All faculty are expected to practice the values outlined in the UAB Strategic Plan, ethically conduct teaching and research as described in the [UAB Enterprise Code of Conduct](#) and the [Policy Concerning the Responsible Conduct of Research and Other Scholarly Activities](#). Further, all faculty are expected to promote health and safety in the workplace as described in the *You & UAB Handbook* and other UAB policy manuals and handbooks related to professionalism and standards of behavior.

UAB endorses the AAUP *Statement on Professional Ethics* as stated below, which “sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.” The Statement, “originally adopted in 1966, was approved by the Association’s Committee on Professional Ethics, adopted by the Association’s Council in June 1987, and endorsed by the Seventy-third Annual Meeting.”

I. 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.

II. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical 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

ensure 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.

III. 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 debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

IV. As members 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 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.

V. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

3.7 Nepotism Policy

UAB employees may not appoint to any UAB position or enter into a UAB-related personal service contract with a member of their immediate family or another UAB employee who resides in the same household. In addition, employees may not be the immediate supervisor for or be in the chain of command (i.e., make work-related decisions for immediate family members in regards to hiring, promotion, reassignment, performance evaluation, or discipline). See the full policy at Nepotism - [HR Policy 123](#).

3.8 Equal Opportunity and Discriminatory Harassment Policy

The University of Alabama at Birmingham is firmly committed to providing an environment that is free of discrimination, including sexual harassment. UAB treats complaints of wrongful conduct seriously and investigates them promptly and thoroughly. Refer to the [Equal Opportunity and Discriminatory Harassment Policy](#), [Title IX Sexual Violence and Sexual Misconduct Policy](#), [Procedures for the Resolution of Sexual Misconduct Complaints against Faculty, Staff, Affiliates, and Non-Affiliates](#), and [Procedures for the Resolution of Sexual Misconduct Complaints against Students](#).

An individual who believes that he or she has been sexually assaulted or harassed by faculty should report the incident promptly to the Title IX Coordinator. For more information, see [UAB Title IX website](#).

Faculty members should be familiar with the [Policy Concerning Consensual Romantic Relationships](#).

3.9 Ownership of Intellectual Property Rights (Patent Policy)

The UA Board of Trustees Rule 509 is the University Patent Policy. The policies governing the administration of inventions are included in the [Board of Trustees Rule 509](#).

From Rule 509:

“This patent policy of the University, as amended from time to time, shall be deemed to be a condition of employment and contractual obligation, both while employed and thereafter, of every employee of each campus, including student employees, and a condition of enrollment and attendance and contractual obligation, both while in attendance and thereafter, by every student at each campus.”

Other institutional policies govern other forms of intellectual property including computer software. Those policies also provide recognition and incentive to inventors and at the same time ensure that UAB shares in the rights pertaining to inventions in which it has an investment. Any income accruing to UAB is used in the furtherance of its academic mission.

Disclosure of discoveries and inventions which appear to have commercial value and/or utility are made to the UAB Institute for Innovation and Entrepreneurship. Employees may not themselves assign or grant any option to any such intellectual property developed during the course of their employment without a release from UAB.

Questions concerning intellectual property rights should be directed to the [UAB Institute for Innovation and Entrepreneurship](#) and [Disclosing Intellectual Property](#).

UAB employees are expected to comply with the [University’s Patent Policy](#) and to be aware of the Patent Agreement linked to the [Board Rule 509](#).

3.10 Copyright

UAB is committed to complying with all applicable laws regarding copyright and has adopted a Copyright Policy. As a general rule, copyright in work produced by a faculty member on his or her own initiative and any revenues derived from that work shall be the exclusive property of the individual, subject to the following conditions:

- **University Assigned Works.** If the work is produced by a faculty member while conducting his or her regular employment duties, if employed, or is prepared as a result of a special commission, assignment or requirement of UAB the copyright will be owned by UAB. Work created by a faculty member when complying with the general obligation to produce scholarly or creative works is not deemed to be prepared as a result of a special commission, assignment or requirement of UAB.
- **Sponsor Supported Works.** If the work is produced in whole or in part with the assistance of an outside sponsor through a grant or contract with UAB, ownership of the copyright and any resulting revenues will be determined by the applicable provisions of the sponsorship agreement or terms of the grant. In the absence of such provisions, ownership of copyright shall be determined in accordance with the UAB Copyright Policy.
- **University Assisted Works.** If the work is produced with substantial use of University resources and is not a Sponsor Supported Work, the copyright is property of UAB. “Substantial use” of University resources generally refers to the extraordinary use of

personnel and physical resources, not the ordinary use of UAB's libraries, equipment or personnel.

Except for textbooks and articles published in scholarly journals, UAB shall have "shop rights" in work produced by faculty members on their own initiative which are not otherwise University Assigned Works, Sponsor Supported Works and/or University Assisted Works. "Shop rights" mean a non-exclusive, non-transferable, royalty-free license to reproduce, publicly perform or display or make derivative works of any copyrighted works, for educational or research purposes. Faculty, staff and students shall have shop rights to copyrighted works owned by the University which are University Assigned Works, Sponsor Supported Works and University Assisted Works provided such shop rights are not used in competition with the University during the individual's employment with UAB or course of studies at UAB.

Faculty members are not required to disclose works produced by their own initiative. However, for University Assigned Works, Sponsor Supported Works and University Assisted Works, the creator shall provide written disclosure of the work during its creation or immediately thereafter to his or her unit leader and to the UAB Institute for Innovation and Entrepreneurship.

3.11 External and Internal Activities

3.11.1 External Activities

UAB recognizes outstanding contributions and achievement by its faculty not only by appropriate compensation adjustments and promotion but also by permitting faculty members' substantial freedom in arranging their academic lives. Although instruction, research, and service are the primary functions of UAB faculty, UAB recognizes the desirability of making available the services of the many highly trained specialists on its faculty to business, industry, government, professional societies, or other appropriate groups. The involvement of UAB faculty in providing external services of a professional nature contributes significantly to the public welfare, offers opportunities for professional challenge and growth, brings recognition to the institution, and contributes to the improvement of UAB's instruction research and service programs. Therefore, UAB encourages members of its faculty to participate in extramural activities which are consistent with their primary responsibilities to the institution.

Full-time faculty members may, with the approvals described below, contract to perform independent research, to furnish services as a consultant, or both, provided such activity (a) does not interfere with the performance of other responsibilities as a faculty member, (b) is limited in time, (c) is compatible with the interests of UAB as a public academic institution, and (d) does not require significant use of UAB resources or facilities. Faculty activities which use significant UAB time or UAB resources (for example, laboratories, studios, equipment, supplies, databases, students, or staff paid by UAB) should be handled as UAB grants or contracts.

Because of the great variation in the nature of faculty expertise and external activities, it is difficult to establish specific rules or time allocations for external activities that draw upon the knowledge and skill of a faculty member's professional duties at UAB. It is the responsibility of the faculty member, Department Chair, and Dean to exercise judicious oversight and control of external activities so that no UAB functions or policies are neglected. Written prior approval to participate in any external activities, except those cases identified below, shall be obtained from the Dean through the appropriate Department Chair using the [Request for External Activity Approval Form](#).

Faculty who are denied approval for external activities should seek resolution directly through their respective department chair or dean according to the faculty grievance procedure.

External activities that draw upon the knowledge and skill of a faculty member and are considered professional public service activities do not have to be reported or approved, whether compensated or not. These exempted external activities include:

- 1) Seminars, lectures, service on advisory committees or boards of directors, or review panels for US federal, state, or local government agencies, institutions of higher education, academic teaching hospitals, medical centers or research institutes that are affiliated with an institution of higher education
- 2) Professional studies, services, participation on boards of directors, or participation in manuscript review, grant/contract review, or academic program review for nonprofit/philanthropic entities, professional societies, or professional associations, that are not affiliates of or affiliated with industry or other for profit entities;
- 3) Seminars, presentations, performances, or board service for civic groups
- 4) Participation on boards of directors with UAB Enterprise affiliated entities

Although no prior approval is required, a faculty member who is an **investigator** (responsible for the design, conduct, or reporting of proposed or active research) is required to disclose financial interest exceeding \$5,000 acquired from any one entity in the previous 12 months for their participation in any professional public service activities listed in numbers 2) and 3) above.

All other external activities which draw upon the knowledge and skill of a faculty member require prior approval. Although examples in and of themselves require interpretation and judgment, a sample of such compensated activities usually will include (a) one-time or multiple visits to a business for the purposes of offering advice and counsel, (b) carrying out investigations or studies which are not UAB grants or contracts, (c) a series of non-UAB lectures or performances for commercial entities, (d) serving as an expert witness, or (e) rendering specific professional services other than those through a UAB-affiliated professional services fund.

Faculty also are responsible for ensuring that external activities are conducted in accordance with [UAB Enterprise Conflict of Interest and Conflict of Commitment Policy](#), as well as policies on disclosure of discoveries and inventions, patents, and computer software. When participating in external activities other than professional public service activities, the faculty member should not use the name of the University of Alabama at Birmingham to imply that UAB is sponsoring the activity or the project.

3.11.2 Internal Activities

Internal activities performed by faculty members for which there is additional compensation are to be limited in time and must receive prior approval on a project-by-project basis. Faculty may be permitted to perform internal activities within UAB when:

- A. The individual has specialized training or knowledge essential to the programs; and
- B. The performance of these duties is such that it is above and beyond the commitments associated with the faculty appointment.

Examples of internal activities within UAB by which additional compensation may be paid to the faculty member include special lectures, short courses, sponsored research projects, and continuing education projects.

Internal activities for UAB-administered projects financed by non-UAB sources may or may not be permitted in accordance with the policy of the sponsoring source. If permitted by the sponsor, approval within

UAB must be obtained as indicated below. In cases in which the sponsor's policy is unclear or unknown, clarification should be obtained from the UAB Office of Sponsored Programs.

Rates of payment for internal activities or special services are to be determined on the basis of the individual's salary or evidence that the fee is appropriate considering the qualifications of the consultant, normal charges, and the nature of the services to be provided and should be approved by the appropriate administrator(s). Work for special fees should be performed so as not to interfere with academic or other UAB responsibilities. Such fees are considered income and, as such, are paid and reported according to stipulations of the ["Personal Services Approval and Payment Policy–UAB Employee" policy](#).

The appropriate Department Chair or Dean of the faculty or staff performing the internal activity and Department Chair or Dean of the unit requesting the service must give their approval of these internal activities. If the internal activity is across school lines, approval by the Provost also is required. Internal activities by UAB faculty or staff under funds obtained from UAB grants or contracts or funds from any extramural source additionally requires the approval of the Provost. All such approvals must be obtained before a commitment is made.

3.11.3 Conflicts of Commitment and Conflicts of Interest

A conflict of commitment exists when a faculty member's engagement in external or internal activities compromises the ability to carry out his/her primary obligations and commitments to UAB. A conflict of interest exists when a faculty member's financial, professional, or personal interests affect, or have the appearance of affecting, judgment in exercising a duty or responsibility owed to UAB.

Expedient disclosure and resolution of such conflicts or potential conflicts is in the best interest of all involved. Actual or potential conflicts of commitment or interest must be disclosed using the [electronic process for Faculty/Staff External Activities/COI disclosure](#). When a potential or actual conflict of commitment/interest arises, it is expected that the faculty member, with the assistance of the Department Chair, Dean, and others as necessary, will act to manage the potential or actual conflict.

The use or orientation of any faculty effort at UAB to serve the needs of an individual, group, firm, corporation, or other organization or entity without proper disclosure of such use or orientation to a sponsoring agency and to UAB constitutes a serious breach of confidence. Furthermore, there should be no purchase by a UAB employee of any major equipment, instruments, materials, services, and other items for use in UAB faculty efforts from a corporation, company, firm, or organization in which the employee has a pecuniary interest without obtaining approval by UAB in advance.

Disclosure of conflicts of interest/commitment involving extramural funding is the responsibility of the faculty member or employee and must be done prior to, or as a part of, the UAB grant and contract application process. All individuals who are "investigators" are required to disclose significant financial interests (1) which reasonably would appear to be related to research for which funding from any source is sought and (2) in any and all entities whose financial interests reasonably would appear to be affected by the research. The term "investigator" includes any person who is responsible for the design, conduct, or reporting of extramurally funded research or educational activity. The term includes principal investigators, project directors, co-principal investigators, co-project directors, and other faculty investigators and faculty project personnel. The term also may include staff, trainees, students, administrators, and other collaborators who have such responsibilities.

Many conflicts of commitment/interest situations may arise, both obvious and subtle, in such variety that they cannot be presented adequately in this document. The [UAB Enterprise Conflict of Interest and Conflict of Commitment Policy](#) provides greater insight into these important issues.

Senior administrators shall disclose any potential conflict of interest as described in the [UA System Board Manual](#) Policy 106 – Ethics – Conflicts of Interest – Members of the Board of Trustees and Senior Administrators.

Questions related to the UAB Enterprise Conflict of Interest and Conflict of Commitment Policy should be directed to the [University Compliance Office](#).

3.12 Computer Software Policy, Development, Ownership and Use

UAB recognizes the importance of obtaining the greatest public benefit from its scientific research, inventiveness, and creativity. The widespread use of the electronic digital computer as a tool for education, research, service, and administration has led to a new type of intellectual property relating to the development of computer software and of databases. UAB’s “[Computer Software Development Policy](#)” covers the external distribution of software that is created by UAB faculty/employees as a part of their work at UAB.

3.13 Computer Software Copying and Use Policy

Respect for the intellectual work of others is a tradition at UAB. UAB values the free exchange of ideas but not plagiarism or the unauthorized copying of computer software, including programs, applications, and data. It is the policy of UAB to comply with copyright law and license agreements entered into with vendors or authors of computer software. No illegally obtained or illegally copied (often referred to as “pirated”) computer software is allowed at UAB. UAB does not, and will not, condone illegal copying of computer software nor the use of illegally copied or obtained computer software. Anyone connected with UAB who makes, uses, or otherwise acquires unauthorized computer software in connection with his or her role at UAB shall be subject to discipline which may include discharge.

3.14 Data Protection and Security Policy

UAB relies heavily on its electronic data processing systems and computers to meet its operational, financial, and informational requirements. It is essential that these systems and machines be protected from misuse and unauthorized access. Therefore, deliberate, unauthorized attempts to access or use UAB’s computers, computer facilities, networks, systems, programs, or data or unauthorized manipulation of the above is a violation of UAB policy.

Additional Information Technology related policies which faculty members are expected to be aware of and comply with are located at: <http://www.uab.edu/it/home/it-related-policies>

3.15 Execution and Review of Contracts for the University of Alabama at Birmingham

Only certain UAB administrative officials are approved by the Board of Trustees to sign contracts, agreements, letters of understanding, or any document which purports to commit UAB to a course of action, especially in the case of commitments of fiscal resources and expenditures. A faculty member may not be the final signee of such UAB contracts, agreements, etc.

All proposed contracts and agreements which commit UAB resources must receive hierarchical review and signature approval by the appropriate individuals at the division, department/unit, and school levels and by the appropriate vice president/Provost/CEO of the UAB Health System on behalf of the President as stipulated by the Board of Trustees and the UAB policy entitled “[Execution and Review of Contracts for the University of Alabama at Birmingham](#).”

3.16 Extramurally Sponsored Programs

Members of the faculty are encouraged to participate in extramurally sponsored programs involving scholarship, training, and service projects. A faculty member may participate in such programs as an individual or as a member of a project team.

All applications for extramural support must be processed through the Office of Sponsored Programs.

The Office of Sponsored Programs provides specific information including [extramural support checklist and glossary](#) and [forms](#).

For additional information contact the [Office of Sponsored Programs](#).

4.0 Holidays, Vacation, Sick Time, and Leaves

4.1 Holidays

UAB recognizes eleven paid holidays each year: 8 designated and 3 “personal holidays” for full time regular faculty with twelve-month faculty appointments. Full time regular nine-month faculty appointments each year receive official designated holidays, 6 “personal holidays”, and paid time off days linked to periods when classes are not in session (fall break, spring break, and time between fall and spring semesters), and other department obligations are satisfied. For additional information, including holiday time for part time employees, refer to Benefits and/or HR Policies and Procedures.

Personal holidays must be taken between July 1 and June 30 each year, and must be taken prior to termination. If these days are not taken during the prescribed period, then they will be forfeited. Faculty members are not required to complete their initial six months of employment before being allowed to take personal holidays.

4.2 Vacation Policy

Vacation credit for full-time faculty on twelve-month appointment is earned at the rate of 1.833 days per month for a maximum accrual of 22 working days of vacation per year. Faculty members on nine-month appointments do not accrue vacation credit. Nine month faculty, with vacation days accrued prior to August 2013, retain the existing bank of accrued vacation days until used or paid.

A maximum of 44 days’ vacation credit may be accumulated by full-time twelve-month faculty. Once the 44 days’ credit has been accumulated, the faculty member may continue to accrue non-reimbursable vacation credit, which will be transferred to sick time credit if not taken during the calendar year of accumulation.

Faculty who are part-time regular employees earn vacation on a prorated basis of percent of FTE. Part-time faculty who are irregular employees do not accrue vacation.

Faculty members are not required to complete their initial six months of employment before being allowed to take accrued vacation.

Vacation records for all faculty who are eligible to accrue vacation are maintained in accordance with university policy for managing and tracking benefit time accruals.

Upon termination, a nine-month faculty member (for accrued vacation prior to August 2013) or a twelve-month faculty member may receive pay for unused accrued vacation which does not exceed the maximum of 22 days. The vacation accrual record must be included with the termination documentation and must indicate the number of unused vacation days for which the faculty member is to be paid.

4.3 Sick Time

Sick time credit for full-time faculty is accrued at the rate of 0.83 days per month. Faculty members on twelve-month appointments accrue 10 working days of sick time per year. Faculty members on nine-month appointments accrue 7.5 working days of sick time during the nine-month period of their regular appointment and may accrue an additional 2.5 days of sick time if they work under a full-time contract with UAB during the summer or, if they work less than a full-time contract with UAB during the summer, will accrue fewer than 2.5 days of sick time but at the same rate of 0.83 days per month. It is the responsibility of each dean to define “full-time contract with UAB during the summer” in writing as it applies to his or

her school or library. (Accrual of summer sick time was initiated in June 1995 for full-time summer employment, and accrual of sick time for part-time summer employment was initiated in June 1996.)

Prior to August 1, 2001, the maximum amount of sick time an employee (including faculty) could accrue was 225 days. Effective August 1, 2001, State Senate Bill 91 removed the 225 days cap on sick leave.

Faculty who are part-time regular employees earn sick time on a prorated basis of percent of FTE. Part-time faculty who are irregular employees do not accrue sick time.

Faculty members are not required to complete their initial six months of employment before being allowed to take accrued sick time.

Sick time records for all faculty who are eligible to accrue sick time are maintained in accordance with university policy for managing and tracking benefit time accruals.

Upon separation from UAB, faculty may not receive pay for accumulated sick time. However, faculty members hired prior to January 1, 2013, and retiring on service or on disability or who are otherwise eligible for service retirement (i.e. age 60 with 10 years of service, or 25 years regardless of age) may apply unused accrued sick time toward additional creditable service with the Teachers' Retirement System of Alabama. For these hires, sick time accrual may not be used to attain vesting for a member not eligible to begin receiving a monthly benefit, nor may it be used to attain eligibility for disability retirement or to add service credit to one who is retiring on disability unless the member is otherwise eligible for service retirement.

Note: Faculty with nine-month appointments did not accrue sick time prior to September 1993. It is not the intent of the policy change to allow sick time accrual to adversely affect such faculty who remain employed by UAB after September 1993 and who have legitimate needs for sick time. Therefore, when such faculty do not have sufficient sick time accrual to meet the needs of their illness, their chair and/or dean shall make reasonable efforts to assure coverage of the faculty member's classes. The institution's obligation to provide such sick time coverage, however, shall not exceed ten days per year of service prior to September 1993. Further, the maximum accrued eligibility pre- and post-September 1993 shall not exceed that defined elsewhere in this section.

4.4 Sabbatical Leave

Members of the tenure-earning or tenured faculty may apply for sabbatical leave.

4.4.1 Eligibility

For each six academic years of full-time service, as defined by the faculty member's department and school of primary appointment, a member of the tenure-earning or tenured faculty is eligible to apply for paid sabbatical leave for a period of one-half such year at full pay or one such year at half pay. Sabbatical leave credits may not be accumulated (for example, leave will not be granted for one year at full pay after twelve years of full-time service). Sabbaticals are not awarded automatically after any six year period of service, but are awarded on the basis of individual merit.

4.4.2 Plan of Activities During Sabbatical Leave

Applicants will be required to submit a plan of activities for the period of leave to consist of professional development, a program of investigation, creative writing or artistry, and the like. Sabbatical leave may be spent on campus or off campus, depending on the type of activity to be undertaken. A faculty member shall not be expected to carry on committee assignments or special administrative functions during a period of leave.

4.4.3 Approval of Sabbatical Leave

Sabbatical leave applications for any part of the school year should be submitted at least six months, and preferably one year, in advance of the start of the leave. Applications are to be submitted to the Department Chair or directly to the appropriate Dean in the absence of departmental organization. Sabbatical leaves are subject to approval by the appropriate Dean(s), Provost, and the President. Each unit reserves the right to establish specific guidelines for approval of sabbatical leave. The teaching needs of the unit will be considered. It may be necessary to make special readjustments in sabbatical leave dates when leave is requested by more than one person in a department for the same period of time due to teaching, scholarship, and service obligations of the department.

4.4.4 Accrual of Vacation and Sick Time While on Sabbatical Leave

Full-time twelve-month faculty members, while on sabbatical leave, accrue vacation and sick time at the regular rate if on one-half year sabbatical leave at full pay and at one-half the regular rate if on a one-year sabbatical leave at half pay. Full-time nine-month faculty, while on sabbatical leave, accrues sick time at the regular rate.

4.4.5 Upon Conclusion of Sabbatical Leave

Recipients of paid sabbatical leave are expected to return to the full-time service of UAB for at least one academic year and must submit a concise report of the activities during the sabbatical to the Dean and Department Chair.

4.5 Other Leaves of Absence

4.5.1 Personal Leave

A leave of absence without pay of up to one year may be granted for justifiable reason(s), after one year of continuous service. The faculty member may use accrued benefit time as appropriate to the type of leave at the beginning of the leave period prior to going into an unpaid status. This leave can be renewed for a second year. In either case, approval must be given by the Department Chair and by the appropriate Dean and the Provost. Any renewal of leave of absence beyond two years must be approved by the President.

This type of leave also includes time off given to any employee with an illness/injury or those who are pregnant but do not meet the eligibility criteria for a Family Medical Leave of Absence. One year of continuous service is not required in this case.

Leave of absence requests for additional time beyond the 12 work weeks allowed for a Family Medical Leave of Absence must meet the requirements of personal leave, including one year's continuous service and approval of the appropriate Dean or administrator.

Faculty applying for a leave of absence should contact the [Office of Human Resource Benefits](#) regarding the continuation of insurance and other benefits. The total cost of benefits is borne by the person on leave. Vacation and sick time do not accrue during a non-paid leave of absence, but earned credits may be carried forward.

Return to UAB service following an approved leave of absence shall be without prejudice to the faculty status of the individual prior to taking leave. Time spent on personal leave of absence shall not be considered as part of an individual's tenure-earning period or for promotion, tenure, or eligibility for sabbatical leave. Full -

time tenured faculty on an approved leave of absence may reduce their full-time commitment without relinquishing their tenure.

4.5.2 Family and Medical Leave of Absence (refer to UAB policy)

Eligible faculty may take up to 12 work weeks of Family and Medical Leave of Absence for their own qualifying serious health condition. Eligible faculty may take up to 12 work weeks per year for the birth, adoption, or foster care placement of a child or to care for a spouse, sponsored adult dependent¹, parent, child or child of a sponsored adult dependent with a qualifying health condition as stipulated in the Family and Medical Leave Act. Faculty should be placed on FMLA if the time away is a documented health condition that requires the faculty member to be away from their duties for two or more consecutive work weeks. Upon return from FMLA, faculty should not be required to do additional tasks to make up for time missed while on approved leave.

4.5.2.2 Paid Parental Leave

Eligible faculty are afforded paid parental leave immediately following the birth or adoption of a child. [See UAB Paid Parental Leave Policy.](#)

4.5.3 Military Leave

Faculty members who are ordered to military duty will receive full pay for a maximum of 21 days per calendar year. For more information, refer to [HR Policy 304](#).

4.5.4 Educational Leave

A regular faculty member with one year or more of continuous service may request an educational leave without pay of up to 12 months to pursue education or training that will lead to increased job performance.

A formal, written request for educational leave must be submitted to the employee's department chair at least one month before the beginning date of the leave. Educational leave is subject to approval of the department chair, dean, and provost.

When an educational leave is granted, it is assumed the employee will return to work for the university.

4.5.5 Modified Duties

The university recognizes the need for all tenured and tenure-earning faculty members to balance the commitments of family and work. Special family circumstances, for example, birth or adoption of a child, severe illness of an immediate family member or member of the immediate household, or issues of personal health, can cause substantial alterations to one's daily routine, thus creating a need to construct a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely for faculty members at different stages of their careers, and with different family and workload situations, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the family member continues to meet ongoing, but more flexible research and graduate student supervision obligations. In general, the commitment is to work with a faculty member to devise a modified workload and schedule that

¹ **Sponsored Adult Dependent** – a sponsored adult dependent is not a relative, is at least 19 years of age, shares a primary residence and has lived with you not as a renter, boarder, tenant or employee for the last twelve months.

enables the faculty member to remain an active and productive member of the department. Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.

An eligible faculty member is encouraged to speak with his/her department chair as soon as possible about the need for modified duties in order to ensure the maximum amount of time for planning. A department chair, in conjunction with the dean, is responsible for working with a faculty member to ensure a fair plan for modified duties is implemented. Budgetary constraints and assuring that student or other needs are met must be considered. The policy does not create an entitlement, and business-related reasons may warrant denial of the request. Final decisions about the nature of the modified duties are the responsibility of the department chair in consultation with the dean.

Some individual circumstances cannot be adequately addressed by the provisions of this policy. Family medical leave (including disability), leave without pay, or indefinite reduction in appointment to part-time status may be options that must be considered for longer-term or more demanding needs. This policy is not intended to provide release time from teaching for the purpose of allowing additional time for research. Reduction in teaching assignment for research purposes is the prerogative of the department chair and dean.

Extension of the tenure-earning period is available for those faculty members on tenure-earning appointments who are confronted with extenuating personal or family circumstances, or birth or adoption of a child. The extension may be requested as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the tenure-earning period.

Eligibility:

Modified duties may be requested by any faculty member in a full-time tenured or tenure-earning appointment for the purpose of managing family responsibilities or, in exceptional cases, personal health issues not addressed by sick time. The policy applies to eligible faculty upon employment.

Guidelines:

- 1) The period of modified duties will be one semester, or an equivalent amount of time for those faculty members whose responsibilities are not tied directly to teaching on the academic calendar.
- 2) Modification of duties will not result in additional duties during the subsequent semester, e.g. the faculty member should not be asked to make up the released teaching before or after the semester of modified duties. The faculty member cannot be employed at another entity outside of UAB during the period of modified duties, nor can the flexible time be used for extensive professional travel or other professional activities (including internal and external activities) that do not meet the goals of the policy.
- 3) Medical documentation is required if the period of modified duties is requested for a health issue not addressed by sick time.
- 4) A semester of modified duties should be considered **IN ADDITION TO**, not as a substitute for, sick time and family leave available to those giving birth or adopting during the period of the appointment (i.e., during the academic year for those on nine-month appointments, or any time for those on twelve-month appointments). There are no work expectations for individuals on approved sick time or family medical leave.
- 5) A faculty member should submit a request for modified duties as early as possible so the department can plan appropriately. The request form is available on the provost's web site under "forms". The plan of proposed activities is developed in consultation with the department chair and dean.

- 6) Requests must be approved by the department chair and dean. If the department chair does not support the request, the reasons for denial shall be provided in writing, and the request will be automatically forwarded to the dean for further review. The decision by the dean will be shared in writing with the faculty member. If the request is denied, the reasons for denial will be provided.
- 7) The Provost will provide a summary of modified duty activity annually to the President.

Appendix A - Faculty Grievance Procedures

Notes:

“School” refers to any college, school or library in which the grievant has a primary appointment.

References to “Provost” may refer to the “Office of the Provost.”

I. Filing a Grievance

When a faculty member has been unable to obtain a satisfactory solution to a grievance within his or her school, formal grievance procedures may be initiated by the faculty member by filing a written grievance with the Provost. The written grievance (1) should state, in detail, (a) the facts from which the grievance arose, (b) the process followed within the school to resolve the grievance, and (c) the results of the preliminary attempt to solve the problem and (2) should state a specific request for the relief sought. The written grievance must be submitted to the Provost within thirty calendar days after the faculty member has received a written decision from the dean.

Upon receipt of a written grievance, the Provost will review the grievance and shall determine the most appropriate course of action. If it is determined that the grievance involves the evaluation of the professional qualifications of a faculty member, which are most appropriately made by individuals with expertise in the particular academic discipline, the grievance may be sent back to the school or library for final resolution by the dean in consultation with the appropriate faculty committee and chair. In all other cases, the Provost may attempt to resolve the grievance to the mutual satisfaction of the party(ies) involved. If such a resolution is not reached within thirty calendar days, the grievant may request that a Grievance Committee be convened, and the Provost shall proceed to do so. Irrespective of this request, the Provost, on his/her own initiative, may establish a Grievance Committee within the thirty-day period if he/she thinks no resolution will occur via the mediation. The Grievance Committee shall be established by the Provost from the UAB Grievance and Termination Hearing Panel.

II. The Grievance Committee

The Grievance Committee shall be appointed by the Provost and shall consist of the next three members of the UAB Grievance and Termination Hearing Panel who do not hold primary appointments in the department, school, or library of primary appointment of the grievant. Any appointed member who believes that he or she cannot render an impartial decision concerning the grievance because of personal involvement with any of the party(ies) or with the school or the department and/or division involved shall so state to the Provost within ten calendar days of appointment to the Grievance Committee. The Provost may strike or excuse any individual who has a demonstrable conflict of interest or bias. The Provost will appoint the next panel member in line for service to fill any vacancies.

When three appointments have been obtained, the Provost shall notify the grievant. The grievant shall be allowed to challenge the service by any appointee who, in the opinion of the grievant, cannot consider the grievance impartially. Should the grievant elect to exercise this right, the grievant shall notify the Provost within ten calendar days of the Provost’s notification; and, if the Provost concurs, the challenged member shall be excused. The Provost will then appoint the next panel member in line for service. This process will continue until a Grievance Committee of three has been established. Neither the Provost nor the grievant may unilaterally strike more than three members except in cases of documented extenuating circumstances.

The Provost shall appoint a staff member from the Office of the Provost to serve as secretary to the Grievance Committee.

III. Participant Responsibilities

A. Responsibilities of the Grievance Committee

The responsibilities of the Grievance Committee are (1) to investigate the complaint as presented to the Grievance Committee by the grievant by obtaining appropriate and necessary facts in the dispute and (2) to come to a conclusion as to whether the grievant had good cause to file a grievance. It is the responsibility of the grievant to establish the facts that constitute the basis of his/her grievance, a just cause for action, and his/her entitlement to relief. The Grievance Committee may request that the grievant resubmit the grievance with more specificity if, in the opinion of the Grievance Committee, the nature of the grievance is not clearly defined. The Grievance Committee has the right to exclude any portion of the grievance, which, in its opinion, is more appropriately addressed by another mechanism in the *UAB Faculty Handbook and Policies*. The Grievance Committee may use any available sources of information deemed by the committee to be probative and relevant to the grievance.

In situations in which the grievance contends discriminatory treatment, the Grievance Committee must come to a conclusion as to whether the policies, procedures, and standards of the involved administrative unit have been applied in a discriminatory manner.

In grievances related to terms of faculty appointment such as promotion, tenure, or non-reappointment, the role of the Grievance Committee is to determine whether fair and consistent procedures have been employed, not whether a person is worthy of promotion, tenure, or re-appointment. During the hearing of a grievance, it sometimes may become necessary to examine the qualifications of a grievant in relation to those of other academic personnel in the grievant's department, but the Grievance Committee should refrain from making the grievance procedure a review and assessment of the professional qualifications of the grievant as it is not within the scope of any Grievance Committee to make an evaluation of the professional qualifications of the grievant. Such judgment is the responsibility of the appropriate peer group, administrator, and consultants within the concerned department, school or library. Requests for reconsideration of the judgment by a dean that a faculty member should be denied reappointment, promotion, or tenure is handled by the Appeals Process.

B. Responsibilities of the Grievant

It is the responsibility of the grievant (1) to state his or her grievance with specificity, identifying any accused party(ies) involved, (2) to present all the facts through the presentation of witnesses and documents having relevance to the grievance, and (3) to prove the validity of the grievance.

C. Responsibility of the Party(ies) against whom the grievance is filed [Accused Party(ies)]

It is the responsibility of the accused party(ies) (1) to supply to the Grievance Committee relevant UAB, school, or departmental documents to which they have access, including documents requested by the grievant but not in his or her possession and those requested by the Grievance Committee and (2) to explain their actions through presentation of witnesses and documents having relevance to the grievance.

IV. Right to Advisor

The grievant and each accused party may have an advisor present when appearing before the Grievance Committee. The advisors do not participate in the proceedings of the hearing. The grievant and the accused party(ies) shall speak on their own behalf. At all times, the Committee through its chair must maintain control of the meeting.

V. Grievance Committee Procedure

A. Preparation for Grievance Hearing

The first meeting of the Grievance Committee shall be called by the Provost. At the first meeting, the Grievance Committee shall elect its chair and shall be charged with its duties by the Provost.

The Committee shall meet to review available written documentation from the grievant and accused party(ies). The Committee shall request from the grievant and the accused party(ies) a list of proposed witnesses including the information that each witness will provide along with the relevance of each witness' testimony to the facts of the grievance. UAB will not be responsible for covering travel expenses of witnesses.

The Grievance Committee shall meet with the grievant and charged party(ies) to (1) identify and request documents it deems necessary and relevant to the grievance, (2) determine which witnesses will be called, (3) identify additional witnesses whose testimony should be taken, (4) identify the questions to be raised to the witnesses, and (5) set the date(s) and time(s) for the grievance meeting(s). It will be the responsibility of the grievant and the accused party(ies) to produce their own witnesses, if they are called by the Grievance Committee.

The chair of the Grievance Committee shall notify the grievant, all accused parties, and all called witnesses as to the time(s), date(s), and location(s) of the grievance meetings.

B. The Grievance Hearing

The chair of the Grievance Committee shall preside at the grievance hearing and shall provide rulings relative to procedural issues that are in dispute during the hearing. Any ruling by the chair may be appealed by any party to the whole committee, which shall have, by majority vote, final authority in the matter.

The Grievance hearing shall be confidential, and only those directly involved shall be included in the grievance hearing.

The recommended meeting procedure is as follows:

- 1) Opening statement by the grievant
- 2) Opening statement by each accused party
- 3) Presentation of relevant documents by grievant
- 4) Presentation of relevant documents by each accused party
- 5) Questioning of witnesses -- Witnesses shall be called in an order determined by the Chair of the Grievance Committee, and questioning shall be conducted exclusively by the members of the Grievance Committee. (The Grievance Committee shall allow each party to submit, in writing, questions which the party would like to have asked of a witness; however, the Grievance Committee will not be required to ask those specific questions.)
- 6) Closing statement by each accused party
- 7) Closing statement by the grievant.

The Grievance Committee's assigned secretary shall maintain the verbatim record of the hearing for the convenience and use of the Committee. The assigned secretary will maintain the confidentiality of the hearing materials so as to protect all party(ies) involved. The verbatim record will be maintained by the Office of the Provost for three years following conclusion of the grievance proceeding.

C. The Grievance Committee report

Within 30 calendar days after the hearing is concluded, the Grievance Committee shall submit to the Provost a written report summarizing (1) the relevant evidence that has been presented and heard, (2) the conclusions and recommendations it has reached based only on the evidence provided and presented by all parties, and (3) the rationale for its conclusions and recommendations. This report shall be sent to the Provost, with copies to the grievant, the accused parties, and the members of the Grievance Committee.

VI. Action by Provost

Based on the conclusions and recommendations of the Grievance Committee, the Provost may pursue additional action to resolve the grievance. Within fifteen working days of receiving the Grievance Committee's report, the Provost shall provide a written memorandum to the grievant, with copies to the accused parties and the members of the Grievance Committee, describing the Provost's efforts to resolve this matter and his/her recommendations.

VII. Final Action

If the Provost is unable to resolve the grievance within fifteen working days after receiving the Grievance Committee's report, the grievant may appeal to the UAB President. The Provost shall then forward to the President the committee report along with his or her recommendations. The President shall act within fifteen working days after receiving these materials and, in so doing, shall give considerable weight to the report of the Grievance Committee. The President shall provide a written memorandum to the grievant, with copies to the accused party(ies), the Provost, and the members of the Grievance Committee. Should the President's action be inconsistent with the report of the Grievance Committee, the President shall state his or her reasons in the memorandum. The decision of the President is final.

Appendix B - Review of Recommendations for Termination for Cause of a Tenured Faculty Member or of a Faculty Member Whose Term of Appointment Has Not Expired

Note: For purposes of this appendix, the terms “parties” or “party” refer to persons directly involved in the termination or hearing, normally the faculty member and the administration.

I. Initiation of Proceedings

Formal proceedings for termination for cause are initiated by the Provost’s sending to the faculty member, by certified mail, a letter containing a statement of the charge(s) against the faculty member and a statement of intent to terminate based on those charges. Although the faculty member may wish to appeal the termination as a “grievance,” once the Provost has decided to terminate, the termination proceeding shall supersede, and shall make void, any grievance hearing on the same issue. The letter from the Provost to the faculty member being terminated shall include the following information:

- 1) A statement of intent to terminate that details the specific charge(s) against the faculty member, written with sufficient detail to enable the charged faculty member to show factual error if it exists
- 2) A statement that the faculty member has a right to a hearing before an impartial faculty committee (see Section IV below)
- 3) A tentative date for the hearing, at least thirty calendar days after receipt of the statement of intent to terminate
- 4) Names of witnesses who may be called by the administration, a brief statement of the nature of the testimony of each witness, and identification of other evidence to be offered in support of the charge(s)
- 5) A statement that hearing procedures are contained in the *Faculty Handbook and Policies*.

II. Response

Within 30 calendar days after receipt of the letter of Intent to Terminate from the Provost, the charged faculty member must respond to the Provost, in writing, indicating (1) a response to the charge(s) stated in the Provost’s letter, (2) a decision about whether he or she elects to have a formal hearing of the charge(s) before a faculty committee, (3) the names of witnesses who may be called on behalf of the charged faculty member, (4) a brief statement of the nature of the testimony of each witness, and (5) a summary of other evidence believed to have relevance to the charge(s) to be heard.

If the faculty member does not respond within 30 calendar days as indicated above or elects not to have a formal hearing of the charge(s) before a faculty committee, the Provost may proceed with a termination recommendation to the President. The decision of the President is final.

III. Suspension

Suspension of the faculty member during the proceedings is justified only if continuance of the faculty member is believed likely to result in (a) risk of harm to the faculty member or others; (b) an immediate health hazard; (c) endangerment of federal funds or equipment; or (d) risk of immediate danger to the interests of person(s) making allegations, the individuals who are the subject of the allegations, or to others. Suspension can be effected only by the Provost, and salary shall continue during the suspension unless legal considerations prohibit.

IV. The Hearing Committee

The initial roster for the Hearing Committee shall be appointed by the Provost within thirty days of the faculty member's request for a hearing. The initial roster shall consist of the next seven faculty members of the UAB Grievance and Termination Hearing Panel who do not hold primary appointments in the department, school, or library of the charged faculty member.

Faculty members who are asked to serve on a Hearing Committee must recuse themselves if they believe that they cannot, for any reason, fairly and impartially consider the facts of the case to be heard. The Provost may strike or excuse any individual who has a demonstrable conflict of interest or bias. Within seven days of receiving the list of committee members, the faculty member affected must request the removal of two members from a final group of seven (without having to show cause) so that the final Hearing Committee consists of the remaining five members. Individuals who are recused, excused, or struck will be replaced by the next in line on the roster. The final Hearing Committee will consist of five faculty members. If the five-member Hearing Committee is unable to carry out its duties in a timely fashion, the Provost must impanel another committee as specified above.

The five-member Hearing Committee shall elect its own chair. Deans and department chairs will be expected to ensure that Hearing Committee members from their units are allowed sufficient time to participate in the hearing process. The Provost shall designate a faculty member to serve as a non-voting facilitator to the committee.

The Hearing Committee shall be responsible for the conduct of the hearing and shall establish and enforce procedures to be used at the hearing.

V. Procedure

The Hearing Committee shall consider only the formal charge(s), as stated by the Provost to the faculty member in the letter of "Intent to Terminate." The administration shall have the burden of offering to the Hearing Committee such witnesses and/or other evidence that supports the termination for cause.

A. Pre-hearing

The Hearing Committee may hold pre-hearing meetings with or without the party(ies) present to (1) simplify the issues; (2) determine the rules of procedure and evidence to be used; (3) provide for the exchange and review of documentary or other information; (4) determine the witnesses to be called; and (5) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious. Both sides must provide the committee with any evidence that is requested and available.

B. Hearing

The Hearing Committee hearing shall be governed by the following rules and regulations:

- 1) The Hearing Committee shall set the day and time of the hearing and all continuances of the hearing. The hearing session(s) shall be private and confidential and only those directly involved shall be included in the hearing(s).
- 2) A verbatim record of the hearing shall be made by the facilitator of the Hearing Committee who shall make copies available to the administration and to the faculty member, upon request, once the hearing is completed. The Hearing Committee may use the verbatim record during preparation of its report. The records shall be open for inspection by all parties.

- 3) During the proceedings, the charged faculty member and the administration may each have an advisor present, but the advisors may not take an active role in the proceedings unless the Hearing Committee believes that such participation is necessary for a fair hearing and requests an advisor to take an active role. The active participation of the advisor shall be limited to that permitted by the Hearing Committee.
- 4) At the request of either party or the Hearing Committee, a representative of an educational association of which the charged faculty member is a member shall be permitted to attend the hearing(s) as an observer.
- 5) The burden of proof that adequate cause for termination exists rests with the institution and must be supported by the evidence presented.
- 6) The faculty member shall be afforded reasonable time to obtain necessary witnesses and documents or other evidence requested by the committee. The parties shall cooperate with the Hearing Committee in making available documentary and other evidence. It is the responsibility of each party to secure the participation of the witnesses for its side. The administration shall ensure that witnesses from the faculty and administrative units are afforded appropriate time for these duties. UAB will not be responsible for covering travel expenses of witnesses.
- 7) During the hearing, the Hearing Committee shall determine the order of proof, shall conduct the questioning of witnesses, and, if necessary, shall request and secure evidence deemed pertinent by the committee. At all times, the committee, through its chair, shall be in charge of the hearing and is responsible for maintaining order.
- 8) The Provost or his/her designee shall be responsible for responding to questions that arise concerning the administration's charges against the faculty member.
- 9) The charged faculty member and the administration shall have, through established committee procedures, the right to question all witnesses. In cases in which a witness cannot or will not appear but in which the Hearing Committee determines that the interests of fairness require the witness' statement, the Hearing Committee shall identify the witness(es), shall disclose the statement, and, if possible, shall question the witness(es) through methods other than having them appear in person.
- 10) The Hearing Committee will not be bound by rules of evidence and may admit any evidence which is of probative value in determining the issues involved. A reasonable effort shall be made to obtain the most reliable evidence available. If deemed necessary, the Hearing Committee may call additional witnesses.
- 11) The Hearing Committee may grant adjournments to either party to enable investigation of any "new" evidence that is presented.
- 12) The Hearing Committee, in its discretion, may allow brief opening and closing statements by both the administration and the charged faculty member.
- 13) The decision of the Hearing Committee shall be based on the record of the Hearing as a whole.
- 14) Except for such simple announcements as may be required (for example, the time of the hearing), all deliberations of, and information provided to, the Hearing Committee shall be considered confidential.

VI. Committee Decision

After the hearing is concluded, the Hearing Committee shall meet to reach a decision. Within thirty calendar days after the hearing is concluded, the Hearing Committee must report in writing to the Provost whether or not the charge(s) were supported by the evidence in the record and shall recommend termination or retention. Within fifteen working days of receiving the Hearing Committee's report, the Provost must forward to the President the committee's recommendation along with the committee's report. The report from the committee shall remain confidential, except as required by law.

VII. President's Decision

The President may consider the Provost's recommendation, evidence that was presented during the hearing, and the recommendation of the committee. The President must notify the faculty member, with copies to the Provost and the members of the Hearing Committee, of his/her decision within fifteen working days of receiving the committee's report and recommendation as forwarded by the Provost. If the President does not implement the recommendations of the Hearing Committee, the reasons for not doing so must be included in the letter of notification. The decision of the President is final.

Appendix C - Review of Recommendations for Termination of a Faculty Member Due to a Bona Fide Financial Exigency, Bona Fide Financial Crisis, or Academic Program/Unit Closure

Note: For purposes of this appendix, the terms “parties” or “party” refer to persons directly involved in the termination or hearing, normally the faculty member and the administration.

I. Initiation of Proceedings

Formal proceedings for termination of a tenured faculty member due to a bona fide financial exigency, a bona fide financial crisis, or an academic program/unit closure, as defined in this *Faculty Handbook and Policies*, are initiated by the Provost’s sending to the faculty member, by certified mail, a letter containing a statement that the faculty member’s appointment will be terminated due to one of these three causes. Tenured faculty appointments may be terminated with one year’s notice. Non-tenured faculty appointments may be terminated prior to the end of a previously agreed-upon period of appointment with one year’s notice or with the notice required for non-reappointment as defined in this *Faculty Handbook and Policies*, whichever is less. Although the faculty member may wish to appeal the termination as a “grievance,” once the Provost has decided to terminate, the termination proceeding shall supersede, and shall make void, any grievance hearing on the same issue. The letter from the Provost to the faculty member being terminated shall include the following information:

- 1) A statement of the specific reasons for termination and a summary of the facts on which the termination decision was based
- 2) A statement that the faculty member has a right to a hearing before an impartial faculty committee (see Section IV below)
- 3) A statement that hearing procedures are contained in the *Faculty Handbook and Policies*

II. Response

A tenured faculty member proposed for termination must respond in writing to the Provost within thirty calendar days after receipt of the certified letter of Intent to Terminate from the Provost indicating whether the faculty member wishes to have a Hearing Committee review the decision. The response shall include (1) evidence indicating that the termination proposed in response to the bona fide financial exigency, bona fide financial crisis, or academic program/unit closure is not in keeping with the intent of the *Faculty Handbook and Policies* and (2) the names of witnesses who may be called on behalf of the faculty member to testify at a hearing, along with a brief statement of the nature and relevance of their testimony.

III. The Hearing Committee

The initial roster for the Hearing Committee shall be appointed by the Provost within thirty days of the faculty member’s request for a hearing. The initial roster shall consist of the next seven faculty members of the UAB Grievance and Termination Hearing Panel who do not hold primary appointments in the department, school, or library of primary appointment of the faculty member being recommended for termination.

Faculty members who are asked to serve on a Hearing Committee must recuse themselves if they believe that they cannot, for any reasons, fairly and impartially consider the facts of the case to be heard. The Provost may strike any individual who has a demonstrable conflict of interest or bias. Within seven days of receiving the list of committee members, the faculty member affected must request the removal of two members from a final group of seven (without having to show cause) so that the final Hearing Committee consists of the

remaining five members. Individuals who are recused, excused, or struck will be replaced by the next in line on the roster. The final Hearing Committee will consist of five faculty members. If the five-member Hearing Committee is unable to carry out its duties in a timely fashion, the Provost must impanel another committee as specified above.

The five-member Hearing Committee shall elect its own chair. Deans and department chairs will be expected to ensure that Hearing Committee members from their units are allowed sufficient time to participate in the hearing process. The Provost shall designate a faculty member to serve as a non-voting facilitator to the committee.

The Hearing Committee shall be responsible for the conduct of the hearing and shall establish and enforce procedures to be used at the hearing.

IV. Procedure

While the administration must demonstrate the need for the proposed termination, the existence of the bona fide financial exigency, bona fide financial crisis, or academic program/unit closure shall not be open to review. The Hearing Committee shall consider all evidence presented and the testimony of witnesses that are called and shall, if deemed necessary, request further information from either party or additional witnesses.

A. Pre-hearing

The Hearing Committee may hold pre-hearing meetings with or without the party(ies) present to (1) simplify the issues; (2) determine the rules of procedure and evidence to be used; (3) provide for the exchange and review of documentary or other information; (4) determine the witnesses to be called; and (5) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious. Both sides must provide the committee with any evidence that is requested and available.

B. Hearing

The Hearing Committee shall be governed by the following rules and policies:

- 1) The Hearing Committee shall set the day and time of the hearing and all continuances of the hearing. The hearing session(s) shall be private and confidential, and only those directly involved shall be included in the hearings.
- 2) A verbatim record of the hearing shall be made by the facilitator of the Hearing Committee who must make copies available to the administration and to the faculty member, upon request, once the hearing has been completed. The Hearing Committee may use the verbatim record during preparation of its report. The records shall be open for inspection by all parties.
- 3) During the proceedings, the faculty member proposed for termination and the administration may each have an advisor present, but the advisors may not take an active role in the proceedings unless the Hearing Committee believes that such participation is necessary for a fair hearing and requests an advisor to take an active role. The active participation of the advisor shall be limited to that permitted by the Hearing Committee.
- 4) At the request of either party or the Hearing Committee, a representative of an educational association of which the faculty member is a member shall be permitted to attend the hearing(s) as an observer.
- 5) The administration bears the burden of demonstrating that termination of the faculty member is reasonable and is necessitated by a bona fide financial exigency, a bona fide financial crisis, or an academic program/unit closure and that the proposal for termination was made in accordance with procedures described.

- 6) The faculty member shall be afforded reasonable time to obtain necessary witnesses and documents or other evidence. The parties shall cooperate with the Hearing Committee in making available documentary and other evidence requested by the committee. It is the responsibility of each party to secure the participation of the witnesses for its side. The administration shall ensure that witnesses from the faculty and administrative units are afforded appropriate time for these duties. UAB will not be responsible for covering travel expenses of witnesses.
- 7) During the hearings, the Hearing Committee shall determine the order of proof, shall conduct the questioning of witnesses, and, if necessary, shall request and secure evidence deemed pertinent by the committee. At all times, the committee, through its chair, shall be in charge of the hearing and is responsible for maintaining order.
- 8) The Provost or his/her designee shall be responsible for responding to questions that arise concerning the administration's proposed termination of the faculty member.
- 9) The faculty member proposed for termination and the administration shall have, through established committee procedures, the right to question all witnesses. In cases in which a witness cannot or will not appear but in which the Hearing Committee determines that the interests of fairness require the witness' statement, the Hearing Committee shall identify the witness(es), shall disclose the statement, and, if possible, shall question the witness(es) through methods other than having them appear in person.
- 10) The Hearing Committee will not be bound by rules of evidence and may admit any evidence which is of probative value in determining the issues involved. A reasonable effort shall be made to obtain the most reliable evidence available. If deemed necessary, the Hearing Committee may call additional witnesses.
- 11) The Hearing Committee may grant adjournments to either party to enable investigation of any "new" evidence that is presented.
- 12) The Hearing Committee, in its discretion, may allow brief opening and closing statements by both the administration and the faculty member.
- 13) The decision of the Hearing Committee shall be based on the record of the hearing as a whole.
- 14) Except for such simple announcements as may be required (for example, the time of the hearing), all deliberations of, and information provided to, the Hearing Committee shall be considered confidential.

V. Committee Decision

After the hearing is concluded, the Hearing Committee shall meet to reach a decision. Within thirty days after the hearing is concluded, the Hearing Committee must report in writing to the Provost whether or not termination of the faculty member is reasonable and is necessitated by a bona fide Financial exigency, a bona fide financial crisis, or an academic program/unit closure and whether proper procedure was followed as described in the *Faculty Handbook and Policies*. Within fifteen working days of receiving the Hearing Committee's report, the Provost must forward to the President the committee's recommendation along with the committee's report. This report shall remain confidential, except as required by law.

VI. The President's Decision

The President may consider the Provost's recommendation, evidence that was presented during the hearing, and the recommendation of the committee. The President must notify the faculty member, with copies to the Provost and the members of the Hearing Committee, of his/her decision within fifteen working days of receiving the committee's report and recommendation as forwarded by the Provost. If the President does not implement the recommendations of the Hearing Committee, the reasons for not doing so must be included in the letter of notification. The decision of the President is final.

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