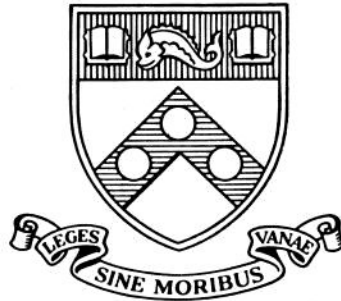


FOR COMMENT



**Draft Revision of**  
**Basic Documents on Academic Governance**  
**at the University of Pennsylvania**

*An Item for Discussion and/or Action*  
*at the Faculty Senate Meeting April 27, 1977*

*Almanac*

*Supplement to Volume 23, Number 29 April 19, 1977*

# Draft Revision of Basic Documents on Academic Governance at the University of Pennsylvania

## INTRODUCTION

The following materials are a part of a larger effort to create a complete and useful set of basic documents on the governance of the University. Heretofore, such materials have been dispersed and uncollated. The familiar Faculty and Staff Handbook, now very much out of date, was an unofficial compendium of a substantial body of information. A stimulus behind the present activity was the perceived need to revise the Handbook, which has become outdated in its contents.

### *Statutes*

It is anticipated that the fundamental materials concerning the University's governance will be set forth in its Statutes. This first article will recapitulate the organic documents that are the charter of the University and establish a framework for all basic documents. Articles 2 through 5 deal with internal matters of the Trustees and administration and are not yet in revised form. Articles 6 through 12 (opposite) contain provisions relevant to the academic communities within the University.

### *Standing Resolutions*

A second level of documents of continuing significance is found in Standing Resolutions. These will elaborate on principles contained in the Statutes. Both Statutes and Standing Resolutions will emanate from the Trustees and can be changed by that body. On pages III-VIII are draft proposals of Standing Resolutions relating to Articles 8, 9 and 11 of the draft Statutes.

### *Memoranda*

A third level of documents, called Memoranda, will be promulgated administratively. Some of these Memoranda may be

laid before the Trustees for review, but these Memoranda are not considered Trustee documents. Memoranda will contain procedural matters for implementation of norms or guidelines in the Statutes or Standing Resolutions. Substantive matters not requiring Trustee action may also be handled by Memoranda.

The three-tiered system will have a single index so that various related materials can be found as needed. Thus, a Standing Resolution will bear the number of the Article in the Statutes from which it stems and a sub-number to identify the particular resolution. Administrative Memoranda will have a comparable set of identifying symbols, so that there can be easy reference to all related documents.

The materials that follow are in draft form, prepared by James E. Davis, Executive Assistant to the Provost; Britton Harris, Chairman-Elect of the Faculty Senate; Curtis R. Reitz, University Counsellor; and W. Allyn Rickett, member of the Senate Advisory Committee and of the executive board of the AAUP campus chapter. In pursuing its task this committee worked from existing governing documents, including the present Statutes and resolutions which the Trustees have adopted from time to time.

It is hoped that the Trustees will be able to consider and approve at least the new Statutes at its meeting this spring. The full set of documents cannot be ready for adoption until next fall. The expectation is that each faculty member will receive a copy of the text of basic documents, in lieu of the paraphrased presentation in the Handbook, when the process of revision is complete.

—Curtis R. Reitz, University Counsellor

# DRAFT STATUTES OF THE CORPORATION RELATING TO ACADEMIC GOVERNANCE

## Article 6

### *The University Council*

A. There shall be a University Council, composed of representatives of the faculty, of the student body, and of the administrative staff of the University, to provide a conference body with authority and responsibility:

(1) to consider the activities of the University broadly in all of its phases with particular attention to those matters which affect the common interests of the entire faculty and student bodies;

(2) to recommend to the President and to the Provost general policies which may affect the University's educational objectives;

(3) to advise the President and other officers on the programs of the several divisions of the University.

B. The bylaws of the University Council, as amended from time to time, shall be subject to the approval of the Trustees.

## Article 7

### *The Faculty Senate*

A. There shall be a Faculty Senate, composed of all members of the Standing Faculty holding the rank of professor, associate professor, or assistant professor. Subject to regulations the Trustees may prescribe, the Senate is empowered to adopt rules governing its organization and procedure.

B. The Senate when assembled in formal session called by its officers shall have authority to discuss and express its views upon any matter which it deems to be of general University interest. In addition, it shall have power to solicit reports from the University administration and to make recommendations simultaneously to the President and Provost and to the Trustees.

## Article 8

### *The Faculties and the Schools and Colleges*

A. There shall be such Faculties and such Schools or Colleges as may be established from time to time by the Trustees and continued during their pleasure.

B. The Trustees recognize the following:

(1) Faculty of Arts and Sciences (est. 1775)

( )

(2) Faculty of Medicine (est. 1765)

The School of Medicine

(3) Faculty of Law (est. 1790)

The School of Law

(4) Faculty of Engineering and Applied Science (est. 1852)

The School of Engineering and Applied Science (includes the Moore School of Electrical Engineering)

(5) Faculty of Architecture and Environmental Design (est. 1874)  
[proposed title]

The Graduate School of Fine Arts

(6) Faculty of Dental Medicine (est. 1878)

The School of Dental Medicine

(7) Faculty of Management [proposed title] (est. 1881)

The Wharton School

(8) Faculty of Veterinary Medicine (est. 1884)

The School of Veterinary Medicine

(9) Faculty of Education (est. 1894)

The Graduate School of Education

(10) Faculty of Social Work (est. 1909)

The School of Social Work

(11) Faculty of Nursing (est. 1935)

The School of Nursing

(12) Faculty of Communications (est. 1949)

The Annenberg School of Communications

(13) Faculty of Allied Medical Professions (est. 1950)

The School of Allied Medical Professions

(14) Faculty of Public and Urban Policy (est. 1974)

The School of Public and Urban Policy

C. Subject to regulations the Trustees may prescribe, each Faculty shall set its own procedures for governance.

D. [Special provision for inter-faculty organization of graduate programs leading to Ph.D. degree or other common degree to be added.]

## Article 9

### *Academic Freedom and Responsibility; Tenure; Structure of the Academic Staff*

A. The University accepts the following principles regarding academic freedom and responsibility of faculty members:

(1) A faculty member is entitled to full freedom in research and in the publication of results subject to the adequate performance of other University duties, but research for pecuniary return should be based upon an understanding with appropriate officers of the University or Faculty.

(2) A faculty member is entitled to freedom in the classroom in discussing the subject matter of a course, but should not introduce into classroom discussion matters that have no relation to the subject.

(3) A faculty member is a citizen as well as a member of an educational community. When a person speaks or writes as a citizen, he or she should be free from institutional censorship or discipline. The faculty member's special position in the community at large emphasizes the importance of the obligations to be accurate in such utterances, to exercise appropriate restraint, to show respect for the opinions of others, and, in public statements, to make clear that he or she is not speaking for the University or for any of its schools or constituent bodies. The Trustees may adopt Standing Resolutions with respect to academic freedom and responsibility.

B. As the pre-eminent means of fostering academic freedom and devotion to long-term scholarly pursuits, the University recognizes the importance of a system of tenure for faculty members.

C. Appointments, reappointments, and promotions to any rank in the Standing Faculty or in the Associated Faculty shall be made by the Trustees upon nomination by the President.

D. The President and Provost shall have power to appoint, reappoint, or promote to positions below the rank of assistant professor. Such power may be delegated by them to the Deans of the Faculties.

E. The Trustees may adopt standing resolutions from time to time with respect to faculty status, including:

(1) Structure of the academic staff;

(2) Academic appointments and promotions;

(3) The tenure system of the University;

(4) Leaves of absence for faculty members;

(5) Transfers of faculty members or termination of appointments resulting from discontinuance of programs;

(6) Suspension or termination of appointments of faculty members for just cause;

(7) Temporary exclusion of faculty members.

## Article 10

### *Conduct Standards and Procedures*

Consonant with such policies as the Trustees may adopt from time to time, the President, upon the advice of the University Council, and where appropriate, of the Faculty Senate, may promulgate standards of conduct applicable to the University community together with procedural and administrative mechanisms to encourage conformity to such standards.

## Article 11

### *Retirement*

The Trustees may adopt Standing Resolutions from time to time with respect to the age at which and the terms on which officers, faculty members, and other employees of the University shall retire.

## Article 12

### *Degrees, Commencements and Convocations*

A. There shall be three kinds of degrees, which shall be granted upon a mandamus of the Trustees, namely:

(1) *Degrees in Course*: which may be granted to all those persons who have completed satisfactorily the requirements for degrees in the several faculties and have been duly recommended by said faculties for their respective degrees;

(2) *Degrees in Faculty*: which may be granted upon recommendation of the appropriate faculty, by way of restoring an individual to his class;

(3) *Honorary Degrees*: which may be granted to persons deemed by the Trustees worthy of such distinction.

B. The Trustees may adopt Standing Resolutions from time to time with respect to commencements, convocations and assemblies of the University.

# DRAFT STANDING RESOLUTIONS OF THE TRUSTEES

## RELATING TO ACADEMIC GOVERNANCE

### 8-1. RESPONSIBILITIES AND POWERS OF FACULTIES OF INSTRUCTION

#### A. Each Faculty shall determine:

- (1) the qualifications for membership in that Faculty;
- (2) the qualifications for admission of students to degree candidacy; and
- (3) the curricular or other requirements for recommendations for degrees in course.

B. There shall be a Dean of each Faculty. The Dean shall be elected by the Trustees upon nomination by the President. The Dean shall serve at the pleasure of the President according to terms established by the resolution of appointment. Procedures for selection of a Dean shall be set forth in a Memorandum promulgated by the President or Provost, with the advice of the University Council and of the Faculty Senate.

C. Each Faculty shall meet at stated times and also at the call of its Dean, or of the President, the Provost, or, where appropriate, of the Vice-President for Health Affairs. The Dean shall preside at meetings of a Faculty. Only those persons who are members of the Standing Faculty shall be eligible to vote on matters concerning appointments or promotions of faculty members.

D. Except for the Faculty's committee on academic freedom and responsibility, which is elected annually by the Faculty, committees of the Faculty shall be appointed by the Dean.

E. Upon recommendation of the President, the Trustees may authorize the establishment of academic departments within a Faculty. The chairman of each department shall be nominated by the Dean, and, with the approval of the Provost or Vice-President for Health Affairs, shall be appointed by the President. Department chairmen shall serve at the pleasure of the President according to terms established by the letter of appointment.

F. Each Faculty may adopt bylaws for its governance not inconsistent with general University policies.

### 8-2. FACULTY COMMITTEES ON ACADEMIC FREEDOM AND RESPONSIBILITY

A. Each Faculty shall have a standing Faculty Committee on Academic Freedom and Responsibility. Such committees shall represent the Faculty in all proceedings that involve temporary exclusion of a faculty member, or suspension or termination of the appointment of a faculty member for just cause. Each Faculty shall elect a Faculty Committee on Academic Freedom and Responsibility, consisting of not less than three members. The Faculty shall also elect one or more alternate members to serve in the event of the resignation or disqualification of a Committee member. Such Committees shall be elected annually, and in accordance with the bylaws of a Faculty, by those faculty members who are members of the Standing Faculty. Elections shall be held at the beginning of the academic year. The Dean shall report to

the Provost, not later than October 15 of each year, that an elected Faculty Committee on Academic Freedom and Responsibility is in existence and that its membership is complete.

B. The Committee shall elect its own chairman. Members of a Faculty Committee serve until new members are elected.

### 9-1. STRUCTURE OF THE ACADEMIC STAFF

A. The academic staff of the University is divided into three classifications: the Standing Faculty, the Associated Faculty, and the Academic Support Staff.

#### 1. *The Standing Faculty*

The Standing Faculty consists of the core of the academic staff. A prime measure of the University's distinction is the quality of that faculty. The essential requisite to membership in the Standing Faculty is a commitment to both the advancement and the communication of knowledge. The Standing Faculty is composed of all faculty members with tenure and all faculty members appointed to ranks in which they may be qualifying for tenure. The Standing Faculty thus includes persons throughout the University in the following ranks:

Professor  
Associate Professor  
Assistant Professor  
Associate (faculty of health professional schools only)

All appointments to these ranks preceded by a qualifier, such as "visiting," "adjunct," or "clinical," designate appointments in the Associated Faculty.

#### 2. *The Associated Faculty*

Members of the Associated Faculty play varied and important roles in the teaching, research, and professional programs of the University. Members of the Associated Faculty are not eligible for appointments with tenure, and time served in the Associated Faculty has no tenure significance. The Associated Faculty is composed of the Research Faculty, Clinician-Educators (Faculty of Medicine only), the Clinical Faculty, the Adjunct Faculty, and the Visiting Faculty. Permissible ranks in the Associated Faculty are comparable to those in the Standing Faculty, but have appropriate adjectival or other modifier to indicate appointments in the Associated Faculty.

a. *The Research Faculty* includes persons qualified to participate full-time or part-time in one or more of the research activities undertaken by the University with financial support received by grants or contracts from governmental or private agencies. Because of the nature of the funding of such activities, an appointment to the Research Faculty will normally be for a specified term or for the duration of a particular specified project, whichever is shorter. Persons may serve on the Research Faculty without limit of time through successive reappointments. While the University will seek to find employment elsewhere in the University for a member of the Research Faculty when a project has been terminated, the University does not assure continuity of appointments for any person on the



Research Faculty. Designation of academic ranks in the Research Faculty are preceded by the adjectival qualifier, Research; e.g., Research Professor of (Specialty) in the Faculty of ( ). Within the Faculty of Medicine, the rank of Research Associate is a part of the Research Faculty.

b. *Clinician-Educators* are full-time faculty members, appointed in the Faculty of Medicine, with primary responsibility for delivery of medical services in the Hospital of the University of Pennsylvania or in a hospital affiliated with the University. While such faculty members are not expected to engage in substantial research activities, they do participate in the educational programs of the School of Medicine. Persons may serve as Clinician-Educators without limit of time through successive reappointments. It is expected that income for professional services rendered will assure indefinite affiliation of Clinician-Educators, but the University does not assure continuity of appointment by commitment of any other resources. Permissible ranks in the category of Clinician-Educator will identify the academic level of appointment, the specialty of the faculty member, and the hospital with which the appointee is affiliated; e.g., Professor of (Specialty) at (Hospital) and a member of the Associated Faculty (Clinician-Educator) in the Faculty of Medicine.

c. *The Clinical Faculty* are members of the Faculties of Medicine, Dental Medicine, or Veterinary Medicine, who provide professional services and participate in educational programs on a part-time basis. The professional careers of the Clinical Faculty are primarily independent of the University affiliations. Persons may serve in part-time status in the Clinical Faculty without limit of time through successive reappointments. The University does not assure continuity of appointment for any person in the Clinical Faculty. Designations of academic ranks in the Clinical Faculty are preceded by the adjectival qualifier, Clinical; e.g., Clinical Professor of (Specialty) in the Faculty of ( ).

d. *The Adjunct Faculty* is composed of faculty members whose primary careers are outside the University, whether self-employed or with other institutions of higher education, business or non-profit organizations, or government agencies. Such persons may be appointed to part-time teaching status in the University while continuing their principal associations or careers elsewhere. Appointment to the Adjunct Faculty is also used for persons employed by the University for non-academic or administrative duties. Persons may serve in the Adjunct Faculty without limit of time through successive reappointments. The University does not assure continuity of appointment for any person in the Adjunct Faculty. Designations of academic ranks in the Adjunct Faculty are preceded by the adjectival qualifier, Adjunct; e.g., Adjunct Professor of (Specialty) in the Faculty of ( ).

e. *The Visiting Faculty* is confined to persons who are temporarily employed by the University while they have continuing academic appointments in another institution of higher education, or have continuing associations with business or non-profit organizations, or with government agencies. A visiting faculty member is a full-time member of the University while on leave from the institution, organization or agency with which he or she is affiliated. Visiting appointments may not be made for an aggregate of more than three years, and normally such appointments are for one year or less. Designation of academic ranks in the Visiting Faculty are preceded by the adjectival qualifier, Visiting; e.g., Visiting Professor of (Specialty) in the Faculty of ( ).

### 3. *The Academic Support Staff*

Many persons contribute actively to the University's programs in teaching, research, and clinical services without becoming eligible for appointment to the Standing Faculty or the Associated Faculty. Each appointment in the Academic Support Staff is for a term of years and without tenure, and time served in the Academic Support Staff has no tenure significance. Included in the Academic Support Staff are the ranks of lecturer, instructor, teaching fellow, assistant instructor (Faculty of Medicine only), postdoctoral fellow, senior investigator, and investigator. The President or Provost may promulgate further description of the categories of the Academic Support Staff by Memorandum.

### 4. *The Emeritus Faculty*

Emeritus status is conferred on Professors and Associate Professors of the Standing Faculty at the time of their retirement. No Faculty actions are required to initiate such designations. Except in extraordinary cases, the Provost will recommend that the Trustees acknowledge such retiring faculty members by appointment to the Emeritus Faculty. The rights and privileges of members of the Emeritus Faculty are designated by Provost Memorandum.

## 9-2. ACADEMIC APPOINTMENTS AND PROMOTIONS PROCEDURES

### A. *Uniformity of Procedures*

The diversity of professions and disciplines within the academic community of the University and the valued traditional customs of the several Faculties militate against wholly uniform procedures for appointments and promotions throughout the University. However, uniform procedure can and should be followed when proposals for such actions are considered at the University level under the aegis of the President and Provost. Consistent with policies adopted by the Trustees, additional procedures concerning academic appointments and promotions may be promulgated by the President or Provost with the advice of the Faculty Senate.

### B. *Trustee Action Required*

1. All appointments and promotions to the ranks of professor, associate professor, or assistant professor, whether in the Standing Faculty, or in comparable ranks in the Associated Faculty, are made, upon recommendation of the President and Provost, by positive action of the Trustees only. The minutes of the Trustees are the official record of such actions.

2. (a) Every recommendation for Trustee action shall specify the date of commencement and the duration of the employment relationship thereby created; whether the faculty member is a member of the Standing Faculty or the Associated Faculty; and whether the faculty member already has tenure, is receiving tenure by this action, is in a tenure qualifying position, or is in a position without tenure significance.

(b) Every recommendation for Trustee action of appointment or promotion of a faculty member to a tenure qualifying position shall indicate the date (month, day and year) that the period of qualification began and the latest academic year in which such faculty member should be reviewed for purposes of a timely tenure decision.

(c) The Secretary of the Corporation and the Provost shall arrange for suitable means of notifying each faculty member and the Deans of the respective Faculties to which they belong of such actions. The notice shall contain the minutes entered in the records of the Trustees, and shall advise the faculty member that the official record is the Trustee's minutes. The notice shall request the faculty member to acknowledge its receipt by returning a signed copy for retention in University records.

3. No officer of the University has authority to bind the University to appointment or promotion in the ranks of assistant professor or above without the positive action of the Trustees.

4. The President or Provost may authorize Deans or other members of the academic administration to take action on other appointments or promotions. In the absence of such authorization, the President or Provost must approve such appointments or promotions.

### C. *Reappointments and Promotions of Faculty Members on Term Contracts in the Standing Faculty*

1. Where a faculty member's initial term appointment in the Standing Faculty is for three years or more and has not been previously modified, consideration of the faculty member's continued employment on a new term appointment should occur no later than the penultimate year of the term. Renewal of such term appointments should be made only after serious evaluation of the faculty member's qualifications, the programmatic needs to be met by continuation, and the resources available.

2. Occasionally term appointments are made in the Standing Faculty for terms of less than three years. Consideration of such a faculty member's continued employment on a new term appointment should occur as soon as practical in light of the nature of the faculty member's role and responsibilities to the Faculty concerned.

3. No single term appointment or combination of such appointments shall exceed the maximum period of time permitted for any faculty member in a tenure qualifying position in the Standing Faculty. Where a faculty member's total years of actual service in one or more term appointments approaches the maximum period, a timely decision on promotion to tenured status shall be made. Such consideration shall be no later than the academic year preceding the last year of the permitted maximum period. Within some Faculties, it has been customary for earlier determination, and such practice is of course permitted under this Resolution.

4. If a Faculty and its Dean determine not to recommend continued employment of a faculty member on a term appointment, the faculty member should be so advised as soon as possible, in order to enable him or

her to explore other employment opportunities. A faculty member who has served more than two years in the Standing Faculty should be given by the Dean one full year's notice of nonreappointment. A faculty member who will have served an aggregate of two years or less in the Standing Faculty should be so informed by the Dean on or before March 1 of the final academic year of the term. Delay in providing such notices, not attributable to the actions of the faculty member, may be a ground for suitable adjustment in the faculty member's terms of employment, but has no tenure consequence in any case.

#### *D. Reappointments and Promotions of Faculty Members in the Associated Faculty or Academic Support Staff*

1. The University assumes no obligation of continuing appointment to faculty members in the Associated Faculty or Academic Support Staff. Some appointments in these categories are implicitly self-limiting with no expectation of renewal. Others are expressly conditional on the availability of funds. In all appropriate cases, the University through the Deans of the Faculties should seek to provide notice as soon as possible to any faculty member whose employment will not be continued. The timing of such notice of termination depends in part on the nature of the reason for the decision. Where the basis is loss of funding for a project of research or service, the length of notice to affected faculty members is dependent on the date of the announcement of the decision of the funding agency.

### **9-3. TENURE SYSTEM OF THE UNIVERSITY OF PENNSYLVANIA**

#### *A. Purpose of the Tenure System*

The Statutes of the University recognize the principal purpose of the tenure system as fostering academic freedom and devotion to long-term scholarly pursuits.

2. The tenure system is dedicated to the protection of individual members of its community of scholars in the search for and the dissemination of knowledge. It also permits the establishment of an essentially self-perpetuating body of scholars enjoying continuity of existence and wide freedom to determine collectively its rules of behavior and customs. The tenure system assures equitable policies regarding faculty remuneration and sufficient degree of economic security to make the profession attractive to persons of superior ability.

3. The concomitant responsibility of faculty members, benefitted and encouraged by a tenure system, is to use the opportunities thus provided for the advancement of the purposes of the University and contribution thereby to the many communities it serves. The University is an institution devoted to teaching. It is an obligation of its faculty members to share in the educational mission so that their students can advance in learning. The University is an institution devoted to scholarship. It is an obligation of its faculty members to seek to push forward the frontiers of knowledge through study and research. These activities go hand in hand, for research and scholarship are unavailing if their results are not communicated to others, and a lively stimulus to learn is best imparted by one who is adding to our heritage of knowledge.

#### *B. Basic Principles of the Tenure System*

1. A faculty member who has received tenure has a continuous appointment that extends to retirement age unless terminated sooner by resignation, early retirement, or death, or by action taken in accordance with policies approved by the Trustees.

2. Only members of the Standing Faculty are eligible to be appointed with tenure. Members of the Associated Faculty or of the Academic Support Staff do not acquire tenure, and service in either class of the faculty is without tenure significance.

3. No faculty member shall be appointed or promoted to the rank of professor in the Standing Faculty without a simultaneous affirmative grant or confirmation of tenure status. No faculty member holding appointment in the Standing Faculty shall be promoted to the rank of associate professor in the Standing Faculty without simultaneous affirmative grant of tenure status. An initial appointment of a faculty member from outside the University, or a promotion from the Associated Faculty, to the rank of associate professor is permissible without conferral of tenure status.

4. Each decision creating tenure status for a faculty member is made, upon recommendation of the President and Provost, by positive action of the Trustees only and does not result from passage of time or procedural error. The minutes of the Trustees are the official record of such actions. The Secretary of the Corporation and the Provost shall arrange for

suitable means of notifying individual faculty members and the Deans of the respective Faculties to which they belong of such actions.

5. Except for Benjamin Franklin Professorships and University Professorships, each faculty member acquiring tenure status shall have tenure in one of the recognized Faculties.

6. There shall be definite limits upon the length of time any faculty member can serve as a member of the Standing Faculty without tenure. Ordinarily, the maximum period of service permitted without tenure in the Standing Faculty shall be seven years. Exceptions may be authorized for good cause shown only by resolution of the Trustees attached as an appendix to this Standing Resolution.

7. The Trustees expect that each recommendation for a tenure appointment will be made only after the most careful and searching inquiry by the Faculty concerned, and by the Provost, on the attainments and the capabilities of the person under consideration in light of the University's perceived academic needs and plans, and in the context of a financial plan commensurate with the new commitment proposed to be undertaken.

#### *C. "Tenure of Title" and Tenure in Part-Time Status [To be added]*

### **9-4. LEAVES OF ABSENCE**

#### *A. Scholarly Leaves*

It is an ordinary aspect of academic life for faculty members in the Standing Faculty to be granted scholarly leaves for study and research. A scholarly leave is a means of recognizing a faculty member's high academic performance while at the University; future potential for growth in the field of knowledge, art or profession; and opportunity to make a major contribution to knowledge. It is intended to extend and to accelerate intellectual growth, and to enable a faculty member to pursue without reservation or distraction a particular project designed to this end, including the advancement of personal knowledge or competence in the faculty member's area of specialty. A scholarly leave is also intended to benefit the general academic community and the University. Therefore, a scholarly leave normally will be granted only to a faculty member who will have a continuing appointment with the University after the end of the leave and who, at the time of application for leave, has not made a commitment inconsistent with return to the University.

Scholarly leaves are granted only to faculty members who have presented an appropriate program of study or research. It is recognized, however, that faculty members in the arts or professions may wish to undertake programs that will increase their professional competence, even though these may not normally be interpreted as research programs; such programs may also constitute the basis for scholarly leaves.

Normally, an initial scholarly leave is granted to a University faculty member holding the rank of assistant professor, associate professor, or professor after a period of six or more continuous years of full-time service in the Standing Faculty at this University at the rank of assistant professor or above. If, in an exceptional case, a scholarly leave is granted to a member of the Standing Faculty on a term appointment, this leave will be counted as a part of the time accumulated toward tenure, unless expressly provided otherwise in the formal action approving such leave.

Approval of an application for scholarly leave is contingent upon adequate fiscal and personnel resources being available to the University. If exigencies require, it may become necessary to postpone leaves. The availability of leaves on a periodic or other basis should not be regarded as a contractual arrangement between an individual faculty member and the University.

Additional scholarly leaves may be granted to an individual periodically during a career at Pennsylvania, and will normally be granted after the sixth year following the completion of a previous leave. In exceptional circumstances, an unusually advantageous opportunity available to a faculty member may justify the granting of a leave before the six-year period has been completed.

Every faculty member is encouraged to obtain outside support wherever possible, in whole or in part, for a leave. An applicant for a scholarly leave is expected to inform the University concerning the financial circumstances surrounding the leave, including any grant, fellowship, stipend or other compensation that is received during the leave period so that the University may make arrangements for appropriate financial support. Such information shall be presented as soon as it is available, before or after the formal approval of an application for scholarly leave. To the extent that outside support is inadequate, the University will pay a faculty member on leave an amount up to base salary for one semester, or one-half of base salary for two



semesters. In determining the level of support the University may consider higher than usual traveling expenses or living costs.

To the extent that personnel benefits are not financed by the agency which sponsors the research or study, the University may make contributions toward the cost of these personnel benefits, provided that the faculty member continues individual contributions to the employee benefit plans.

#### **B. Leaves for Other Employment**

A leave of absence may be granted to a faculty member who wishes to accept a temporary post at another University, in governmental service, or in a private institution, agency, industry or firm. Ordinarily, no leave of absence for employment elsewhere will exceed one year. The maximum period of such a leave is two successive years.

Normally, the University will not contribute toward the salary or personnel benefits of a faculty member on such a leave. The University urges, however, that the faculty member retain the University's own personnel benefit coverage while on leave, and expects a faculty member to make the arrangements necessary to do so with the Personnel Office prior to the period of the leave.

#### **C. Other Leaves**

The University recognizes that occasions may arise when faculty members may wish, or be forced, to request leaves of absences for purposes other than scholarly study or for employment elsewhere. It will endeavor to be as generous as possible in granting these requests when they are compatible with the best interests of the faculty members, the students, and the University.

#### **D. Resignation While on Leave**

If a faculty member while on leave of absence accepts appointment to another institution, the University expects that the faculty member will cooperate in seeking for the University reimbursement for sums paid to the faculty member, or on his or her behalf, from University funds during the period of leave. The custom among institutions of higher education is to provide reimbursement for such expenditures, and the University observes this custom in its own appointment practices.

#### **E. Procedures for Application for Leave**

The Provost, by Memorandum, may promulgate procedures for leave applications.

### **9-5. TRANSFERS OF FACULTY MEMBERS OR TERMINATIONS OF FACULTY APPOINTMENTS RESULTING FROM DISCONTINUATION OF PROGRAMS**

A. Where a Faculty or School is discontinued for valid academic or financial considerations in accordance with University procedures, an attempt to relocate members of the Standing Faculty and the Associated Faculty within this University will be made. In considering any transfer of a faculty member from one Faculty to another, the evaluation by the receiving Faculty of the qualifications of that faculty member to contribute effectively to the activities of that Faculty is given weight. The University's obligation to those faculty members whose academic base has been terminated must be balanced with the considered opinion of the receiving Faculty on the suitability of any transfer. The final decision on any transfer from one Faculty to another is made by the Trustees on the recommendation of the President and Provost.

B. Where a program or department within a Faculty is discontinued for valid academic or financial considerations, in accordance with University procedures, the Faculty concerned, and its Dean, will attempt to relocate members of the Standing Faculty and Associated Faculty in other programs or departments within the Faculty. If suitable intra-Faculty transfer cannot be effected, the possibility of transfer to another Faculty will be made by the Trustees on recommendation of the President and Provost.

C. If after full exploration of the opportunities for transfer of a faculty member, no suitable appointment can be found within the University for any faculty member, with or without additional training, that faculty member's appointment may be terminated.

D. The President and Provost, with the advice of the University Council and the Faculty Senate, may promulgate procedures to be followed in the

decisions affecting the future affiliation of faculty members involved with discontinued programs or departments. The Memorandum embodying such procedures shall be submitted to the Trustees for approval.

### **9-6. FINANCIAL EXIGENCY AS BASIS FOR DECREASES IN FACULTY COMPENSATION**

A. Compensation of faculty members may be decreased only in accordance with an express agreement with the University or because of financial exigency. Decreases for financial exigency shall be limited to the following: (1) simultaneous uniform percentage decreases in the compensation of all faculty members in the University, or (2) simultaneous uniform percentage decreases in the compensation of a class of faculty members, such as those in a particular rank, department, or Faculty. No decrease for financial exigency shall be made except after consultation, initiated by the President, with the Advisory Committee of the Faculty Senate if the entire Faculty at the University is to be affected, or with representatives selected by the class of faculty members subject to a proposed decrease. Consultation should cover such issues as the existence in fact of financial exigency, the appropriateness of the selection of the particular class for decrease in compensation, alternative actions and the like.

B. If, after such consultation, the compensation of faculty members is decreased, with or without the concurrence of the Advisory Committee of the Faculty Senate or the representatives of the class of faculty members, the President shall notify the affected faculty members, in writing, of: (1) the fact that the compensation of all of the faculty members has been simultaneously decreased, (2) the formula applied uniformly to determine the amount of the decrease, and (3) the reasons for the action taken.

### **9-7. SUSPENSION OR TERMINATION FOR JUST CAUSE**

A. Action to suspend or terminate the appointment of a member of the Standing Faculty may be taken for just cause. "Just cause" means:

(1) Failure or refusal without excuse of a faculty member to perform his or her academic obligations; or

(2) Such flagrant disregard of the rules of the University or of the customs of scholarly communities as to render the faculty member unfit to continue as a member of the academic staff; or

(3) Incapacity or disability, whether physical or otherwise, which enables the faculty member to participate in the University's disability income protection program.

"Just cause" for suspension or termination of a faculty member's appointment is related, directly and substantially, to the fitness of the individual in his or her professional capacity as a teacher and scholar. Dismissal may not be used to restrain or interfere with faculty members in their exercise of academic freedom or other rights of citizenship.

B. Formal proceedings for suspension or termination of a member of the Standing Faculty shall be preceded by discussions between the faculty member and appropriate University academic administrative officers looking towards a mutually agreeable settlement. The good offices of the University Ombudsman may be employed for this purpose.

C. Procedures for determination of the existence of just cause for suspension or termination of a member of the Standing Faculty shall be promulgated by the President or Provost, with the advice of the Faculty Senate. Such procedures shall include provision for preliminary inquiry by an elected Faculty Committee on Academic Freedom and Responsibility on the adequacy of the statement of grounds for action, for a plenary hearing on the merits by the same elected Committee on Academic Freedom and Responsibility, and for appropriate review of the decisions of that committee by the Faculty concerned and, ultimately, by the Trustees. The Memorandum embodying such procedures shall be forwarded to the Trustees for approval.

D. Compensation of a faculty member shall not be discontinued as a result of initiation of proceedings for suspension or termination. Any proposal for change in compensation while such proceedings are pending shall be made effective with the consent of the faculty member concerned or with the advice of the Committee on Academic Freedom and Responsibility.

## **9-8. TEMPORARY EXCLUSION OF A FACULTY MEMBER**

A. If the capacity of a faculty member to perform teaching or scholarly duties in normal manner should become seriously impaired so that there is a risk of substantial harm to persons, including the faculty member, or to equipment or other property, the faculty member shall be temporarily excluded from classrooms, laboratories, or other facilities.

B. Where there is a threat of immediate injury to persons or to property, preventive action shall be taken by an appropriate academic administrator or other person in charge of any classroom, laboratory, or other facility. In other cases, which are not of such emergency nature, the appropriate academic administrator shall seek the advice of the elected Faculty Committee on Academic Freedom and Responsibility before taking action to exclude a faculty member. Exclusion may not exceed more than seven working days, unless directed to be extended by the Provost, acting with the advice of the elected school Committee on Academic Freedom and Responsibility. The President and Provost, by Memorandum, may promulgate further procedures for temporary exclusion of faculty members.

C. Compensation of a faculty member shall not be discontinued as a result of a temporary exclusion.

## **11-1. RETIREMENT POLICY: AGE FOR RETIREMENT**

### *A. Faculty members: Standing Faculty*

The University recognized three classes of faculty members within the Standing Faculty for purposes of the age of retirement.

1. Faculty members (in all Faculties other than the Faculty of Medicine) who received tenure prior to October 16, 1959, retire on the 30th of June of the academic year in which they reach their seventieth birthday. Members of the Faculty of Medicine who received tenure prior to October 16, 1959, retire on the 30th of June of the academic year in which they reach their sixty-eighth birthday.

2. Faculty members appointed as assistant professor or above prior to June 30, 1974, and not within the classes of faculty members who had received tenure prior to October 16, 1959, retire on the 30th of June of the academic year in which they reach their sixty-eighth birthday.

3. Faculty members appointed to the rank of assistant professor or above on or after July 1, 1974, and all faculty members holding

appointments below the rank of assistant professor as of July 1, 1974, retire on the 30th of June of the academic year in which they reach their sixty-fifth birthday.

### *B. Faculty Members: Associated Faculty and Academic Support Staff*

Faculty members in the category of the Associated Faculty or Academic Support Staff retire on the 30th of June of the academic year in which they reach their sixty-fifth birthday.

### *C. Administrative Staff*

1. All administrative staff members, whether academic or nonacademic, retire on the 30th of June of the academic year in which they reach their sixty-fifth birthday.

2. There shall be provision for supplemental employment benefits for administrative staff members who were at or near the age of 65 as of July 1, 1974. The current plan, as approved by the Trustees, is found in a Memorandum.

## **11-2. SERVICE BEYOND RETIREMENT AGE**

A. Faculty members may receive full-time or part-time appointments beyond the age of retirement only upon recommendation of the Provost, and action of the Trustees. If such faculty members are part of the faculty of the University when reaching normal retirement age, they shall be designated members of the Emeritus Faculty notwithstanding additional term appointments under this Resolution.

B. Administrative staff members may be continued in full-time service beyond the age of retirement only by action of the President.

C. Each decision granting an appointment beyond retirement age must be supported by full justification, including the particular requirements of the University met thereby. No appointment of a faculty member beyond retirement age shall be for more than one year; additional appointments likewise may be no longer than one year.

## **11-3. EARLY RETIREMENT**

There shall be provision for voluntary retirement by faculty members and members of the administrative staff before the mandatory retirement date. The current plan, as approved by the Trustees, is found in a Memorandum.