

University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

There are three general sources for faculty personnel policies: federal and state government regulations, the collective bargaining agreement, and policies adopted by the University of Delaware through its governance procedures. A selection from this last-mentioned group has been made for inclusion in the handbook for faculty. In many cases the policy statements have been abridged. Full statements of the abridged policies may be obtained from the sources indicated. Copies of the Collective Bargaining agreement are furnished annually to faculty members.

University employees are expected, at all times, to respect the rights of the University, its students, visitors and other members of the University community. Inherent in this responsibility is the obligation to be courteous, respectful, honest, and to protect the University environment. (Added 3/02)

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A. FACULTY APPOINTMENT POLICY

This policy shall apply to all academic units for the appointment of academic rank. The policy shall be applicable to all full- and part-time positions, permanent and temporary positions, joint and adjunct positions, regardless of funding source.

1. To appoint any person to an academic rank requires a positive recommendation from the faculty of the academic unit to which the person is to be assigned. The faculty of each academic unit may formally designate a subgroup to act for the unit as a whole, if it so wishes. Such subgroups may include search committees, department and college executive committees or senates.
 2. For each new or vacant academic rank position, there shall be a search committee. The policy governing the establishment and composition of search committees may vary from college to college or from department to department with the approval of the dean. By majority vote, department or college faculty may forego the establishment of a search committee in cases deemed appropriate (e.g., temporary part-time faculty) but affirmative action requirements must still be observed.
 3. Search committees shall abide by the University Faculty Recruitment Procedures as published in the University Policy and Procedures Chairperson's Supplement, unless explicitly exempted by the University Provost with the concurrence of a majority of the faculty of the academic unit.
 4. The college dean and department chairperson act for the college and department faculty, respectively. It is understood that they consult with college or department faculty according to college and department policies and procedures in making their recommendations.
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A. 1 CONDITIONS OF EMPLOYMENT

1. Academic and Administrative Personnel

All regular members of the teaching staff of the University are fully engaged for the whole year of fifty-two weeks. While normally members of the teaching staff are required to teach for only nine months annually, responsibilities of faculty to the University do not cease during the summer months. The summer period is provided for reading, study, research, and travel related to the professional development of the faculty member as well as for providing a reasonable period for relaxation. Individuals who wish to engage in undertakings other than those that would fall within the foregoing categories must obtain written permission from the President of the University, except as provided by University policies listed in the sections to follow.

The terms of employment of the teaching staff require faculty presence on the appropriate campus from September 1 until after commencement, except during holidays and when administrative authorization for absence has been given. A proportionate amount of salary is deductible for each day of absence that has not been duly authorized.

Professional and administrative members with faculty appointments or faculty rank (and Agricultural Experiment Station and Cooperative Extension System personnel) are normally engaged for the fiscal year, with annual leave of twenty-two working days, exclusive of recognized holidays. This leave is non cumulative from year to year and is forfeited if not taken within the following fiscal year. Dates of annual leave are subject to approval of the department chairperson or appropriate administrative officer.

Professional/administrative members may accumulate a maximum of twenty-five vacation days through five years of service, a maximum of thirty days from six through ten years of service, a maximum of thirty-five days from eleven through twenty years of service, and a maximum of forty days for more than twenty years of service.

Under no circumstances may a full-time faculty member be employed on a regular basis, full-time or part-time, by another educational institution, by a state or federal agency or in a private business without the written approval of the President or his or her designee, except as provided under the policy on outside employment (see "Outside Employment" Section III-H in this *Handbook*).

Part-time faculty may be hired on an annual or shorter basis, either in the Continuing

Education Division or for the regular academic program. Because there is not expectation of continued appointment, notice of non renewal is not required.

Initial hire is completed through a faculty/professional initial appointment contract. All actions thereafter will be processed on a Personnel Action Form (PAF).

(Policy added July 1, 1976)

2. Non-Tenure Track Faculty

(Policy added in entirety 8/96, Vice President for Administration to reflect Collective Bargaining Agreement; revised 5/00 Vice President for Administration in consultation with AAUP; editorial correction 8/00)

1. Scope

The following terms of employment apply to individuals holding primary appointments as full-time, non-tenure track faculty. These policies do not apply to individuals holding part-time, secondary, contingency or adjunct appointments as non-tenure track faculty. These policies do not apply to faculty appointed to tenure track positions.

It is anticipated that, in the future, the focus of appointments will be to hire "tenure track" faculty. Within the context of this primary commitment, non-tenure track faculty will be hired to supplement capacity in programs with special needs that justify these types of appointments.

2. Appointments: Continuing or Temporary Non-tenure Track Faculty

Non-tenure track faculty appointments may be continuing or temporary. They are for a defined term and do not involve a tenure commitment.

2.1 Individuals holding primary appointments as full-time, continuing non-tenure track faculty are hired through regular University procedures governing new position approval, recruitment and affirmative action. Continuing appointments must be supported from recurrent sources of funds. Continuing non-tenure track faculty are eligible for promotion in academic rank and sabbaticals under the same criteria and procedures that apply to tenure-track faculty.

2.2 Temporary, full-time non-tenure track faculty are hired through University procedures for temporary appointments and are appointed to one-year contracts, renewable for a maximum of two additional years. Temporary, non-tenure track faculty are not eligible for promotion and sabbaticals.

3. Types of Non-tenure Track Faculty

Continuing and temporary non-tenure track faculty may be hired as instructional, clinical or public service faculty. The workloads of instructional, clinical and public service non-tenure track faculty are administered by the chairs/directors of the academic programs in which the appointments are made in a manner consistent with University guidelines, approved program procedures and collective bargaining requirements. (Rev. 10/01).

3.1 Instructional faculty have responsibilities for scheduled University course instruction and related student advisement as well as for instructional support activities.

3.2 Clinical faculty have major responsibilities in clinical supervision and instruction (including for example, clinical nursing supervision, student teaching, internships, field placements, and practicums) and/or professional practice supervision (including for example, HRIM and business practices) with the balance of workload involving regularly scheduled instructional and advisement responsibilities as well as related professional and scholarly contributions.

3.3 Public service faculty have major responsibilities for college (or departmental/school)based public service programs (including applied research, technical assistance, and community and professional development training and education) with on-going responsibilities for regularly scheduled undergraduate and/or graduate instruction and advisement, and with the balance of workload involving clinical and professional practice supervision, and related professional and scholarly contributions.

4. Academic Rank

4.1 Non-tenure track faculty must meet the minimum requirements for the academic rank of "instructor," which generally requires the masters degree or equivalent qualifications in an appropriate field of instruction with evidence of sustained effective teaching ability; for clinical positions, there must also be demonstrated evidence of appropriate practical field experience.

4.2 Non-tenure track faculty may hold higher academic ranks and to do so must meet the same criteria for academic rank as is required for tenure track faculty.

4.3 Appointment or promotion to all academic ranks must meet the criteria and procedures set forth in the *Handbook for Faculty* and as stipulated in the academic unit's promotion and tenure criteria.

5. Term and Contract Renewal

5.1 Individuals appointed as continuing non-tenure track faculty (section 2.1 above) will have a six-year probationary period comprised of three successive two-year appointments, subject to annual review and a recommendation for contract renewal by the chair/director/dean.

5.2 In the sixth year, a full peer review will be conducted and on the basis of recommendations from the peer review and chair/director/dean, individuals will receive either a seventh terminal year appointment or a three-year contract subject to annual review. In the second year of the three-year contract, the chair/director/dean will recommend whether the

individual will be afforded a contract of four years in length. Subject to satisfactory annual evaluations, during the last year of a four-year contract, a second full peer review will be conducted. Subject to the recommendation of the peer review and chair/director/dean, the individual will receive a five-year contract on a "rolling" basis, subject to an annual review. Contract renewal is subject to the notice provisions of the *Handbook for Faculty* (III-36-N, Non renewals).

5.3 Individuals hired on full-time temporary appointments who are appointed subsequently as primary, full-time, continuing non-tenure track faculty will have their previous time of service counted in the computation of subsequent contract renewal periods. No individual will receive a three- or five-year "rolling" contract without a full peer review.

5.4 In the event of an unsatisfactory annual evaluation during the term of a multi-year contract, a full peer review may be conducted. If a peer review confirms the unsatisfactory performance set forth in the annual evaluation, the individual will receive one full year's notice in writing of contract termination (*Handbook for Faculty*, III-36-N, Nonrenewals).

5.5 In the event of programmatic and/or budgetary reductions, individuals serving on multiple year contracts will receive one full year's notice in writing of contract termination (*Handbook for Faculty*, III-36-N, Nonrenewals).

6. Sabbaticals

Faculty appointed as continuing non-tenure track faculty (section 2.1 above) are eligible for sabbaticals at the end of the sixth year of appointment if their appointment is renewed for a three-year appointment (as stipulated in item 5.2 above) and with review and approval through regular University procedures.

7. Merit Pay

Merit pay for non-tenure track faculty will be awarded on a basis consistent with the written workload agreement for such faculty. The annual evaluation of performance for purposes of merit pay will be consistent with the applicable department/college promotion and tenure criteria.

8. Peer Reviews

Peer reviews shall be consistent with the applicable department/college promotion and tenure criteria and consistent with the written workload agreement for each non-tenure track faculty member.

9. Career Development and Salary Adjustments

Salary adjustments for continuing non-tenure track faculty parallel to promotional increments for associate professors are made upon contract renewal for three years at the end of the initial six-year probationary period and parallel to the promotional increment for full professors at the start of the first five- year "rolling" contract. However, individuals holding primary appointments as full-time, continuing non-tenure track faculty (as defined in section 2.1 above) will not be awarded promotional increments should there be a change in their academic rank.

3. Lecturer

Definition: A Lecturer is a temporary faculty appointment.

Description: Lecturer is the appropriate rank for all temporary faculty, e.g., 1) certain visiting faculty, 2) faculty of experimental and special programs and, 3) faculty on contingency contracts. Appointments are for no longer than one year; notice of non-reappointment is not required and should be clearly stated on the contract. In special circumstances, and with appropriate justification, appointments may be renewed; in these instances prior approval of the University Provost must be obtained.

The rank of Lecturer is not used for persons on the permanent faculty who have expectations of progressing through the tenured faculty ranks.
(Rev. 2/13/78)

3. a. Contingency Contracts

Appointments to the faculty of the University of Delaware are made on the expectation that the candidate has completed a terminal degree. In the case of appointment at the rank of Assistant Professor, a contingent contract may be written permitting initial appointment at the rank of Lecturer if it states clearly that all requirements for the terminal degree will be fulfilled prior to reappointment at the rank of Assistant Professor. Contingent contracts are normally written for one year, but in extraordinary cases may be written for two years at the discretion of the department and dean.

The salary differential in a contingent contract should not be less than \$1,000.

In those cases where a contingent contract is justified, the letter of appointment from the dean should include the following language:

This contract is written for appointment at the rank of assistant professor contingent upon formal notification to the dean that all requirements for the doctorate (*N.B.: or appropriate terminal degree*), including the dissertation, have been completed by the beginning of the contract period. If this expectation is not met by the beginning of the contract period, the initial appointment will be at the rank of Lecturer, at a salary of \$_____ (*N.B.: an amount reduced from the original amount by not less than \$1000*) for a term of one year. Upon formal notification to the dean that all requirements for the doctorate (*N.B.: or appropriate terminal degree*), including the dissertation, have been completed, your rank will be changed to assistant professor and your salary will be increased to the original annual rate for the remainder of the year. Should you not complete your doctorate (*N.B.: or appropriate terminal degree*) by May 31, 199_ (*N.B.: end of first academic year*), your contract will expire on August 31, 199_ (*N.B., end of first contract year*) and no further notice of non-renewal of appointment will be required. Should the requirements be completed prior to May 31, 199_ (*N.B.: end of first academic year*) and should a renewal appointment be proposed, the renewal appointment may be at the rank of assistant professor and may be for a two-year period. Eligibility to be considered for tenure does not begin until the first full academic year of appointment as assistant professor.

Promotions and increments, if awarded in subsequent years, will be in accordance with regular University policy. Only the initial contract may be written as a contingent contract, and all contingencies lapse at the end of the first year.

(Rev. 3/13/95)

4. Adjunct or Clinical Faculty

Adjunct or clinical faculty are members of the academic staff who are appointed for a limited period of time during the year(s) in which they are actively involved in the teaching and research program of the University. Persons holding appointment as Adjunct or Clinical (Professor, Associate Professor, Assistant Professor, or Instructor) must make a contribution to the University in the form of teaching, research, or consultation. Adjunct or clinical status is accorded only after the regular academic review and evaluation. Rank is established according to the same criteria as regular faculty. Adjunct or clinical faculty are not eligible for tenure. No stipend is paid; terms of appointment are annual only, and contracts are not automatically renewed.

Rank is reviewed annually. Recommendations for promotion do not have to go through the usual committee procedures, but evidence besides a vita sheet should be forwarded to indicate meritorious service (e.g., teaching evaluations if the chief duties are in teaching).

Adjunct or clinical faculty receive I.D. cards and have access to the Library; they may purchase parking permits and football tickets at faculty rates. They may not participate in the tuition fee waiver program. Although they are not members of the University voting faculty, some departments or colleges may give them voting rights in their own units; the practice varies.

(Policy added July 1, 1976.)

5. Retirement and Emeritus Status (rev. 01/02)

Upon retirement, full-time members of the teaching faculty may be granted the title "emeritus" upon recommendation by the chairperson of the department, after consultation with the faculty, and by the dean of the college, and with the approval of the University Provost. All of the following criteria must be met:

1. The faculty member has made distinguished contributions to teaching, scholarship, or service during tenure at the University of Delaware.
2. The faculty member has attained the rank of Associate or Full Professor by the time of retirement.
3. Service at the University of Delaware has been for at least eight years.
4. The University and the faculty member desire a continued association after the faculty member's retirement.

The names of emeritus faculty are carried in the University catalog. In addition they are

invited to all convocations and formal exercises, and they continue to have faculty privileges at the University library.

6. Access to Personnel Records

On a requested basis, data in the individual's personnel files, with the exception of confidential employment references to or solicited by the University, shall be available for inspection by the individual faculty member with proper identification. Records must be reviewed in the presence of an official in the particular records office, and they may not be removed from the records office. Faculty members shall inform the appropriate administrative officer of a desire to see their records prior to requesting such information at the appropriate records office and shall make an appointment with the personnel official concerned indicating the specific information desired to be reviewed.

Upon approval by the University Provost, copies of specific information requested may be supplied at the faculty member's expense.

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Please direct questions to the Office of the Vice Provost for Academic Programs and Planning.

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B. ACADEMIC FREEDOM

It is recognized that if faculty members are to teach and carry on research effectively, academic freedom is necessary. Academic freedom is the freedom of the faculty to teach and speak out as the fruits of their research and scholarship dictate, even though their conclusions may be unpopular or contrary to public opinion. Both within and outside the classroom, the faculty should exhibit the accuracy, restraint, and respect for the opinions of others appropriate to educators and persons of learning. In relations with the public, they should make it clear at all times whether they speak as private citizens, as experts on the subject in question, or as institutional spokesmen. In speaking as private citizens, faculty should make clear that they are doing so. In this connection, use of University titles should be permitted for identification purposes only, and it should be made clear that institutional endorsement is not implied.

The following statements were passed by the University Faculty Senate and were adopted as policy by the University administration and on May 31, 1979 by the Board of Trustees.

The teacher is entitled to full freedom in research and in the publication of results, but research for pecuniary return should be based upon an understanding with the authorities of the University.

The teacher is entitled to freedom in the classroom in discussing his or her subject but should be careful not to introduce into his or her teaching matter that which has little or no relation to the subject.

Classroom visitations for the purpose of teaching evaluations are compatible with academic freedom, but such visitation shall adhere to reasonable procedures contained in a written statement approved by a majority of department faculty. (Approved by Faculty Senate and amended by the Committee on Education and Training of the Board of Trustees, December 10, 1980)

The teacher is an individual, a member of a learned profession, as well as a member of an educational institution. When speaking as an individual, he or she should be free from institutional censorship or discipline, but his or her special position in the community imposes special obligations. As a person of learning and as an educator, the teacher should remember that the public may judge his or her profession and institution by his or her utterances. Hence the teacher should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he or she is not an institutional spokesperson.

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B.1 POLICY AND PROCEDURES FOR INFORMAL COURSE-RELATED STUDENT COMPLAINTS

1. POLICY

In general, it is UD policy that faculty members be apprised as promptly as feasible of informal course-related complaints that students have made to department chairs or program directors in face-to-face or in written, signed statements, whenever the chair/director judges the complaint substantial enough to warrant action. A chair or director shall not negatively sanction a professor on the basis of such complaints unless the chair/director has notified the faculty member about the complaint in a timely fashion as described below:

2. PROCEDURES

A. When the chair/director receives a face-to-face or written and signed complaint about an ongoing course (e.g., a complaint about inappropriate course requirements, about faculty in-class behavior, etc.), the chair/director should encourage direct communication between the student and the faculty member. If this does not prove feasible due to student reluctance, it is the responsibility of the chair/director to notify the faculty member promptly concerning any complaint that the chair/director considers substantial enough to warrant corrective action.

I. The general guideline for the chair/director is to honor a student's desire for confidentiality, but to notify the professor of the problem as soon as is feasible within this constraint, so that the professor can take action. (Many such complaints can be readily communicated to the professor without revealing particular student identities.) For a complaint that is well-grounded, this obligation of prompt notice should facilitate the faculty member's attending to the problem while the course is still running, whenever feasible.

II. Faculty members are entitled to elemental due process: No professor should be negatively sanctioned by a chair/director on the basis of an unwritten student complaint about the professor's course concerning which the professor has not been notified and given an opportunity to be heard. The professor must be given an opportunity to confront the accusation so that the chair/director can judge fairly whether the complaint has any foundation.

B. If the complaint is about personal mistreatment of an individual student, see section II-4

Formal Student Grievance Procedure for formal guidelines.
(Policy added 12/7/98; corrected 2/17/99)

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B.2 UNIVERSITY POLICY AGAINST SEXUAL HARASSMENT

It is the understanding of the faculty that the policy against sexual harassment in no way refers to the abstract expression of opinion on the nature of the sexes. This policy is concerned only with the problem of unwanted sexual advances directed at individuals.

I. Policy

The University of Delaware is committed to protecting the rights and dignity of all employees and students. The University will not tolerate sexual harassment in the work place. Further, sexual harassment is a form of sexual discrimination and is a violation of Federal and state law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Delaware Fair Employment Practices Act.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

The following types of actions may constitute sexual harassment, whether the harasser is a co-worker, supervisor, classmate or professor:

- demand for sexual favors accompanied by implied threats about the person's employment status, or implied promises of preferential treatment
- persistent, unwelcome flirtation, requests for dates, advances or propositions of a sexual nature
- unwanted touching such as patting, pinching, hugging or repeated brushing against an individual's body
- repeated degrading or insulting comments that demean an individual's sexuality or sex
- unwarranted displays of sexually suggestive objects or pictures
- sexual assault

The University administration and all supervisory personnel are responsible for maintaining a work environment free of sexual harassment. Immediate and appropriate corrective action

will be taken when cases of sexual harassment occur. Supervisors should consult with the Office of Labor Relations in such cases.

It is a violation of University policy to retaliate in any way against students or employees because they have raised allegations of sexual harassment. Since a charge of sexual harassment may have serious consequences, the complainant(s) are responsible to bring the charge in good faith and in accordance with the University's policy. The person(s) against whom the complaint is lodged also bears a responsibility to abstain from retaliatory behavior toward the complainant(s) outside the established channels of redress. A complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action.

II. Complaint Procedures

A. Lodging a Complaint

Employees/students who believe that they are being subjected to sexual harassment should discuss the matter with their supervisor/advisor, if appropriate, or directly contact the Office of Women's Affairs (OWA) or the Office of Affirmative Action (OAA) for confidential support, information and possible informal resolution. Faculty members who believe they are being subjected to sexual harassment, or are being accused of sexual harassment, should contact the AAUP. Complaints of sexual harassment shall be referred to the Vice President for Administration for further investigation and corrective action. Employees/students may contact the Vice President for Administration directly if they feel they have been subjected to sexual harassment. Complaints will be investigated by the Vice President. (Rev. Office of Administration 8/25/98; Handbook updated 4/9/01)

B. Informal Procedures

- Upon receipt of an allegation of sexual harassment, the Vice President for Administration will meet with the individual against whom the complaint has been made, his/her department chairperson or immediate supervisor; college dean or unit head. The director of OWA or OAA will be in attendance, as appropriate. (Rev. Fac. Sen. 2/10/97)
- The AAUP will be notified if the complaint involves a faculty member(s) in any way. If the accused is a faculty member, the AAUP will be notified in time to allow consultation with the accused prior to the meeting. The Vice President for Administration will advise the accused that it is in his/her best interest to seek out the appropriate AAUP officer for consultation prior to any meetings. (Rev. Fac. Sen. 2/10/97)
- Where indicated, the Vice President for Administration may interview other individuals to ascertain the validity of the complaint. However, the investigation will proceed in a timely manner. (Rev. Fac. Sen. 2/10/97)
- If the Vice President for Administration finds the charge of sexual harassment is valid, prompt and appropriate corrective action will be taken. This may include one or more of the following actions depending on the severity of the offense:

1. A verbal warning that a repetition of the reported impropriety will result in formal action.
 2. Placement of a letter in the individual's personnel file indicating the nature of the improper behavior. The letter may include a notation about required counseling and any action that will be taken in the future should there be a repetition of the offensive behavior(s).
 3. Immediate removal of the individual from the classroom/worksite and placement on leave of absence so that the individual can receive appropriate psychological counseling. Return to teaching and/or professional duties will be guided by the individual's progress.
 4. Initiation of formal action by the dean or appropriate vice president to dismiss the individual from the University's employ. For faculty, dismissal will follow the procedures set forth by the Faculty Senate Committee on Welfare and Privileges.
- The Vice President for Administration will, as soon as practicable, notify the complainant(s) when the investigation has been concluded and indicate the nature of any corrective action taken.

C. Formal Redress

A more formal means of redress from sexual harassment may also be sought through grievance procedures. For faculty, a complaint may be brought before the Faculty Senate Committee on Welfare and Privileges. A faculty complainant may also appeal the results of the informal procedures to the same committee. Upon review of a written appeal, the Committee may elect to pursue the matter and make additional recommendations to the University Provost. A grievance may be commenced under the collective bargaining agreement if the informal procedures set forth above have not been properly followed. For hourly employees, the grievance procedures are found in their collective bargaining agreements. For professional and salaried staff, the grievance procedures are found in the Personnel Policy & Procedures Manual for Professional & Salaried Staff. For students, the grievance procedures are found in the Official Student Handbook. (Rev. 6/5/89; updated 11/15/93; revised Office of Employee Relations, 2/96; Rev. Fac. Sen. 2/10/97; corrected 6/97)

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Please direct questions to Academic Programs and Planning.
Last editorial update 04/10/01.

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B. .3 STATEMENT ON PROFESSIONAL ETHICS

On April 3, 1995, the University Faculty Senate adopted the following statement on professional ethics, taken from the 1990 edition of the AAUP *Policy Documents and Report*.

1. Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research.

1961	<i>Statement on Recruitment and Resignation of Faculty Members</i>
1964	<i>A Statement on Extramural Utterances (Clarification of sec. 1c of the 1940 Statement of Principles on Academic Freedom and Tenure)</i>
1965	<i>On Preventing Conflicts of Interest in Government-Sponsored Research at Universities</i>
1966	<i>Statement on Government of Colleges and Universities</i>
1967	<i>Joint Statement on Rights and Freedoms of Students</i>
1970	<i>Council Statement on Freedom and Responsibility</i>
1976	<i>On Discrimination</i>
1984	<i>Sexual Harassment: Suggested Policy and Procedures for Handling Complaints</i>

The Statement on Professional Ethics that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and Committee B, to counsel

with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement of Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.

2. The Statement

- 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.

(Added by Faculty Senate 4/95; renumbered 2/99)

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C. DISTRIBUTION OF PUBLISHED MATERIALS ON CAMPUS

Freedom of expression is absolutely essential to the life of the University. In order to guarantee that freedom to every member of the University community and to provide an atmosphere in which free and open debate will prosper, the following policies have been established governing the distribution of published materials on the campus.

1. Members of the University community--all classifications of students, faculty, staff, and registered campus organizations-- may distribute published materials on the campus with the understanding that they accept responsibility for the materials, the materials are labeled to indicate sponsorship and are distributed in accordance with this policy statement.
2. Any member of the University community may distribute published materials at any point on campus except in the University bookstore, the library (excluding the outer lobby), and dining halls (excluding lobbies and checking tables).
3. Persons not members of the University community may distribute published materials on the campus if they have obtained the sponsorship of a member of the University community who has determined that the manner of distribution is in accord with this policy statement.
4. When, in the opinion of the University official authorized to make determination, the manner and place of distribution of published materials constitutes a violation of this policy or a disruption of normal University activity, the official should inform the distributors of his or her opinion and request that distribution be discontinued. If the distributors refuse, the official should advise them that they may face disciplinary action if they persist.
5. The University shall not limit the distribution of published materials solely on the basis of what is contained in such materials.

The policy outlined above was developed by the former Committee on Student Publications and concerns distribution by persons and groups. It was approved by this Committee, by the Student Government Association and Graduate Student Association consultants, and by the faculty in May 1969. The policy does not require the University to use its campus mail service or other forms of distribution to distribute items so sponsored by individuals or groups.

Questions regarding the policy should be directed to the Office of the Dean of Students.

Faculty members should familiarize themselves with University policies concerning use of campus mail, bulletin boards, space and equipment and the like. The University charter states that "The University shall never be managed or conducted in the interest of any party, sect or

denomination". In addition labor law and practice sets limits on the activities of labor unions that are not collective bargaining agents. Questions concerning labor law and its interpretation should be directed to the Vice President for Administration. The use of University mails and facilities for unauthorized solicitation of funds for causes unrelated to University operations or for private activities or concerns is not permitted.

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Please direct questions to the Office of the Vice Provost for Academic Programs and Planning.

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D. TEACHING RESPONSIBILITIES

REGULAR SESSIONS

The full-time teaching assignment at the University of Delaware is twelve credit hours. In practice, however, the University adheres to a policy of "administered" teaching loads. Under this arrangement department chairpersons and deans are encouraged to vary the teaching loads of individual faculty members so long as the total teaching obligations are met with the teaching personnel available. This flexible arrangement makes it possible for the chairpersons to make assignments of individual faculty members on a semester-to-semester basis to stimulate research and scholarship or to provide for unusually heavy committee assignments.

This administered teaching load is made possible by increasing efficiency in instruction without loss of quality or effectiveness through the development of innovative teaching methodologies such as common lectures, programmed learning, combined sections, and variable-credit options.

CONTINUING EDUCATION

The University provides continuing education opportunities statewide. Faculty members are required to participate in evening teaching as requested. When such teaching is in excess of a full teaching schedule, additional compensation is authorized in accordance with the University policy on extra compensation. Continuing Education contracts are contingent upon sufficient enrollment.

Policy and Procedures for Teaching in Continuing Education

1. Course Scheduling

Credit courses offered at off-campus locations are scheduled by the Division of Continuing Education with the University Registrar's Office on the same time schedule as campus courses. Continuing Education sends course requests (including suggested courses, meeting days and times, and enrollment limits) to department scheduling personnel for approval by department chairs. Instructors are assigned by the academic departments.

2. Hours of Instruction

During the fall and spring semesters, evening classes normally are scheduled one night a week from 6-9 p.m. with a 10-minute break at the instructor's discretion. Some courses are scheduled two evenings a week for an hour and a half each night. During special sessions (summer and winter) credit classes meet two evenings a week for at least three

hours an evening.

Except during winter session, a course must meet fourteen times or a total of 42 fifty-minute hours to warrant three semester hours credit. Winter session instructors must assign out-of-class projects equivalent to the difference between the 42 contact hour requirement and actual contact hours.

(Rev. 6/5/89)

Instructors are urged to begin all classes on time and to continue instruction until the end of the class period. Students will have the proper regard for the course if the instructor demonstrates its importance by using fully every minute available to him or her.

(Rev. 6/5/89)

3. Cancellation of Classes

An instructor who must cancel a class should notify all of the students and University Continuing Education Office as far in advance as possible. Passing around a signature sheet for names and telephone numbers--business and home--is a good first night procedure to prepare for such emergencies. Student telephone numbers may also be obtained from the Continuing Education Office. If in doubt whether or not the University will cancel an off-campus class due to weather, call the Continuing Education Office, 831-1174, or listen for radio announcements.

(Rev. 6/5/89)

4. Make-Up Classes

Holidays, inclement weather, or instructor absences may require the scheduling of a make-up class. Grade report deadlines usually do not permit extra class meetings at the end of the semester and the University does not permit make-up classes to be scheduled on Reading Day. Therefore, make-up classes usually are scheduled on an alternate week night during the regular semester, or the time is made up by eliminating class breaks and extending the class period 15 minutes. Arrangement for make-up classes can be made through the academic Continuing Education coordinator at each location. The University Continuing Education Office (831-1174) should be notified whenever a make-up class is scheduled.

5. Admission to Classes

Students whose names do not appear on the class list should be requested to contact the University Continuing Education Office immediately. **If a course has a prerequisite**, it should be indicated at the beginning of the first class meeting so that students who may be ineligible for the course can change their registration. A syllabus should be available to students at the first class meeting. After classes have begun, Continuing Education instructors may sign drop/add and/or late registration forms for students wishing to add their classes.

(Rev. 6/5/89)

6. Changes in Registration

Instructors do not have the authority to initiate or accept registrations or changes in registration. It is the responsibility of the student to initiate all changes of registration according to current procedures and to submit all forms to the Continuing Education Office. Discussing a change with the instructor does not constitute a change and does not relieve the student of the responsibility to follow the prescribed steps.

(Rev. 6/5/89)

7. Student Advisement

Continuing Education faculty are not expected to engage in student advisement unless they wish to perform this service as a courtesy to the student. Educational advisement is available at the ACCESSCenter, University Continuing Education Office. Instructors are invited to send the ACCESS coordinator (John M. Clayton Hall, Newark, DE) course information that might be useful to prospective students.

(Rev. 6/5/89)

8. Class Lists

Instructors will receive at least three class lists for verification of registrations: 1) at the first class meeting; 2) following the first six weeks and including late registrations; and 3) within the last two weeks of the semester.

The second and third lists are extremely important. Please take time to check them with the students. Students whose names do not appear on the third class list are not officially registered for the class and will not receive a grade.

(Rev. 6/5/89)

9. Attendance

Students are expected to attend all scheduled classes and laboratories and not be absent without adequate reason. Continuing Education instructors may establish attendance regulations. Deficiencies resulting from absences must be made up to the satisfaction of the instructor.

10. Submission of Grades

Grades must be recorded in person at the Continuing Education Office, Room 203 Clayton Hall. Grades must be entered on the final class list and on the special grade report scan sheet.

(Rev. 6/5/89)

11. Change of Grades

Instructors are requested to submit revised grades on change of grade forms, available at the Continuing Education Office, as promptly as possible.

(Rev. 6/5/89)

12. Student Dishonesty

All incidents of suspected student dishonesty in the classroom such as cheating on examinations or plagiarism should be reported to the Coordinator of the ACCESSCenter, John M. Clayton Hall.

13. Textbooks

After instructors are notified by academic departments that they will teach Continuing Education courses, the department office coordinator will request a textbook order. Instructors should request desk copies of the text/texts to be used from the publisher. If notification of teaching assignment is received too late for this procedure, instructors may obtain a Request for Services form from the Continuing Education Office, present it to the University Bookstore or to one of the Bookstore representatives at an off-campus location and secure a text. Because the text is charged to the department concerned, the instructor should then request a desk copy from the publisher and turn it in to the Bookstore so that a credit can be issued to the department.

Bookstore representatives will sell books at the bookstore on the Wilmington Campus during the first two weeks of classes. At off-campus locations, books will be sold by a

bookstore representative to students the first meeting of each class. Students also may obtain books by mail directly from the bookstore. (Rev. 6/5/89)

14. Course Evaluations

Some departments provide their own course evaluation forms to instructors. Continuing Education evaluation forms will be available to each class during the last two weeks of instruction and should be returned to the Continuing Education Office at Clayton Hall. Collated results will be shared with instructors and department chairs.
(Rev. 6/95)

15. Classroom Supplies

Blue books, chalk, and other classroom supplies are available from the local Continuing Education coordinator or the Continuing Education Office. Continuing Education will make copies of lesson materials for instructors provided that requests are received two weeks in advance. Requests for audio-visual support for classroom instruction should be made in advance to the on-site facilities coordinator.
(Rev. 6/5/89)

16. Emergency Procedures

Reassignment of off-campus classrooms during emergencies: If instructors find a building closed when they arrive at off-campus locations, they should contact the building coordinator at that location immediately.
If it is necessary to evacuate a building or classroom at a Continuing Education site, instructors will be advised by the building coordinator.
If the signal to evacuate is given after 8 p.m., classes will be dismissed. In anticipation of building evacuations, Continuing Education faculty should develop and provide students with a schedule of supplementary readings or other material to be used as a possible substitute for remaining class sessions. Students should be informed that if a building is evacuated and the class dismissed, the supplementary material on the schedule automatically should be added to next week's preparation.
Health Care Emergencies: Notify the Continuing Education or building coordinator at that location, University Security or the statewide emergency number (911).

(Rev. 6/5/89)

17. Continuing Education Faculty Payment

Supplemental contracts for instructors of Continuing Education credit courses are initiated by the academic departments. Continuing Education faculty are paid on a semi-monthly basis during the semester. At the end of the semester, an instructor also may fill out a Reimbursement of Personal Expense Invoice, available at the Continuing Education Office, to collect travel expenses incurred during the term. Travel is paid at the rate of 27 cents per mile for travel exceeding 10 miles one way between residence and classroom location. Postage or telephone expense used in contacting students may be included on this form provided receipts are attached. Other types of expenses (field trips, meals, honoraria for guest speakers, must be approved in advance by the Director of Credit Programs and Student Services in order to be reimbursed. A check for these expenses will be mailed to the address given after the fifteenth of the month following receipt of the invoice.

(Rev. 6/5/89)

18. Continuing Education Faculty Parking

Continuing Education instructors teaching at University classroom sites must have valid University parking stickers to use University parking lots. Cost of registration per semester varies depending on the decal desired. Vehicle registration may be completed at the University Public Safety Office or at the Wilmington campus.

(Rev. 6/89, 6/95)

19. Identification

An identification card will be issued to each Continuing Education instructor. Presentation of this card will enable the instructor to use the University Library and Bookstore and to obtain football tickets.

SPECIAL SESSIONS

Summer Sessions

A variety of courses are offered during the Summer Sessions. Faculty are expected to teach in the summer sessions if requested to do so and will receive extra compensation unless summer teaching is specifically required in the faculty member's contract or unless the faculty member is otherwise fully supported during the summer months. Summer Session contracts are contingent upon sufficient enrollment in the course, that is, six graduate students or ten undergraduate students.

Winter Session

The Winter Session is a five-week academic period between the fall and spring semesters designed to provide students the opportunity to pursue a wide variety of new and experimental courses, regular courses, and international study programs. Faculty are required to be fully involved in University activities during each Winter Session, and all faculty, including those on twelve-month contracts, will be compensated on an overload basis for teaching. Winter Session contracts are contingent upon sufficient enrollment in the course, that is, six graduate students or ten undergraduate students.

Regular University policies on absence from campus hold during the Winter Session, and chairpersons and deans are responsible for workload assignments during this period.

20. Teaching Load

Summer Sessions: So that faculty have time to do research, they may only teach a maximum of two courses in one Summer Session. Faculty may direct supervised study only during the session in which they are teaching. Exceptions to this policy must be approved by the University Provost.

Winter Session: Faculty participation in Winter Session is optional. Faculty may receive additional compensation for teaching in Winter Session. Compensation may not exceed payment for two courses or its equivalent plus \$360 for individual study. Faculty members may not receive additional payments for research during Winter Session. Each department is asked to provide a balanced offering of courses, projects, and independent study.

(Rev. 1990, Office of the University Provost)

21. Travel

Visiting Summer Session or Winter Session faculty who live more than 100 miles from the University of Delaware campus will be reimbursed for travel in the amount of the round-trip economy class plane fare from the individual's home. This travel allowance is for the faculty member only, for not more than one round trip, and for faculty teaching regular courses during the Summer Sessions or Winter Session who are not on the

regular University of Delaware faculty. Approval from the Associate Provost for International Programs and Special Sessions is necessary prior to final contract arrangements with the visiting faculty member.

Distinguished foreign faculty brought to the University for full-time teaching during Summer Sessions or Winter Session may be given one economy class round-trip fare in addition to the normal instructional stipend. All such recruitment must receive the approval of the Associate Provost for International Programs and Special Sessions in advance before an offer can be made.

Regular University faculty traveling to off-campus sites in Delaware will be compensated according to the Continuing Education salary schedule.

The University Policy on Faculty, Professional, and Staff Travel (Section III, *Faculty Handbook*) applies to all International Programs and Special Sessions domestic travel. Policies for travel abroad are available from the International Programs and Special Sessions Office since these are updated annually.

22. Compensation

Faculty members on academic year contracts may receive additional compensation for three months of summer work on sponsored research or summer teaching at a monthly rate not to exceed one-ninth of the base salary. The total compensation from all sources may not exceed three-ninths of the basic academic year salary for the summer months. Correspondingly, faculty on fiscal year contracts may receive additional compensation for one month of summer work on sponsored research at a rate not to exceed one-eleventh of the fiscal year salary.

Faculty members receiving a full three-ninths summer compensation (one-eleventh for fiscal year contracts) have contracted for a full twelve month workload and have therefore forfeited vacation periods for that year (other than normal University holidays). Faculty members will be required to certify that they have not taken vacation during periods in which they are fully committed. Faculty taking vacation during such periods will be asked to refund applicable portions of their salary and related fringe benefits, and will be held personally liable for such disallowances resulting from audits. Compensation of less than the full amounts are prorated by month or portion thereof.

Faculty will be compensated for Summer Session teaching at prevailing Winter/Summer session rates. Rates are published annually by the University Provost and distributed to all departments. Compensation for activities other than instruction is contingent upon the availability of external or specifically designated internal funds.

(Rev. 6/5/89)

To receive full compensation for a course, an instructor must have a *minimum* of 6 students in a graduate course and 10 students in an undergraduate course. Courses *may* be offered with less than the minimum figure with the understanding that the faculty member's contract will be prorated accordingly.

Study-Travel Courses: Study-travel courses include those offered within approved study-travel programs at locations abroad or within the U.S. but outside of the State of Delaware and which offer academic credit to students. Approved study-travel programs must meet minimum program enrollment guidelines set by the Center for International Studies. To receive full compensation for a study-travel course, an instructor must have a minimum of 5 students. Study-travel courses may be offered with less than the minimum figure with the understanding that the faculty member's contract will be prorated accordingly.

(Rev. 1/16/03)

In team teaching situations where more than one faculty member shares instructional responsibility for a course, each will receive a portion of his or her full salary determined by the extent of the course responsibilities. For example, if three instructors equally share in a three credit course, each would receive one-third of his or her salary at the appropriate rank, or a salary equal to one credit.

Supervised Study: Members of the University of Delaware faculty are urged to direct supervised study courses in the summer and winters sessions. To encourage faculty to do so and to compensate them for substantial efforts, they will be paid on a credit hour basis for directing supervised study courses. To be eligible for payment, a faculty member must meet with the student at least the equivalent of two class meetings per week during the summer or winter sessions for a three-credit hour supervised study course. Payment will not be made for directing, as supervised study, a course which is scheduled during the summer or academic year. Students must be registered for credit and pay the required tuition. Students who require less supervision may, of course, earn credit, but faculty compensation will not be permitted in such cases.

Faculty members directing supervised study for which compensation is appropriate should complete the proper form (available from departmental or college secretary or from the Office of Special Sessions) for each student. The department chairperson or dean should also sign the form and forward to Special Sessions.

(Rev. 6/5/89)

To receive compensation for supervised study projects, instructors should submit forms to the Special Sessions Office during the first week of classes.

No tuition waiver is granted for Supervised Study unless the faculty member signs a Course Fee Waiver for Supervised Study form, available in the Accounts Receivable Office. If the faculty member signs this form, he or she waives payment for supervising the Supervised Study project.

Only visiting professors and regular faculty members may direct Supervised Study.

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E. GRADUATE FACULTY

Members of the University of Delaware faculty or visiting faculty shall be assigned to teach graduate courses in all colleges or divisions offering degree programs by the departmental chairperson or program chairperson, with the concurrence of the instructional College dean or director.

(Rev. 10/3/77)

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F. FACULTY WORKLOAD

1. Consistency between Workload Policy and Other Policies

The University strives for consistency among the following policies:

- a. Workload assignment policies;
- b. Promotion and tenure policies and decisions;
- c. Faculty appraisals by the department chairperson or college dean, et. al.;
- d. Merit salary award policies;
- e. Initial contract and contract renewal decision policies.

Faculty holding tenure track positions are expected to perform the activities enumerated in the unit's approved Promotion & Tenure document.

2. Procedure for Approval of a Unit's Workload Policy

The members of the unit, in consultation with the unit administrator, and following their own by-laws, will prepare and adopt a workload policy that accurately represents the composition of each component of the workload;.

- a. Upon approval by the department of the workload policy, the unit administrator will forward the policy and make a recommendation to the dean with respect to the feasibility and appropriateness of the policy;
- b. The dean will forward the approved policy to the AAUP Contract Maintenance Officer or follow the procedure in item f (below);
- c. AAUP Contract Maintenance Officer will review and certify that the workload policy conforms to the bargaining contract provisions or follow the procedure in item f (below). Following certification, the policy will be forwarded to the University Provost for review and action. Certification will be required before the policy is transmitted further;
- d. The University Provost will approve a unit's workload policy or follow the procedure in item f (below). Approval of a proposed workload policy by the University Provost constitutes the final step in the review process;
- e. If the policy is not deemed feasible or appropriate at any stage of the review, it will be returned to the faculty of the unit with specific comments and suggestions. The faculty of a unit shall, after having considered such comments and suggestions, adopt a final workload policy;
- f. A unit's final workload policy and plan can be returned by the appropriate administrator to the unit for revision if it is not congruent with academic program needs or does not comply with all university policies or the collective bargaining agreement. Academic program needs include course requirements of the academic unit, teaching availability of full-time faculty, the non-

instructional responsibilities of the academic unit and the contributions of the unit within the college and the university. (Article 11.3, Collective Bargaining Agreement, 2002-2005);

- g. Units may modify their policy at any time by the procedure outlined in Section II. (Rev. 01/09/2001)

[Approved by the Provost and the AAUP Executive Committee, 05/02/2002]

3. Guidelines for Faculty Workload Policies

"The central mission of the University of Delaware is to cultivate both learning and the free exchange of ideas. To this end, the University provides excellent undergraduate and graduate courses of study in a variety of disciplines... The University faculty has a strong tradition of distinguished scholarship, research, and teaching, which is grounded in a commitment to increase scientific, humanistic, and social knowledge for the enrichment of the larger society" (A Mission Statement for the University, Faculty Handbook, approved 1993).

To fulfill the mission of the University, faculty workload is assigned in support of the academic programs of our departments, schools and colleges.

Within this framework, all academic units must have written and approved workload policies.

The procedures for development and approval of unit workload policies are stipulated above, Section III,F,2.

A unit's workload policy must be congruent with academic program needs and in compliance with all university policies and collective bargaining guidelines.

Evaluation of academic program needs must include course requirements of the academic unit, teaching availability of full-time faculty, the non-instructional responsibilities of the academic unit, and the contributions of the unit within the college and the university.

It is recognized that, depending upon their responsibilities and priorities, academic units will vary in the relative balance of teaching, research and service assignments to faculty.

Periodic Review of Workload Policies

Over time the needs of academic departments/units will change necessitating periodic review and possible modification of workload policies. Departments/units may modify their policies at any time following the procedures outlined in the Faculty Handbook. The recently approved Collective Bargaining Agreement (July 1, 2002-June 30, 2005), Article XI, 11.3 stipulates that: "...beginning July 1, 2002, all academic departments must review their workload policies to maintain congruence with academic program needs (following procedures outlined in 11.2 above) as well as to assure compliance with all university policies and collective bargaining guidelines." It is further stipulated that: "By June 30, 2003, academic units and chairs must present their workload policies, whether revised or not, for review and approval by the appropriate dean, the AAUP Contract Maintenance Office, and the Provost.

Workload policies must also be reviewed as part of the unit's regularly scheduled Academic Program Review and/or periodic review for accreditation or re-accreditation.

Alignment of Workload with Other Policies

The University seeks alignment and consistency between workload policies and other policies related to faculty contributions and evaluations.

As stipulated above in Section III, F, 1.: The University strives for consistency among workload policies, promotion and tenure policies and decisions, faculty appraisals by the department chairperson or college dean, merit salary award policies, and initial contract and contract renewal decision policies.

Expectations of All Faculty

All faculty, whether tenure track or non-tenure track, must meet general University expectations. These expectations include participation in and contributions to:

- Regularly scheduled undergraduate and/or graduate instruction;
- Advisement, mentoring, and academic supervision of students;
- Faculty governance and the development and effective conduct of the academic program as defined by departmental and college by-laws;
- Other responsibilities expected of all faculty on the basis of approved departmental and college by-laws or as set forth by the College or University Faculty Senate or as otherwise stipulated in University policy.

The Administration and the AAUP will come to agreement on a unit-by-unit basis on the general University expectations that apply to faculty on non-administered workloads.

Expectations of Tenure-Track Faculty

Faculty holding tenure track positions are expected to perform the activities enumerated in the unit's approved Promotion & Tenure document.

Research and publication are a significant part of each faculty member's total contribution as a member of the academic community. Faculty members must be engaged in some form of creative activity in their academic fields, and it is expected that creative activity will be evidenced by publication or other forms of scholarly output, which not only signifies the completion of scholarly inquiry but makes it available to other scholars. The number and frequency of publications [or other forms of scholarly output] will vary with the individual, the field of study, and the proportion of time devoted to research; however, no faculty member can be excused from research and scholarly productivity on the grounds that all available time is devoted to other activities.

Conversely, teaching, advising, committee responsibilities, and community service are not to be neglected on the ground that research and publication have a higher priority. Each faculty member is expected to make a balanced contribution to the University.

Administered Workloads

Twelve credit contact hours or 18 teaching contact hours per week per semester constitutes a 100% workload for the semester for the academic year as described in the Collective Bargaining Agreement, Article XI.

In practice, however, the University adheres to a policy of "administered" teaching loads, particularly in the case of tenure-track faculty. Under this arrangement department chairpersons and deans are encouraged to vary the teaching loads of individual faculty members so long as the total teaching obligations are met with the teaching personnel available. This flexible arrangement makes it possible for the chairpersons to make assignments of individual faculty members on a semester-to-semester basis to stimulate research and scholarship or to provide for unusually heavy committee assignments.

The policy of administered workloads carries a responsibility for the effective implementation by the departmental chairperson or other academic unit head. Workloads are to be administered to reflect an optimal utilization of the talents and contributions of the faculty in accord with the academic program needs of the department and the faculty's opportunities for continued professional development and achievement. Unit workload policies must stipulate how the policy of administered workloads will be implemented.

Administered workloads are not automatic, but must accord with the actual contributions of the faculty members who are assigned such workloads. Thus, workload assignments to support research and scholarship must, over time, be reflected in research and scholarly productivity commensurate with that workload responsibility.

Workload Policy Statement and the Composition of Workload

The workload policy statement must describe the expectations of faculty regarding teaching, scholarship and service, the composition of faculty workload in that unit, and the basis for that composition.

The composition of workload must be congruent with all University policies and Collective Bargaining guidelines. The composition must also be congruent with the mission and academic program responsibilities of the unit, the terms of appointment of the faculty member, and the contributions of the unit within the college and the University. For tenure-track faculty, the composition of workload also must be consistent with promotion and tenure guidelines. For these reasons and given that units implement a policy of administered workloads, the composition of workload varies among and within academic units.

The policy statement must include a description of the composition of workload that reflects the application of a consistent metric for assignments of annualized efforts in teaching, scholarship and service. The metric must conform in all respects to University policies and the Collective Bargaining Guidelines.

Workload policies must describe the following:

- The composition of the typical administered workload for tenure-track faculty, stipulating the correspondence by distribution of effort to the total workload of 12 credit hours or 18 teaching contact hours per semester ;
- The conditions for variation from that typical workload for tenure-track faculty; that is, how the policy of an administered workload will be implemented;
- The composition of the typical workload for each type of non-tenure track faculty

within the unit (instructional, clinical, public service), stipulating the correspondence by distribution of effort to the total workload of 12 credit hours or 18 teaching contact hours per semester;

- The conditions for variation from that typical workload, if any, for each type of non-tenure track faculty in the unit;
- The differences in workload responsibilities for faculty on different types of appointments (such as 9-month, 10-month, 11-month, 9 plus 1, 9 plus 2 appointments).
- The manner in which workloads will be administered for sponsored program responsibilities and assignments to other restricted sources of support, and for other special circumstances appropriate to the unit that might reduce instructional workload. A college approved instructional buy-out policy should be referenced as appropriate.

(Approved by the Provost and the AAUP Executive Committee, 06/13/02)

4. Faculty Evaluation/Merit Assessment Option for Summer Work

While most full-time faculty have 9-month academic year appointments, all faculty have year-round responsibilities. The Faculty Handbook stipulates:

All regular members of the teaching staff of the University are fully engaged for the whole year of fifty-two weeks. While normally members of the teaching staff are required to teach for only nine months annually, responsibilities of faculty to the University do not cease during the summer months. The summer period is provided for reading, study, research, and travel related to the professional development of the faculty member as well as for providing a reasonable period for relaxation.
[Section III,A,1,1]

Many faculty on 9-month academic year appointments utilize the summer to concentrate on programs of scholarship and research, both externally sponsored and unsponsored. Indeed, the books, articles, papers, technical reports, professional presentations, and other creative contributions produced are the result of continuing effort throughout the year and often across many years. These achievements are important elements of the faculty's record of scholarly and research achievement, and they are reviewed and accorded weight in decisions on contract renewal, promotions and tenure, and merit allocations.

If specifically permitted by approved departmental workload policies, a faculty member on a 9-month academic year appointment has the opportunity to request that performance in a summer program of sponsored or unsponsored scholarship and research will be included in the annual faculty evaluation. The request from the faculty member to the department chair must be made on an annual basis during the workload planning process.

If the request is granted, the agreement must be documented as part of the individual's workload plan for the subsequent year. Documentation must include a statement of the summer program of scholarship and research and the expected products of that program, and it must stipulate the duration of the summer program up to three months.

A chair may turn down a faculty member's proposal on substantive grounds related to the content of the proposal, the appropriateness of the proposed program as part of the workload for the faculty member, or the department's needs and priorities. No request from a faculty member for inclusion of a summer research program in evaluation and merit can proceed without the chairperson's approval and the inclusion of this program in the faculty member's workload plan.

When it is a part of the individual's annual workload plan, this summer program of scholarship and research must be considered in computing the overall percentage distribution of faculty effort in teaching, research, and service for the year, with a weighting appropriate to the agreed duration of the summer program up to three months. For those with an approved summer program, the computed overall distribution of faculty effort must be accorded appropriate weight in the annual evaluation and in the application of the department's approved metric for merit allocation.

For example, a faculty member on a 9-month academic year appointment may have a workload distribution of 50% teaching, 40% research/scholarship, and 10% service. If the faculty member's request for a 2-month summer research program is approved and included in the workload plan, the revised workload distribution for purposes of evaluation would be 41% teaching, 51% research/scholarship, and 8% service.

The request by a faculty member on a 9-month academic year appointment for approval of a summer program of scholarship and research must be entirely voluntary and it must be renewed on an annual basis. The department chairperson or other academic administrator may not assign such an obligation, nor may such an obligation be adopted by a department as a standard expectation of all faculty in that department. An approved summer program of scholarship and research must have no impact on the faculty member's workload assignments during the two academic semesters. Under no circumstances will the responsibilities associated with the approved summer program be transferable with responsibilities during the academic year. During the period of an approved summer scholarship and research program, the faculty member is not eligible to teach for compensation or carry out other responsibilities inconsistent with the approved program.

(Approved by the Provost and the AAUP Executive Committee 05/24/02).

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G. ADDITIONAL UNIVERSITY PAYMENTS TO FACULTY

Additional University payments to faculty for special academic duties during the contract year are permitted as stated below. Faculty members who are given especially time-consuming or burdensome assignments within the University generally will be given relief from other duties rather than extra compensation.

1. Faculty members on fiscal year contracts may earn extra compensation for overload teaching in Continuing Education during the academic year only. They may be called upon to teach in regular summer session or in Continuing Education courses during the summer session but will not be paid extra for these duties.

Faculty members on academic year contracts may earn extra compensation for teaching in Continuing Education during the summer session and during each semester of the regular academic year, if the latter activity is certified by the dean as an overload.

(Rev., Provost's Office, 11/93)

2. University compensation beyond the terms of the basic contract will not exceed the equivalent of twelve credit hours of Continuing Education credit activity from September 1 until spring commencement. (Rev., Provost's Office, 11/93)
3. Faculty Compensation from Sponsored Research

Faculty members are not permitted to earn additional salary from research participation during the period from September 1 until spring commencement. Faculty members engaging in sponsored research during these months have their teaching and general University responsibilities reduced to accommodate their research participation.

4. Limits on Summer Compensation

Faculty members on academic year contracts may receive additional compensation for three months of summer work on sponsored research or summer teaching at a monthly rate not to exceed one-ninth of the base salary. The total compensation from all sources may not exceed three-ninths of the basic academic year salary for the summer months.

Correspondingly, faculty on fiscal year contracts may receive additional compensation for one month of summer work on sponsored research at a rate not to exceed one-eleventh of the fiscal year salary. Eligibility for three-ninths for academic year faculty and one-eleventh for fiscal year faculty is allowable only under the condition that faculty members have not taken or do not plan to take any vacation except for legal holidays during the period

September 1 to August 31 of the academic year or July 1 to June 30 of the fiscal year.
(Senate 12/80; Trustees 5/81; corrected 11/93)

5. Faculty may receive additional compensation for teaching in Winter Session. Compensation may not exceed payment for two courses or its equivalent plus \$360 for individual study. Faculty members may not receive additional payments for research during Winter Session.
(Rev. 1990 - Office of the University Provost)
6. No faculty member may be employed to consult on a research grant or contract of another faculty member for which the University is the disbursing agent.

No member of the faculty shall accept payment for tutoring any student in his or her own classes or in a course in the same department. Students for whom tutoring is desired should be referred to the Tutoring Service Coordinator who maintains a list of able undergraduate and graduate tutors. Only in unusual circumstances and with the consent of the dean of the college should full-time, regular faculty undertake to tutor undergraduate students for pay.

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H. OUTSIDE EMPLOYMENT

The first duty and responsibility of the faculty member is to render to the University the most effective service possible. At the same time, consultation and other activities of a highly professional nature are looked upon favorably and encouraged where these activities make a positive contribution to the University. No outside service or enterprise, professional or other, should be undertaken that might interfere with the discharge of this prime responsibility or bring the faculty member, as an expert or in any other capacity, into conflict with the interests of the University.

The University can assume no responsibility for private professional services rendered by members of its faculty, and it must be made clear to any employer that the work has no official connection with the University.

University facilities or equipment may be used for outside consulting activity only after written approval has been obtained from the chairperson of the consultant's department, the dean, and the person responsible for operating the facility or equipment. In all cases, the consultant's employer will pay the rate established by the University for the use of the facility or equipment.

The obligations of a faculty member to the University Patent Policy must be made known to any outside employer before a commitment for consulting services is made when there would be any possibility of a conflict of interests.

A faculty member must keep the department chairperson and the dean fully informed on the nature and extent of each arrangement that involves outside professional service. Under no circumstances should such outside employment or other activity exceed the equivalent of one day (eight hours) of a five day week.

Course-type activities outside the University are not considered as consultation and require the approval of the President or his or her designee. Because of the possibility of conflict with regular University and Continuing Education programs, the department chairperson and the Associate Provost and Director of Continuing Education should be consulted before any arrangements are contemplated.

JURY DUTY

The University encourages faculty members to fulfill their civic duty by serving as jurors when called upon.

Faculty members called upon to serve as jurors will continue to receive salary during periods of absence necessitated by appearance at Court. Such individuals will keep their chairperson or dean advised of probable periods of absence.

Where teaching or research schedules are affected, the faculty members shall cooperate with their chairperson or dean in finding suitable substitutes for instruction of students or for the conduct of research that cannot be delayed.

If an individual faculty member must complete most of the teaching and research responsibilities in addition to the time spent as a juror, then the per diem payment shall be retained by the individual. In all other cases the monies received from the state, county, or city for such service as a juror will be remitted to the University Payroll Officer. Such reimbursement to the University will be only the per diem rate paid, not travel or meal allowances.

(Approved by Faculty Senate 12/19/77)

UNIVERSITY OF DELAWARE FACULTY AS GRADUATE STUDENTS

Part-time and full-time faculty cannot concurrently obtain a degree in the same program in which they are employed at the University.

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University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

I. EVALUATION OF FACULTY

On recommendation of the Faculty Senate and approval by the administration, "faculty members at all ranks should be subject to periodic reviews at reasonable intervals of time." The recommended intervals are at least every two years for instructors and assistant professors, every three to five years for tenured associate professors, and every five to seven years for full professors. These reviews are to be conducted by duly established committees of faculty.

In addition, the department chairperson reviews annually each department member on a Faculty Appraisal Form. This review is discussed with the faculty member, and the form is signed by both the faculty member and the department chairperson.

1. Evaluation of Faculty Members

Principles

- a. Faculty members at all ranks should be subject to periodic reviews at reasonable intervals of time.
- b. Reviews of individual faculty members will normally originate with the individual department. (Since the academic organization of the University varies, references to department should sometimes read division or college, and references to chairperson should sometimes read director or dean.) Such reviews should involve a substantial number of faculty members but not the chairperson.
- c. Faculty members under review have the right to supply such evidence that they feel may be necessary to a fair evaluation of their merits. This should not preclude departments or others properly involved in the review process from soliciting and using other evidence, but in every such instance, the faculty member should be informed of the source of that evidence.
- d. Appropriate administrative officers may make independent evaluations within the review process.
- e. Upon completion of the review, the faculty member should be apprised of the results.
- f. Faculty members are fully entitled to the rights of appeal. Reviews of individual faculty would not be a substitute for competency hearings of tenured faculty. They may serve, however, as a basis for instituting such hearings. In the event of a

competency hearing, due process would be observed, with the burden of proof residing with those instituting the hearing.

Specific Procedures

a. Periods of Evaluation:

1. Instructors and assistant professors should be reviewed at least every two years but normally no more often than once a year. Not later than the fall of the sixth year of service, assistant professors should be reviewed for promotion.
2. Tenured associate professors should be reviewed at least once within every three to five year period of service but normally not more often than every two years. Nontenured associate professors should be reviewed in the year prior to their eligibility for tenure.
3. Full professors should be reviewed at least once every five to seven year period of service, but normally not more often than every two years.

b. Departmental Responsibility:

1. The department chairperson organizes and coordinates reviews of faculty.
2. Reviews of instructors and assistant professors should be conducted with the participation of associate and full professors in the department. In no case should faculty members be reviewed without the participation of at least two members of their department, one of whom, if possible, must be a rank at least one step higher than the person under review.
3. Associate professors should be reviewed by professors in the department. In those departments where fewer than two professors are available to conduct such a review, the chairperson of the department may request professors from other related departments to serve on the review body.
4. Full professors should be reviewed by a committee of at least three of their peers. In small departments, professors from other related departments may be asked to serve at the request of the chairperson.
5. These provisions specify minimum requirements. A department may choose to constitute the whole department, or any other designated authority, to serve as a review body. A department may choose to include in the review body faculty members at the same rank or lower rank of the person being evaluated so long as such persons do not constitute a majority of the body.

c. Submission and Evaluation of Documents and Other Evidence

1. The faculty member under review should assemble a dossier of materials that he or she regards as appropriate and convincing evidence of his or her abilities in the three major areas of evaluation (see below). The faculty member should be notified of the date that the dossier is required by the chairperson. This date should be in sufficient time before the review date, which should also be specified.
2. The review body or the chairperson of the department may request additional evidence from: a) the faculty member under review; b) other sources within the University, such as experts in related fields, committee chairpersons, and colleagues; c) similar sources outside the University. In all instances under (b) and (c), the faculty member should be informed that such evidence is being requested. If any evidence is requested in confidence, the faculty member must be told the source of such confidential information. He or she may then communicate to the review committee in writing his or her position as to the qualifications of that source.
3. The review body should evaluate the evidence and the faculty member's abilities in each of the three major areas. A report summarizing the reasons for or against a favorable judgment should then be forwarded to the dean of the college along with the chairperson's independent evaluation. A copy of the report of the review body, of the chairperson, and of any other administrator may be delivered to the faculty member under review upon request.

d. Administrative Evaluations

Appropriate administrative officers, such as chairpersons, deans, provost, vice-provost, and president may review the dossier of each faculty member reviewed whenever a recommendation for sabbatical, promotion, and/or tenure is made by the department, or whenever there is a significant and substantial change in the status or conditions of employment of any faculty member. Further evidence may be solicited in accordance with the same procedures stipulated under c.2) above.

e. Reporting Results of Reviews

Each faculty member is entitled to a personal interview with the chairperson of the department and, upon request, a written report of his or her review. Wherever possible, the interview and report should carry specific indications where evidence has been satisfactory or, when it has not been, specific recommendations for improvement before the next review.

f. Appeals

A faculty member may appeal the decision of the review body by requesting another review within a semester of the first review, and he or she may request a new committee. This request may be rejected by the department, but is subject to appeal to the appropriate college and University committees.

2. Categories of Faculty Activity

Principles

- a. The three major areas of faculty activity are: 1) Teaching; 2) Scholarly, Creative, and/or Professional Development; and 3) Service.
- b. Precise demarcation between the three major areas is often difficult and sometimes impossible; in any case, all activities of a faculty member must be considered as an integrated whole.
- c. Faculty activity in each of the areas may vary from year to year, or even semester to semester, according to the interests and abilities of the faculty member, and according to the needs of his or her department, college, or the University as agreed to by the chairperson and dean.

Specific Definitions

a. **Teaching**

Under this category shall be included all scheduled classes (and academic advising involved therein), seminars, laboratories, thesis and research supervision, field activities, and any other instructional activity.

b. **Scholarly, Creative, and/or Professional Development**

Under this category shall be the following:

1. **Research**, usually presented through publication of scholarly work or through appropriate colloquia, seminars, conferences, and lectures.
2. **Creative development** in those fields in which the faculty member receives public recognition for his or her professional contributions to society or to the

University. Included are such activities as plays (composition or production), music (composition or performance), art exhibitions, patents, etc.

3. **Professional development** involving the presentation of papers or chairing sessions at professional meetings, serving as an officer or committee member of a professional organization, editorial duties, professional consulting, and other similar activities.

c. **Service**

Included in this category shall be:

1. University service
 - o Nonacademic advisement of students (career, professional, or personal)
 - o Activities such as living/learning experiences, for which no academic credit is given
 - o Departmental committees and special assignments
 - o College senates, committees, and special assignments
 - o University Senate, committees, and special assignments
 - o Service to the University of Delaware Chapter of the AAUP
 - o Administrative and quasi-administrative appointments
 - o Participation in student affairs related activities(Rev. 5/02)
2. Community service (local, state, regional, national, international), such as election or appointment to boards, commissions, committees, legislative bodies, or the like outside the normal professional calling of the faculty member in the teaching or research function.
3. Creative activities *outside* the normal professional calling of the faculty member; for example, participation in orchestras or ensembles, shows of paintings, musical or literary productions, and the like, which enhance or improve the University as a community of learning.

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Section III Personnel Policies for Faculty

J. SALARIES

A good salary policy reflects basic canons of equity and fairness as well as a set of considerations that govern the institution's mission. The institution may properly recognize in its salary policies several factors, in addition to merit, that may result in salary differentials. Among these, the more important are differences in field, differences in function, and differences in market conditions. (American Council on Education, Equal Employment Opportunity Task Force Report)

Initial salaries are influenced by the considerations listed above. Annual salary increases are awarded subject to the terms of the Collective Bargaining Agreement negotiated with the faculty union, the Delaware Chapter of the American Association of University Professors.

(Rev. 7/1/75)

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J.1 BENEFITS FOR VISITING FACULTY AND VISITING PROFESSIONALS

For the purpose of this policy, visiting faculty and professional employees include individuals who come from another institution to the University for a specified period of time. The expectation is that these individuals will return to their home institutions at the end of their appointment period at the University of Delaware. Benefits for visiting faculty and professionals include:

- o Blue Cross/Blue Shield
- o Dental Insurance
- o Fee Waiver
- o University I.D. card which will provide access to all facilities and associated privileges

(Rev. 6/5/89; rev. Fac. Sen 11/3/97)

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Please direct questions to the Office of the Vice Provost for Academic Planning and Programming.

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Section III Personnel Policies for Faculty

K. UNIVERSITY GUIDELINES FOR FACULTY PROMOTION AND TENURE

(Note: this version of the policy was approved by the Faculty Senate on April 7, 1997. Faculty hired prior to that date may obtain a copy of the previous version of the policy from the Faculty Senate Office. The application procedure and deadlines will be as detailed below for all faculty applying for promotion and tenure). (Note revised 9/14/98)

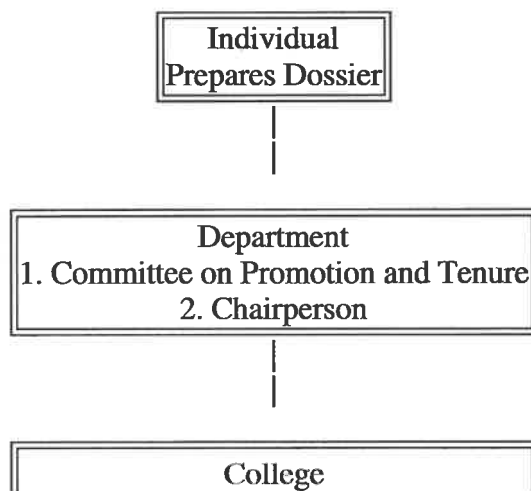
Promotion Policy

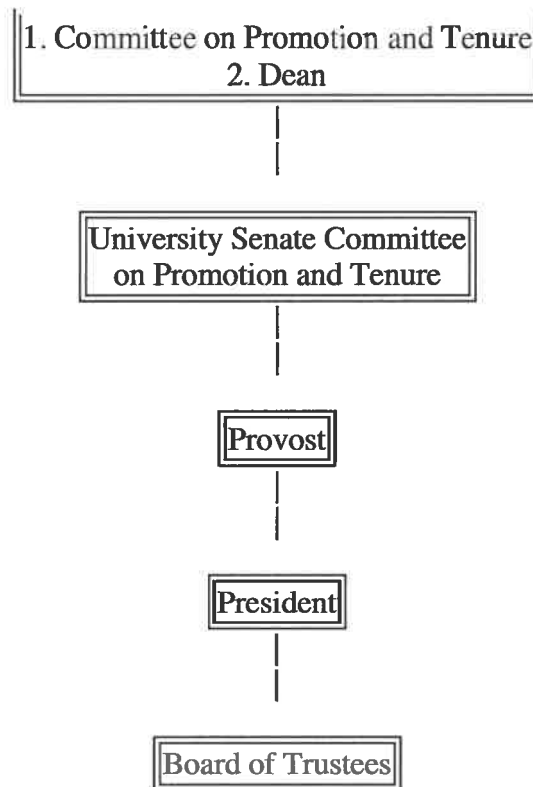
The promotion and tenure procedure is a parallel structure allowing for faculty proposal, evaluation and appeal, as well as administrative evaluation at each level of organization of the University.

This document governs the University process of review at every level. Departments, units, and colleges may make additions to and clarifications of this document to address their special circumstances. These elaborations, which must be approved by the University Committee on Promotions and Tenure and by the Provost, will constitute the departmental document.

Departmental documents should also include the procedure for choosing the departmental promotion and tenure committee and should specify required levels of achievement for each rank, such as excellence in research or teaching or in both. Appropriate modes of scholarly publication may also be specified.

The promotion steps appear in the chart below.





1. Introduction

The ultimate objectives of promotion policies at the University of Delaware are faculty excellence and procedural fairness. In order to preserve and enhance its reputation as an institution of higher education, the University must establish and maintain high standards of teaching, scholarly and artistic activity, and service. At the same time, it must treat each faculty member with decency and respect. Thus, these procedures seek to promote the individual's welfare and professional development while at the same time fostering the University's growth toward excellence.

The process rests firmly on peer evaluations, for the faculty itself is best able to establish and apply promotion criteria. Furthermore, the promotion system recognizes the uniqueness of the disciplines that comprise the University faculty. Indeed, departments have the major responsibility for establishing and administering guidelines and making initial promotion and tenure recommendations.

Such departmental decisions affect the University as a whole, and consequently, college and University committees, together with appropriate administrators at each level, also play an important role. They insure that policies and decisions serve the interests of the University and are roughly comparable across its many divisions.

2. Minimum Standards for Promotion

Since the mission of the University encompasses teaching, scholarship, and service, faculty members must strive for excellence in all three areas. Scholarship, whether in the form of research, publication, professional development, or artistic creativity, is a significant part of each person's contribution to the academic community. Everyone must pursue some form of scholarly activity. How this work is made available to other scholars obviously depends upon the particular discipline, but promotion requires evidence that significant achievements have been and will continue to be made.

The University's obligation to scholarship notwithstanding, a major goal of any educational institution is to encourage and to demonstrate excellence in teaching. Hence, faculty members with teaching responsibilities must demonstrate high-quality teaching performance.

Service at all levels--department, college, University, community, profession, or nation--is also an integral part of the University's mission and must not be neglected on the grounds that scholarship and teaching have higher priority.

These considerations suggest University expectations for promotion to various academic ranks. Although departments may write specific criteria to fit their particular circumstances and needs, they must conform to the spirit of these standards. Unsatisfactory performance in any of the three areas, for example, precludes promotion. To provide comparability across the University, then, the following minimum achievements should be met for promotion to these ranks:

Assistant Professor: Apart from earning the doctorate or other appropriate terminal degree, the primary requirement is the demonstrated ability and desire to achieve excellence in scholarship and teaching and to make positive contributions in all three areas. For this rank, past achievements are not so important as evidence of future growth and accomplishment.

Associate Professor: Inasmuch as promotion within the University to this rank generally carries tenure--a binding commitment on the part of the University--the qualifications must be rigorous. At a minimum, the individual should show excellent achievement in scholarship or teaching and high quality performance in all areas. Furthermore, there should be unmistakable evidence that the individual has progressed and will continue to do so. A mere satisfactory or adequate record as an assistant professor is not sufficient; there must be very clear indication, based on hard evidence and outside peer evaluations, that the candidate has in fact attained high levels of accomplishment.

Professor: This rank is reserved for individuals who have established reputations in their fields and whose contributions to their profession and the University's mission are excellent. There should be unmistakable evidence of significant development and achievement in teaching, scholarship and service since the last promotion. Once again, the candidate's claim to have met these requirements must be thoroughly and completely documented by outside peer evaluations and other materials.

University employees with professional contracts who also hold faculty appointments in academic units are eligible for promotion without tenure and will meet the same criteria for promotion as do members of the unit who hold academic appointments.

3. Candidate's Rights and Responsibilities

Faculty members have the right and responsibility to know all relevant departmental, college and University promotion criteria, policies, and practices. They should exercise this right at the earliest possible time and should plan their academic development and activities with the guidelines in mind.

A faculty member has the right to apply for promotion in any academic year (subject to the schedule provided in section 8). However, tenure-track faculty in their terminal year may not apply for promotion. Time-in-rank is not a criterion for promotion. Candidates must compile a record sufficient to warrant promotion prior to starting this process. Each candidate will submit a promotion dossier to the department in accordance with the calendar in Part 8. This dossier is the

basis of promotion decisions and it is the responsibility of the candidate to prepare an organized and cogent dossier, representing the case for promotion as well as possible. The organization of the dossier is described in Part 9.

A candidate for promotion has the sole right to withdraw from the promotion process at any step. Otherwise, after review, the dossier is transmitted to the next level.

A candidate for promotion will be provided the written recommendations of each reviewing body—department committee, chairperson, college committee, dean, University Promotions and Tenure Committee, and Provost. All recommendations by such bodies must be justified as completely as possible.

Keeping in mind the schedule given in Part 8, which requires that dossiers be submitted for departmental review, a candidate has the responsibility to consult with the department chairperson, promotion committees or any other appropriate person regarding the content and preparation of the dossier.

Other than letters from solicited peer reviewers and those individuals in the promotion ladder shown above, only materials approved by the candidate may be added to the dossier after its submission by the candidate. These materials might be recent publications or journal acceptances and may be added to the dossier at any time during the promotion process.

Any appeals by the candidate will also be added to the dossier, along with any rebuttals from the appropriate committee or individual in the promotion ladder.

4. Departmental Responsibilities (** In colleges, schools, or divisions without departments, all of the requirements for departmental action devolve upon the college or division.)

The department bears the major burden of defining standards, specifying the procedures to be followed in deciding whether the standards are met, and judging the credentials submitted in support of each application for promotion. Minimum requirements for the satisfactory discharge of these departmental responsibilities include:

a. After approval at all levels, any special interpretations specific to that discipline or unit must be published and distributed to all members of the department, to the appropriate committees and University officials, and to the University Faculty Senate through its Committee on Promotions and Tenure.

b. Changes in promotion and tenure statements, which should be made only for compelling reasons, should first be sent to the appropriate college committee and dean. If approved, they should then be forwarded to the University Committee on Promotions and Tenure and to the Provost, both of whom will review the proposals for compliance with this document, and suggest revisions if necessary. Upon acceptance of the revised document, they will sign and date it to signify its approval. Proposed changes to existing statements must be submitted to the University Committee and Provost by March 1 to become effective by September 1.

c. The specific criteria upon which recommendations are based must be clearly set forth in the formal statement of promotion policies and procedures of the University, college, and department. The qualities and achievements taken into account by the department in making its decisions should be explicitly described. The kinds of evidence by which the attainment

of the stated criteria is to be judged should also be specified in the published statement, as should the specific weight given the various criteria and the kinds of evidence to be submitted in support of their having been met.

d. Departmental promotion and tenure procedures must be democratic. Although the application of this principle will obviously vary from department to department, certain ground rules must be observed. The department's promotion and tenure committee should be constituted and operated in such a fashion that due respect is given to the opinions and advice of all faculty. Units which elect to include untenured faculty in the review process should ensure that individual participation is voluntary and that the interests of those who wish to participate are protected (for example by using secret ballots). A majority of the committee should consist of faculty who are at or above the rank to which a candidate seeks promotion. (*Departments lacking a sufficient number of faculty at the appropriate rank should solicit participation of faculty from kindred departments. Procedures for this solicitation must be specified in the department's document). The committee should also consult with the department chairperson, who should offer counsel but neither participate in its final deliberations nor vote on its recommendation. The committee should meet formally and follow established procedures.

e. The department's letter of recommendation, which must indicate the numerical vote, describe the committee's composition and explain the reasons for the decision, must be transmitted in full and in writing to the candidate and be signed by all committee members. The recommendations of the department committee shall be addressed to the department chairperson and inserted into the dossier. When they arise, signed minority opinions will be forwarded as appendices to the committee's recommendations.

f. The departmental chairperson will review the dossier submitted by the candidate, the report of the committee, and the stated criteria, and make a recommendation supporting or failing to support the candidacy. The chairperson should explain, in writing, the decision to the candidate and to the department committee. The chairperson's recommendation is transmitted in full and in writing to the candidate and also inserted into the candidate's dossier.

5. Promotion Procedures at the College Level

In order to assure that both candidates and the University are well served, each college or division will establish and maintain a promotion and tenure committee.

a. A Promotion and Tenure Committee, elected by the faculty of the college (or its representatives), shall evaluate the merits of each candidate's dossier as well as review departmental criteria to insure reasonable uniformity. (** In colleges, schools, or divisions lacking departments, this evaluation of the candidate's dossier will be the initial peer evaluation and will assume the responsibilities described for departments in part 4 above.) The college committee should be broadly representative of the major fields within its purview. Not every discipline can be represented, of course, but the committee should be sufficiently large to encompass a wide range of viewpoints.

b. Like departmental committees, a college promotion and tenure committee should publish and distribute its policies and practices and make every effort to see that they are applied consistently from year to year. These policies must be approved by the University

Committee on Promotions and Tenure and by the Provost.

c. Faculty members serving on college committees may neither participate in the discussion of, nor vote on, candidates from their own department at the college level.

d. The results of the review by the college committee shall be promptly reported in full and in writing to the candidate, department committee, and department chairperson and be forwarded with the dossier to the dean or director. Fairness to the candidate and department requires that the committee explain its disagreements (if any) with recommendations made at an earlier stage.

e. Before reaching a final decision the committee may consult with the candidate or department regarding additional evidence that might clarify the promotion dossier. The committee should allow a reasonable amount of time for this purpose.

f. The dean or director shall review the dossier and shall either endorse or recommend against the promotion in a written notification to the candidate, department committee, chairperson and college committee. The dean or director shall also forward the dossiers and statements of action on them to the University Committee on Promotions and Tenure and to the Provost.

g. Each college committee and dean will establish procedures and schedules (consistent with Part 8) for hearing appeals to their decisions. These procedures will be included in the College's document.

6. The University Committee on Promotions and Tenure

This committee serves two major functions. It recommends to and consults with the Provost concerning every candidacy for promotion and tenure. Just as departmental and college committees work in concert with chairs and deans, the University committee works with the Provost to oversee the promotion process from a faculty point of view. The committee also, together with the Provost, assists departments in developing or revising their criteria for promotion and tenure.

a. The committee receives from the deans and directors all promotion dossiers (except those withdrawn by candidates) and makes a recommendation on each. In reviewing applications for promotion, the committee judges the relevance and appropriateness of the credentials offered to support the request for promotion. In doing so, the committee exercises its best judgment as to the adequacy of the evidence in meeting the University, College, and Department published criteria.

Before reaching a final decision the committee may solicit additional information from the candidate, the department promotion committee, the department chair, the college committee, or the dean of the college regarding additional evidence that might clarify the promotion dossier.

Committee members may neither participate in the discussion of, nor vote, on candidates from their own department at the University level.

Following its review, the committee will forward the dossier, together with its recommendations to the Provost and will notify, in full and in writing, the candidate, the

department committee, the department chairperson, the college committee, and the dean or director of its recommendation and the reasons for it.

b. In addition, the committee shall receive, consider, and confer with the Provost and with the initiating unit on any proposed new statement or criteria for promotion or on any proposed changes in existing statements. No statement or revision shall become effective until approved by the Committee and the Provost.

7. The Provost

The final review of applications for promotion is made by the Provost. Before the Provost rejects recommendations made by the University committee, he or she must report to it the reasons for the rejection and will meet with the committee to try to resolve the disagreement.

Following consultation with the University committee, the Provost forwards approved recommendations to the President for approval by the Board of Trustees. Should the Provost fail to support an application for promotion, the Provost will supply reasons for the decision which will be given to the candidate, the department committee, the department chairperson, the college committee, the dean or director, and the University Committee on Promotions and Tenure.

8. Schedule

The time schedule for the promotion process is shown below. Whenever possible, these deadlines should be anticipated and dossiers forwarded (with recommendations) at an earlier date. (Note: Candidates can be required by department policy to submit dossiers before September 1.)

15 March	Candidate notifies chair of intention to apply for promotion in writing. Departmental Promotion and Tenure Committee begins the process of soliciting peer evaluations.
1 September	Dossier to Department Committee and Chairperson.
1 October	Department's recommendation to the Chairperson.
15 October	Chairperson's recommendation to the College Committee and Dean.
1 December	College Committee's recommendation to the Dean.
2 January	Dean's recommendation to the University Promotions and Tenure Committee.
15 February	University Promotions and Tenure Committee recommendations to Provost.
25 February	Provost's recommendations.

Appeals are possible at every level. An intention to appeal must be given to the appropriate body within five working days of notification of the decision. Appeals must be handled within two weeks, except under extenuating circumstances. The University Faculty Senate Committee on Promotions and Tenure will hear no appeals beyond March 1, and the Provost's Office will hear no appeals beyond March 15. Any appeals not heard by these dates must be carried over to the

following academic year. (Rev. Fac. Sen 2/98)

9. Promotion Dossiers

It is the individual's responsibility to present the best case for promotion since he or she is most clearly involved in the outcome. It is extremely important that the dossier be well organized and carefully prepared because superfluous or confusing information may obscure more than it enhances one's qualifications and achievements.

All dossiers should be organized under the following headings in this order.

a. Introductory Material

1. Contents and Guidelines

- Recommendation for Promotion Form
- A table of contents
- A copy of the college's and department's promotion and tenure criteria

2. Application for Promotion

- Candidate's letter requesting promotion
- A curriculum vitae
- Candidate's statement (optional)

3. Internal Recommendations

- The department committee's recommendation
- The chairperson's recommendation
- College committee's recommendation (if any)
- Dean or director's recommendation or endorsement
- University committee's recommendation
- Any appeal materials (appeals and rebuttals)

4. External Recommendations

- Letters of evaluation from peer reviewers together with supporting material. These letters will be numbered sequentially for reference.
- Candidate's statement (optional)

b. Evidential Materials

1. Teaching

Teaching is an extremely important factor in promotion decisions and one must incorporate into the dossier several kinds of evidence. Possibilities include:

- Peer evaluations that attest to the candidate's pedagogical competence, knowledge of the subject matter, organization and preparation, ability to stimulate intellectual curiosity and willingness to work, innovative capacity, and such. These evaluations will be solicited by the departmental Promotion and Tenure committee.
- Student evaluations, properly tabulated and summarized. The procedures used in administering the evaluations should also be described. Where available comparable departmental evaluations and past measures of the candidate's performance should be provided. (*Note: Student evaluations should only be used in conjunction with other indicators to measure teaching competence, not just popularity. The type and size of courses should be taken into account).
- Samples of student comments from student evaluations. The means by which these samples were selected should be provided.
- Testimonials from a selection of former and current undergraduate and graduate students. The procedures for drawing the sample should be clearly described.
- Course portfolio evaluation

- Student performance in later sequential courses
- Standardized test scores
- Self-evaluation
- Long-term follow-up of students

2. Scholarship

a. Solicited Peer Evaluations Solicited peer evaluations serve as a major indicator of an individual's impact on the profession. (These evaluations will appear in the dossier under a.4.)

These peer evaluations are always required for promotion. Although the number may vary by rank and department or division, every dossier must include outside peer reviews, solicited by the departmental committee and written by individuals with established reputations in the candidate's field. These statements should analyze and evaluate critically the candidate's work and accomplishments and they should also comment on the candidate's potential for future development.

The solicitation of these evaluations must follow these guidelines:

(1) A candidate will submit a list of potential reviewers, some of whom will be approached for recommendations. The department committee will suggest additional reviewers. This total list of names will be greater than the total number of letters solicited. Although the candidate must be informed of all potential reviewers and have an opportunity to comment on them, it is the department committee, and not the candidate, that makes the final selection. The final list of names will not be given to the candidate so as to preserve confidentiality of the reviewers.

(2) Candidates must not contact potential reviewers about the promotion process at any time.

(3) Letters of evaluation will be confidential and peer reviewers will not be mentioned by name or affiliation in any recommendations or evaluations. Reviewers may be referred to by number.

(4) Each peer review should be accompanied by the letter requesting the evaluation, a curriculum vita or biographical statement describing the reviewer's credentials, and a statement of relationship to the candidate. Insofar as reasonable and possible, only reviewers without personal ties to the candidate should be selected.

(5) If a candidate has collaborative works, it must be clear to the peer evaluator what the candidate's contributions were to the finished work. Reviewers must be able to determine whether an individual can execute research in his or her own right.

b) Evidence of scholarly attainment including:

(1) Published Materials Books, refereed and other articles, conference proceedings, works of art, recordings, and other permanent additions to the candidate's field are to be listed in the dossier. For all of these works, the candidate should make clear the extent to which the work has been peer reviewed. For collaborative works, the candidate's contributions should be

clearly indicated. Different fields have entirely different traditions that determine the order of names associated with these works (e.g., alphabetically or by seniority) and the significance of the order of the names should be clearly stated in the dossier.

(2) Awards and prizes

(3) Lectures/presentations/performances at other institutions or conferences.

(4) Unsolicited Peer Evaluations There are other kinds of information that can be interpreted as peer evaluations, although not of the same kind as derived through solicitation. This material, which should also be included in the dossier since it too describes the candidate's accomplishments, includes among others: articles citing the individual's work and the reasons for its importance; reprinting of articles or parts of books in collections of distinguished contributions to a subject, and so forth.

(5) Professional Activity Prior to University Employment Scholarly productivity for promotion to the rank of associate professor generally cannot be based on work completed in earning the doctorate or other appropriate terminal degree prior to arrival at the University of Delaware. The research involved for that degree was one of the reasons for initial employment; promotion, on the other hand, must consider evidence of scholarship accomplished subsequent to that performed for the degree.

This requirement does not mean that publications based on the dissertation should be totally ignored. Rather, the candidate must offer clear evidence of substantial scholarly achievement made after the awarding of the doctorate or other appropriate terminal degree.

Like research, any prior teaching or service plays its role in the hiring contract, the level of monies involved, and the responsibilities attached to it. Prior activity plays little or no role in the promotion except to form a meaningful context against which later development and accomplishments can be judged. There must be evidence of continuing productivity.

(6) Prestigious Grants The acquisition of research or other grants, such as Guggenheim or NSF awards, is obviously a testimony to a person's competence and reputation and should be described in the dossier.

(7) Reviews of Published Materials, Performance, or Exhibits

(8) Unpublished Material Unpublished material may in some circumstances be an important indicator of a candidate's competence and achievements. Its evaluation, however, must be especially thoughtful. In particular, if it is to be a formal part of the dossier, it should be sent to outside reviewers for a critical assessment of its merits. The comments are meant to apply to unpublished manuscripts as well as so-called "in house" publications, such as research reports that are not subject to an external review process.

(9) Other Evidence of Scholarship Appropriate to the Profession This type of evidence, if important for a department, should be indicated in the department's promotion and tenure document.

3. Service

Service includes innumerable types of activities rendered for the benefit of the department, college, university, community, profession, or nation. Willingness to undertake such work and competence in performing it are taken into account in the promotion process. Evaluating service is difficult. Promotion and tenure committees need to know when there has been an outstanding level of service that has taken appreciable effort or service that has been done in some way that can be noted as excellent. Other than that, the main concern is that a person has fulfilled his or her service commitment under the criteria of the academic unit concerned and that the unit is satisfied. Administrative responsibilities can be considered as part of the service component, but they may not be used as a substitute for accomplishment in a scholarly discipline.

10. Career Development of Assistant Professors

There should be a major plan worked out with every new arrival to a unit so that there is an orderly progression to promotion, within a reasonable time. Participation should be offered in a number of activities, and help and assistance given as needed. A coordinated plan of development suited to the academic unit and the candidate concerned should be devised and updated annually. In units that have a considered plan for their members, this progression is worked out in detail with allowance for an orderly development in all of the three categories that are concerned in promotion. Teaching functions and the setting up of courses should take priority. Then a research program should be mounted and, finally, some shouldering of service responsibilities should be undertaken. A new assistant professor should not be heavily laden with service commitments in the first year. The entire commitment should be under the guidance of senior people, or a single designated mentor, who should take an active role in career development.

11. Changes in Departmental Priorities

When departments and colleges change priorities (e.g., development of a graduate program, reorientation of the direction of departmental teaching at all levels) there are faculty members hired when their departments had one set of priorities that are now at some disadvantage because of the change. Departments have clear obligations to recognize such situations and to provide such faculty members with both the time and the resources to accommodate themselves to the new priorities. Those faculty during the probationary period prior to the granting of tenure have the right to be reviewed under the policy and procedure in force at the time of hiring, rather than under any revised policy or procedure subsequently adopted. Any candidate for tenure who wishes to be considered under the policy and procedure in force at the time of hiring must do so by informing the Department Chair of his or her desire at the time of the initial written application for promotion.

(Revised by the Faculty Senate 4/7/80; Approved by the Board of Trustees 12/10/80; Revised by the Faculty Senate 4/97 and 2/98)

Last update 9/14/98.

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Please direct questions to the Office of Academic Programs and Planning.

University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

L. TENURE (Revised by Board of Trustees 12/78)

1. All decisions to grant tenure shall follow review of credentials both by appropriate faculty committees and by administrative officers. Academic units are responsible for developing and applying written criteria for promotion and tenure that have been reviewed and approved by the College Promotion and Tenure Committee, Dean, University Promotion and Tenure Committee, and Provost.
2. With the exception of visiting professors and except as otherwise provided under item 7, tenure is awarded to tenure-track full professors on initial appointment or on promotion to this rank.
3. Tenure-track associate professors appointed from outside the University will normally receive an initial three-year contract without tenure. Reappointments at this rank, unless terminal, will carry tenure. Promotion of tenure-track assistant professors to the rank of associate professor from within the University will carry tenure.
4. Tenure-track assistant professors are appointed to full-time faculty positions for an initial term of two years without tenure. Reappointments at this rank are for a two-year term. The probationary period for assistant professors is six years, divided into three successive two-year contracts. The start of the probationary period coincides with the effective date of initial appointment as assistant professor. This date governs the timetables for peer review for contract renewal and for review for promotion and tenure. Assistant professors are expected to be considered for promotion and tenure not later than the sixth year of full-time academic service, with tenure effective - if the decision is favorable - starting with the fall semester of the seventh academic year. If the decision on promotion and tenure is negative, the seventh year of academic service will be a terminal year. Separate and apart from annual performance appraisal by the departmental chair, assistant professors will be evaluated through peer review regarding progress toward tenure according to the procedures and timetable set forth in this Handbook. Lack of progress toward promotion and tenure may result in contract non-renewal.

An untenured faculty member who becomes the parent of a newborn or newly adopted child may choose to take a one-year extension of the pre-tenure probationary period for each child, up to a maximum of two years. The extension shall be granted upon written request to the department chair or program director, with notification to the Dean of the College and the Office of the University Provost. Faculty who choose this option must indicate in writing that they have done so in their dossier.

(Rev. 10/7/91)

5. Except as stated in Section III.A.1.2 Conditions of Employment - Non-tenure Track Faculty, appointments and reappointments for instructors shall be on annual contract only.

Tenure is not awarded to instructors.
(Editorial revision 6/00)

6. Whether a faculty position is tenure-track or non tenure-track must be stipulated in the initial letter of appointment, regardless of funding source for the position. For faculty hired on a non-tenure-track appointment who are subsequently appointed to a tenure-track appointment, the probationary period for promotion and tenure begins with the date of initial appointment as a tenure-track assistant professor.
7. Tenure is granted or withheld solely on the basis of merit as determined both by appropriate faculty committees and by administrative officers.
8. The policy provisions stated above shall apply to both continuous and discontinuous faculty appointments.

Last Revision 05/03/2002.

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M. RESIGNATIONS

Accepted professional practice requires that resignations be submitted by letter to the department chairperson no later than April 1 or 30 days after receiving notification of the terms of his or her continued employment the following year, whichever date occurs later. Except by mutual agreement with the appropriate University administrator, resignations by the teaching faculty to become effective during the academic year cannot be accepted.

In the case of Agricultural Experiment Station and Cooperative Extension System personnel, resignations will be made by letter to the head of the department in the Experiment Station and to the Director of the Cooperative Extension System sixty days or more in advance of the date on which the resignation is to become effective. Any accumulated leave must be taken prior to date of resignation and at the convenience of the department concerned.

FINAL CHECKS

A faculty member's final check will not be automatically deposited or sent to the department. The faculty member must go to the Appointment Processing Office, where he or she can pick up the final check, hand in the ID card, and clear any balances due to the University.

A check reflecting final payment to deceased faculty members will be forwarded to the Benefits Office, where it will be transmitted to the appropriate supervisor with information concerning survivor's benefits.

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Section III Personnel Policies for Faculty

N. TERMINATIONS AND NONRENEWALS

TERMINATIONS

A clear understanding of the terms of the contract between the faculty member and the University is a prerequisite for a harmonious relationship. Within the terms of his or her contract, a faculty member at the University of Delaware is assured that an appointment will be terminated only for adequate cause-- incompetence, gross irresponsibility, or moral turpitude--except for termination caused by extraordinary financial circumstances.

Faculty members shall be terminated for cause only after being afforded a hearing before the Senate Committee on Faculty Welfare and Privileges. Faculty members shall be informed in writing at least four weeks prior to the hearing of the reasons for the proposed termination, shall have the opportunity to be heard in their own defense, and shall be permitted to be advised and represented by persons of their own choosing. This committee shall render its advisory decision to the appropriate administrative officer within 14 working days after the hearing. The complete procedures of the committee are given in a document titled "Committee on Faculty Welfare and Privileges Termination and Complaint Procedures," which is kept on file in the Faculty Senate Office for consultation by interested individuals.

In the case of termination for cause, the burden of proof in the proceedings rests with the party or parties bringing the charge. In the case of proposed termination for moral turpitude, faculty members may be temporarily suspended in the event that their continued presence at the University would constitute a clear and present danger to the health, morals, or safety of members of the University community until the final decision is rendered. Termination for cause shall become effective after one year's notice of the final decision to terminate; however, the effective date for termination involving gross irresponsibility or moral turpitude may be immediate.

NONRENEWALS

Proposals for the nonrenewal of faculty members' contracts, and the reasons for them, shall be reviewed by the faculty or an appropriate group of the faculty of the departments/units concerned. The written recommendation resulting from such review shall be taken into consideration by all the administrative officers concerned before a final decision is made. Faculty members shall be given notice in writing of the decisions and the reasons for them.

In the event of a decision not to renew, the faculty member shall have an opportunity to request a timely reconsideration by the appropriate decision-making body or person. A faculty member who alleges that academic freedom has been violated by the decision-making body or person, or that

the decision-making body or person did not give adequate consideration to the circumstances, may petition the appropriate faculty committee. Notice of nonrenewal shall be given in accordance with the following standards recommended by the Faculty Senate and approved by the administration.

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one- year appointment terminates during an academic year, at least three months in advance of its termination.
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
3. At least twelve months before the expiration of an appointment after two or more years in the institution with the exception of instructors and lecturers with one-year appointments, who shall be notified not later than December 15.

(Senate 3/21/77; Trustees 6/2/77)

TENURE AND SALARY OF APPOINTEES TO POSITIONS PAID FROM LIMITED TERM GRANTS

Appointments to positions paid in whole or in part from limited term grants of funds for special purposes shall be subject to the following provision regarding termination of service and salary in event of cessation of funds from such special sources:

In case of persons not previously employed by the University, both the service and the salary shall forthwith terminate regardless of the rank or titles held.

The President of the University shall be permitted to omit at his or her discretion the above statement from the contracts of such faculty considered as regular members of the faculty whose salaries are paid in part from sponsored research.

MEDIATION AND HEARING OF COMPLAINTS BY THE COMMITTEE ON FACULTY WELFARE AND PRIVILEGES

The Committee on Faculty Welfare and Privileges is charged with mediating and hearing faculty complaints which are not "grievances" as defined in the Collective Bargaining Agreement. Disputes within the jurisdiction of the Welfare and Privileges Committee include, but are not limited to, the areas of reappointment, dismissal, faculty evaluation and appraisal, salary adjustment, sabbatical leave, fringe benefits, academic freedom and other areas of personnel policy and conditions of faculty employment.

Before bringing a dispute before the Committee by lodging a complaint, a faculty member is expected to have exhausted all other reasonable means of resolving the dispute. Such reasonable means will usually include discussions with the faculty member's department Chairperson and/or college Dean.

Procedures for mediating and hearing complaints are detailed in "Mediation and Hearing Procedures", approved by the University Faculty Senate, April 6, 1992, available in the Faculty Senate Office. A flow chart summarizing the complaint process is attached to those procedures.

The purpose of the procedures is the resolution of disputes in a fair and collegial manner.

An important feature of the Committee's procedures is to encourage the resolution of disputes by mediation, without resort to a formal hearing. If a formal hearing becomes necessary, all parties to the dispute are required to attend that hearing, and to participate honestly and fully. After the hearing, the Committee shall write an opinion which shall include its conclusions about the dispute and any remedies the Committee may recommend. This opinion shall be advisory to the University Provost, who has final authority in the disposition of all complaints. In addition, the Committee may recommend to the University Provost revisions in or additions to portions of University policy relevant to the dispute.

Ultimate authority for its committees is vested in the Senate, which therefore has responsibility to oversee committee operations and modifications in committee procedures. The Committee on Faculty Welfare and Privileges shall have the authority to initiate requests for amendment to the detailed procedures. These requests will be evaluated by the Committee on Committees and Nominations, which will determine whether the proposed changes are minor or major. Requests for minor changes may be decided by the Committee on Committees and Nominations. Requests for major changes require approval by the Senate.

(Rev. 4/6/92)

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University of Delaware Faculty Handbook

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O. LEAVE OF ABSENCE

1. Academic Leave of Absence for One or More Semesters

Leave of absence for one or more semesters without salary may be arranged for the purpose of engaging in faculty exchange, completion of degree requirements, scholarly work under foundation fellowships or grants, research, or public service, without prejudice to future promotions in rank or salary, provided that the period of absence is reasonable and does not work an unwarranted hardship upon the University. An individual who anticipates applying for leave should confer with his or her department chairperson or the dean of the college before initiating any negotiations. Leaves of absence without salary are not available to faculty who wish to take temporary employment elsewhere that affords no real intellectual advancement.

Short leaves of a day or two that do not interrupt a regular schedule may be arranged informally with the department chairman or the dean concerned. For longer leaves, a formal request should be submitted to the President through the dean and the Provost and are dependent upon administrative approval.
(Rev., 11/93, Faculty Senate)

2. Sick Leave

The University has an informal policy with respect to sick leave for faculty. Individual cases are handled so as to impose the least possible hardship on the faculty member and his or her family within the resources of the University. Hospital confinement or sickness that exceeds three days should be reported in writing to the dean's office.

3. Maternity Leave

The University of Delaware recognizes the importance of having a maternity leave policy, which helps faculty balance the responsibilities of work and parenthood. The University of Delaware encourages faculty to develop a dialogue with their chairs/directors so that their career paths can be maintained while assuming the added responsibilities of parenthood.

It is the policy of the University to comply with the Family and Medical Leave Act (FMLA) of 1993, which grants an eligible employee up to a total of 12 workweeks of unpaid leave in any 12-month period for certain circumstances. The following

Maternity Leave policy sets forth the options that are available to faculty. An eligible employee is entitled to up to a total of 12 workweeks of maternity leave during a 12-month period for the birth or placement of a child for adoption or foster care. Due to the academic calendar, faculty may receive unpaid FMLA leave for an entire semester. This maternity leave will count against the employee's total family and medical leave entitlement of 12 weeks in any 12-month period.

Faculty may have time off with pay if they are physically unable to work due to pregnancy, childbirth, miscarriage, abortion, or other related medical conditions. The University reserves the right to require a doctor's certification at any time for periods longer than six weeks.

If possible, faculty requesting time off for reasons associated with childbirth must notify their supervisor three months prior to the anticipated date of the leave. Faculty members are encouraged to follow professional advice concerning the length of time worked during pregnancy and the appropriate time to resume work after childbirth or related medical conditions.

(Rev. 3/15/01, Office of Labor Relations through AAUP contract negotiations)

4. Family Leave

A faculty member who becomes the parent of a newborn or newly adopted child or a child placed in foster care in the faculty member's home, and who wishes time off for child care purposes, may choose to take a family leave of absence. Family leave may be granted for up to one year for each child, with a maximum of two years per faculty member. If the two-year maximum has been reached, and the faculty member wishes to take time off for the birth of a child or the placement of a child in adoption or foster care, then the faculty member may make use of any of the 12 weeks of family and medical leave in a 12-month period for which the faculty member is eligible under the Act. Family leave is without pay. However, during any period of family leave, the University's contribution to the premiums for a faculty member's health insurance benefits will be continued at the level that existed prior to commencement of the leave for a period of up to one semester in any 12-month period. Time spent on family leave shall not be counted in determining eligibility for sabbatical leave. This policy is intended to establish a faculty member's entitlement to a minimum standard, not to replace other informal or flexible arrangements that may be worked out between a faculty member and his or her Department chair. Request for family leave, when possible, should be made one semester in advance by written request to the Department chair or program director, Dean of the College and the Office of the Provost. (Rev. 9/95, Office of Employee Relations to reflect Collective Bargaining Agreement)

5. Medical Leave

The University recognizes the importance of having a separate leave policy that addresses the medical needs of faculty members. The following policy sets forth the medical leave options that are available to faculty members.

It is the policy of the University to comply with the Family and Medical Leave Act of 1993, which grants an eligible employee up to a total of 12 workweeks of leave in any 12-month period for certain circumstances. An eligible faculty member is entitled to up to a total of 12 workweeks of unpaid medical leave during a 12-month period to care for an immediate family member (spouse, child or parent) with a serious health condition, or when the faculty member is unable to work because of his or her own serious health condition. This medical leave will count against the employee's total family and medical leave entitlement of 12 weeks in any 12-month period. Generally, such medical leave is unpaid.

- a. To be eligible for medical leave, the faculty member must have worked for the University for at least one academic year.
- b. The University may require that any period of medical leave be supported by certification issued by a healthcare provider. The certification must be provided in a timely manner. Subsequent recertifications may be required.
- c. Requests for medical leave should be made in writing, stating the reason for the leave, the requested starting date of the leave and the faculty member's anticipated date of return.
- d. All requests for medical leave, except for emergency situations must be submitted as far in advance as possible, but in any event, at least thirty (30) days prior to the commencement of the leave in order to enable the University to provide for adequate staffing of the faculty member's position during the leave.
- e. A request for medical leave must be submitted to the faculty member's department chairperson or dean.
- f. Upon return from medical leave, the University will return the faculty member to his or her original teaching duties.
- g. During a period of approved medical leave, the University will continue the faculty member's hospital-medical-surgical and dental benefits up to 12 weeks. University contributions to benefit programs stop after 12 weeks of medical leave. If the faculty member voluntarily decides not to return from leave for reasons unrelated to personal or family illness or reasons unrelated to the birth, adoption or placement in foster care of a child, the University may seek to recover its portion of health plan premiums paid for the faculty member during the leave.

(Policy added 11/93, Office of Employee Relations; approved by Faculty Senate)

6. Sabbatical Leave

Purpose of Sabbatical Leave

Sabbatical leave is granted by the University to full-time tenure-track or tenured assistant, associate, and full professors, to full-time, **continuing** non-tenure track faculty appointed under Section III.A.1.2.2.1, and to administrators holding academic rank, with either or both of the following aims: (1) to provide time for research or other professional or creative activity; (2) to provide time for improvement of instructional materials and techniques or their administration. (Rev. Provost's Office, 12/96)

Sabbatical leave is not automatic. The justification of a sabbatical leave is determined primarily on the basis of a written proposal outlining the nature of the program to be undertaken and the benefits to the individual and to the University that may reasonably be expected. The department chairperson (or other appropriate administrative officer) meeting with a departmental committee to examine the proposals, shall determine their academic merits. Proposals may be rejected because of lack of merit or low priority or may be deferred because of staffing problems.

Faculty members on sabbatical leave are not eligible for extra compensation for teaching in Continuing Education or other similar assignments.

Qualifications for Sabbatical Leave

Apart from the merits of the written proposals, qualifications for obtaining sabbatical leave are as follows: (Rev. Fac. Sen. 4/95)

- a. The applicant shall have been a full-time member of the faculty (or a full-time administrator holding academic rank) for six full years to be eligible for sabbatical leave salary option "a" (see Compensation section); or for three full years for sabbatical leave salary option "b" (see Compensation section).
- b. The applicant shall hold a tenure-track or tenured appointment at the rank of assistant, associate, or full professor, or shall hold a full-time, **continuing** non-tenure track appointment (see Section III.A.1.2.2.1). (Rev. Provost's Office, 12/96)
- c. Leaves of absence without pay exceeding ninety days shall not be counted toward the minimum number of years for eligibility; neither shall they be counted adversely as in any way disqualifying a candidate's application for sabbatical leave or seriously affecting the recommendation for such leave.
- d. The credit toward a sabbatical leave does not begin to accumulate until the beginning of the next appointment semester after returning from a sabbatical leave. (Rev. Fac. Sen. 11/95)
- e. Research and extension personnel paid wholly from other than University funds are not eligible to apply for sabbatical leaves.

The award of Fulbright-Hays, Guggenheim, NSF, ACLS, or other extramural grants from appropriately accredited agencies shall not be construed as disqualifying a candidate for sabbatical leave; on the contrary, it may be taken, in part, as endorsing his application. Teaching appointments, especially abroad, shall also be regarded as a positive recommendation, except in the case of Fulbright-Hays lectureships, where faculty members may not agree to teach more than half-time while on sabbatical leave.

Occasionally, it may be necessary for the University to postpone the award of an acceptable sabbatical leave request for reasons that have nothing to do with the specific merits of the application itself. In the event of postponement or deferment of sabbatical leave by the University administration, the intervening period shall be counted toward the accrued time required for the next sabbatical leave application. On the other hand, if a faculty member delays the application until after the normal period has elapsed, he or she may not claim the intervening time toward another sabbatical leave request.

Application Procedure

- a. Faculty must submit sabbatical applications using an electronic form. Applications for sabbaticals are made through the department chairperson. Applications must include an outline of activities to be engaged in while on leave and a statement indicating how the leave will promote the faculty member's professional development and benefit the University of Delaware. Each case is considered individually, but in general, approval is limited to those applications that present a well thought through plan of study, research, travel, or other activity clearly related to the faculty member's professional field and duties at the University of Delaware. (Rev., Provost's Office, 11/97).
- b. Applications for full-year sabbatical leave should reach the department chairperson by the first Friday in September, twelve months before the leave period; notification of the action on the grant shall be made not later than the first Friday in December following. Applications for half-year sabbaticals should reach department chairs by either the first Friday in September or the first Friday in February, depending upon the period for which the leave is requested, but in either case twelve months before the leave period; notification of the action shall be made not later than the first Friday in December or the first Friday in May following. The importance of early application and early notification for the University and for the individual faculty member cannot be overemphasized. Applications received with less than the lead time indicated may be accepted, but the disadvantages of risking later notification or lower priority rating should be recognized.
- c. The department chairperson, in consultation with an appropriate committee, will evaluate the proposal and will indicate to the dean the rating of the project and the manner proposed to absorb or fill the vacancy thus created, if approved. The dean, if approving in turn, will establish priorities and where required make budgetary recommendations to the Provost. The Provost will study all aspects of the recommendations and make the determination concerning the leave. The applicant shall be notified of the action at each of the three levels of administrative review at the time of that action.

Compensation

(Revised 5/00)

The following sabbatical leave salary options are available to the University of Delaware faculty:

- a. After six appointment years of full-time service, one appointment year at 75% of salary, or one-half an appointment year at full salary will be granted. (Revised via AAUP contract negotiation, 3/99)
- b. After three appointment years of full-time service, one-half an appointment year at half salary will be granted.
- c. Faculty holding named professorships or named chairs receive full salary for leave options (a.) or (b.)
- d. Inasmuch as the faculty member on leave is still considered to be a full-time employee, all University of Delaware regulations and benefits shall apply to the recipient while on sabbatical leave. The University and the recipient shall both continue to carry on respective financial responsibilities for group life insurance, retirement (TIAA/CREF or Fidelity Investments), (* Effective January 1, 1988.) hospitalization and major medical insurance, and other benefits. However, if a recipient participating in the University Retirement plan

wishes, he or she may elect to reduce the premium in the same proportion and for the same period as the total salary is reduced while on leave. In all instances, however, the University premium payments will remain at their usual level.

- e. The recipient of a sabbatical leave is required to return to the University of Delaware for at least one full year's service at the conclusion of a sabbatical earned after six year's service, or one-half year at the conclusion of a sabbatical awarded after three years' service. If a faculty member resigns during or at the completion of a sabbatical leave, he or she must return to the University the salary that was received while on that particular leave.

Accountability

Upon return, recipients of sabbatical leaves shall submit a written report to their departmental chairperson, dean, and the Provost (or appropriate administrative officer) summarizing their activities and accomplishments. Subsequent awards, it is only fair to say, may in part be evaluated on the basis of the achievements of previous grants. Therefore, any concrete indications of the value of the grant (books or articles published, renewed requests for services, etc.) should be submitted as and when they become available for inclusion or notation in the faculty member's personnel file in the chairperson's office.

7. Research /Scholarship Semester for Tenure-track Assistant Professors

1. To assist with their professional development and their progress towards promotion and tenure, tenure-track Assistant Professors are eligible for a semester at full pay devoted to research and scholarship during the third or fifth year of probationary period of service. This research/scholarship semester will count as part of six-year probationary period for purposes of promotion and tenure.
2. Assistant Professors must apply to their Chairpersons for the research/scholarship semester no later than January 1st of the second full year of service for a third year research semester and the fourth full year of service for a fifth year research semester.
3. The application must include a detailed proposal for the work to be conducted during the semester and demonstrate the direct significance of that work to meeting the promotion and tenure criteria of the unit. The department chairperson (or other appropriate administrative officer) will evaluate the academic merits of the proposed work in the context of the promotion and tenure criteria of the unit. Proposals may be rejected because of lack of merit.
4. Approval of the application for a research/scholarship semester will be conditional upon a two-year contract renewal for the Assistant Professor that will include the period of research/scholarship semester.
5. Approval of each application requires the positive recommendation of the Chair and the Dean and the approval of the Provost. The Department and College will be responsible for meeting the instructional needs from which each Assistant Professor is released from their own resources. Proposal may be rejected if the Department and College are unable to otherwise meet the instructional needs from which the Assistant Professor is to be released.

6. Faculty members on a research/scholarship semester are not eligible for extra compensation for teaching in Continuing Education or other overload assignments.
7. All Assistant Professors who complete a research/scholarship semester must serve a full year after that semester.
8. The research/service semester is in lieu of a mini-sabbatical after three years of service (whereby the individual is eligible for a semester at half pay). Assistant Professors who take a mini-sabbatical in their fourth year of service are not also eligible for the research/scholarship semester. The time-clock for eligibility for the next sabbatical will begin with the semester after completion of research/service semester.

(Text added in entirety 03/11/2002).

8. Faculty Exchange Program

The University of Delaware actively supports a program of faculty exchanges between domestic and foreign universities. The benefits to the University from this program are manifold and include: 1) wider experience for our faculty members teaching in new and different environments; 2) broader exposure for our students from visiting faculty members; 3) expanding reputation of the University in the quality of its students and faculty; and 4) increased opportunities for faculty to meet and work with colleagues in different institutions.

The costs to the universities involved are minimal and, certainly in the case of domestic exchanges, nil, since each institution will continue to provide salaries and fringe benefits for its own faculty members. This arrangement, furthermore, will greatly facilitate exchanges and provide for minimal interruption to individual careers, earnings, and accrued benefits, such as time toward sabbatical leaves, pensions, etc.

Faculty exchanges are not limited to exchanges with other universities and colleges but may be arranged with industrial firms, government agencies, businesses, and such, where both parties involved may benefit from the exchange.

Guidelines

1. Appointments of faculty being exchanged must be approved by departments and colleges of the institutions concerned.
2. Each institution involved in the exchange shall continue to pay the salary and fringe benefits of its own faculty member, who will simply be considered on assignment elsewhere.
3. Faculty exchanges shall normally be at the same or equivalent rank, with clear advantages in the exchange to both institutions.
Faculty members shall retain academic rank during the period of the exchange and may be designated as "Visiting Professor, Associate Professor," and such, at the host institution.
4. Work assignments will be determined by the host institution and agreed to by all parties in advance of the exchange.
5. Upon final approval of the exchange by the department chair, the dean of the college, and the Provost, a contract shall be initiated by the department chairperson at least six weeks before the visiting faculty member's expected arrival or commencement of activities on the campus. *This contract is*

necessary so that the visitor and the University will be covered by the University's liability insurance during the visitor's residence. The contract shall indicate the visitor's rank, beginning and ending dates of residence at the University of Delaware, and department or other unit in which the visitor is engaged in teaching or research.

A copy of the contract will be supplied to the visitor upon arrival on campus.

6. To equalize appropriately differences in salary and cost of living between the University of Delaware and certain foreign institutions, it may sometimes be necessary to provide a small supplement to visitors in the form of travel funds or other assistance. Standard Blue Cross and Blue Shield coverage is available for foreign visitors who may need and request it. Family coverage, however, must be paid for directly by the visiting faculty member. Major medical insurance is not available to visitors. Applications for Blue Cross and Blue Shield must be filled out by the visitor in sufficient time to be effective at the time of arrival on campus. (Note: These supplementary awards are not a stipend; they are indicated in the "Comments" section of the contract.)
7. Institutions involved with the University in conducting faculty exchanges may also be interested in exchanging graduate students along with faculty at the same time. In general, the same conditions will apply, including the arrangements for continuing stipends, fringe benefits, etc., and all such exchanges must follow the same approval procedures and conditions.

9. Military Leave Policy

The University recognizes the need to have a policy that addresses the employment and re-employment rights for employees who elect to join the armed services, the National Guard, or the military reserves.

It is the policy of the University to comply with the Uniformed Services Employment and Reemployment Act of 1994 which grants military leave for all employees and, in most cases, reinstatement rights regardless of whether the service is voluntary or involuntary.

For the full policy, see the Personnel Policy Number 4-53 Military Leave in the University of Delaware Policy and Procedure Manual.

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Last updated 03/11/2002.

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University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

P. SUBSTANCE ABUSE POLICY

When a University employee's performance is adversely affected by the use of alcohol and/or drugs, the University's commitments to excellence and the general health and welfare of the University community require that corrective action be taken to rehabilitate such employee or to terminate his or her services, if rehabilitation cannot be accomplished within a reasonable length of time.

It shall be the policy of the University to assist, whenever possible, in the rehabilitation of any such employee.

Employees with an alcohol and/or drugs problem are strongly encouraged to discuss the matter with their supervisors, in order that assistance may be provided towards the goal of continued employability.

When it appears that an employee's job performance is adversely affected by the use of alcohol and/or drugs, the Provost, with respect to the members of the faculty, and the Vice President for Administration, with respect to all other employees, shall conduct such an investigation as is necessary to determine if there are sufficient job performance problems to indicate that corrective action is required.

1. Employees with More Than Two Years of Service (or with tenure)

When the Provost or the Vice President for Administration is satisfied from the investigation that corrective action is required with respect to an employee with more than two years of service, he or she shall:

- a. Arrange one or more conferences among the employee, Faculty and Staff Assistance Program (FSAP), and the Provost or Vice President for Administration to discuss the employee's problems and the kinds of assistance that are available.
- b. If, in the opinion of the Provost or the Vice President for Administration, the employee's supervisor, and the FSAP, the employee has an alcohol/drug problem that is adversely affecting job performance, the employee shall become rehabilitated within a reasonable time, either pursuant to counseling and treatment under the auspices of the FSAP, or through a program of rehabilitation, which may include treatment by a psychiatrist retained by the employee at his or her expense. The role of the FSAP is to assist the University administration in evaluating the employee and the circumstances surrounding the case and to assist and advise the employee in making

appropriate treatment arrangements.

- c. If the employee elects to attempt rehabilitation with the assistance of the FSAP, the employee may elect admission, at the University's expense, to a University-selected treatment center for not more than thirty days. If the employee elects admission to the treatment center, he or she shall be placed on a leave-with-pay status. Where applicable, the employee shall utilize accumulated sick leave, earned or accrued vacation days, or approved vacation days.
- d. An employee undergoing rehabilitation shall continue normal duties of employment except during the time, if any, when undergoing treatment at a treatment center.
- e. If, during the period of rehabilitation, the employee's job performance is adversely affected because of the use of alcohol and/or drugs, a leave of absence without pay for ninety days shall be given. During such leave of absence, employees who have not previously availed themselves of treatment in a University-selected treatment center are eligible for this option for a period not to exceed thirty days but without pay. If the employee rejects such leave of absence or fails to satisfy the Provost or the Vice President for Administration and the FSAP that he or she has become rehabilitated during this ninety-day period, termination for cause shall occur in accordance with the University procedures established for the employee. During, or at the conclusion of said ninety-day period, if, in the opinion of the Provost or the Vice President for Administration and the FSAP, the employee demonstrates adequate evidence of rehabilitation, the employee shall be permitted to return to his or her position of employment, with the understanding that a recurrence of alcohol/drug problems such as to affect job performance shall be cause for termination in accordance with established University procedures.
- f. If the employee, after rehabilitation, again demonstrates that his or her job performance is adversely affected by use of alcohol and/or drugs, the case shall be handled on an ad hoc basis.
- g. The University will assume financial responsibility for confinement to an alcoholic/drug treatment center once only.
- h. If terminated for cause under this policy, the employee may apply for re-employment not earlier than one year following termination, and re-employment shall be considered based on circumstances at that time.

2. Employees with Less Than Two Years of Service (and who do not have tenure)

When the Provost or the Vice President for Administration is satisfied from the investigation that corrective action is required with respect to an employee with less than two years of service, each case shall be handled on an individual basis taking into account the seriousness of the problem and the potential value of the employee if rehabilitated. Such an employee may be terminated for cause without attempted rehabilitation, but ordinarily an effort will be made to assist such an employee to become rehabilitated, utilizing the procedures outlined above, except that the University will not ordinarily undertake the expense of treatment at a treatment center and ordinarily will terminate rather than grant a leave of absence to an employee whose job performance is adversely affected by the use of alcohol during the period of probation.

Employees on leave with pay status under this policy will be eligible for pay during such leave, provided all other conditions of this policy are met. In addition, any payments made by the University as provided herein covering expense of treatment at a rehabilitation center shall be paid by the University only in those cases where the employee elects admission to a rehabilitation center acceptable to the University. Furthermore, payments made by the University for treatment shall be reduced by any amounts payable through the employee's Health Plan Coverage policy. In no event will the University payment and the Health Plan Coverage payment exceed the amount of the treatment facility's normal fee.

Nothing in these procedures abrogates established University policies and procedures for dismissal. (Policy revised, Vice President for Administration, 2/98)

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University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

P. 1 DRUG-FREE WORK PLACE

It is the policy of the University of Delaware to take reasonable measures to insure that drug use by employees does not jeopardize the safety of the University community, employees, and students or adversely affect operations of the University.

The provisions of this policy are: 1) the use, possession, sale, or distribution of illegal drugs or other controlled substances for non-medical or non-research reasons are prohibited at the University; 2) the unauthorized presence of illegal drugs or other controlled substances in the body is prohibited at the University; and 3) employees must notify the University of any drug conviction resulting from violation at the work place no later than five days after such conviction.

Employees, as a condition of employment, must abide by the terms of this policy. Any employee found in violation of the above policies will be sanctioned and/or required to participate in the University's Faculty and Staff Assistance Program (FSAP). The University will continue to maintain a drug-free work place through implementation of the provisions of this policy and the maintenance of a drug-free awareness program.

The University of Delaware has established a drug-free awareness program to inform employees about 1) the dangers of drug abuse in the work place through training provided by the FSAP; 2) the University's policy of maintaining a drug-free workplace through distribution of the policy to all employees; and 3) the availability of drug counseling, rehabilitation, and employee assistance programs to help employees whose work performance has been hindered by substance abuse. The University will make a good faith effort to continue to maintain a drug-free work place through implementation of the above program.

Last editorial update 2/15/98.

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University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

Q. EMPLOYMENT OF MEMBERS OF THE SAME FAMILY

Members of the same immediate family and those whose personal situation constitutes a family or other intimate relationship may be employed, on a full-time or part-time basis, so long as neither member is responsible for the supervision, direction, evaluation, or merit recommendation of the other. All such cases involving direct supervision should be reported to the Provost, the Vice President for Administration, and the Treasurer.

(Rev. 3/20/87; titles updated 2/98)

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University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

R. AFFIRMATIVE ACTION

The University of Delaware is committed to assuring equal opportunity to all persons and does not discriminate on the basis of race, creed, color, gender, sexual preference, age, religion, national origin, disability or veteran status, or membership or nonmembership in the AAUP, in its educational programs, activities, admissions or employment practices. The University has developed a three-step Affirmative Action plan to rectify imbalances of opportunity that still exist despite a policy of nondiscrimination. The first step is to reassert the principle of equal employment opportunity in statements and advertisements to the effect that "The University of Delaware is an Equal Opportunity Employer which Encourages Applications from Qualified Minority Groups and Women."

(Rev. 10/1/90)

The second is to reaffirm that those private organizations, such as contractors or subcontractors doing business with the University or those firms recruiting through the University, shall not discriminate against any person because of race, color, religion, sex, national or ethnic origin, age, handicapped or veteran status.

The third is to develop and implement an affirmative action plan designed to improve the proportion of minority and women employees in the University's work force in general and in management and faculty positions in particular.

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University of Delaware Faculty Handbook

Section III Personnel Policies for Faculty

S. ACADEMIC SUPPORT SERVICES

1. Library regulations have been recommended by the Senate Library Committee and are intended to provide equitable access to library materials for faculty and students.

A faculty member's identification card is required to check out books which can be on an extended loan for one semester, subject to recall if requested by students or other faculty. Faculty members will be billed for the replacement cost of books lost while charged out to them.

Current issues of periodicals do not circulate. Bound volumes of periodicals circulate and may be taken out by faculty for brief periods only.

A limited number of faculty studies and carrels are available on a first come, first served basis. Assignments are made by the semester on application to the office of the Director of Libraries.

2. University Media Services (UMS) provides a variety of instructional television (ITV), satellite, video, audio, and graphics services to support the media needs of the University community. UMS is continuing to broaden the range and reach of its services through the upgrade and permanent placement of audiovisual equipment in classrooms, the establishment of new distance learning education facilities, and the programming of the campus cable television system. Professional staff members are available for consultation and assistance with grants and contracts.
3. The Office of Information Technologies (OIT), based at the Computing Center at 192 South Chapel Street, provides central computing facilities on campus, in response to varied requirements for educational, research, scientific, and administrative computing. A list of campus computing sites is available online at <http://www.udel.edu/sites/>. (Edit. rev. 7/99)
4. The University of Delaware Press publishes books in all fields of scholarly endeavor. Presently its major strengths lie in literary studies, art history, and European history. Individual contracts with authors are negotiated through Associated University Presses, which also bears all the costs of producing, publishing, and distributing books for the University of Delaware Press. Editorial decisions, however, are made by the Editorial Board of the University of Delaware Press. Authors should submit their manuscripts to the chairperson of the Editorial Board, 326 Hullihen Hall.

1. **Disability Services.** In accordance with the Americans with Disabilities Act (ADA), the University provides reasonable accommodations to faculty, staff, and students with disabilities. The ADA Coordinator is responsible for coordinating campus-wide compliance with the ADA.

The ADA Coordinator is available for consultation regarding any employment accommodations or workplace adjustments needed by an employee or applicant with a disability. In addition, the ADA Coordinator is primarily responsible for providing services to students with disabilities, other than learning disabilities. These services include: individualized needs assessment, priority registration, auxiliary aids, consultation and advocacy, testing accommodations, and information and referrals. The Academic Services Center (see #6 below) provides accommodations and other services to students with learning disabilities.

Anyone needing assistance or information regarding disability issues should contact the ADA Coordinator, 305 Hullihen Hall, ext. 2835 (voice) or ext. 4552 (TDD).

2. **The Academic Services Center (ASC)** assists the University with the retention of students through its undergraduate and pre-college programs, services, and activities. ASC provides services to students with diagnosed learning disabilities and administers several programs to aid in the retention of low income/first generation students, minority scholars, and other special interest populations. Academic assistance is offered through individual and group tutoring, group study sessions, consultations, mentoring, academic success and study skills workshops, testing accommodations for learning disabled students, and personal and social advising and referral assistance. ASC is housed in the George Evans House at 5 West Main Street. For more information, contact ASC at ext. 2805.

Should a faculty member question the need for accommodation on the part of a student diagnosed with a learning disability and/or AD/HD he/she should consult with the ASC and seek explanation. Should a faculty member consider that the accommodations prescribed by the ASC are not appropriate within the context of his/her course, he/she may request that the Chair of the Committee on Faculty Welfare and Privileges, within three working days, appoint a panel to resolve the issue. That panel will consist of:

1. A faculty member from the requestor's department approved by the requestor.
2. A professional staff member from the ASC.
3. A faculty member agreeable to both the requestor and the ASC.

The panel will consult with legal counsel and, within five (5) working days of the formation of the panel, advise the Provost of the matter. The Provost will notify the Chair of the Committee on Faculty Welfare and Privileges, the panel, and the student of his decision. (rev. Faculty Senate 5/3/99)

Last update 7/14/99.

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University of Delaware

Policies and Procedures Manual

Section: Financial

Policy Number: 3-7

Policy Name: University Travel Policy

Date: October 10, 1988

Revised: September 26, 1990; July 1994; June 1, 1996; September 20, 2000; March 16, 2001; August 7, 2002

I. PURPOSE

To define and explain University travel policies and procedures, describe reimbursable expenditures, and inform employees and expense report approvers of their responsibilities in managing and reporting business travel-related costs.

II. POLICY

Reimbursement for full or partial expenses connected with University work-related business travel, including attendance at professional meetings, may be approved for faculty, professionals, staff, and authorized students according to the following guidelines and limitations. Departmental units may develop their own additional, business-specific policies that meet their needs. Departmental policies may be more, but not less, restrictive. If the travel is to be charged to contracts, grants, or gifts with more restrictive limitations, those limitations will apply. All travel expenses are subject to internal audit. All reimbursement payments will be made by direct deposit to the same employee account selected for payroll deposits.

Reimbursements for travel expenses incurred while on official leave require specific approval in advance by the Provost for personnel in academic units and by the Executive Vice President for personnel in administrative units.

A. PRINCIPLES

1. Travel and entertainment must be consistent with the business and professional needs of the University.

2. Employees must:

Conduct University business with integrity, in compliance with applicable laws, and in a manner that excludes considerations of personal advantage.

Exercise good judgment and travel on University business in a cost-efficient manner.

B. APPROVALS

1. Prior Approval of Travel

Each Dean or Vice President (or their designee) will determine prior travel approval requirements, if any, for personnel in departments reporting to them.

Regarding travel funded from grants and contracts, in most cases federal agencies require that any travel be specified in the budget for faculty, staff and students. Some federal agencies require written prior approval for out-of-country travel charged to federally sponsored contracts and grants (including federal "pass through" funds). Individuals planning such out-of-country travel should contact the Office of the Vice Provost for Research before the travel occurs.

2. Approval of Expense Payment or Reimbursement

Payments for travel expenditures must be signed by the traveler and approved by the traveler's supervisor and dean or the appropriate vice president or their designees.

The traveler is personally accountable for the accuracy and veracity of the Business Expense Report (BER), and ensuring it conforms with University travel policies and procedures.

BER approvers are responsible for:

- Ensuring that employees understand the travel policy and the need to exercise good judgment while traveling.
- Ensuring that the trip was taken for a legitimate University business purpose.
- Reviewing and approving expense reports and backup for appropriateness and correctness.

C. FUNDING TRAVEL EXPENSES

1. Corporate Charge Card

The University provides employees who travel a personal American Express Corporate (AMEX) card at no cost to use for travel expenses. The AMEX card is to be used for payment of car rentals other than those obtained through the Motor Pool (see D.7.d.), shuttle services, bus tickets, lodging, meals, and other expenses necessary for work related University travel. At the end of the travel, a BER form is to be submitted promptly with original receipts and tickets for each itemized expense.

Expenses charged to the AMEX card are the responsibility of the cardholder and are payable in full within 30 days of receipt of the bill. Charge card penalty fees resulting from late payment are not reimbursable and both the University of Delaware and American Express may cancel individual AMEX cards at any time if abuse or payment delinquency occurs. The card is automatically canceled upon termination of employment at the University of Delaware.

2. Cash Advances

The University may provide cash advances to assist employees in financing

University-authorized work related travel for anticipated expenses that cannot be charged to the AMEX card and airline, train tickets and registration fees that cannot be charged directly to an authorized procurement card. Airline, train tickets and registration fees should be purchased on an authorized procurement card. Contact Procurement Services for additional information.

a. Eligibility

University employees, supplemental faculty and professionals, graduate students and fellows on contract, who are being paid by the University, may obtain a cash advance.

b. Procedure

Cash advances normally will not be issued for less than \$100, nor more than 30 days in advance of the travel.

Cash advances may be requested by the traveler and approved by the account administrator by completing the Request for Cash Advance form, available in departmental business offices. If expenses such as hotel deposits are charged to the AMEX card more than 30 days before the travel occurs, and the American Express bill is due before the actual trip takes place, a cash advance, supported by documentation showing the pre-travel expense, excluding airline expenses, may be requested to cover such costs. In some cases two or more advances may be necessary for the same trip. In those instances the Cash Advance form is to be used for all advances.

Requests for cash advances are to show the detail of the items requested; advances for meals may not exceed the Federal per diem amount times the number of days of business travel.

Cash advances are processed as direct deposits unless special arrangements are authorized by Procurement Services.

Cash advances are to be settled promptly within 30 calendar days of the end date of the travel by submitting a BER form, even if the amount of the cash advance exactly equals the cost of the travel and results in no additional reimbursement requested nor return of excess cash advanced. Failure to settle on a timely basis may result in the full amount of the cash advance being deducted from the traveler's next paycheck. Normal reimbursement will then be made when the final travel accounting is settled.

D. REIMBURSEMENT OF TRAVEL EXPENSES

Reimbursement is made only for necessary expenses of a traveler in the performance of his or her official duties. Expenses reimbursed by any other entity (government, corporation, association, organization, individual, etc.) may not also be reimbursed by the University.

Each traveler is to be reimbursed only for his/her own personal business travel expenses.

No travel expenses other than airline, train tickets and registration fees paid on authorized procurement cards may be directly charged to the University.

1. Procedure

The BER form is to be used to obtain reimbursement for authorized expenditures within University guidelines and to settle any cash advances issued for the trip. BER forms must be signed by the traveler and approved by the traveler's supervisor and dean or the appropriate vice president or their designees. The BER form must clearly state the beginning and end dates of the travel, destination(s), and University business related purpose of the trip or expenditures.

BER forms that are incomplete or lacking approvals or required documentation will be returned to the requestor for correction.

2. Receipts

Original receipts are required for all travel related expenditures in excess of \$10.00.

3. Meals

Approved meals and incidental expenses for overnight travel will be reimbursed at reasonable actual costs (see G. Extended Stays, for instances when per diem reimbursement may be allowed). "Reasonable" is to be determined by the account administrator and/or supervisor of the traveler. Federal Meal and Incidental Expense per diem rates may be used as guidelines to determine if an expenditure is reasonable. Federal per diem rates are available on the World Wide Web.

All meal expenses must be itemized on the BER, and individual meal expenses that exceed \$10 must be supported by original receipts.

Reimbursements for meals related to travel not involving an overnight stay are required by the Federal government to be reported as taxable income to the recipient. Such reimbursements will be reported on the employee's W-2 form at calendar year end.

No charges for alcoholic beverages are permitted to University basic budget accounts (1-1, 2-1) or to government awards.

4. Lodging

Reimbursable lodging charges may not exceed the normal charge for a single room. It is expected that the traveler will exercise prudent judgment in selecting a place to stay and will endeavor to obtain the lowest commercial rate available at the place of lodging. Original detailed receipts (hotel bill) must be obtained and submitted to request reimbursement.

Travel related lodging at the home of an acquaintance (not a relative) may be permitted at a rate not to exceed \$10 per day, and does not require receipts.

5. Expenses for spouse

Reimbursement for all travel expenses, including meals and lodging, is limited to the University employee traveling on authorized University business and does not include expenses of a spouse or other traveling companion. (See G.2. for exception for extended stays.) If lodging is for more than the employee, University reimbursement is limited to the usual single room rate which should be indicated on the face of the hotel/motel bill.

6. Registration Fees

Registration fees should be charged on an authorized procurement card. In cases where the procurement card is not accepted, a Request for Check form should be completed and forwarded to Procurement Services. The Request is to be accompanied by a letter or registration form, which will be mailed along with the payment by Procurement Services to the seminar or conference sponsor.

If not paid in advance, reimbursement for approved registration fees may be requested on the BER form with proof of payment.

7. Transportation

The mode of travel is to be justified on the basis of the most economical use of the traveler's time and the requirements of the trip. If, for the convenience of the traveler, an indirect or interrupted route is chosen, any additional expense will be borne by the traveler. Reimbursement for expenses will be based only on such charges as would have been incurred by a usually traveled route.

a. Air travel

When traveling by commercial airline, accommodations are to be for tourist, coach, or economy class. Cost of upgrades will be at the traveler's personal expense.

Foreign air travelers using federal funds or federal pass-through funds must comply with the Fly American Act. Information is available in the Office of the Vice Provost for Research (OVPR).

Airline tickets should be purchased by the traveler (or her/his designee) on an approved University procurement card which will charge the University directly. Contact Procurement Services at x2161.

Travelers are required to report on the BER airline tickets charged directly to the University. An original passenger receipt or original e-ticket must be submitted with the BER when the trip is completed. It should be stated that the tickets were charged directly to the University and no ticket reimbursement is needed.

A University employee who owns a private aircraft may use such aircraft for transportation on their own individual business trip and receive reimbursement

from the University only with the prior written approval of the University Provost for academic units or the Executive Vice President for administrative units. Such employees may not use their personal aircraft to provide transportation for other University travelers on University related business. If prior approval is received, reimbursement will be limited to the fare allowed for the usual mode of conveyance to the destination.

b. Train or Bus

Train and bus fares on any trip may not exceed the regular fare charged the general public. The traveler should take advantage of round-trip or excursion rates whenever possible. Upgrades, including the Metroliner Club Car, will be at the traveler's personal expense.

Train tickets should be purchased by the traveler (or her/his designee) on an approved University procurement card which will charge the University directly. Contact Procurement Services at x2161.

c. Taxi Fares

Taxi fares are reimbursable only when it is necessary to use such means of transportation. Receipts are not required, but taxi costs are to be itemized when submitting a request for reimbursement.

d. Automobile

(1) Rentals - commercial

Discounted rates are available with Avis, Hertz, or Budget rentals when alternative methods of transportation are more expensive or not available. Information on corporate rates and reservations may be obtained from the following telephone:

Avis 1-800-331-1212
Hertz 1-800-527-0700
Budget 1-800-654-3131

Car rentals may be charged to the traveler's Amex card or a University rental car charge card can be obtained from the Motor Pool (x8471). At the end of the travel, the original rental agreement and invoice are required to be submitted with the BER if reimbursement is appropriate, or the Motor Pool if the University rental charge card was used.

The University provides full primary insurance coverage for short term rentals of automobiles by employees on University business anywhere in the United States, its territories and possessions, and Canada. The traveler should refuse car rental insurance offered by the commercial agency. For business rentals or leases lasting more than 30 days, contact the Risk Management Office to have car insurance provided.

(2) University owned vehicles

University owned cars are generally available for business travel through the Motor Pool. If a University car is used, mileage will be charged to the appropriate travel account; tolls and parking will be reimbursed to the driver. Credit cards for gasoline will be provided with the car.

(3) Privately owned vehicles

At the discretion of the traveler's supervisor, privately owned vehicles may be used for University travel. Reimbursement for use of a privately owned vehicle will not exceed the cost of a common carrier fare.

Use of a privately owned vehicle is reimbursable at the approved University rate of \$.325 per mile, which is to cover all operating expenses, including repairs, insurance, gasoline, depreciation, towage and other similar expenditures, regardless of whether University-owned equipment is carried. University insurance coverage for privately owned vehicles used for University business is limited to secondary coverage; primary insurance is the vehicle owner's insurance. University coverage will apply only to claims which exceed the vehicle owner's insurance. For more information on automobile coverage, refer to Policy 3-1.

e. Parking and Toll Charges

Parking and toll charges are allowable travel expenses. Original receipts or stamped parking tickets showing the exact payment made and date are to be submitted for each expense that exceeds \$10.

8. Non-Reimbursable Expenses

Charges for baby-sitting, fines for traffic violations, boarding of pets, travel insurance, loss or damage to personal property, valet service, newspapers and periodicals, repairs to personal vehicles used for work related purposes, travel expenses for spouse and other family members, and movies are representative of expenditures that are not reimbursable under University policy.

9. Miscellaneous

Luggage assistance, business telephone calls, and service charges are to be separately itemized on the BER form, and should not be reported as lodging expenses, even though such charges may be shown on the hotel/motel receipt.

E. APPROVAL OF EXCEPTIONS

Exceptions to this travel policy must be approved by the Provost for academic units and by the Executive Vice President for administrative units.

F. STUDENT TRAVEL

Students traveling for the University are to follow the same policies as University employees. Student travel charged to grant accounts must be specified in the approved grant budget before the travel occurs. Contact the Office of the Vice Provost for Research to determine if the travel is allowed under the terms of the specific grant.

Appropriate student travel supported by a University department may be charged to 1-4 funds, "private" awards and gifts if the conditions of the agreements or gift restrictions permit such charges, to supplemental funds or to 1-7 discretionary funds.

G. EXTENDED STAYS OF FIVE WEEKS OR MORE

1. Study-Travel Programs

University faculty or other personnel conducting study abroad and domestic study-travel programs sponsored by the Center for International Studies will be reimbursed using the following guidelines. Study-travel programs include those offered at locations abroad or within the U.S. but outside of the State of Delaware and which offer credit courses to students.

a. Lodging and Travel:

Expenditures for lodging and travel arrangements and associated expenditure requests must have approval in advance from Center for International Studies and reimbursement for such expenditures must be evidenced by original receipts. Except in unusual cases, University faculty and other personnel accompanying programs with a duration in excess of 5 weeks must be accommodated in lodging with cooking facilities.

b. Meals and Incidental Expenses (M&IE):

Meals and incidental expenses will be reimbursed on a per diem basis as follows:

1. Lodging that does not include cooking facilities

Foreign locations: Maximum of \$34 or 50% (whichever is greater) of the U.S. Department of State daily M&IE allowances established by locale for foreign locations including the Trust Territory of the Pacific Islands, Alaska, Hawaii, Puerto Rico. and territories and possessions of the U.S.

Domestic locations: Maximum per diem is the U.S. Department of State daily M&IE allowance by location.

2. Lodging that includes cooking facilities Foreign locations: Maximum of \$40 Domestic locations: Maximum of \$20

The approved amounts should be adjusted according to the travel destination, length of time stayed, and ability of the traveler to make use of local establishments, and should be agreed upon with the Center for International Studies account administrator before the travel occurs.

2. Spouse and Dependents

Except as limited by contract/grant or gift restrictions, round-trip economy air fares for international travel for accompanying spouse and dependent children (under 18 years of age) may be included as part of the project budget where the minimum stay is greater than 60 days. Employees traveling on extended leave, funded from external awards, should contact OVPR for sponsor regulations governing dependent travel. No cost-of-living supplement beyond that for project personnel may be included. The cost of the air fare for spouse and dependent children that is paid by the University represents taxable income to the employee and will be reported to the Internal Revenue Service on form W-2.

H. TRAVEL EXPENSES OF NON-UNIVERSITY PERSONNEL

Except for extended visits to the University, reimbursement of personnel travel expenses to other than University personnel, e.g., colloquium speaker, prospective employee, etc., is subject to the same regulations that pertain to University personnel. For visits of 5 weeks or more to the University by visiting faculty and professionals, when reimbursement for living expenses is being provided by the University, the department administrator may approve a per diem method and amount in lieu of actual expense reimbursement. The maximum approved per diem amount may not exceed the U.S. Department of State's daily per diem allowance for this area.

The non-University personnel or an administrative officer will complete a Request for Check form attaching any required receipts. The administrative officer, after signing the Request for Check thereby approving the expenditure, will process it for payment in accordance with the usual procedure. The reimbursement check will be mailed by Procurement Services to the non-University personnel.

Federal regulations require that, for payments or reimbursements to be made to or for non-resident alien visitors, the visitor must hold a current visa type that allows such payments. Contact Foreign Student and Scholar Services (FSSS) prior to inviting such visitors to campus for sample letters of invitation that explain visa requirements appropriate for the purpose of the visit. For a complete list of visa types and restrictions on payments, contact FSSS.

Submitted by: Procurement Services.

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T. 1 FACULTY, PROFESSIONAL, AND STAFF ENTERTAINMENT OF UNIVERSITY GUESTS

1. NON-UNIVERSITY PERSONNEL

Entertainment for candidates for employment at the University, for guest lecturers/speakers and for other University purposes is authorized within the prescribed policies. For entertainment of non-University personnel, every effort is expected to be made to minimize expense to the University consistent with reasonable hospitality. Accommodations and meals are available in the Newark area at moderately priced facilities, and these facilities are to be used, especially on-campus meal facilities such as the Blue and Gold Club, Clayton Hall, or other campus dining facilities. Lodging may also be available on campus in the University Guest Apartments.

Charges for travel and lodging will be reimbursed at cost, consistent with the rates published in the University Travel Policy (Policy 3-7, *University Policy and Procedures Manual*).

Reimbursement for meals is limited to the guest(s) and up to four University representatives. When a guest's spouse is present, the University representative(s) may include his or her spouse; otherwise, reimbursement is limited to employees or students. If more than four University personnel are involved in entertaining guests, prior approval of a vice president, associate vice president, dean or equivalent administrative officer is required and reimbursement must be made from discretionary funds.

Approved meals will be reimbursed at reasonable actual cost. "Reasonable" is to be determined by the account administrator and/or supervisor of the responsible University representative.

Receipts are required for all meals and must be submitted with the Business Expense Report (BER). The BER must indicate the name of the guest, the names of the University representatives, and the purpose of the visit.

Lodging and meals in the homes of University personnel are authorized subject to:

- No family relationship to the guest.
- \$10 per night for lodging.
- Meal Limits of \$3, \$4 and \$7 for breakfast, lunch and dinner.

Meals for guests may not be charged directly to the University at area restaurants. Charges directly to the University for lodging may be arranged for by the Purchase Order prior to the guest's arrival. Otherwise, the guest will be reimbursed upon presentation of receipts.

Requests for payments to or for nonresident aliens (non-U.S. citizens who are neither permanent residents nor resident aliens) must be supported by documentation that indicates they are present in the U.S. under a visa type that allows such payments under Natural Immigration Service and Internal Revenue Service regulations. Before commitments are made to such individuals, the University's Foreign Student and Scholar Services should be contacted to determine payment requirements. All payments may be subject to federal income tax withholding unless exempt under a U.S. treaty with the visitor's home country. Information on treaty provisions is available in the Payroll Department.

2. UNIVERSITY PERSONNEL

Reimbursement for group work-related meals is authorized at reasonable actual costs. University facilities or services should be utilized whenever possible. Original receipts are required for all meals and must be submitted with the BER. The request must indicate the names of the participants and the purpose of the meeting.

Payment or reimbursement for refreshments and meals for University personnel for one annual "get together" event and for service recognition and retirement functions requires the approval of a vice president, associate vice president, dean or equivalent administrative officer and must be charged to discretionary funds.

Meals and refreshments for events such as holidays, birthdays and showers, Secretary's Day, etc. are considered personal and are not authorized for reimbursement by the University. Nor are gifts, Christmas and other cards, baby sitting and membership in social clubs, including the Blue and Gold Club, authorized for reimbursement by the University.

No charges are permitted to University 1-1, 1-3, 1-4, 2-1, State or Federal accounts for alcoholic beverages.

3. APPROVAL OF EXCEPTIONS NOT SPECIFICALLY COVERED BY THE ENTERTAINMENT POLICY

Exceptions not specifically covered by these policies require approval of the Provost for academic departments and of the Executive Vice President for administrative departments.
(Rev. 9/96, Office of the Treasurer)

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U. OFFICE HOURS OF FACULTY

The posting of office and teaching hours by faculty members is a courtesy as well as a necessary convenience for students. It is anticipated that faculty will post and keep a reasonable number of office hours each week.

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V. ATTENDANCE AT CONVOCATIONS AND COMMENCEMENT EXERCISES

Faculty members are expected to attend the formal exercises of the University. Faculty members should contact their dean's office for information on the college's policy on the purchase of new caps and gowns. The University Bookstore will assist faculty in the rental of caps and gowns or will help arrange a time payment purchase plan if necessary.

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W. ENGAGEMENT IN POLITICAL ACTIVITY

The position of the University of Delaware as a tax-assisted but nonpolitical institution imposes on all employees special responsibilities for the use of good judgment in political matters. The University also recognizes the constitutional right of its faculty members to assume the responsibilities of citizenship in governmental affairs, and such activity of itself shall not be a negative factor in the continuing University appraisal of faculty members' professional worth or competence. Faculty members proposing to run for election or accept an appointment to a public office, a position in a political party, or a campaign are expected to notify the President of the University in advance. The President will require only that the contemplated activity will not prevent the faculty member from meeting University responsibilities, and that it will not pose a legal conflict of interest. If the activity will preclude meeting University responsibilities or result in a legal conflict of interest, the President will require the faculty member to apply for leave of absence without pay. Under the Charter of the University, neither University facilities nor University equipment may be used to support political parties or candidates.

(Rev. 7/1/76)

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X. CONFLICT OF INTEREST AND ETHICAL CONDUCT

What constitutes conflict of interest or unethical conduct on the part of those affiliated with a college or university has a moral as well as a legal base. The officers, faculty members, and other employees of the University are expected to maintain at all times relationships and practices in their University activities that are legal, ethical, and morally correct. It is essential that all employees of the University conduct University business and their private business and financial affairs that might impinge upon the University in a manner that stands the sharpest scrutiny by those who would seek to find wrongdoing. It is also essential that the University have on record a written statement of this expectation of its employees.

The best way to ensure propriety and avoid even the semblance of wrongdoing is for all employees to follow a practice of full prior disclosure in writing of any association, relationship, business arrangement, or circumstance that might suggest to disinterested and objective referees that decisions were made contrary to the best interest of the University and for personal gain or the gain of family, close friends, or non-University business associates at the expense of the University. Interests and actions that might otherwise be questionable may be judged to be entirely proper if the rule of full prior disclosure is followed.

Questions related to this policy should be directed to The Office of the University Secretary.

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X. 1 ACADEMIC CONFLICTS OF INTEREST

The University of Delaware does not prohibit the appointment, retention, or the holding of tenure of more than one member of the same family on the faculty. However, all faculty should avoid real or apparent conflict of interest, coercion, favoritism, or bias by not serving in evaluative roles involving someone who is an immediate family member or anyone with whom they have a consensual amorous relationship. Faculty members should not participate in instructional supervision or in other institutional decisions (initial appointment, retention, promotion, salary, leave of absence, etc.) involving a direct benefit to members of their immediate families or those with whom they have consensual amorous relationships.

There may be times when, for reasons of degree completion, a family member or someone in a consensual amorous relationship may have no alternative but to enroll in a faculty member's course. Whenever such a situation arises or is foreseen, the faculty member should report the situation promptly to the appropriate administrative supervisor (chair, director or dean). The supervisor should take effective steps to insure the unbiased evaluation or supervision of the student.

This policy includes all full- and part-time faculty or other personnel who teach and supervise research, including graduate students and administrators with faculty status. Evaluative situations include, but are not limited to, supervising instruction, serving on thesis and dissertation committees, supervising independent studies, and serving on committees for awards. (Added by Faculty Senate, 12/95)

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Y. UNIVERSITY GUIDELINES FOR WRITING LETTERS OF RECOMMENDATION

A sharp increase has occurred in the number of suits against individuals who have written unfavorable letters of recommendation for others. This is a matter of concern to the University, its faculty, professionals, and all employees. Under the Indemnification Clause of the Trustee Bylaws, the University obligates itself to provide legal defense for persons who are sued for actions taken in the course of their duties as University employees. Letters of recommendation could prove to be very troublesome and costly. Therefore the following guidelines for their composition are established and shall be followed in order to avoid lawsuits, or in the event of litigation, to ensure protection for University employees. Failure to follow these guidelines will relieve the University of its obligation to provide legal defense for a faculty member or any other employee.

It is recognized that personnel evaluation can function properly only if honest and frank judgments are made about colleagues or students. Nevertheless, all letters should be written from the point of view that the person about whom the letter is being written will eventually see that letter. *Only judgments that can clearly be supported by demonstrable evidence should be put in any correspondence about that person.* Comments that have no relation or relevance to the position about which one is asked to judge the person's qualifications should not be made; one should avoid gratuitous comments about the individual's personal appearance, home life, professional or personal ambition, traits of character, or manner of dress. Remarks that could be interpreted as sexist, such as those concerning marital status, number of children or plans for a family, support of feminist causes, and so forth, must be avoided. (Rev. Office of Employee Relations, 2/96)

1. When a Student or Present or Former Employee Asks to Have a Letter of Recommendation Written

- a. If a positive recommendation cannot be written, the individual should be so informed. One should never agree to write a letter of recommendation and then write a letter of condemnation.
- b. If a letter of recommendation, but with some reservations, can be written, the person requesting the letter should be informed and his or her agreement to proceed should be obtained. Whenever possible, the individual should be invited to read the written letter and decide whether or not it should be mailed. Documentation of the individual's decision to have the letter sent should be obtained in writing.
- c. If the letter of recommendation must be kept confidential, then the person whom it is

about should be requested to waive the right of inspection. Such waivers must be in writing and a copy kept on file; an indication that the waiver has been received should also be recorded in the letter of recommendation.

- d. It is possible and sometimes preferable to distinguish between a letter of evaluation and a letter of recommendation. A faculty member or other employee of the University may be unwilling to recommend someone for a position but still be willing to write an evaluation of that person. Agreement should be reached, in writing, whether the alternative of a letter of evaluation is acceptable to the person concerned before one is sent. All evaluations, of course, should be based upon clearly documentable evidence (see further below under #2).

2. When You Are Asked to Comment on a Colleague or Student by a Person or Agency Outside the University

- a. The best approach, if a positive letter cannot be written, is to decline, unless the questions asked are specific and refer to job-related activities. Hostile, unsupported, or abusive remarks about students, colleagues, or former or current employees must be avoided. Appraisals may be frank so long as the information proffered is accurate, can be documented, and is not given in the spirit of malice.
- b. Requests for confidential letters of recommendation by outside groups or individuals may be met providing that the person concerned is willing to sign a waiver regarding the right to inspection. If the waiver is not signed, the writer should respond that a confidential letter is not possible under the policies of the University.

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Z. ENGAGEMENT OF CONSULTANTS

The purpose of this policy is to provide for the engagement of non-University personnel (consultants) for expertise required to fulfill University commitments and objectives. It is expected that University activities will be carried out to the maximum extent possible by using regular employees rather than consultants. However, consultants may be used when necessary expertise cannot be provided adequately by regular employees within the scope of their University employment agreement. The policies and procedures outlined below are designed to meet University and Federal requirements.

Before entering into an agreement with a consultant, the account administrator will ensure that the following criteria have been met and are explained in writing on an attachment to the Contractual Agreement for Consulting Services:

1. Why the expertise of the person is needed and cannot be met by the using a regular University employee within the context of his or her employment agreement with the University.
2. The selection process that has been used to secure the most qualified person available, considering the nature and extent of expertise required. If the dean/chair/director does not have personal knowledge of the consultant's credentials, vitae must be attached.
3. Why the fee is appropriate considering the qualification of the person to be used, his or her normal charge, and the nature of the expertise to be rendered.
4. That except in unusual circumstances, the person has not been a regular employee of the University within the twelve calendar months preceding his or her use as a consultant.
5. That the arrangement will last for a specified period and it is understood that no employment arrangement or repeated or extended arrangement will normally result. Any prior use of the consultant must be disclosed, including dates and amounts. In cases of repeated or extended arrangement with a consultant, the reasons why a recurrence is considered necessary are to be explained.
6. That funds for a consultant are available in the budget.
7. That approval for using a consultant has been obtained, if necessary, in the case of an externally sponsored program.

8. That any restrictions as to per diem rates on externally sponsored programs have been met.
9. That signed written reports will be provided by the consultant to fulfill the requirements of the work statements.

All consulting agreements issued under this policy will:

1. use the University of Delaware form "Contractual Agreement for Consulting Services." These forms are available from the Office of the Vice Provost for Research;
2. be prepared within the department and signed by the account administrator;
3. include pertinent comments concerning items such as travel expenses, reference to an attached work statement, and report statement;
4. include a detailed work statement specifying what is required from the consultant, including requirements for written reports. Attach sheets as necessary;
5. be processed with all appropriate attachments through the following for approval: Chair, Dean, Director or Vice President, Vice Provost for Research, and University Provost prior to transmittal to the President for signature. Upon return of the form from the President's Office, the Office of the Vice Provost for Research will forward the contract to the consultant;
6. be signed by the consultant, including signing pertinent attachments and returned to the Office of the Vice Provost for Research;
7. a copy of approved forms and attachments are to be retained by the Office of the Vice Provost for Research and the account administrator. Copy No. 2 of the form will be forwarded to Accounts Payable; and
8. Renewals or extensions of consulting agreements are to be processed using the form "Contractual Agreement for Consulting Services."

Payment for Consulting or Cost Incurred

All payments for consulting authorized under a consulting agreement are to be made by Request for Check directly to the individual, firm, or institution providing the expertise and not to a third party. Please include the number of the consulting agreement on your Request for Check or submit a copy of the consulting agreement. The fees for consulting are to be separated from transportation and subsistence. If included in the contract, reasonable and necessary travel and subsistence may be reimbursed on the basis of actual costs in accordance with the Faculty, Professional, and Staff Travel Policy supported by customary documentation including receipts submitted with the Request for Check.

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Z. 1 RESPONSIBLE COMPUTING

Preamble

In support of its mission of teaching, research, and public service, the University of Delaware provides access to computing and information resources for students, faculty, and staff, within institutional priorities and financial capabilities.

The Policy for Responsible Computing at the University of Delaware contains the governing philosophy for regulating faculty, student, and staff use of the University's computing resources, equipment, software, and networks. By adopting this policy, the Faculty Senate recognizes that all members of the University are also bound by local, state, and federal laws relating to copyrights security, and other statutes regarding electronic media. The policy also recognizes the responsibility of faculty and system administrators to take a leadership role in implementing the policy and assuring that the University community honors the policy.

Policy

All members of the University community who use the University's computing and information resources must act responsibly. Every user is responsible for the integrity of these resources. All users of University-owned or University-leased computing systems must respect the rights of other computing users, respect the integrity of the physical facilities and controls, and respect all pertinent license and contractual agreements. It is the policy of the University of Delaware that all members of its community act in accordance with these responsibilities, relevant laws and contractual obligations, and the highest standard of ethics.

Access to the University's computing facilities is a privilege granted to University students, faculty, and staff. Access to University information resources may be granted by the owners of that information based on the owner's judgment of the following factors: relevant laws and contractual obligations, the requestor's need to know, the information's sensitivity, and the risk of damage to or loss by the University.

The University reserves the right to limit, restrict, or extend computing privileges and access to its information resources. Data owners--whether departments, units, faculty, students, or staff--may allow individuals other than University faculty, staff, and students access to information for which they are responsible, so long as such access does not violate any license or contractual agreement; University policy; or any federal, state, county, or local law or ordinance.

University computing facilities and accounts are to be used for the University-related activities for which they are assigned. University computing resources are not to be used for commercial purposes or non-University-related activities without written authorization from the University. In

these cases, the University will require payment of appropriate fees. This policy applies equally to all University-owned or University-leased computers.

Users and system administrators must all guard against abuses that disrupt or threaten the viability of all systems, including those at the University and those on networks to which the University's systems are connected. Access to information resources without proper authorization from the data owner, unauthorized use of University computing facilities, and intentional corruption or misuse of information resources are direct violations of the University's standards for conduct as outlined in the University of Delaware Policy Manual, the Personnel Policies and Procedures for Professional and Salaried Staff, the *Faculty Handbook*, University collective bargaining agreements, and the Official Student Handbook and may also be considered civil or criminal offenses.

Implementation

Appropriate University administrators should adopt guidelines for the implementation of this policy within each unit and regularly revise these guidelines as circumstances, including--but not limited to--changes in technology, warrant. The Vice President for Information Technologies shall, from time to time, issue recommended guidelines to assist departments and units with this effort.

Enforcement

Alleged violations of this policy shall be processed according to the judicial processes outlined in the University of Delaware Policy Manual, the Personnel Policies and Procedures for Professional and Salaried Staff, the Faculty Handbook, University collective bargaining agreements, and the Official Student Handbook. The University of Delaware treats access and use violations of computing facilities, equipment, software, information resources, networks, or privileges seriously and may also prosecute abuse under Title 11, 931-939 of the Delaware Code, the Computer Fraud and Abuse Act of 1986, or other appropriate laws.

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