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Faculty Appointment Policy

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

- 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.
- There shall be a search committee for each new or vacant faculty position. The University of Delaware Recruitment Manual for faculty, professional and salaried staff members sets forth the policy governing the establishment of search committees and the search procedures for filling faculty positions.
- 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.
- Academic rank must be approved by the Provost and appointments with tenure must be approved by the Provost and President.

The full-time teaching assignment at the University of Delaware is twelve credit contact hours or 18 teaching contact hours per week per semester for the academic year. 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.

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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 that 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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Conditions of Employment

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.

All faculty are expected to meet general University expectations regardless of appointment terms as set forth in Faculty Workload Policies in "Expectations of all Faculty."

Newly hired faculty receive a letter of appointment from the appropriate college dean setting forth the type of faculty position and applicable terms of employment.

University employment requires appropriate U. S. Citizenship and Immigration Services (USCIS) I-94 form, VISA, or permanent resident status. Tenure, if earned with continued employment, is conditional on an approved work status to be in the United States. USCIS regulations supersede any local University tenure/employment decision should a conflict arise.

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Tenure Track Faculty

Faculty holding tenure track positions are expected to perform the activities enumerated in the unit's approved promotion and tenure document (see the section on Expectations of Tenure Track Faculty, in "Faculty Workload Policies.") Tenure track faculty are generally appointed for a nine-month period; however, they may receive extended appointments (9+1 or 9+2) or receive a fiscal year appointment.

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Non-Tenure Track Faculty

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.

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.

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.

Temporary, full-time non-tenure track faculty are hired through University procedures for temporary appointments and are appointed to one-year contracts. Unless specifically approved by the Provost, these appointments are renewable for a maximum of two additional years. An exception to this maximum may be made for research faculty, as described below. Temporary, non-tenure track faculty are not eligible for promotion and sabbaticals. Continuation of the temporary position beyond one year is contingent on availability of funding, departmental needs, and performance, and notice of nonrenewal is not required. (10/13/05)

Types of Non-tenure Track Faculty: Continuing and temporary non-tenure track faculty may be hired as instructional, clinical, public service or research faculty. The workloads of instructional, clinical, public service, and research 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).

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

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.

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.

Research faculty have major responsibilities for externally-funded and sponsored programs of research. Since the salary of research faculty derives largely or exclusively from grants and contracts, research responsibilities generally constitute all or most of the research faculty's workload. While research faculty do not have ongoing responsibilities for regularly scheduled undergraduate and graduate instruction and advisement, they may supervise undergraduate and graduate students who participate in their research programs. Occasionally, research faculty may participate in scheduled instruction, on a voluntary basis, so long as that participation is consistent with their research responsibilities. External funding to support the appointment of research faculty must be continuous during the term of an appointment contract. Because appointments are made to fulfill external grant and contract

responsibilities, the renewal limit on temporary appointments does not apply; renewals may be approved that are congruent with the terms of external contracts.

Academic Rank: Non-tenure track faculty must meet the minimum requirements for the academic rank of "instructor," which generally requires the master's 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.

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.

Term and Contract Renewal: Individuals appointed as continuing non-tenure track faculty (see "Appointments" 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.

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, and with the approval of the provost, 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 to begin after the three-year contract. 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, and with the approval of the provost, the individual will receive a five-year contract on a "rolling" basis, subject to an annual review. Faculty on five year rolling contracts are subject to the peer evaluation of faculty as defined in the Faculty Handbook. Contract renewal is subject to the notice provisions of the *Faculty Handbook*, "Terminations and Non-Renewals." (10/13/05), revised 12/09/05.

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.

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 (see "Terminations and Non-Renewals" in the *Faculty Handbook*).

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 (see "Terminations and Non-Renewals" in the *Faculty Handbook*).

Sabbaticals: Faculty appointed as continuing non-tenure track faculty (see "Appointments" 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 "Term and Contract Renewal" above) and with review and approval through regular University procedures.

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.

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.

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 (see "Appointments" above) will not be awarded promotional increments should there be a change in their academic rank. (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.)

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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 Instructor 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 Instructor, 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, 200_ (N.B.: end of first academic year), your contract will expire on August 31, 200_ (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, 200_ (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)

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Adjunct Faculty

Adjunct 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 (Professor, Associate Professor, Assistant Professor, or Instructor) must make a contribution to the University in the form of teaching, research, or consultation. Adjunct status is accorded only after the regular academic review and evaluation. Rank is established according to the same criteria as regular faculty. Adjunct faculty are not eligible for tenure. No stipend is paid; appointment is for a stipulated term.

Adjunct faculty receive I.D. cards and have access to the Library. (Policy added 7/1/76.)

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Senior Research Fellow

Individuals appointed to the title of Senior Research Fellow offer a special expertise and distinction. The University assumes no financial obligation of any kind in connection with such an appointment; however, compensation may be provided from externally funded grants and contracts.

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Limited Term Researcher

Limited Term Researchers are appointed on externally funded grants and projects for a term of no more than three years. They receive all employee benefits and are compensated according to arrangements between the principal investigator, department chair/dean and the Office of Human Resources. Individuals holding the title of Limited Term Researcher normally hold the doctorate degree; however, researchers with a master's degree may also be considered for such appointment.

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Visiting Faculty

Visiting faculty 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 include:

- Blue Cross/Blue Shield
- Dental Insurance
- Fee Waiver
- 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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Retirement and Emeritus Status

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

- The faculty member has made distinguished contributions to teaching, scholarship, or service during tenure at the University of Delaware.
- The faculty member has attained the rank of Associate or Full Professor by the time of retirement.
- Service at the University of Delaware has been for at least eight years.
- 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. (Rev. 01/02)

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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. (Last editorial update 10/12/01)

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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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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.

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 Academic Enrichment Center. 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.

Teaching in the Division of Professional and Continuing Studies: Faculty members on fiscal year contracts may earn extra compensation for overload teaching in Professional and Continuing Studies during the academic year only. They may be called upon to teach in regular summer session or in Professional and Continuing Studies courses during the summer session but will not be paid extra for these duties. Exceptions to this may be considered with the prior approval of the Dean and Provost. (Rev. 6/07)

Faculty members on academic year contracts may earn extra compensation for teaching in Professional and Continuing Studies 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. 11/93)

University compensation beyond the terms of the basic contract will not exceed the equivalent of twelve credit hours of Professional and Continuing Studies credit activity from September 1 until spring commencement, not including winter session. (Rev. 11/93, 10/08)

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

No faculty member may be employed to consult on a grant or contract of another faculty member for which the University is the disbursing agent.

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.

Limits on Winter Session Compensation: Faculty may receive additional compensation for teaching in Winter Session. Compensation may not exceed payment for two courses or its equivalent plus 9 credits of independent/supervised study for individual study. Faculty members may not receive additional payments for research during Winter Session. (Rev. 1990 - Office of the University Provost)

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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)

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Academic Leave of Absence for One or More Semesters: 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: Appointments of faculty being exchanged must be approved by departments and colleges of the institutions concerned. 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. 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. Work assignments will be determined by the host institution and agreed to by all parties in advance of the exchange.

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.

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.)

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.

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Academic Leave of Absence for One or More Semesters: 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)

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Academic Leave of Absence for One or More Semesters: 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).

The University and the AAUP also recognize that childbirth and adoption can affect the teaching availability of a faculty member. Department chairpersons and faculty members must develop workload options that meet department and individual needs immediately following the birth or adoption of a child under the age of five by the faculty member. If the faculty member is the primary caregiver, one such option is to be granted a one semester administered load that allows a choice of either partial or full relief from teaching during the semester of the birth or the adoption of a child under the age of five by the faculty member or immediately following the birth or adoption. The Vice President for Administration and the AAUP Contract Maintenance Officer are available to discuss such options with faculty and department chairs. (2005-2008 Collective Bargaining Agreement between the University and the AAUP, Article 9.14).

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Academic Leave of Absence for One or More Semesters: Medical Leave

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.

- To be eligible for medical leave, the faculty member must have worked for the University for at least one academic year.
- 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.
- 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.
- 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.
- A request for medical leave must be submitted to the faculty member's department chairperson or dean.
- Upon return from medical leave, the University will return the faculty member to his or her original teaching duties.
- 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)

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Academic Leave of Absence for One or More Semesters: Military Leave

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. (Text added in entirety 6/00, Vice President for Administration) Last updated 03/11/2002.

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Academic Leave of Absence for One or More Semesters: Research/Scholarship Semester for Tenure-track Assistant Professors

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.

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.

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.

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.

Approval of each application requires the positive recommendation of the Chair and the Dean and a copy sent to the Provost. Any exceptions to the policy require 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. A 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.

Faculty members on a research/scholarship semester are not eligible for extra compensation for teaching in Continuing Education or other overload assignments.

All Assistant Professors who complete a research/scholarship semester must serve a full year after that semester.

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).

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Academic Leave of Absence for One or More Semesters: 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 (see "Non-Tenure Track Faculty") 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 chair (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)

- 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).
- 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. (Rev. Provost's Office, 12/96)
- 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.
- 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)
- 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: Faculty must submit sabbatical applications using an electronic form. Applications for sabbaticals are made through the department chair. 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).

Applications for full-year sabbatical leave should reach the department chair approximately twelve months before the leave period either in September or January, depending on when the one-year sabbatical will be initiated; notification of the action on the grant shall be made not later than the first Friday in December or May following the request for sabbatical. Applications for half-year sabbaticals should reach department chairs by either mid-September or the first Friday in February, depending upon the period for which the leave is requested, but in either case, approximately 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.

The department chair, in consultation with the 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. The dean will study all aspects of the recommendations and make the final determination concerning the leave and copy the Provost. The applicant shall be notified of the action at each level of administrative review. Any exceptions concerning the terms and conditions of a sabbatical leave require the approval of the Provost.

Sabbatical Periods: Most faculty are on 9-month academic year appointments, with a September 1 contract renewal date. While the salaries of 9-month faculty are paid over the full 12 month period, workload is assigned only during the fall and spring semesters of the academic year. To make it convenient for faculty on 9-month academic year appointments, half the appointment year is interpreted as one semester. This enables faculty who select this option to teach during winter session without requesting a special waiver of the University policy against additional compensation for teaching during sabbaticals.

Faculty on 9-month appointments who select a full year sabbatical are eligible to earn up to 3/9ths from externally supported grants so long as that work is part of the approved sabbatical proposal.

Faculty on continuing 9 plus 1 and 9 plus 2 appointments may extend semester sabbaticals for one or two months during the summer respectively.

For faculty on fiscal year appointments with a contract renewal date of July 1, half year appointments may be either July 1 to December 31 or January 1 to June 30.

Compensation: The following sabbatical leave salary options are available to the University of Delaware faculty (Revised 5/00):

- Option A** After six appointment years of full-time service, one year at 75% of salary, or one-half an appointment year at full salary will be granted. (Revised via AAUP contract negotiation, 3/99)
- Option B** After three appointment years of full-time service, one-half an appointment year at half salary will be granted.
- Option C** Faculty holding named professorships or named chairs receive full salary for leave options (a.) or (b.)

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), 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.

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 department chair and dean (or appropriate administrative officer) summarizing their activities and accomplishments. Subsequent

sabbatical leave requests may be evaluated, in part, on the basis of the achievements during previous sabbatical leaves. Therefore, any concrete indications of the value of the sabbatical leave (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 chair's office.

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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.

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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.

- 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.
- 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.
- 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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Resignations

Individuals resigning from a faculty position should submit a 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 for 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 be direct deposited into their checking account.

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