

FACULTY LEGISLATION

PART ONE -- THE FACULTY

I. MEMBERSHIP AND MEETINGS

A. Members of the Faculty

The faculty shall consist of all full-time and part-time professors, associate professors, assistant professors, associate faculty, lecturers, and instructors; the President; the Provost; the Dean of Students; the Chief Advising Officer; the Librarian and Associate Vice-President Library/I T & S; the Associate Librarian; the Vice-President for Enrollment & Marketing; the Registrar. Other persons may be appointed to the faculty by the President in consultation with the Advisory Committee. [March 7, 1980, p. 3451; April 1, 1983, p. 3602; November 24, 1983, p. 3635; May 24, 1984, p. 3663; May 2, 1986, p. 3699; February 3, 2006, p. 4557; November 3, 2006, pp. 4608-4609]

B. Voting Members

Voting members of the faculty shall include: (1) all faculty members with full-time teaching appointments; (2) those faculty members with part-time teaching appointments who qualify in accordance with the provisions of Article IV, Section B, and (3) those administrative officers enumerated in Section A above. Other part-time faculty members have the right to attend and to speak at faculty meetings, but not to vote. Voting members on leave may continue to attend and vote at faculty meetings during their leave. [Dec. 11, 1962, p. 2702; Dec. 7, 1970, p. 2991; Nov. 14, 1975, p. 3224; April 1, 1983, p. 3602; May 4, 2007, p. 4637]

C. Attendance

All non-voting members of the faculty, teaching assistants, students, and officers of administration who are not members of the faculty have the right to attend and to speak at faculty meetings, but may not vote. All other members of the Wheaton College community may attend and may be permitted to speak, but may not vote. However, attendance may be restricted to voting members of the faculty by a motion passed by the faculty or at the request of the chair. Students may not attend those meetings or parts of meetings at which candidates are presented for graduation or meetings where individual as opposed to general student cases are discussed. When the faculty meets, the last three rows will be reserved for non-voting members of the Wheaton Community. [September 29, 1969, p. 2924; April 3, 1981, p. 3504; April 1, 1983, p. 3602; November 7, 1986, p. 3708]

D. Procedure at Meetings

Meetings shall be conducted in accordance with Robert's Rules of Order. [October 17, 1945, p. 1863]

E. Time and Place of Meetings

The President will set the time and place for faculty meetings. [March 8, 1965, p. 2770; April 3, 1981, p. 3504]

F. Special Meetings

The President shall call a special meeting of the faculty at the formal request of the Advisory Committee or on written petition of twenty members of the faculty. [April 15, 1969, p. 2891]

G. Notification of Proposed Legislation

1. No faculty legislation may be enacted at the same meeting at which it has been proposed except in cases where:
 - a. The proposed change either received the unanimous consent of all voting members of the faculty present at the meeting at which it was proposed, **or**
 - b. A copy of the proposed change was distributed to each voting member of the faculty not less than two weeks before the meeting.
2. Any proposed change in faculty legislation which neither has been distributed two weeks in advance nor has received unanimous consent at the meeting at which it has been introduced will be tabled automatically until the next meeting of the faculty. A change which has been tabled in this manner may be enacted or rejected by a simple majority vote at the meeting subsequent to the one at which it has been introduced. [January 11, 1965, p. 2763]

H. Necessary Number of Votes

Action may be taken at any meeting of the faculty by a majority of those voting, without regard to the number of persons present, but no resolution may be adopted and no faculty legislation may be enacted unless it shall have received the affirmative votes of more than one-fourth of the entire voting faculty. Any proposed resolution or change in faculty legislation that when brought to a vote is neither supported nor opposed by more than one-fourth of the entire voting faculty will be automatically postponed until the next meeting of the faculty. [November 9, 1970, p. 2988]

I. New Business

Part of each faculty meeting shall be set aside for the presentation of new proposals from individual members or committees of the faculty. The originator of a proposal will be allowed not more than five minutes to present it, and answer questions. No debate will be allowed at this time. A vote will then be taken either to table the measure or to refer it to an appropriate committee. [October 4, 1974, p. 3178]

J. Agenda

There shall be a committee of the faculty, to be known as the Agenda Committee. The functions of this committee include receiving items for consideration in faculty meetings, drawing up the agenda for faculty meetings (it being understood that it would

be obligated to bring before the faculty every proposal submitted by a member of the faculty), determining the period of the presentation of new proposals, and assisting faculty members in pre-distributing, and presenting such proposals. The Committee on Committees shall act as the Agenda Committee. [October 4, 1974, p. 3178; November 7, 1974, p. 3183]

K. Secretary to the Faculty

The Senior Executive Assistant to the Provost shall be Secretary to the Faculty, and the Committee on Committees and Agenda shall be delegated to advise the Assistant. The Office of the Provost shall be the depository of the records of the Secretary and of the Committee. [February 20, 1976, p. 3228]

L. Student Access to Minutes

The minutes of the faculty meeting shall be given to the Chair of Educational Council and the Editor of Wheaton Wire. [May 31, 1968, p. 2861]

II. FACULTY APPOINTMENTS AND PROVISIONS

A. Titles

The College should continue to use the following ranks: Instructor, Assistant Professor, Associate Professor, Professor. "Assistant" and "Lecturer" should have special uses under condition which normally preclude the assignment of regular ranks. [May 13, 1963, p. 2715; Minutes of the Board of Trustees meeting, October 26, 1963, pp. 1055-57; November 18, 1963, pp. 2728-29]

Eight specific full-time teaching positions are titled Associate Faculty, as explained in Section O. [November 3, 2006, p. 4608]

B. Duration of Appointments and Notice of Termination

1. The College will observe the following guidelines for rank and duration of appointments:
 - a. Candidates without the Ph.D. degree or its professional equivalent will ordinarily be appointed Instructors. Those who have completed their professional training will ordinarily be appointed Assistant Professors. Instructors who complete their training during an appointment will be promoted to Assistant Professor effective the following academic year.
 - b. The initial appointment of an Instructor will be for one or two years. The initial appointment of an Assistant Professor will be for one, two, or three years. [April 3, 1981, p. 3505]
 - c. Those initially appointed as Associate Professors or Professors will receive two -or three-year appointments.

- d. Part-time personnel, Lecturers and Visiting Professors will normally receive one-year appointments. [February 4, 2005, p. 4492]
 - e. Replacements for faculty members on leave and other temporary personnel will receive appointments of appropriate rank and duration.
 - f. Regardless of rank or duration of previous appointments, any non-tenured member of the faculty may be given a one-year terminal appointment. In such a case, the standards of notification as described in Paragraph 2 below will be observed.
2. In decisions regarding reappointment or non-reappointment of full-time faculty members, care will be taken to observe the following standards of notification, endorsed in 1964 as the official policy of the American Association of University Professors:
- a. 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 ends during the academic year, at least three months in advance of its termination.
 - b. Not later than December 15 of the second academic year of service, if the appointment expires at the end of the year; or, if an initial two-year appointment ends during an academic year, at least six months in advance of its termination.
 - c. At least twelve months before the expiration of an appointment after two or more years of service.

C. Resignation

Professional ethics obligate the individual faculty member to notify the College as early as possible of his or her intention to resign. [April 9, 1976, p. 3237]

D. Conditions of Outside Employment During the College Year

Outside employment to an appreciable extent should be undertaken only with the knowledge and consent of the President, the Provost and the chair of the department. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

E. Summer Employment

It is understood that summer vacations will be used primarily for professional advancement but no specific permission is required from the College for summer employment. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

F. Compensation

The Trustees and Administration of Wheaton College should undertake forthwith to increase faculty salaries and fringe benefits in order to bring the average compensation for each rank up to or above the mean of the Competitive Ten colleges by the 1981-82

academic year [April 11,1980, p. 3457]

G. Fringe Benefits: Retirement Plan

The College should increase its contribution to T.I.A.A. and the Wheaton College Retirement Plan to 10%, making the total contribution 15%. As compared with a proportionate increase in contributions from both the individual and the College, this plan should result in considerable tax saving to the individual. The T.I.A.A. "step-rate" plan would be acceptable if the 15% plan were considered too expensive for the College. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

H. Medical Insurance

Present medical coverage should be continued. Frequent reviews are advisable in order to keep the plan abreast of medical costs. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

I. Disability Insurance

The College should continue providing group long-term disability insurance. While the College should assume the major part of the expense involved, a contribution by the individual would encourage interest and give a greater sense of participation. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

J. Life Insurance

The College should maintain the present Life Insurance coverage and provide opportunity for the individual to purchase greater coverage at group rates if he or she so desires. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

K. Tuition Grants for Faculty Children

The present provision for scholarship for faculty children should be continued, with frequent review in order to keep the plan abreast of tuition and costs. This assistance should be available for any bona fide dependent of a faculty member. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

L. Sabbatical Leave

Full-time teaching faculty who are on tenure are eligible to be considered for sabbatical leave under one of two plans. After six semesters of teaching, the faculty member will be eligible for a one-semester leave at three-fourths pay. After twelve semesters of teaching, he or she will be eligible for a semester's leave at full pay or an academic year's leave at half pay. The recommendation of the faculty member's department chair is required in all cases. An applicant for sabbatical leave should inform the administration in writing of his or her plans before a date specified by the Provost's Office in the academic year preceding the year of the sabbatical, and should file a report of his or her accomplishments afterwards. Since the sabbatical leave program

represents an investment by the College, the faculty member should undertake substantial work which can be expected to result in an improvement in the quality of his or her future service to the College. Further, a faculty member may not normally apply to be on sabbatical in the academic year which would otherwise be the faculty member's final year of full-time teaching at the College. Junior Sabbaticals: Non-tenured tenure-track faculty are eligible to be considered for one-semester sabbaticals at full pay or an academic year's leave at half salary. These sabbaticals are usually taken in their third or fourth year. The same guidelines as those for tenured faculty will apply. [May 13, 1963, p. 2715; November 18, 1963, p. 2728; December 2, 1988, p. 3762; March 5, 1999, pp. 4211-12; May 4, 2007, p. 4636]

M. Leaves of Absence

Leaves of absence should be used to supplement the sabbatical leave program. Such leaves might or might not carry remuneration by the College, depending upon the nature of the work to be undertaken by the individual. [May 13, 1963, p. 2715; November 18, 1963, p. 2728]

N. Faculty Affirmative Action Officer

I. Eligibility and Selection:

- A) The Faculty Affirmative Action Officer (FAAO) shall be a tenured member of the faculty.
- B) The FAAO will be selected by the Provost and the Provost's Advisory Group on Academic Personnel and will report to the Provost. The FAAO will serve for a three-year term.

II. Responsibilities of the Faculty Affirmative Action Officer:

A) Resources:

The FAAO shall stay abreast of literature on such issues as differential responses on student evaluations for faculty from federally defined Affirmative Action groups (e.g., Black, non-Hispanic; American Indian/Alaskan Native; Asian/Pacific Islander; Hispanic; women) as well as other faculty members who might be subject to discrimination, on the basis, for example, of sexuality, gender identity, or disability and of current legal information regarding Affirmative Action standards and practices. The FAAO will develop and maintain a file containing such information. [February 4, 2005, p. 4491]

B) Hiring:

The FAAO shall consult with each department concerning its search; provide departments with resources and strategies for recruiting candidates from federally defined Affirmative Action groups; and

facilitate their search for candidates in such group.

C) Reappointment:

In cases of reappointment of faculty from federally defined Affirmative Action groups as well as other faculty members who might be subject to discrimination, on the basis, for example, of sexuality, gender identity, or disability, the FAAO shall normally consult with all candidates for reappointment and will provide interpretive context for the Provost and department chairs as necessary. [February 4, 2005, p. 4492]

D) Reports:

The FAAO shall submit an annual report to the faculty on her or his activities and the progress the faculty has achieved toward meeting the goals of the 1999 faculty resolution on the diversity of the faculty. (April 5, 2002, pp. 4352 – 4354)

O. Associate Faculty

1. Eight full-time positions, which carry a significant teaching commitment but are currently classified as “staff,” will be re-classified as “Associate Faculty.” Associate Faculty carry responsibilities in the areas of teaching and service. Associate Faculty positions will not be tenure-track but will have all other faculty rights as enumerated in Faculty Legislation and by AAUP. Those rights include, but are not limited to:
 - * voting rights in department and faculty meetings;
 - * protection under the standards of notification for non-reappointment;
 - * eligibility for service on committees;
 - * access to and protection under the grievance procedures;
 - * academic freedom;
 - * faculty benefits and raises as determined by the faculty salary plan;
 - * access to faculty scholarship funds; and,
 - * the opportunity to apply for sabbatical leave, which will be granted on a case-by-case basis in keeping with standard College policy.
2. Associate Faculty will receive two-year contracts until they have completed six years of service in their current positions. Upon completion of their sixth year of service, Associate Faculty will receive five-year contracts. The renewal of all contracts will be subject to periodic reviews and the curricular needs of the College and departments.
3. Associate Faculty will submit annual evaluations to their departments through the first six years of service, followed by evaluations in the fourth year of subsequent contractual periods. Associate Faculty will be eligible for promotion to “Senior Associate Faculty” after completing their first five-year contracts.
4. The College will hire no new faculty in the category of Associate Faculty. No

new staff will be hired to carry primary or majority responsibility in instruction.

5. When an Associate Faculty leaves Wheaton or relinquishes his/her position as Associate Faculty, the position itself will terminate, but the total monies allocated to this position will be used to fund additional tenure-track faculty appointments not necessarily in the department of the Associate Faculty.
6. To protect individuals holding Associate Faculty positions, only an Associate Faculty may request to make his or her position tenure-track. If the Associate Faculty's request is supported by his or her department, the Provost will consider the requested conversion based on the fiscal and curricular needs of the College. Tenure-track appointments, for which Associate Faculty in post may apply, will follow national searches, and all current hiring criteria pertaining to tenure-track faculty will obtain.
7. This legislation stands alongside recognition that there are, in the view of AAUP, legitimate short-term needs for contingent faculty. These "should be limited to specialized fields and emergency situations" such as sabbatical replacements, substitutes for leaves of absence, lab instructors, or limited artist-in-residence' appointments. [November 3, 2006, pp. 4608-4609]

P. Non-Tenure-Track Continuing Faculty

This section pertains to the seven non-tenure-track faculty members as of 2006-2007 (one in each of the following departments: Biology, English, Hispanic & Italian Studies, Music, Psychology, Religion, Theatre Studies and Dance) who are fulltime employees of the College and have either fulltime or part-time appointments.

1. This proposed legislation seeks to recognize formally the rights and protections of the seven faculty members who hold these positions while reducing and, ultimately, eliminating the College's reliance on non-tenure-track continuing faculty who work full-time at Wheaton.

These seven faculty positions are not tenure-track but have all other faculty rights as enumerated in Faculty Legislation and by AAUP. Those rights include, but are not limited to:

- voting rights in department and faculty meetings;
- protection under the standards of notification for non-reappointment;
- eligibility for service on committees;
- access to and protection under the grievance procedures
- academic freedom;
- faculty benefits and raises as determined by the faculty salary plan;
- access to faculty scholarship funds; and,
- the opportunity to apply for sabbatical leave, which will be granted on a case-by-case basis in keeping with standard College policy.

2. These seven faculty members, in keeping with current College practice and

articles enumerated in Faculty Legislation, will receive five-year contracts beginning in 2008-2009. The renewal of all contracts will be subject to periodic reviews and the curricular needs of the College and departments.

3. These seven faculty members will be evaluated by their departments at the end of 2007-2008 and again in the fourth year of subsequent 5-year contractual periods. Departmental annual evaluation forms will be used for these evaluations. Those who are already on five-year contracts may choose to have their first evaluation conducted in the fourth year of their current contracts.
4. The College will hire no new fulltime employees with full or part-time teaching appointments as non-tenure-track continuing faculty beyond three years.
5. When these seven faculty members leave Wheaton or relinquish their positions, the positions themselves will terminate, but the total monies allocated to the positions will fund tenure-track faculty appointments based on curricular and programmatic needs, but not necessarily in the department of the faculty members.
6. This legislation stands alongside recognition that there are, in the view of AAUP, legitimate short-term needs for non-tenure-track faculty. These needs “should be limited to specialized fields and emergency situations” such as lab instruction, limited ‘artist-in-residence’ appointments, sabbatical replacements, and substitutes for leaves of absence. [March 2, 2007, pp. 4625-4628]

III. POLICIES AND PROCEDURES RESPECTING RECRUITMENT AND APPOINTMENT, REAPPOINTMENT, PROMOTION, TENURE, AND TERMINATION OF FULL-TIME TEACHING FACULTY

A. Recruitment and Appointment

1. Tenure-track Faculty
 - a. Vacancies shall be advertised in as many ways as are necessary in order to obtain a suitable pool of applicants in keeping with Wheaton's policy as an Affirmative Action and Equal Opportunity Employer; for example: in professional journals, job rosters, etc. Advertisements shall include a statement that the College is an Affirmative Action and Equal Opportunity Employer. The Department/Search Committee may also want to write to graduate schools.
 - b. For legal purposes, files on the hiring process shall be retained as part of department records for three years and include the following:
 - (1) Description of opening and specialties sought.
 - (2) Copy of the advertisements.
 - (3) Names of graduate schools contacted, copy of letter sent.
 - (4) Names of job rosters or placement services used.

- (5) Number of applications received, names and addresses of applicants.
 - (6) Copies of candidates' transcripts, letters of reference, etc.
 - (7) Number and names of candidates interviewed.
 - (8) Criteria for the selection of candidates.
 - (9) Full report by the Department/Search Committee Chair of the hiring process.
- c. Normally departments will establish their own search committee. In the exceptional case of no continuing tenured member, the Provost will consult with the Advisory Committee. The Provost will then ask the Committee on Committees and Agenda to set up the search committee.
- d. The Search Committee shall review applications to determine who should be interviewed. Candidates may be interviewed at professional meetings to narrow the field.
- e. After consulting with the Provost, the Chair of the Search Committee shall invite several candidates to visit the College. The candidates shall be interviewed by members of the department, the Provost and/or the President, and students when possible.
- f. The Chair shall send to the Provost a written recommendation from the Search Committee which shall state its majority opinion and indicate any disagreements within the Search Committee.
- g. If the Provost or the President has reservations about following the recommendation for appointment, one or both shall consult with the Chair and may request that the Search Committee continue the search process.
- h. If the recommendation for appointment is approved by the President or the Provost, after consultation with the Chair, the President shall make a written offer of appointment to the appointee, stating the precise terms and conditions of the appointment. Such offer shall refer to, and be accompanied by, a copy of the "Policies and Procedures respecting Recruitment and Appointment, Reappointment, Promotion, Tenure, and Termination of Teaching Faculty," as then in effect. An initial written offer of appointment to the rank of Associate Professor or Professor shall also indicate that the offer is subject to a formal vote of approval by the Board of Trustees, action on which is pending. Notice of such Trustee action shall be sent to the candidate.
- i. Each such offer shall also specify that it may be accepted only in writing. If it is so accepted, the President or the Provost shall furnish copies of the offer and acceptance to the Chair for the department's records. All data submitted by appointee in connection with his or her application for appointment shall be retained in the Provost's records indefinitely.
- j. As soon as a vacancy has been filled, the Chair shall so advise the unsuccessful candidate(s) in writing.

2. Visiting Faculty

- a. A faculty member is considered visiting when his or her appointment (full-time) is for a period normally not to exceed one year. [November 5, 2004, p. 4486; May 4, 2007, p. 4640]
- b. For such appointments, the Chair may modify the usual recruitment and appointment procedures provided that a suitable pool of candidates is obtained. A suitable pool might be as few as two persons under some circumstances. [March 6, 1992, pp. 3872-73]
- c. In all cases where a faculty member is retained for more than one year on a full-time basis – whether he or she has a multiple year contract or a one-year contract that is being renewed – the department chair shall annually review his or her teaching performance and whatever other services the faculty member in question was contracted to do. A copy of this evaluation shall be shared with the faculty member and placed in his or her faculty personnel file. [November 5, 2004, p. 4486]

B. Reappointment: Factors Considered; Annual Evaluation; Procedures and Responsibility for Carrying Them Out*

1. The basic criterion for reappointment for a non-tenured full-time faculty member is promise, based upon performance, of a career as a teacher and of growth as a scholar or artist. The tenured members of each department or, if a department has no tenured members, the Provost shall annually review the record of each non-tenured member with a view to evaluating that promise in his or her case. The department or, in the case of a department with no tenured members, the Provost should consider appropriate evidence such as the following: syllabi, observations of classroom conduct, course evaluation forms, and degree of accessibility to students. To assist in the evaluation of the member's performance as scholar or artist, there shall be maintained in the department's files a current vita, which the member shall bring up to date annually, listing publications, research in progress, participation in departmental activities, participation in professional meetings, and other professional activities.

Service to the College by accepting administrative responsibilities, serving on committees, aiding alumnae/i groups and the like may also be considered. Each annual written evaluation, after having been circulated to all tenured members of the department, shall then be furnished by the Department Chair to the non-tenured member normally no later than ten days after the last day of classes of the second semester. Normally within ten days of the receipt of the evaluation, the member and the Department Chair shall meet to discuss the evaluation. A statement from the member and/or from any tenured member(s) of the department may be

* All legislation from Section B through Section E refers to full-time teaching faculty only.

appended to the evaluation. The evaluation and any appended statements shall be furnished to the non-tenured member and to the Provost by no later than June 15. [March 5, 1982, pp. 3556-57]

2. Reappointment shall depend also on the needs of the department and the College. A statement of contextual circumstances shall accompany letters offering reappointment to each non-tenured full-time member of the Faculty. After consulting with all tenured members of the department, discussing the matter with the candidate for reappointment, and consulting with the Provost and/or President, the Department Chair shall include with the recommendation of reappointment a written statement noting any circumstances that might affect future administrative or committee decisions concerning reappointment or tenure, such as: the balance of specialties within the department or in related departments, or projected size of the department or of the College. This statement shall also be furnished to the member with the letter offering reappointment. If, after the consultations described above, the Administration disagrees with the departmental statement of contextual circumstances, the President and/or Provost shall explain in writing in a statement appended to the letter offering reappointment the Administration's disagreement with the departmental statement and its own evaluation of contextual circumstances. Once during any academic year in which reappointment does not take place, any non-tenured member of the Faculty may request a statement of contextual circumstances from the department and, if there is administrative disagreement with the departmental statement, from the President and/or Provost. The statement(s) of contextual circumstances in writing shall be furnished normally within two weeks and after the consultations described above. [March 5, 1982, p. 3557; May 5, 2000, p. 4254]
3. The department's decision whether to recommend or not to recommend reappointment shall be made by the assembled tenured members in the department, and minutes of the proceedings shall be kept. Prior to making the decision, they may consult with the non-tenured members in the department (other than the member being considered for reappointment). When the department has decided on recommendation, the Department Chair shall promptly report it in writing to the Provost, together with any departmental disagreements regarding it if the decision is not unanimous.
4. If the Department Chair is a non-tenured member, the senior tenured member in the department shall assume all the duties ascribed in this Section to the Chair. If the department does not have a tenured member, the Provost shall assume those duties.
5. The decision whether to reappoint is made by the President in consultation with the Provost, after the latter has received the Department Chair's report of the departmental recommendation.
6. If the member is reappointed, that act shall not be construed as committing the College to a tenure review.
7. If the member is not reappointed, there is no obligation to provide any statement of

the reasons for non-reappointment. A non-reappointment letter shall be sent by the Provost or the President, in conformity with faculty legislation requirements for notification dates (Sections II.B.2. a, b, and c). [May 1, 1987, p. 3723]

C. Promotion: Criteria; Procedures and Responsibility for Carrying Them Out

1. Promotion to Assistant Professor normally follows the attainment of the Ph.D. degree or its professional equivalent, the promotion to take effect with the commencement of the academic year next following such attainment.
2. Promotion to Associate Professor normally accompanies the granting of tenure and takes effect with the commencement of the first academic year following the decision to grant tenure. Promotion to Associate Professor prior to regular tenure review shall be recommended to the President by the Provost in consultation with the Chair of the department concerned. [May 3, 1985, p. 3676; February 7, 1986, p. 3689; November 2, 1990, pp. 3820-3821]
3. Promotion to Professor will normally be considered by the Promotions Committee in the sixth year as an Associate Professor. If denied promotion, an Associate Professor may be a candidate for promotion after three years although, in exceptional circumstances and on the recommendation of the Committee, a candidate may be considered sooner. In such cases, the Committee may reactivate the candidate's dossier and accept supplementary material. [May 3, 1985, p. 3676; November 2, 1990, pp. 3820-3821]
 - a. Consideration for promotion to Professor normally originates in the faculty member's department, although the member himself/herself may request such a review.
 - b. The Department Chair shall assemble the materials relevant to the review. If the Chair is the candidate or is not a full professor, the senior full professor of the department or, lacking any full professor, an advocate, a tenured teaching member of the faculty of higher rank than the candidate, selected by the candidate in consultation with the Provost shall collect the material and present the candidate. In exceptional circumstances, even though the Chair is a full professor, at the request of the candidate or the department, an advocate, a tenured teaching member of the faculty of higher rank than the candidate, selected by the candidate in consultation with the Provost shall be asked to collect the material and present the candidate. [April 6, 1979, p. 3417; November 2, 1990, p. 3821]
 - c. All members of the candidate's department whose rank is higher than that of the candidate shall meet to evaluate the materials collected and decide whether to recommend that the candidate be promoted to Professor. If there is no member with such higher rank, the evaluation and recommendation shall be made by an advocate, a tenured teaching member of the faculty of higher rank than the candidate, selected by the candidate in consultation with the Provost. [November 2, 1990, p. 3821]

- d. The criterion for recommending promotion shall be a continuing high level of performance in teaching, scholarly activity, and service to the college community. The department or the candidate's advocate, as the case may be, shall decide in each case what balance of merits warrants recommendation for promotion. [May 3, 1985, p. 3677; November 2, 1990, p. 3821]
 - e. The Committee on Promotions, which shall be constituted as described in Paragraph 4 below, will meet with the candidate's departmental representative or advocate to consider the merits of the case for promotion. For recommendation of promotion it shall be necessary that at least four members of this group of six vote in favor of such a recommendation. In preparing its judgment, the Committee on Promotions may at its discretion acquire additional materials concerning the candidate. If promotion is not recommended, the candidate may request clarification of the decision. [April 6, 1979, p. 3418; November 2, 1990, p. 3821]
4. Structure and Procedures of the Committee on Promotions
- a. The Committee on Promotions shall consist of three tenured full professors, the Provost and the President of the College. The three full professors shall be elected by the Faculty from a slate nominated by the Committee on Committees and Agenda to serve staggered three-year terms. Any member of the Committee so constituted who is a member of the same department as a candidate for promotion, who is a member of the candidate's immediate family, or who is disqualified from serving for any other reason shall be replaced according to the following guidelines: (1) if possible, a disqualified member shall be replaced by the last qualifying person to have completed his or her term on the Committee on Promotions; (2) if this is not possible, the replacement shall be made by the Committee on Committees and Agenda from the most recent slate of nominees for election to the Committee on Promotions; (3) if this too is not possible, then the Committee on Committees and Agenda shall choose a qualified replacement from among the faculty at large, so that the faculty members of the Committee on Promotions will consist of three full professors, all actively teaching at the time the case is being considered. In their consideration of the case of a particular candidate the members of the Committee on Promotions shall be joined by another member of the faculty. Normally this person will be the candidate's Department Chair. If the Department Chair is not of rank higher than the candidate, the member of the candidate's department with rank higher than that of the candidate having the longest service to the College shall serve. If there is no member with such higher rank, on the candidate's or the department's request (see III.C.3.b) another tenured teaching member of the faculty of higher rank than the candidate has been asked to serve as the candidate's advocate, the candidate's advocate will serve. [September 8, 1978, pp. 3395-96; April 6, 1979, p. 3418; May 1, 1981, p. 3507; November 2, 1990, p. 3821]
 - b. The criterion for recommending promotion shall be a continuing high level of

performance in teaching, scholarly activity, and service to the college community. The Committee shall decide in each case what balance of merits warrants recommendation for promotion. [May 3, 1985, p. 3677]

- c. The Committee's files with respect to a candidate shall be kept intact after the Committee decides whether to recommend such candidate for promotion. However, in order to avoid unnecessary harm to the candidate and encourage full and frank expression of opinion, all confidential minutes and records shall be sealed and inaccessible, except to members of the Committee that heard the case, the President, and the Provost and except as may be otherwise provided by the College's then current "Review and Appeals Procedures for Certain Faculty Grievances," for a period of 30 years. After 30 years, these records shall be reviewed by the Provost, who shall decide, depending on the sensitivity of the records, whether they should be opened at that time or should be resealed or otherwise restricted for a further period not to exceed 20 years. Once no longer restricted, the records shall be opened for the use of researchers. [April 6, 1979, p. 3418; October 7, 1983, pp. 3630-31]
5. The decision whether to recommend a promotion to the Board of Trustees is made by the President; in the case of promotion to Professor, the President's decision shall be made only following receipt of the vote of the Committee on Promotions meeting with the candidate's advocate, as described above (III.C.3.e). [November 2, 1990, pp. 3821-22]

D. Tenure

1. Guidelines

- a. The normal probationary period before tenure becomes effective is six years. Full-time teaching experience at other institutions, up to a maximum of two years, may be counted in the probationary period, but in all cases a period of four years of teaching at Wheaton is required. Only under extraordinary circumstances may the probationary period be shortened. Years of full-time teaching prior to the attainment of the Ph.D. or its professional equivalent, up to a maximum of two years, shall be excluded from the probationary period, at the written request of the faculty member. A year in which a faculty member is on leave for at least half the time (in any configuration) may be excluded from the probationary period at the written request of the faculty. However, a year in which a faculty member is on full-time leave for the year must be excluded (unless it can be counted as a year of full-time teaching at another institution). In the case of a faculty member who has held a temporary or a part-time appointment at the College in the past, the manner of counting the probationary period shall be determined on an ad hoc basis by the Provost in consultation with the Chair of the candidate's department. In all cases, at the written request of the faculty member, up to two years of full-time teaching in a temporary position at the College shall be excluded from the probationary period. [May 6, 1983, p. 3604; March 1, 1984, p. 3640; May 2, 1986, p. 3697]

- b. A faculty member shall normally be considered for tenure during the sixth year of service at Wheaton. A member's department may initiate consideration of the member for tenure before such sixth year, but only with the member's written consent, since only one evaluation for tenure is permitted. In such cases of tenure consideration before the sixth year, the tenure decision may not be based on contextual grounds unless the tenure candidate has been notified within sixty days after the candidate's declaration of candidacy that contextual circumstances seem to preclude the possibility of tenure. Such sixty-day notification shall not be required if a statement of contextual circumstances has been requested by and/or furnished to the candidate within six months of the declaration of candidacy. [March 5, 1982, p. 3557]
- c. If granted, tenure becomes effective at the beginning of the first academic year following tenure decision. If the tenure decision by the Committee on Tenure is negative, the member may remain at Wheaton only one year beyond the academic year in which that decision is made. If the Committee on Tenure recommends tenure, but the Board of Trustees does not act favorably on that recommendation, the affected faculty member shall be given written notice thereof at least one year prior to the termination of his or her appointment. [May 2, 1986, p. 3697]
- d. A faculty member who has received appropriate notice in writing before the end of the fifth year of service at Wheaton specifying the sixth year of service as a terminal year may request the Committee on Tenure to evaluate such member for tenure in the sixth year. However, if the Committee subsequently recommends against tenure, the terminal notice shall remain in effect and the provision in Subparagraph c above for an additional year of service beyond the year in which the tenure decision is made shall not apply. A faculty member may waive the right to evaluation for tenure and accept a sixth and/or seventh year terminal appointment if the faculty member and the College so agree in writing.
- e. Tenure is awarded by the Board of Trustees on the recommendation of the Committee on Tenure, which makes an evaluation of the candidate using the criteria specified below, and considering where appropriate the institutional needs described in Subparagraph f. The basic criteria for tenure are:
 - (1) Promise, based upon performance, for a successful career as a teacher.
 - (2) Promise, based upon performance, of continued growth as a scholar or artist.

Consideration shall also be given to promise, based upon performance, of continued growth as a responsible participant in other activities associated with a liberal arts college. It is not expected that each candidate recommended for tenure will possess in the same degree all of the qualities reflected by these criteria; however, excellence in teaching is to be considered a particularly important quality. It is not expected that the excellence of each candidate's teaching or scholarly activity will be manifested in the same way. The Committee on Tenure will decide, in each case, what evidence of promise is

appropriate, and what balance of merits is desirable within the guidelines outlined above. The burden of proof for awarding tenure shall be on the positive case.

- f. In deciding whether a particular candidate should be advanced to tenure the Committee shall also consider where appropriate the institutional needs of the department and the College. It may be appropriate for the Committee to consider, for example, the balance of specialties within the department or in related departments, or the projected size of the department or of the College. If a member comes to the point of a tenure review, and within the academic year ending June 30 before the year in which the tenure decision will be made (or within sixty days of the candidate's declaration of candidacy) has not received a written statement that contextual circumstances which are explicitly specified are expected to preclude tenure, then the tenure decision may not be based on contextual grounds, unless there has been a significant change in circumstances since June 30 (or the sixty-day notification date following the declaration of candidacy). Evidence supporting such a change shall have been reviewed by the Joint Committee (see Section E, Paragraph 2). The Committee on Tenure shall have access to all of the written annual evaluation summaries for each candidate. [March 5, 1982, pp. 3557-58; May 1, 1987, p. 3723; May 5, 2000, p. 4254]

2. Structure of the Committee on Tenure

- a. The Committee on Tenure shall be composed of four teaching faculty members who are tenured, the Provost, and the President of the College. The four teaching faculty members shall be elected by the faculty, three to serve staggered three-year terms and one to serve a two-year term. The three members serving three-year terms will normally be elected from each of the academic divisions (i.e., natural science and mathematics, humanities, social sciences), but election from these academic divisions shall not be mandatory. The member serving a two-year term will normally be elected from either of the academic divisions other than the one from which a member is to be elected to a three-year term beginning at the same time. The term of a faculty member elected to fill a vacancy occurring in the second year of a two-year term shall be for the remainder of that term plus one additional year. Normally the elected member with the longest service on the Committee shall serve as Chair. [March 6, 1981, p. 3499]
- b. The members described above shall be known as the regular members of the Committee. When a particular teaching faculty member is presented for tenure consideration, they shall be joined by a seventh member of the Committee. All the tenured members of the candidate's department shall meet to discuss anything related to the candidate's qualifications that any of them believe ought to be considered by the Committee on Tenure. They shall also take a vote as to which of them will represent the department as the seventh member of the Committee. Unless another person is preferred by a majority of the tenured members of the department, the seventh member shall be the Department Chair, if tenured, or else the tenured member of the candidate's department with the longest service to the College. If there is no tenured member in the department, the Provost and the Chair of the Tenure Committee shall, after discussion with the Candidate, select a

tenured member of the faculty who shall, insofar as possible, perform those functions that would otherwise be performed by the departmental representative. [May 1, 1987, p. 3721]

- c. Under no circumstances may more than one full-time member of a faculty member's department serve on the Committee while that member is under tenure consideration. Where that would otherwise be the case, only the Department Chair or the member of the department serving in lieu of the Department Chair pursuant to the foregoing provisions shall serve on the Committee and the resulting vacancy shall be filled by the "Reserve Member" (as defined below in Subparagraph e). Nor, except for the one full-time member of the candidate's department selected as above provided, shall any person serve on the Committee if he or she has taught full-time with the candidate in the same Wheaton department or is a member of the candidate's immediate family. In that case also such Committee member shall be replaced by the "Reserve Member" (as defined below in Subparagraph e).
- d. Each of the seven members of the Committee on Tenure for a particular candidate shall have full access to the Committee's records and the data it collects with respect to such Candidate and full right to participate in the deliberations and votes having to do with such candidate. The member of the Committee who is the candidate's Department Chair or serving in such department Chair's stead shall convey to the Committee the opinions of the candidate's department, but shall vote according to his or her own judgment.
- e. Except as provided below in this Subparagraph e, the Reserve Member shall be a tenured teaching faculty member who:
 - (1) Is not a member of the candidate's department or otherwise disqualified under the provisions of Subparagraph c;
 - (2) Is actively teaching at Wheaton during the semester(s) in which the Committee is considering and voting on the candidate;
 - (3) Is the member who has most recently completed his or her regular term on the Committee on Tenure; and
 - (4) Is not a member of the Appeals and Hearing Committee.

The regular members of the Committee on Tenure shall be responsible for anticipating the need for the appointment of a Reserve Member and shall promptly inform the Committee on Committees and Agenda when they foresee that need. The Committee on Committees and Agenda shall thereupon designate as the Reserve Member the person who it decides meets the above qualifications. If the Committee on Committees and Agenda finds that no one is willing and able to serve as Reserve Member who meets the above qualifications, it shall, after consulting with such of the elected members of the Committee on Tenure as are not disqualified by the provisions of Subparagraph c above, appoint as the Reserve Member a tenured faculty member who meets the first two qualifications listed above.

- f. If the President or the Provost is not able to serve, or deems that he or she should be disqualified from serving on the Committee on Tenure for a particular candidate, the President may appoint, subject to the provisions of Subparagraph c above, a substitute for the President and/or the Provost to act as a member or members of the Committee in place of the President or the Provost or both, as the case may be.

3. Procedures of the Committee on Tenure

- a. In evaluating a candidate for tenure the Committee shall follow the then current "Procedural Guidelines of the Tenure Committee," including the provisions therein with respect to seeking information in writing about the candidate from such sources as professionals in the candidate's field within and beyond the College, from each tenured member of the candidate's department, from the Provost, and from the President. The Committee shall also appropriately evaluate student opinion. Any faculty member may at any time upon request obtain from the Office of the Provost a copy of the then current "Procedural Guidelines of the Tenure Committee," as reviewed annually by the faculty, and in addition the Committee shall furnish a copy thereof to each candidate for tenure six months in advance of its consideration of such candidate or upon learning that the faculty member is a candidate for tenure, whichever is later.
- b. For a recommendation of tenure it shall be necessary that at least five members of the Committee vote in favor of such a recommendation. If a member abstains from voting, such abstention shall have the force of a negative vote.* If tenure is not recommended, the candidate may request, and the Committee shall provide, written clarification of the Committee's decision, including the final votes of the individual members of the Committee.
- c. The Committee's files with respect to a candidate shall be kept intact after the Committee decides whether to recommend such candidate for tenure. However, in order to avoid unnecessary harm to the candidate and encourage full and frank expression of opinion, all confidential minutes and records shall be sealed and inaccessible, except to members of the Committee that heard the case, the President, and the Provost and except as may be otherwise provided by the College's then current "Review and Appeals Procedures for Certain Faculty Grievances," for a period of 30 years. After 30 years, these records shall be reviewed by the Provost, who shall decide, depending on the sensitivity of the records, whether they should be opened at that time or should be resealed or otherwise restricted for a further period not to exceed 20 years, provided that records regarding the case of an individual still an active member of the faculty, shall not be opened. Once no longer restricted, the records shall be opened for the use of researchers. [October 7, 1983, p. 3631]

* Note: The recommendation of the Committee on Tenure must be presented to the Board of Trustees; the President may present an alternative recommendation.

E. Termination of Appointments by the College**

1. Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of specified term, may be effected by the College only for adequate cause. If the College seeks a dismissal for cause including medical cause, the procedures specific in Faculty Legislation, Part One, Article V, shall be followed.
2. Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., an imminent financial crisis which threatens the survival of the College as a whole in its present character and which cannot be alleviated by alternative means. The following standards and procedures shall apply:
 - a. A joint committee, comprising the Advisory Committee and the Educational Policy Committee (hereinafter referred to as the Joint Committee) shall participate in the decision that a condition of financial exigency exists or is imminent, and that all feasible alternatives to termination of appointments have been pursued.
 - b. The Joint Committee shall have primary responsibility for (1) recommending on the basis of educational policy (including affirmative action), where, within the overall academic program, termination of appointments should occur, and (2) determining the criteria for identifying the individuals whose appointments are to be terminated. These criteria may appropriately include considerations of age and length of service.
 - c. The Joint Committee shall recommend to the Provost and the President, the individuals whose appointments are to be terminated.
 - d. If the recommendations of the Joint Committee are accepted and approved by the Board of Trustees, the President will issue notice of termination to the affected faculty members. If the recommendations are not approved by the Board of Trustees, the President will review with the Joint Committee the reasons for rejecting the Joint Committee's recommendations and the basis for any other proposed action.
 - e. If the College, because of financial exigency, terminates appointments, it will not at the same time make new appointments, except in extraordinary circumstances where a serious distortion in the academic program would otherwise result.
 - f. The appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a serious distortion of the academic program would

** This section is drawn substantially from the American Association of University Professors 1976 Recommended Institutional Regulations on Academic Freedom and Tenure, Section 4.

otherwise result.

- g. Before terminating an appointment because of financial exigency, the College, with faculty participation, will make every effort to place the faculty member concerned in another suitable position within the institution.
 - h. In all cases of termination of appointment because of financial exigency, the faculty member concerned will be given notice or severance salary not less than as prescribed in College regulations.
 - i. In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.
 - j. If the administration issues notice to a particular faculty member of an intention to terminate the appointment because of financial exigency, the faculty member will have the right to a full hearing before the Appeals and Hearing Committee. The issues in this hearing may include:
 - (1) The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of the Joint Committee may be introduced.
 - (2) The educational judgments and the criteria for identification for termination; but the recommendations of the Joint Committee on these matters will be considered presumptively valid.
 - (3) Proper application of the criteria in the individual case.
3. Termination of an appointment with continuous tenure, or of a probationary or specified appointment before the end of the specified term may occur as a result of a bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply:
- a. The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty as a whole after consideration by the Joint Committee. For this purpose, educational considerations do not include temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the College as a whole will be enhanced by the discontinuance.
 - b. Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the College will make every effort to place the

faculty
position

member concerned in another suitable position. If placement in another

would be facilitated by a reasonable period of training, financial and other support for such training will be offered. If no position is available within the College with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service.

4. Subject to the foregoing, the Board of Trustees shall have final authority for termination of appointments by the College.

F. Academic Freedom and Responsibility

All members of the Faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, formulated by the Association of American Colleges and the American Association of University Professors, and as modified by the 1970 Interpretive Comments developed by representatives of the same two bodies. All members of the Faculty are expected to conduct themselves in accordance with the 1966 Statement on Professional Ethics formulated by the American Association of University Professors.

G. Miscellaneous

1. A teaching faculty member who feels that he or she has cause for grievance because of action taken by a committee or department named in Section B (Reappointment); C (Promotion); D (Tenure); or E (Termination) above or by the Provost or the President of the College purporting to act under and in accordance with any of said Sections may have such grievance reviewed in accordance with the College's then current "Review and Appeals Procedures for Certain Faculty Grievances."
2. The Policies and Procedures set forth herein shall go into effect in accordance with the Enabling Section, as separately provided.
3. The Faculty may at any time or from time to time amend or revise the Policies and Procedures herein set forth, subject to each instance to the approval of the President of the College and of the Board of Trustees.
4. The Board of Trustees has final authority for acts under the Policies and Procedures herein set forth, subject to the delegations of authority to the Faculty under this legislation and to the President under the By-Laws; Article III. [March 17, 1978, pp. 3354-63]

IV. PART-TIME FACULTY APPOINTMENTS AND PROVISIONS

A. Titles

The College should continue to use the following ranks: Instructor, Assistant Professor, Associate Professor, Professor. "Assistant" and "Lecturer" should have special uses under condition which normally preclude the assignment of regular ranks. [May 13, 1963, p. 2715; Minutes of the Board of Trustees meeting, October 26, 1963, pp. 1055-57; November 18, 1963, pp. 2728-29]

The initial title for each part-time faculty member shall be determined by the Provost in consultation with the appropriate department chair. [May 29, 1980, p. 3469; May 3, 1985, p. 3678]

The Provost, in consultation with the appropriate department chair, shall determine whether or not an individual part-time faculty member's appointment constitutes half-time teaching. Each letter of appointment or reappointment shall clearly state the results of this determination.

B. Voting Rights

Members of the faculty who teach at Wheaton less than half-time have no vote at department or faculty meetings. [May 4, 2007, p. 4641]

Part-time faculty members who have taught at Wheaton half-time or more for three years are eligible for service on faculty committees and have a full vote in department and faculty meetings. [May 4, 2007, p. 4641]

C. Duration of Appointments and Notice of Termination

1. The College will observe the following guidelines for rank and duration of appointments:

- a. Candidates without the Ph.D. degree or its professional equivalent will ordinarily be appointed Instructors. Those who have completed their professional training will ordinarily be appointed Assistant Professors. Instructors who complete their training during an appointment will be promoted to Assistant Professor effective the following academic year.
- b. The initial appointment of part-time faculty will be for one semester, one, two or three years. [May 4, 2007, p. 4641]
- c. Replacements for faculty members on leave and other temporary personnel will receive appointments of appropriate rank and duration.
- d. Part-time faculty members who have taught at Wheaton half-time or more for

five years are entitled to contracts ranging from two to five years in length. Other part-time faculty may be given a one-year terminal appointment. In such a case, the standards of notification as described in Paragraph 2 below will be observed. [May 4, 2007, p. 4641]

2. The following paragraph applies to reappointment of part-time faculty, excluding those who are replacements for faculty on leave or are appointed to teach a single course in one semester or are on terminal contracts.

By March 1 of the last year of contract, part-time teaching personnel shall receive letters informing them of their reappointment or non-reappointment. If the College cannot provide them with this information by March 1, they will receive a letter that explains why the reappointment decision has not yet been reached and provides a date by which the decision will be made. [May 4, 2007, p. 4641]

D. Resignation

Professional ethics obligate the individual faculty member to notify the College as early as possible of his or her intention to resign. [April 9, 1976, p. 3237]

E. Compensation

Compensation is determined at the time of hire by the Provost in consultation with the department chair. [May 4, 2007, p. 4642]

F. Benefits

Prorated benefits are determined by Human Resources guidelines. [May 4, 2007, p. 4642]

V. POLICIES AND PROCEDURES RESPECTING RECRUITMENT AND APPOINTMENT, REAPPOINTMENT, PROMOTION, AND TERMINATION OF PART-TIME TEACHING FACULTY

A. Recruitment, Appointment, Reappointment, and Evaluation

For recruitment of part-time faculty, the procedures for recruitment and appointment of full-time faculty shall be followed, except that the Chair of the Search Committee may limit advertisement provided that a suitable pool of applicants is obtained in keeping with the College's policy as an Affirmative Action and Equal Opportunity Employer.

For such appointments, the Chair may modify the usual recruitment and appointment procedures provided that a suitable pool of candidates is obtained. A suitable pool might be as few as two persons under some circumstances. [March 6, 1992, pp. 3872-73]

In all cases where a faculty member is retained for more than one year—whether he or

she has a multiple year contract or a one-year contract that is being renewed—the department chair shall review his or her teaching performance and whatever other services the faculty member in question was contracted to do for the first three years of employment and thereafter in the final year of subsequent contracts. [November 5, 2004, p. 4486; May 4, 2007, pp. 4642-43]

B. Promotion: Criteria; Procedures and Responsibility for Carrying Them Out

Promotion of part-time faculty members shall be by the same procedures as those for full-time faculty members. The Provost, in consultation with the appropriate department chair, shall determine when a part-time faculty member shall be eligible for consideration for promotion. [May 29, 1980, p. 3469; May 3, 1985, p. 3678]

C. Termination of Appointments by the College**

If the College seeks a dismissal for cause including medical cause, the procedures specific in Faculty Legislation, Part One, Article VII, shall be followed.

D. Academic Freedom and Responsibility

All members of the Faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, formulated by the Association of American Colleges and the American Association of University Professors, and as modified by the 1970 Interpretive Comments developed by representatives of the same two bodies. All members of the Faculty are expected to conduct themselves in accordance with the 1966 Statement on Professional Ethics formulated by the American Association of University Professors.

E. Miscellaneous

1. A teaching faculty member who feels that he or she has cause for grievance may have such grievance reviewed in accordance with the College's then current "Review and Appeals Procedures for Certain Faculty Grievances." [May 4, 2007, p. 4643]

** This section is drawn substantially from the American Association of University Professors 1976 Recommended Institutional Regulations on Academic Freedom and Tenure, Section 4.

2. The Policies and Procedures set forth herein shall go into effect in accordance with the Enabling Section, as separately provided.

3. The Faculty may at any time or from time to time amend or revise the Policies and

Procedures herein set forth, subject to each instance to the approval of the President of the College and of the Board of Trustees.

4. The Board of Trustees has final authority for acts under the Policies and Procedures herein set forth, subject to the delegations of authority to the Faculty under this legislation and to the President under the By-Laws; Article III. [March 17, 1978, pp. 3354-63]

VI. REVIEW AND APPEALS PROCEDURES FOR CERTAIN FACULTY GRIEVANCES

A. Selection of the Appeals and Hearing Committee

The Appeals and Hearing Committee shall consist of three tenured members of the faculty, none of whom shall currently be, or during the previous year have been, an administrative officer, a regular member of the Committee on Tenure, a member of the Committee on Faculty Scholarship and Promotions, or a member of the Advisory Committee. One member of the Committee shall normally be chosen from each of the three academic divisions established by the Committee on Committees and Agenda. (i.e. natural sciences and mathematics and physical education; social sciences; humanities), and, at all times, at least one woman and at least one man shall be members. Members shall be elected by the Faculty at the time of other elections from a slate nominated by the Committee on Committees and Agenda, to serve staggered three year terms. Any member of the Committee so constituted who is in the same department as a faculty member whose case is being considered shall be disqualified from hearing the case. Furthermore, any member of the Committee who has a conflict of interest because of personal bias shall be allowed to disqualify himself/herself. In such an event, replacement of the disqualified member shall be made by the Committee on Committees and Agenda according to the following guidelines: (1) any disqualified member shall be replaced by the last qualifying person to have completed his or her term on the Appeals and Hearing Committee who will be actively teaching at the time that the case is being considered; (2) if this is not possible, then replacement of disqualified members shall be made by the Committee on Committees and Agenda from the most recent slate of nominees for election to the Appeals and Hearing Committee; (3) if this too is not possible, then the Committee on Committees and Agenda shall choose a qualified replacement from among the faculty at large, so that the Appeals and Hearing Committee will consist of three tenured faculty members, all actively teaching at the time the case is being considered; (4) once an Appeals and Hearing Committee is constituted for a particular case, the membership shall remain constant insofar as possible, until the case is concluded. [October 6, 1978, p. 3398; May 16, 1996, p. 4115]

B. Procedure for Filing Petition for Review

A faculty member who feels that he or she has cause for grievance because of a decision made by a faculty committee or department or by the Provost or the President of the

College, purporting to act under and in accordance with Sections A to E of the College's "Policies and Procedures respecting Recruitment and Appointment, Reappointment, Promotion, Tenure, and Termination of Teaching Faculty," may file a written petition with the Advisory Committee for review of such decision in the manner and subject to the terms herein provided. Such petition must be filed within thirty days after the member receives notice of the decision complained of or, in the case of a negative decision by the Committee on Tenure, within thirty days of receiving written clarification of the Committee's decision. Periods when the College is not in session are excluded in counting the thirty days. The petition shall:

1. Identify the decision complained of and the committee or officer by whom it was made;
2. Set forth the basis for the grievance, i.e.,
 - a. that considerations violative of academic freedom significantly contributed to such decision, or
 - b. that the proper procedure was not followed in making such decision, or
 - c. that it was based on inadequate consideration; and
3. State with particularity the circumstances constituting the alleged basis for the grievance, together with any factual or other data which the petitioner deems pertinent.

As used herein, the term "academic freedom" has the same meaning as in the 1940 Statement of Principles on Academic Freedom and Tenure and the 1970 Interpretive Comments thereon.

C. Cases in Which a Violation of Academic Freedom Is Alleged

1. If the petition for review alleges that considerations violative of academic freedom significantly contributed to the decision complained of, the Advisory Committee shall determine whether the particular circumstances stated in the petition constitute on their face a violation of academic freedom. If the Advisory Committee determines that they do, it shall seek to settle the matter by informal methods. If the matter remains unresolved, despite the efforts of the Advisory Committee, the Committee shall, at the request of the petitioner, refer the matter to the Appeals and Hearing Committee for a formal hearing in the manner hereinafter described.
2. A faculty member filing a petition to which this Section C applies shall consent in writing to the disclosure to the Advisory Committee, and at the formal hearing if one is held, of any or all evidence before the committee or officer that made the decision complained of and to the presentation by such committee or officer or by the College of any other evidence or grounds that such committee or officer of the College may wish to offer in support of said decision.
3. A formal hearing by the Appeals and Hearing Committee in a case referred to it by the Advisory Committee involving an alleged violation of academic freedom shall be conducted in accordance with the subject to Paragraph 2 above, Section D below and

the following rules:

- a. The Appeals and Hearing Committee (hereinafter the "Hearing Committee") shall honor the request of any party that its hearing be private, and if private, shall decide whether a representative of a responsible educational association shall be permitted to attend as an observer; and, whether private or public, shall decide whether the proceedings should be recorded on tape or a transcript made.
- b. If the hearing is public, announcements of the time and place of its meetings or adjournments shall be made known to the Wheaton Community. Whether the hearing is public or private, unless all concerned parties agree, no one connected with the case shall give any interviews or make any statements for publication by the press or any other media, on or off campus, until the formal college hearing process has been completed.
- c. At least thirty days before the date set for an initial hearing, the Hearing Committee shall furnish to the committee or officer that made the decision complained of, a copy of the petition, together with any changes therein or admissions which may have been made by the petitioner.
- d. At least ten days before the date set for an initial hearing, the committee or officer shall provide for the Hearing Committee and the petitioner an answer, which should admit, deny, or leave to proof, the allegations furnished to the committee or officer.
- e. On the issues joined by the petition and answer, the Hearing Committee shall determine the order of proof, question witnesses, and, if considered advisable, secure the presentation of evidence on its own initiative. Legal rules of evidence shall not apply, but every effort shall be made to obtain the most reliable evidence available.
- f. Before and during the hearing, the petitioner, the committee or officer whose decision is complained of, and the Hearing Committee may each be represented by counsel who may act for and shall be accorded the same privileges as their respective clients
- g. The Hearing Committee may request written briefs if it believes they would be helpful.
- h. The petitioner shall have the burden of proving his or her allegations. However, if in the judgment of the Hearing Committee the proof offered by the petitioner establishes a prima facie case that considerations violative of academic freedom significantly contributed to the decision complained of, the Hearing Committee shall so advise the committee or officer by whom such decision was made and it shall then be incumbent upon such committee or officer of the College to come forward with any evidence the committee or officer may have or obtain disproving that such was the fact.

- i. After considering the briefs and hearing argument, the Hearing Committee shall reach its decision in conference on the basis of all the evidence. If it sees fit, the Hearing Committee may make that decision without reviewing a tape or transcript of the hearing.
 - j. The Hearing Committee shall keep confidential minutes of its actions.
 - k. The vote of a majority of the members of the Hearing Committee shall decide any issues before it, whether procedural or of substance. On issues of substance it shall be the duty of the majority and the minority, if any, to write opinions setting forth their respective findings, their reasons for their respective decisions and their recommendations for corrective action if a violation of academic freedom is found.
 - l. Copies of such written opinions shall be promptly furnished to the petitioner, the committee or officer that made the decision complained of, and the President. If requested by any of them, the Hearing Committee shall make available to such party the tape or transcript, if any, of the hearing or a copy thereof.
 - m. Subject to the foregoing rules and any other provision of these procedures, any question or matter relating to the hearing shall be decided by the Hearing Committee.
4. If the Hearing Committee decides that the considerations violative of academic freedom contributed significantly to the decision complained of, it shall transmit its decision and recommendations, together with a copy of the tape or transcript, if any, of the hearing, to the President for review. If in agreement with the Hearing Committee, the President may either accept its decision and recommendations for the College, or transmit all the materials to the Board of Trustees for review. If not in agreement with the Hearing Committee, the President shall transmit all the material, with his or her own comments, to the Board of Trustees for review. The Board, which may act by a committee thereof, shall review the record and provide opportunity for argument, oral or written or both, by the principals at the hearing or their representatives. Thereupon, the Board or such committee shall either sustain or reject the decision and recommendations of the Hearing Committee. In the latter case, the reasons for its action shall be given in writing.

D. Cases in Which Improper Procedure or Inadequate Consideration Is Alleged

- 1. Initial Consideration of a Petition for Review
 - a. Petitions not arising from decisions of the Committee on Tenure or the Committee on Promotions:

If a petition for review alleges that the committee or officer whose decision is complained of did not follow the proper procedure in making such decision or that such decision was the result of inadequate consideration in terms of the

relevant standards of the College, the Advisory Committee shall determine whether the particular circumstances stated in the petition constitute on their face improper procedure or inadequate consideration. If the Advisory Committee determines that a prima facie case exists, it shall seek to settle the matter by informal methods. If the matter remains unresolved despite the efforts of the Advisory Committee, the Advisory Committee shall forward the petition to the Appeals and Hearing Committee (hereinafter in this section the "Appeals Committee") for action as hereinafter described. If the Advisory Committee determines that a case does not exist it shall return the petition to the petitioner, together with an explanation as to why it is doing so.

- b. Petitions arising from decisions of the Committee on Tenure or the Committee on Promotions:

If a petition for review alleges that the committee whose decision is complained of did not follow the proper procedure in making such decision or that such decision was the result of inadequate consideration in terms of the relevant standards of the College, the Appeals and Hearing Committee (hereinafter in this section the "Appeals Committee") shall determine whether the allegations warrant further review. If so, the Appeals Committee shall proceed as hereinafter described. If not, the Appeals Committee shall return the petition to the petitioner, together with an explanation as to why it is doing so. [February 18, 1983, p. 3597]

2. A faculty member filing a petition to which this Section D applies, shall consent in writing to the disclosure to the Appeals Committee of any or all evidence before the committee or officer that made the decision complained of and to the presentation by such committee or officer or by the College of any other evidence bearing upon the allegations made by the petitioner.
3. Upon receiving a petition to which this Section D applies, the Appeals Committee shall decide within ten days thereafter, exclusive of periods during which the College is not in session, whether it should make a detailed investigation of the grievance. If the Appeals Committee decides that it should make an investigation, the investigation shall be made in accordance with and subject to Section C, Paragraph 2 above, this Section D, and the following rules:
 - a. The question under investigation shall be whether, as alleged, either the committee or officer did not follow the proper procedure in making the decision complained of, or such decision was the result of inadequate consideration in terms of the relevant standards of the College or both, as the case may be. Under no circumstances shall the Appeals Committee substitute its judgment for that of the committee or officer on the merits of the decision complained of.
 - b. In conducting its investigation, the Appeals Committee may interview and obtain information from, subject to the applicable provisions of these Review and Appeals Procedures, the petitioner, the committee or officer that made the decision complained of and any other person or body that it considers may have information or advice bearing upon the question under investigation.
 - c. Before reaching a final decision as a result of its investigation, the Appeals

Committee shall submit its tentative findings to the petitioner and to the committee or officer whose decision is complained of and obtain any comments which such petitioner, committee or officer may wish to make thereon.

- d. Upon reaching a final decision, the Appeals Committee shall provide the petitioner, the committee or officer whose decision is complained of and the President with a written report thereof. If the Appeals Committee concludes that the proper procedure in making the decision complained of was not followed or that such decision was the result of inadequate consideration, the report shall include: (1) a statement of the respects in which the Appeals Committee believes the proper procedure was not followed or the consideration was inadequate and (2) its recommendations in regard to the manner and/or extent of reconsideration.
4. If the Appeals Committee recommends that the committee or officer whose decision is complained of should reconsider that decision, such committee or officer shall do so in the manner and/or to the extent recommended by the Appeals Committee and report to the petitioner and the Appeals Committee the results of that reconsideration. Normally, such reconsideration shall be carried out by the committee or officer as constituted or in office at the time said recommendation is received. In the case of a decision respecting the granting of tenure, the members of the Committee on Tenure, insofar as possible, shall be those who were members of that committee at the time of the original decision. If for any reason any such member is unable to serve, the elected or appointed replacement for such member shall serve in his or her stead.

E. Cases in Which Sexual Harassment is Alleged

1. Preliminary Proceedings

- a. If a person believes that he or she has been subjected to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature from another, normally he or she first should communicate directly to the other that such behavior is unwelcome. If a person decides to file a formal grievance, in accordance with the Wheaton College Statement on Harassment, if an individual has a complaint of sexual harassment against a faculty member, it should be brought to the attention of the Provost or her/his designated appointee (hereafter referred to as the Provost). Insofar as feasible, complaints will be investigated, during both the preliminary and formal proceeding, in confidence. The Provost should discuss the matter with the complainant and the faculty member against whom the complaint is being made in personal conferences, seeking to resolve the matter through conciliation. At any time, the Provost may request a written statement from both parties. [May 14, 1998, p. 4186]
- b. After due consideration, the Provost, the complainant, and the accused faculty member may resolve the matter by mutual consent.
- c. If the matter cannot be resolved within a reasonable period of time, and certainly not longer than three months, the Provost will commence the proceedings described below. These proceedings may be commenced at any time at the request of the complainant or the respondent.

2. Formal Proceedings

- a. Formal proceedings shall be commenced when the Provost receives a written statement from the complainant requesting a formal review. Such a review will be conducted by the faculty Appeals and Hearing Committee (hereafter referred to as "the Committee") which shall act as a fact-finding committee, collecting information about the complaint, and deciding which remedy and/or penalties, if any, to recommend to the Provost and the President. The Committee shall have available to it a legal expert of its own choosing in sexual harassment cases.
- b. The Committee shall request, and allow sufficient time for, the complainant and respondent to prepare written statements. The Committee shall receive these statements not less than one week before the date set for the formal review and, based on these statements, shall determine the procedures that it will follow (which may vary from case to case). In all cases, however, the hearing will be conducted in private. All testimony and other evidence concerning matters set forth in the statements may be received as and in the manner that the Committee deems appropriate.
- c. The Committee shall have as its main task determining whether sexual harassment did occur. The Committee shall reach its decisions in conference, on the basis of the proceedings with knowledge of and in accordance with current practice in Massachusetts in similar cases. The Committee shall make a report of findings with sufficient detail, including any mitigating circumstances; it shall provide a reasoned opinion (including minority opinions, if any) about the incident to the Provost, and make recommendations as to a dismissal of the complaint, a remedy and/or penalty. Each will be told of his or her right of appeal to the President, whose decision in the matter shall be final. Either the complainant or respondent may appeal on the grounds of inadequate consideration or improper procedure.
- d. Public statement about the case from everyone, including announcement of the final decision, should be avoided as far as possible. [May 16, 1996, pp. 4115-4116]

F. Miscellaneous

1. The committee or officer whose decision is complained of in any petition for review filed pursuant to Section B shall protect the confidentiality of any material (oral or written) which was received on the basis that it would be held in confidence. Such material should be released to the Advisory Committee or Appeals and Hearing Committee only by mutual consent between the committee or officer and the person or persons who were the source of the confidential material.
2. If the decision complained of was a decision by the Committee on Tenure, the "confidential minutes" (as distinguished from the public minutes) and other relevant documents of that Committee bearing upon such decision shall be made available to the Appeals and Hearing Committee if a petition involving such decision has been referred to it, provided that a majority of the Appeals and Hearing Committee so vote.

3. In those cases in which the Appeals and Hearing Committee reaches a negative final decision primarily on the basis of confidential material, the Committee should give the petitioner some intimation of the nature of the decisive confidential material.
4. At the conclusion of its consideration of a case, any confidential material obtained by the Appeals and Hearing Committee shall be returned to its source and resealed. All confidential records created by the Committee shall also be sealed and inaccessible, except to members of the Committee that heard the case and except as may be otherwise provided by the College's then current "Review and Appeals Procedures for Certain Faculty Grievances," for a period of 30 years. After 30 years, these records shall be reviewed by the Provost, who shall decide, depending on the sensitivity of the records, whether they should be opened at that time or should be resealed or otherwise restricted for a further period not to exceed 20 years. Once no longer restricted, the records shall be opened for the use of researchers. [October 7, 1983, p. 3631]
5. At any stage of the proceedings with respect to any matter to which these procedures apply, the matter may be disposed of by agreement of the petitioner and the committee or officer that made the decision complained of and the College.
6. The College may act hereunder through its President or anyone designated by the President.
7. The Review and Appeals Procedures set forth herein shall supersede any existing faculty legislation that conflicts therewith.
8. The Faculty may at any time or from time to time amend or revise the Review and Appeals Procedures herein set forth, subject in each instance to the approval of the President of the College and of the Board of Trustees. [March 17, 1978, pp. 3364-70; May 5, 1978, p. 3373]

VII. PROCEDURES FOR CASES IN WHICH THE PROFESSIONAL FITNESS OF A FACULTY MEMBER UNDER CONTRACT IS BEING QUESTIONED

These procedures will apply when the professional fitness of a faculty member under contract is questioned on any grounds.

A. Preliminary Proceedings

1. When reason arises to question the professional fitness of a faculty member who has tenure or whose term appointment has not expired, the President or other appropriate administrative officers should discuss the matter with the faculty member in personal conference. Prior to this initial meeting the President will provide the faculty member with a written statement of the general nature of the issues involved and with a copy of this document, "Procedures for Cases in Which the Professional Fitness of a Faculty Member under Contract Is Being Questioned," advising him or her of the procedures. Furthermore, the President is encouraged to discuss the matter with the Provost and Dean prior to this initial meeting. The faculty member is expected to

cooperate fully by meeting with the President or other administrative officers in an attempt to determine the relevant facts in the matter. At no time during or prior to the initial meeting should the faculty member in question be asked to resign, nor should any other penalties be imposed at this time. The faculty member should be allowed to have counsel during his or her meeting with the President.

2. After due consideration the President and the faculty member in question may terminate the matter by mutual consent.
3. If the matter is not resolved by mutual consent, it shall be brought to the Advisory Committee. The Advisory Committee shall informally inquire into the details of the matter and attempt to effect an adjustment satisfactory to both parties. If no such adjustment is effected, the Advisory Committee shall determine whether in its view formal hearing proceedings should be instituted and shall inform the President and the faculty member of its recommendation. The Advisory Committee shall observe full confidentiality about the matter.
4. If the Advisory Committee recommends that such proceedings should be begun, or if the President, even after considering a recommendation of this committee favorable to the faculty member, expresses his or her conviction that proceedings should be undertaken, action should be commenced under the procedures which follow. Except where there is disagreement about instituting proceedings, a statement with reasonable particularity of the charges and the proposed penalties should then be jointly formulated by the President and the Advisory Committee; if there is disagreement, the President or his or her representative will formulate the statement.
5. An effort should be made by all parties concerned to resolve the matter as soon as possible. Normally, the time between the initiation of the case, as described as in Paragraph 1 and the beginning of Formal Proceedings (see Section B below) should be no more than three months.

B. Formal Proceedings

1. The formal proceedings shall be commenced by a communication sent by registered mail to the faculty member by the President, informing the faculty member of the statement formulated. This statement will inform him or her of his or her right to a hearing, if he or she so requests, to determine the validity of the charges and the appropriate penalties, if any. The faculty member should reply in writing whether he or she wishes a hearing. If a hearing has been requested, it will be conducted by a faculty Hearing Committee at a time and place specified by the President in consultation with the faculty member and said Hearing Committee. In setting the date of the hearing, sufficient time should be allowed the faculty member to prepare his or her defense, but the faculty member should answer in writing the statement of charges contained in the President's letter not less than one week before the date set for the hearing. If the faculty member does not request a hearing and the President wishes to continue the action, the President will so inform the Hearing Committee. The Hearing Committee shall consider the case on the basis of the obtainable information and decide what penalties, if any, shall be recommended.

2. Suspension of the faculty member during the proceedings involving him or her is justified only if immediate harm to himself/herself or others is threatened by his or her continuance. Unless legal considerations forbid, any such suspension should be with pay.
3. The Appeals and Hearing Committee (hereinafter the "Hearing Committee") shall be constituted in the manner prescribed in Section A of the "Review and Appeals Procedures for Certain Faculty Grievances."
4. If a hearing has been requested, the Hearing Committee shall consider the statement of charges already formulated, and the faculty member's response written before the time of the hearing. The Committee, in consultation with the President and the faculty member, shall exercise its judgment as to whether the hearing should be public or private, and if private, shall decide whether a representative of a responsible educational association shall be permitted to attend as an observer. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter set forth in the President's letter to the faculty member shall be received.
5. The President shall have the option of attendance during the hearing. He or she may designate an appropriate representative to assist in developing and presenting the case. The Hearing Committee shall determine the order of proof, should normally conduct the questioning of witnesses, and, if necessary, should secure the presentation of evidence important to the case.
6. The faculty member shall have the option of assistance by counsel, whose functions shall be similar to those of the representative chosen by the President. The faculty member shall have the additional procedural rights set forth in the AAUP 1940 Statement of Principles on Academic Freedom and Tenure, and shall have the aid of the Hearing Committee, when needed, in securing the attendance of witnesses. The faculty member or his or her counsel and the President or his or her representative shall have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all witnesses adverse to him or her. Where unusual and urgent reasons move the Hearing Committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as his or her statement, shall nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may when necessary be taken outside the hearing and reported to it. All of the evidence should be duly recorded by a stenographer provided by the College. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.
7. The Hearing Committee shall reach its decision in conference, on the basis of the proceedings. Before doing so, it shall give the opportunity to the faculty member or his or her counsel and the representative designated by the President to argue orally before it. If written briefs would be helpful, the Hearing Committee may request them. The Committee may proceed to a decision promptly, without having the record of the hearing transcribed, where it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby. It shall make explicit findings in writing with respect to each

of the charges presented, and it shall provide a reasoned opinion including minority opinions, if any. Publicity concerning the Committee's decision may properly be withheld until consideration has been given to the case by the Board of Trustees. The President and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing.

8. The President shall transmit to the Board of Trustees the full report of the Hearing Committee, stating its action; acceptance of the Committee's decision would normally be expected. If the Board chooses to review the case, its review should be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principles at the hearing or their representatives. The decision of the Hearing Committee shall be sustained or the case returned to the Hearing Committee with objections specified. In such a situation the Hearing Committee shall reconsider, taking account of the stated objections and receiving new evidence, if necessary. It shall frame its decision and communicate it in the same manner as before. Only after study of the Committee's reconsideration shall the Board of Trustees make a final decision overruling the Hearing Committee.
9. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers should be avoided so far as possible until the proceedings have been completed. Announcement of the final decision should include a statement of the Hearing Committee's original recommendation, if this has not previously been made known. [March 20, 1972, pp. 3047-50; February 3, 1978, p. 3342]

VIII. FACULTY COMMITTEES

1. Service on both standing and ad-hoc committees is regarded as a regular and expected part of the professional obligations of a faculty member in the area of community service. Membership on one major and one minor committee, or service on three minor committees, is considered a full committee workload, and faculty asked to serve on more than this number will normally be expected to relinquish enough committee obligations to allow their workload to fall within these guidelines. The position of Chair of the Advisory Committee, Committee on Educational Policy, or the Committee on Tenure shall be considered as equating to a full committee workload.
2. Each standing committee will be designated by the faculty as a major or minor committee. Other committees will receive a similar designation by the Committee on Committees at the time they are created; the status of ad hoc committees and sub-committees that continue for more than one year will be reviewed annually by the Committee on Committees and Agenda.
3. In addition to the committee workload of individual faculty members, the Committee on Committees and Agenda will consider the following issues in formulating slates of candidates or making appointments to committees:

- a. Academic field
- b. Gender representation
- c. Junior/Senior faculty membership

A. General Principles and Practices Governing Committees

1. The standing committees are established by the faculty to serve its needs; hence they are at all times responsible to the faculty, should keep the faculty informed of their activities, and should be attentive to faculty opinion. Their duties are in general threefold: (a) to serve as channels of communication among the various parts of the College; (b) to carry out policies established by the faculty and tasks assigned to it; and (c) to observe the operation of established policies, formulate new policies when change seems advisable, and present new policies to the faculty for deliberation and decision. They may establish policies only when specifically empowered to do so.
2. The normal term of service for faculty members on all major standing committees shall be three years. The normal term of service on minor standing committees, shall be two years. After serving on a committee for a full term, a faculty member shall be ineligible for election or appointment to another full term on the same committee until four years have elapsed. During this four year period the former committee member shall be considered part of a Reserve Members Group of that same committee. Regular membership on committees shall begin on the first of July.
3. Whenever a faculty member is unable to serve on a committee for a portion of her/his elected or appointed term due to sabbatical leave, leave of absence, illness, or other extraordinary circumstance, the position shall be filled by the Committee on Committees from among the faculty currently constituting the Reserve Members Group of that committee.
4. Officers of administration serving on the various committees may occasionally be invited to bring to committee meetings, in an advisory capacity and without vote, any of their colleagues who may contribute to the discussion or who require knowledge of the matters being considered.
5. The sequence of elections to elected committees shall be as follows: (a) The Committee on Tenure; (b) The Provost's Advisory Committee; (c) the Budget Advisory Committee (a college administrative affairs committee); (d) The Committee on Committees and Agenda; (e) The Advisory Committee; (f) The Committee on Educational Policy; (g) The Appeals and Hearing Committee; (h) The Committee on Admissions and Academic Standing; (i) The Committee on Faculty Scholarship and Promotions; (j) The Committee on Faculty Workload and Economic Status. [May 6, 1994, p. 4003; April 6, 2007, p. 4631]
6. The Chair of each committee shall provide for the preparation of an agenda which

shall include all items suggested for discussion by committee members. He or she shall provide for the keeping of minutes and for the presentation of them to the committee for examination and approval. The Chair shall make available to all members of the committee all correspondence addressed to the committee. He or she shall report orally to the faculty whenever the committee wishes to inform the faculty of committee business. The Chair shall provide for the circulation to the faculty of a written annual report of the committee's work at least one week before the final meeting of the academic year.

7. To document clearly the faculty's administration of its own activities, each committee shall maintain a record of its proceedings, which may include such materials as minutes, correspondence, memoranda, tape recordings, and reports. Records of the last three years shall be maintained in the committee's files; all others shall be transferred to the Archives for appropriate disposition. All committee records on deposit in the Archives shall be open for public use, except as otherwise provided in Faculty Legislation.
8. The minutes of all committees shall be regarded as public and shall be made available to any member of the college who wishes to see them. All committees shall regularly distribute their current minutes to any faculty member requesting them to do so. Current minutes of the Advisory Committee, the Committee on Educational Policy and the Committee on Admissions and Academic Standing shall be filed in the Provost's Office for consultation.
9. Any committee may create subcommittees. If a subcommittee is composed entirely of members of the parent committee, it may be constituted without consulting the Committee on Committees and Agenda. Appointment of faculty members who are not members of the parent committee must be done through the Committee on Committees and Agenda. At least one member of any subcommittee shall be a member of the parent committee.
10. No independent ad hoc or other committee shall be created until after the need for such a committee has been reviewed by the Committee on Committees and Agenda in consultation with the proposer of the Committee. Faculty committees that wish to create subcommittees not composed entirely of their own members must also consult with the Committee on Committees and Agenda. The Committee on Committees and Agenda shall maintain a current list of all committee appointments and make it available to all faculty members upon request.

B. Standing Committees of the Faculty

I. Committee on Tenure

The Committee on Tenure shall be composed of four teaching faculty members who are tenured, the Provost and the President of the College. The four teaching faculty members shall be elected by the faculty, three to serve staggered three-year terms and one to serve a two-year term. The three members serving three-year terms will normally be elected from each of the academic divisions (i.e., sciences and mathematics; social sciences;

humanities). The member serving a two year term will normally be elected from either of the academic divisions other than the one from which a member is to be elected to a three-year term beginning at the same time. Normally an elected member with the longest service on the Committee shall serve as chair. Newly tenured faculty members are not eligible for service on the committee until after their first sabbatical leave. In addition to these six regular members, when a faculty member is presented as a candidate for tenure, The Committee on Tenure shall be joined by a seventh member. Unless another person is preferred by a majority of the tenured members of the department, the seventh member shall be the Department Chair, if tenured, or else the tenured member of the candidate's department with the longest service to the College. If there is no tenured member in the department, the Provost and the Chair of the Tenure Committee shall, after discussion with the candidate, select a tenured member of the faculty who shall, insofar as possible, perform those functions that would otherwise be performed by the departmental representative. (See Article III, D for duties and procedures.) [February 2, 2001, p. 4288.]

II. Provost's Advisory Committee

The Provost's Advisory Committee shall consist of four tenured faculty, at least one from each academic division, and two untenured faculty, representing two different divisions. Three of the four tenured faculty serve staggered 3-year terms and one serves a 2-year term. The three tenured members serving three-year terms will be elected from each of the academic divisions; the tenured faculty member serving a two-year term will be elected from either of the academic divisions other than the one from which a member is to be elected to a three-year term beginning at the same time. The two untenured faculty serve two-year terms. If an untenured faculty member receives tenure during her/his term on the Committee, s/he remains on the Committee in the untenured slot.

It shall be the duty of the Committee to meet with the Provost to give advice, when asked, and counsel, when needed, to the Provost on academic matters the Provost wishes to discuss or needs to know or consider.

During the academic year 2009-2010 and every third year thereafter, the Committee on Committees and Agenda in consultation with the Provost and the Provost's Advisory Committee, shall conduct a review of the usefulness and efficacy of the Provost's Advisory Committee, and shall report its findings to the faculty no later than the regularly scheduled April faculty meeting. [March 2, 2007, pp. 4623-24]

III. Committee on Committees and Agenda

1. The Committee on Committees and Agenda shall consist of three members of the faculty, at least two of whom are on tenure. The Committee shall elect a tenured member as its chair. One member will normally be elected from each of the academic divisions (i.e., sciences and mathematics; social sciences; humanities).
2. It shall be the duty of the Committee on Committees and Agenda:
 - a. To determine the manner of nomination by the faculty of at least two candidates for

each regular vacancy on the Committee on Tenure, The Provost's Advisory Committee, The Budget Advisory Committee (a college administrative affairs committee), and the Committee on Committees and Agenda, and to conduct the necessary nomination and election procedures. [April 1, 1994, p. 4000; April 6, 2007, p.4631]

- b. To make nominations (two for each regular vacancy) to the Advisory Committee, the Committee on Educational Policy, the Appeals and Hearing Committee, the Committee on Admissions and Academic Standing, the Committee on Faculty Scholarship and Promotions, and the Committee on Faculty Workload and Economic Status; and to conduct the necessary election procedures. [May 6, 1994, p. 4003]
- c. To present for approval at the May meeting of the faculty a slate to fill the regular vacancies for faculty members on all remaining Standing Committees of the Faculty, College Administrative Affairs Committees, and College Government boards.
- d. To review and act upon proposals, which must be submitted in writing, for faculty service on all new or ad hoc committees, or on sub-committees not composed entirely of members of an existing committee, or as additional members of existing committees; and to decide the criteria for and method of selection as appropriate.
- e. To appoint faculty members from the Reserve Members Group of a specific Committee to fill vacancies in unexpired terms on that Committee.
- f. To recommend to the faculty or to concerned administrative officers any change in the organization, terms of service, and functions of standing or other committees.
- g. Regularly to review, or initiate self-review of, the structure and function of faculty committees.
- h. To review and recommend to the faculty any changes in the organization or membership of the faculty, or changes in the rules and procedures of faculty meetings.
- i. To consider all proposals to terminate or alter the charge of a standing committee of the faculty; and, after consideration, to bring the proposal to the Faculty for a vote with the recommendation of the Committee on Committees and Agenda.
- j. To act as Agenda Committee, and to summarize the text of Faculty Legislation, Part One, Article I, J. to the Faculty at the first faculty meeting of each academic year.
- k. To consult with and advise the Secretary to the Faculty regarding problems arising from her/his duties as Secretary.

IV. Advisory Committee

1. The Advisory Committee shall consist of 5 tenured and 2 non-tenured members of the

teaching faculty. The Committee shall designate a tenured member as its chair-elect at the end of each academic year.

2. It shall be the duty of the Advisory Committee:
 - a. To initiate discussion within the Committee and with the faculty, the President and other administrative officers, the Board of Trustees, and student groups on any matters pertaining to the welfare of the College;
 - b. To consider suggestions from members of the faculty, the President and other administrative officers, the Board of Trustees, and student groups concerning changes in College policy or practice; and
 - c. To represent the faculty in consulting with and making recommendations to the President and other administrative officers, the Board of Trustees, and student groups on matters pertaining to the welfare of the College.
3. In order to avoid unnecessary harm to individuals and encourage full and frank expression of opinion, matters regarding individuals may be designated as confidential by vote of the Committee. Non-current confidential records shall be sealed and inaccessible, except to members of the Committee that considered the matter, and except as may be otherwise provided by the College's then current "Review and Appeals Procedures for Certain Faculty Grievances," for a period of 30 years. After 30 years, these records shall be reviewed by the Provost, who shall decide, depending on the sensitivity of the records, whether they should be opened at that time or should be resealed or otherwise restricted for a further period not to exceed 20 years. Once no longer restricted, the records shall be opened for the use of researchers.

V. Committee on Educational Policy

1. The Committee on Educational Policy shall consist of the President, the Provost, five members of the teaching faculty, and two representatives of the Educational Council of the Student Government chosen for the year. Each of the three academic divisions (sciences and mathematics; social sciences; humanities) shall have at least one representative among the teaching faculty members on the Committee. The Committee shall designate its chair-elect from among the teaching faculty members at the end of each academic year.
2. It shall be the duty of the Committee on Educational Policy:
 - a. To observe the operation of established educational policy, to formulate new policy when change seems desirable, and to present new policies to the faculty for deliberation and decision.
 - b. To examine proposed changes in course offerings and in existing major and minor requirements, and to approve such changes when they are consistent with established educational programs. Recommendations for the addition or elimination of a major will be considered by the committee and brought to the faculty for a vote. Other changes which may alter the educational program as a whole shall be referred to the faculty with recommendations. [October 6, 1995, p. 4086]
 - c. To confer on educational policy with other committees, officers of administration

and trustees.

- d. To assess the probable impact of any proposed change in the size or structure of an academic department on the department's course offerings and major program.

VI. Appeals and Hearing Committee

The Appeals and Hearing Committee shall consist of three tenured members of the faculty, none of whom shall currently be, or during the previous year have been, an administrative officer, a member of the Committee on Tenure, a member of the Committee on Faculty Scholarship and Promotions, or a member of the Advisory Committee. One member shall normally be chosen from each of the three academic divisions established by the Committee on Committees and Agenda (i.e. sciences and mathematics; social sciences; humanities), and, at all times, at least one woman and at least one man shall be members. [May 16, 1996, p. 4115]

VII. Committee on Admissions and Academic Standing

1. The Committee on Admissions and Academic Standing shall consist of the Chief Advising Officer (chair), four members of the teaching faculty, the Dean of Students, the Vice President for Enrollment and Marketing, and the Registrar and two students (non-voting), selected from nominations from the Educational Council. [May 5, 1995, p. 4062; February 3, 2006, p. 4557]
2. It shall be the duty of the Committee on Admissions and Academic Standing:
 - a. To consult with the Vice President for Enrollment and Marketing regarding general policies and procedures governing the admission of freshmen and transfer students, and the readmission of Wheaton students who have officially withdrawn from the College; and to bring such matters as may involve substantive changes in educational policy to the Faculty for approval.
 - b. To act on requests for exceptions to stated requirements on student petitions. If students have relevant new or additional information, pertaining to a denied petition, they may re-submit the petition for review by the Committee. Final appeals of petitions denied by the Committee may be made to the Provost. [February 2, 2001, p. 4288]
 - c. To make decisions on the continuance in College of students who are not in good academic standing.
 - d. In consultation with officers of administration, to consider policies with respect to programs for advanced degrees, class and examination schedules, the college calendar, extracurricular activities to the extent that they affect the academic program, and other appropriate matters that may be submitted to it by members of the faculty or administrative officers; and, when in its judgment changes are needed, to recommend such changes to the faculty for action.
 - e. To recommend to the faculty standards for graduation honors and Dean's list, policy

on credit for work at other institutions, and policy in regard to low grades.

- f. To award January, summer school, post-graduate, and other special scholarships or fellowships to Wheaton students or alumnae/i.

VIII. Committee on Faculty Scholarship and Promotions

1. The Committee on Faculty Scholarship and Promotions shall consist of three teaching members of the faculty holding the rank of full professor.
 - a. On matters dealing with faculty scholarship (see 2a) they shall be joined by the Provost (or the Associate Provost as her/his designee).
 - b. On matters relating to promotions (see 2b), they shall be joined by the Provost and the President of the College. Any member of the Committee who is a teaching member of the department of the candidate being considered for promotion, who is a member of the candidate's immediate family, or who is disqualified from serving for any other reason shall be replaced by a qualified person selected by the Committee on Committees and Agenda from the Faculty Scholarship and Promotions Committee Reserve Members Group. In their consideration of the case of a particular candidate, the higher-ranking member of the department with the longest total service to the College shall serve. Another tenured teaching member of the faculty with higher rank may serve instead if there is no department member of higher rank than the candidate, or if, in exceptional circumstances, the candidate of the department requests it. (See Article III, C, 3, b).
2. It shall be the duty of the Committee on Faculty Scholarship and Promotions:
 - a. To award grants to faculty members in aid of research, study and travel; to assist the Provost in making institutional nominations for various faculty scholarship or fellowship programs.
 - b. To review and make recommendations to the Board of Trustees regarding all candidates for promotion to the ranks of associate or full professor, except in those cases where promotion is granted as the immediate result of a favorable tenure review. (See Article III, C for a full statement of duties and procedures.)

IX. Committee on Faculty Workload and Economic Status

1. The Committee on Faculty Workload and Economic Status shall consist of four teaching faculty members elected by the faculty, normally representing each of the three academic divisions of the College.
2. The function of the Committee on Faculty Workload and Economic Status shall be:
 - a. To thoroughly assess each year the status of Wheaton Faculty salaries and fringe benefits, and general workload, especially in relation to those colleges with whom we usually compare ourselves.

- b. To ascertain, by open meeting and/or comprehensive survey, the range of Wheaton faculty opinion on matters regarding general workload and the distribution of salary and benefits.
- c. To report to faculty at least one week before the faculty meeting which precedes the annual spring meeting of the Board of Trustees. This report shall include the results of 2a. and 2b. as well as the recommendations which the committee will make to the President and the appropriate committee of the Board of Trustees.
- d. To bring its findings and recommendations, based on faculty consultations and the results of the comparative assessment, to the President and the appropriate committee of the Board of Trustees.
- e. To work to insure that such recommendations are adequately presented in the budget. (December 10, 1993, pp. 3985-6; May 6, 1994, p. 4003)

X. Committee on Library, Technology, and Learning

1. The Committee on Library, Technology, and Learning shall be composed of five members of the teaching faculty, two student members, the Associate Provost, the College Librarian & Associate Vice-President Library/I T & S; the Director of Academic Computing, and, as non-voting members, the Faculty Liaison for Academic Computing, and the Director of Information and Technology Services, and the Associate Librarian. The chair shall be selected by the Committee from among the five teaching faculty members. The faculty members shall be appointed by the Committee on Committees and Agenda to represent each of the following divisions: mathematics and computer science; the foreign languages and literature; the humanities; the social sciences; and the physical and biological sciences.
2. The duties of the Committee on Library, Technology, and Learning shall be:
 - a. To invite, develop, and support the implementation of initiatives that advance curricular and pedagogical uses of library resources and technology and enhance the quality of teaching and learning at the College.
 - b. In collaboration with the College Librarian and the Director of Academic Computing, to review, develop, and support academic services and policies that advance appropriate uses of library resources and technology in the academic programs of the College.
 - c. To facilitate the ongoing collaboration between Library/Academic Computing Center and Information Technology and Services. [October 4, 1996, pp. 4133-35]

IX. DEPARTMENT CHAIRS

A. Selection and Term of Office

1. The Department Chair is recommended by the department and appointed by the President after consultation with the Provost. Each department shall determine its

own method of selection of a candidate. If the department is unable to recommend a Chair, the Provost shall consult with members of the department and recommend a candidate to the President for appointment.

2. The term of office for a Department Chair is normally three years. A Chair may be reappointed for additional terms if agreeable to the department, the Provost, and the President.
3. Normally, a faculty member in her or his final year of service to the department will not be designated Chair.

B. Responsibilities and Authority

1. The Chair functions as the official channel between the department and the administration.
2. The Chair shall be responsible for administering departmental budgets and other departmental funds.
3. The Chair is the coordinator of departmental activities. From time to time he or she shall call department meetings. The Chair is a voting member of the department.
4. The Chair is obliged to solicit the opinions of the members of his or her department before communicating with the administration on major matters and to make these opinions known to the administration.
5. The Chair shall also perform such duties as are specified in faculty legislation.
[May 4, 1979, p. 3424; Nov. 1, 1991, p. 3863]