

A low-angle photograph of the Augustana College dome, showing its white columns and blue-tiled roof against a clear blue sky with some green foliage in the foreground.

2023-24

# FACULTY HANDBOOK

Augustana College

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Major Revision of Entire Handbook – Faculty Meeting of October 4, 2011

Revised – Faculty Meeting of April 26, 2012 (Chapters 2, 3, 4, 5, 7)

Revised – Faculty Meeting of August 27, 2013 (sections 2.1.2.4, 4.3, 4.3.1, 4.3.2, 4.3.3, 4.3.3.2, 4.3.3.3, 4.3.3.4, 4.5, 4.5.1, 4.5.2)

Revised – Board of Trustees Meeting, May 2013 – Constitution of Augustana College

Revised – Faculty Meeting of November 21, 2013 (add sections 3.1.2.4-3.1.2.5 on faculty reviews for tenure-track faculty hired with years of credit toward tenure)

Revised – Faculty Meeting of April 17, 2014 (Establishing a new Faculty Council that replaces Faculty Senate)

Revised – Faculty Meeting of August 26, 2014 (delete instances of Faculty Senate with Faculty Council)

Revised – Faculty Meeting of September 18, 2014

8 Modifying the use of grade tendencies (sections 3.1.1, 3.1.1.1, 3.3.1.1.2, 3.3.2.4.4, 4.4.2, 4.4.4, 4.5.3, 4.6.2, 4.6.2.2)

9 Reintroducing review criteria concerning tenure that was present in the earlier handbook (sections 3.1, 3.3.1.1, 3.3.2.3, 3.3.2.3.1, 3.3.2.3.1.1, 3.2.2.3.2)

10 Revising the language concerning temporary replacement of Division Chairs (section 8.6.2.4)

11 Introducing guidelines as to who writes the departmental letter for Department Chairs under review (sections 4.4.1, 4.6.3)

12 Adding the definition of “lecturer” to faculty positions and the accompanying promotion criteria (sections 2.1.1.2, 5.1.4)

Revised – Faculty Meeting of January 29, 2015

8 Change nominations process for Faculty Council elections, Section 8.3.2.1

9 Revise Section 7.3 language on Sabbatical Leave

Revised – Faculty Meeting of April 23, 2015

9 Humanities Fund Committee to be chaired by a division chair, Section 7.7.2

Revised – Faculty Meeting of August 25, 2015

10 Changes to Curriculum Governance, Section 8.7.3 and 8.7.4

11 Post-Sabbatical Obligations, Section 7.3.5

Revised – Faculty Meeting of October 1, 2015

10 Miscellaneous changes Sections 2.4, 9.1.1, 10.9, 10.11

Revised – Faculty Meeting of November 19, 2015

11 Chapter 10

Revised – Faculty Meeting of January 28, 2016

12 Policy against discrimination & harassment and Title IX policy, Section 10

13 Eliminate position of Lecturer and create position of Continuing Lecturer; clarify language regarding Professional Faculty; and change in policy regarding full professors and use of IDEA forms (sections 2.1.2.4, 2.1.2.5, 2.4.1.7.4.2.2.1)

Revised – Faculty Meeting of March 10, 2016

10 Post-tenure Review Process: Add statement early promotion can only be attempted once – (section 4.6.1.1)

Revised – Faculty Meeting of March 20, 2016

11 Supplemental Professional Meeting Allowance (section 7.5.2.2, 7.5.2.3, 7.5.2.5)

Revised – Faculty Meeting of August 23, 2016

12 Early promotion to full professor for new faculty members tenured at another institution (section 4.2.3.3)



13 Early promotion guidelines for Instructors, Continuing Lecturers and new faculty members who were tenured at another institution (sections 4.5.1, 4.5.2, 4.5.3)

14 Inclusion of Continuing Lecturers in non-tenure track faculty who will be asked to participate in a performance review and elimination of evaluation procedures for faculty holding lectureships (sections 5.1.1, 5.1.4)

15 References to Liberal Studies or LSFY being changed to First-Year Inquiry (FYI)

16 Updated language for Chapter 10's Code of Conduct section

Revised – October 17, 2016 by Legal Counsel, Sheri Curran

- Chapter 10's "Policy Against Discrimination, including Sexual Harassment and Sexual Misconduct, and Other Interpersonal Misconduct" updated to comply with legal requirements

Revised – Faculty Meeting of January 19, 2017

- Delete 4.6.4.2.2: elimination of separate and distinct subcomponents of Professional Development and Professional Expression under the category of "Professional Activity"

Revised – Faculty Meeting of March 23, 2017

- Removal of reference to GPA/grade tendency data
- 4.6.1.1.: Expectation of participation in post-tenure review process as a prerequisite for eligibility for sabbatical and PMA funding.

Revised – Faculty Meeting of April 27, 2017

- 4.6.1.1: Introduction of an alternative method of post-tenure review for Full Professors
- Incorporating language of "Faculty Council 2.0" in Section 8.3

Revised – Faculty Meeting of October 26, 2017

- Insert new section 7.2.2.2
- Eliminate the redistributive merit pay system and all such references to merit scores, merit percentiles, and merit pay in the Faculty Handbook.

Revised – Faculty Meeting of January 18, 2018

- Approval 7.2.2.6
- Faculty member is expected to return from the pre-tenure leave for at least one year of full-time service.

Revised – Faculty Meeting of February 8, 2018

- Addition to Section 7.3: Sabbatical Leaves
- Approval 7.3.1.9
- If Faculty member chooses not to apply for a sabbatical when they are eligible, subsequent requests for a sabbatical will be considered, and if granted will reset the sabbatical clock.

Revised – Faculty Meeting of March 22, 2018

- Inserted service as section 2.4.3

Revised – Faculty Meeting of December 6, 2018

- Eliminate the Faculty Development Project review alternative for full professors in section 4.6.1.1.
- Chapter 10 revisions

Revised – Board Meeting 10-11-19

- Approved Amendment to the Constitution

Revised – Faculty Meeting of November 6, 2019

- Changes to Chapter 10.2 Relationships Between Employees and Students  
Addition/What's change to the document 4.6.1.1

- Full Professors will be provided with three options (2/8/18 Faculty meeting)
- Deletion from 4.6.1.1.
- All post tenure reviews following promotion to Professor rank will be conducted by a three person panel of the Faculty Review Committee.
- Revised – Faculty Meeting of September 30, 2020
- Bring existing language into alignment with the semester calendar and associated workload issues
  - Add clarifying auxiliary Faculty/Term Employment language in Section 2.1.2
- Revised – Faculty Meeting of September 29, 2021
- Faculty Council Updates: Faculty Council Vice-Chair replaced with Chair-Elect; add to 8.3.1 Chair-elect must be tenured; add to 8.3.4 Council Chair must work collaboratively and in consultation with Chair-elect
- Revised – Faculty meeting of November 3, 2021
- Faculty Welfare Committee restructured to Faculty Review Committee
- Revised – Faculty meeting of March 16, 2022
- Delete language in section 4.6.3 to provide consistency with the language of the FWC webpage.
  - Delete language section 3.3.3.4 and revise language to reflect FWC's proposal to minimize workload and not be repetitive for some members.
- Revised– Faculty meeting of September 7, 2022
- Change to remove participation of the President in tenure hearings. Administrative oversight of the tenure process is the role of the Chief Academic Officer. The President offers final recommendation to the Board.
  - Delete language in 3.3.3.2 to remove the Presidents participation.
  - Delete and amend the language in 3.3.4.1 Dean of College replaces the President
  - Delete and amend 3.3.4.2 remove Division Chairs and replace with members of the FRC.
  - Removal of wording referring to the President and the addition of Dean of College to 3.5.3.
  - Removal of wording referring to the President and the addition of Dean of College where appropriate to 3.7.5.10.
- Revised– Faculty meeting of October 5, 2022
- Update to Section 10.3 Policy Against Discrimination and Harassment- Under additional revision; delay addition until complete per Jennie Hemmingway
- Revised– Faculty meeting of November 9, 2022
- Delete language and amend in 3.3.2.2 to reflect the role of Division Deans (rather than Dean of the College) in appointing committees for departments with fewer than three members at rank
  - Delete language and amend in 4.4.1 to clarify process for Chairs undergoing review.
  - Delete language and amend in 7.2.2.3 to reflect the amended Pre-Tenure paid leave conditions.
  - Delete language and amend 7.3.3.2 to reflect the changes regarding Sabbatical leaves.
  - Delete and amend the language in 7.3.3.3 to reflect the language regarding timing of statement submissions.
  - Replace language in section 2.1.2.1 to reflect credit load expectations of visiting faculty

- Eliminate section 2.1.2.3

Revised– Faculty meeting of March 22, 2023

- Amend the language in 2.5.1 to include all faculty by recognizing career trajectories that don't include tenure, and leaves open the possibility that a faculty member's career at Augustana may include position changes other than changes in rank.
- Create new section 2.3.4 under "Appointment to the College" with the proposed language regarding faculty rank status at time of employment.
- Change current section 2.3.4 ("A Note on Religious Orientation") to 2.3.5.
- Strike current language under 4.3.2 and change to "Please refer to section 2.3.4 "Faculty Rank at Time of Employment."
- Amend language in 4.3.1.2 to better clarify Eligibility and Criteria for promotions for faculty with academic ranks of Professional, Adjunct and Part-time Faculty.

Revised– Faculty meeting of 5-17-23

- Amend language in 5.1.1 to remove language that is redundant, address language to clarify voting rights and amend intent notification date.
- Eliminate section 5.1.3
- Amend language to 5.3.1 and 5.3.2 to change sub-categories from "Candidates' Reports" and "Supporting Materials" to "Required Materials" and "Supporting Materials";
- Eliminates outdated and confusing language about what is required or optional and how it is to be presented as well as descriptions best addressed on the website;
- Renumbers sections.

Revised- Chapter 10 – All College Policies 10-18-23

- Update section to incorporate revisions from Title IX Coordinator

Revised– Faculty meeting of 12-6-23

- Amend language in 7.4.1.1 to change "Dean of College will" to Office of the Provost may".
- Amend language in 7.4.2 referencing application for release date.
- Amend language in 7.4.4.2 from Dean of College to Provost; & change date of report submission.

Revised- Chapter 10 – All College Policies 1-4-24

- Update section to incorporate revisions from Title IX Coordinator

Revised– Faculty meeting of 4-24-24

- Amend the language in 3.4, 3.6, 4.4, 4.6, and 5.2 to reflect e-submission, to remove specific details about what materials to submit (these are available online) from the handbook, and to update language for consistency and to reflect the current leadership structure
- Update current sections 5.5 and 5.7 to reflect current titles, positions, and practice.
- Strike section 5.6 from the faculty handbook and renumber current section 5.7 "Evaluation Materials Librarians Submit to the Faculty Review Committee" and its subsections as 5.6.

Revised– Faculty meeting of 5-15-24

- Amend the language in 3.2.1 to update FRC process to keep up with current practice, emphasizing a feedback loop between candidate & chair; as well as clarifies how report will be shared & who will see them.
- Amend the language in Chapter 8 (sec 8.3.4.1. remove 8.3.4.5, 8.2.3, 8.2.4 and 8.2.5) to update language to reflect current practices used by Faculty Council.
- Remove language in Chapter 1 Introduction relating to incorrect references the bookstore name & advertising.
- Remove reference in 2.4.1.5.3 to IP or E grades; change to I.
- Remove reference in 2.7 relating to the Bookstore or where to buy regalia
- Remove language in 2.4.1.3, 2.4.1.4 and 8.6 that is no longer applicable & amend to update current practice.

Note: divisional structure vote 9.29.21 faculty meeting

## CHAPTER ONE: INTRODUCTION

Augustana College was founded in 1860 by Lutheran pastors and laypersons to provide an education in the arts and sciences for young people of their church as well as for all other qualified persons. It was located on the near north side of Chicago, was moved to Paxton, Illinois in 1863 and to Rock Island in 1875. The seminary became a separate institution in 1948 and in 1967 returned to the Chicago area.

The College has always stood in close relationship to the church—first the Augustana Lutheran Church and, after 1962, the Lutheran Church in America. In 1988 the College established ties to the Evangelical Lutheran Church in America, a body of 6,000,000 American Lutherans formed in that year. The ELCA gives support to the College and is represented on the Board of Trustees.

The name Augustana derives from the origin of the Lutheran Church. The Latin name for the Augsburg Confession, the Reformation document drawn up in 1530, is *Confessio Augustana*. An excellent reference to the early history of the College is *A Profession of Faith*, by the sixth President of the College, Dr. Conrad Bergendoff. Nine Presidents have served Augustana since its founding in 1860. Its current President, Andrea Talentino, was elected in 2022.

### 1.1 Mission, Purpose and Goals of Augustana College

- 1.1.1 Augustana College, deeply rooted in the liberal arts and sciences and an inclusive expression of Lutheran higher education, is committed to offering a challenging education that develops the qualities of mind, spirit and body necessary for students to discern their life's calling of leadership and service in a diverse and changing world.
- 1.1.2 The purpose of Augustana College, as stated in the Constitution, is “to afford an opportunity for a higher education in the liberal arts that provides for the development of all dimensions of human existence, in a manner consistent with the higher education values of the Evangelical Lutheran Church in America. As a community dedicated to diversity, equity and inclusion, Augustana prizes interfaith engagement, commitment to justice, spiritual exploration, reasoned examination and vocational discernment. In carrying out this purpose, the corporation shall assure freedom of academic inquiry and expression.”
- 1.1.3 The goals of Augustana College are:
  - To develop in qualified students the characteristics of a liberally-educated person through a program of general studies.
  - To develop in each student expertise in a major field of study.
  - To encourage each student to confront the fundamental spiritual issues of human life by discerning their individual and communal callings, supported by the academic study of religion and the campus ministry program.
  - To supplement students' formal curricular programs with a full range of opportunities for personal growth and vocational discernment through participation in co-curricular activities.
  - To encourage the personal and social growth of students through its residential life programs and extracurricular activities.



- To offer the church and local communities the benefit of its programs and staff within the context of its basic mission as an undergraduate liberal arts college.

## 1.2 Accreditation

- 1.2.1 Augustana has been accredited by the North Central Association of Colleges and Schools since the founding of the Association in 1913.
- 1.2.2 Augustana is also accredited by the National Association of Schools of Music, the National Council of Accreditation of Teacher Education, the Illinois State Board of Education, and the American Chemical Society.
- 1.2.3 A Phi Beta Kappa chapter, Zeta of Illinois, was established at Augustana in 1949.

## 1.3 College Constitution

### CONSTITUTION of AUGUSTANA COLLEGE, ROCK ISLAND, ILLINOIS

as revised October 2019

#### PREAMBLE

Augustana College was founded in 1860 by Lutheran pastors and laypersons to provide an education in the arts and sciences for young people of their church as well as for all other qualified persons. Augustana College is affiliated with the Evangelical Lutheran Church in America and is committed to ensuring its students grow in mind, body and spirit.

#### ARTICLE I

##### Name, Purpose and Relationship

##### Section 1

The name of this corporation shall be Augustana College.

##### Section 2

The purpose of Augustana College is to afford an opportunity for a higher education in the liberal arts that provides for the development of all dimensions of human existence, in a manner consistent with the higher education values of the Evangelical Lutheran Church in America. As a community dedicated to diversity, equity and inclusion, Augustana prizes interfaith engagement, commitment to justice, spiritual exploration, reasoned examination and vocational discernment. In carrying out this purpose, the corporation shall assure freedom of academic inquiry and expression.

### Section 3

This corporation shall be maintained in relationship with the Evangelical Lutheran Church in America (“ELCA”).

## ARTICLE II

### Board of Trustees

#### Section 1

- a. The governance and trusteeship of the corporation shall be vested in a Board of Trustees consisting of at least 21 and no more than 40 trustees selected from categories in the following manner:
  - Category I: Six trustees shall be members of congregations of the ELCA. Two trustees shall be pastors, one of whom shall be the Bishop of the Synod in which the College is located. One trustee shall be the Director of the Network of ELCA Colleges and Universities (or similar office responsible for ELCA church-related higher education) or such designee as said Director shall nominate if approved by the Board. Nominees for the pastor positions, with the exception of the Bishop of the Synod in which the College is located shall be reviewed by said Bishop prior to election by the Board of Trustees of the College. Each nominee, with the exception of the Bishop of the Synod and Director of the ELCA office concerned with church-related higher education or such designee, shall be subject to election by the Board of Trustees of the College. All members of the Board of Trustees, regardless of category, shall be committed to advancing the mission of the College.
  - (2) Category II: A minimum of ten trustees and a maximum of twenty-nine trustees shall be elected at large by the Board of Trustees of the College.
  - (3) Category III: The President of the College shall be a trustee of the Board.
- b. In the nomination and election of persons to the Board, the trustees shall be sensitive to the need for racial and gender representation.
- c. With the exception of ex-officio trustees each nomination for trustee shall originate from the Trusteeship Committee of the Board of Trustees of the College. After nomination as specified, for election each such nominee must receive an affirmative vote by a majority of the members of the Board then in office.
- d. The term of office for elected members of the Board of Trustees shall be four (4) years with the term commencing at the Annual Meeting of the Board following election or as the Board otherwise determines and provided the Board of Trustees may designate an initial term of less than four (4) years for members elected to fill

vacancies created by death, resignation, removal or increase in number and which such initial term shall not be deemed a full term for purposes of Article II, Section 2; the term of office for *ex officio* members shall be indefinite in length for so long as holding the particular *ex officio* office.

- e. Each trustee, including each ex officio trustee, shall have one (1) vote on all matters to come before the Board of Trustees.

## Section 2

- a. Elected members of the Board of Trustees shall not serve more than two (2) full consecutive terms, with the following exceptions:
  - (1) a member may be elected for up to an additional two (2) years, if necessary to maintain requisite expertise or to balance the number of trustees whose terms expire in any one year;
  - (2) a member serving as a Committee Chair upon the expiration of his or her term may be elected for up to an additional three (3) years to continue to serve as Committee Chair;
  - (3) a member serving as the Chairperson of the Board upon the expiration of his or her term may be elected for up to an additional four (4) years to continue to serve as Chairperson of the Board, and an additional one (1) year of service upon the expiration of the member's service as Chairperson of the Board.
- b. All of the above term extensions must be approved following the voting protocol set forth in Article II, Section 1, Subsection c.

## Section 3

The Board of Trustees shall hold no less than two (2) regular meetings each year. A majority of the Board shall constitute a quorum. At the Annual Meeting of the Board each year, the Board of Trustees shall elect a chairperson, a vice-chairperson, a secretary and a treasurer. These officers shall hold office until their successors are elected and have qualified. The Treasurer need not be a member of the Board of Trustees.

## Section 4

The Board of Trustees shall have power:

- a. To govern the corporation in accordance with the constitution, to manage the financial affairs and to have charge of all funds and property.
- b. To elect a President of the College and all other officers of administration and the members of the faculty.

- c. To elect annually a Vice President of the College, who shall act in the absence of the President, and in general perform such duties as may be assigned by the President or the Board.
- d. To discipline, suspend or discharge incompetent or unworthy officers, professors, or instructors as hereinafter prescribed or in the Operating Bylaws of the College.
- e. To authorize the granting of degrees in course and honorary degrees as recommended by the faculty.
- f. To adopt and enforce rules, regulations and by-laws governing the affairs of the College not in conflict with its charter, constitution and the laws of the United States and the laws of the State of Illinois.
- g. To authorize courses of study as recommended by the faculty and to determine the teaching load of the faculty as recommended by the President.
- h. To fill vacancies in the Board of Trustees in accordance with the procedures set forth in Section 1a-c hereof. The terms of office for a trustee appointed to a vacancy shall be the balance of the unexpired term.
- i. To establish an Executive Committee to act in the interim between meetings of the Board and may establish such other committees as it determines. All committees shall have such powers and authority as set forth in the Bylaws or as otherwise determined by the Board.

#### Section 5

The duties of the Chairperson of the Board shall be:

- a. To preside at the meetings of the Board and its Executive Committee.
- b. To call special meetings when requested to do so by at least one-fourth (1/4) of the members of the Board.
- c. To exercise such disciplinary power as is hereinafter prescribed or in the Operating Bylaws of the College.

#### Section 6

The duties of the Secretary shall be such as usually pertain to that office.

#### Section 7

The duties of the Treasurer shall be:

- a. To give corporate surety and fidelity bond in such amount as shall be fixed by the Board.

- b. To receive and have charge of all funds, current, endowment, and contingent, belonging to the corporation, and to invest and disburse the same according to such regulations as the Board may prescribe.
- c. To keep full and systematic accounts of all finances of the corporation.
- d. To present to the Board at the end of the fiscal year, or when so requested by the Board, a full statement of the financial condition of the corporation.
- e. To be responsible for the business management of the corporation and to have charge of its property.
- f. To be the purchasing agent of the corporation.
- g. To assist the President in the preparation of the budget.
- h. To function in cooperation with the President and be responsive to the Board of Trustees.

#### Section 8

In the event of dissolution of the corporation, the Board of Trustees shall, after paying or making provision for the payment of all liabilities of the corporation, transfer all of the assets of the corporation to the Evangelical Lutheran Church in America (or designated unit thereof) or successor thereto.

### ARTICLE III

#### The President of the College

##### Section 1

The President of the College shall demonstrate a firm commitment to advancing the welcoming Lutheran tradition of higher education as expressed in the College's mission statement and Five Faith Commitments (2015). The President, together with the Trustees, shall actively affirm and nurture the College's relationship with the ELCA, including through active participation and leadership with the Network of ELCA Colleges and Universities. A two-thirds (2/3) vote of the Members of the Board is required for election.

##### Section 2

The duties of the President shall be:

- a. To be the chief executive officer of the College.
- b. To be responsible for all matters pertaining to instruction and discipline.



- c. To present an annual written report to the Board of Trustees, covering the work of the College.
- d. To recommend to the Board of Trustees new tenure candidates and faculty promotions.
- e. To preside at the meetings of the faculty of the College.
- f. To promote the purpose of the College and its ideals of scholarship both in the faculty and among the students and to seek the realization of the mission and faith commitments of the College.
- g. To function in cooperation with the Chairperson and be responsive to the Board of Trustees.

### Section 3

The President shall give personal attention to the mission, goals and institutional vocation of the College.

### Section 4

The President shall hold office at the pleasure of the Board of Trustees.

## ARTICLE IV

### Faculty

#### Section 1

- a. The faculty shall consist of the instructional staff. Members of the faculty are regularly called professors, associate professors, assistant professors, and instructors. The faculty shall determine time, place and manner of holding its meetings, elect its own secretary, and keep proper record. A majority shall constitute a quorum.
- b. The faculty shall, by majority vote:
  - (1) Determine regulations for admission, promotion and graduation of students.
  - (2) Adopt aims and policies of instruction, and recommend courses of study to the Board.
  - (3) Agree on standards, time and manner of examinations.
  - (4) Recommend candidates for degrees.

- (5) Consider measures whereby the intellectual, social and spiritual life of the campus may be enriched and ennobled, and the cultural aims of the College be achieved.
  - (6) Establish such committees as it deems necessary for its various functions.
- c. The length of the academic year shall be recommended by the faculty and shall be determined by the Board of Trustees.

## Section 2

- a. The College welcomes faculty and staff who will advance the mission of the College and the College celebrates the diverse contributions they make to our mission. The College has long recognized that Faculty and staff from all religions, secular and non-religious traditions are important to advancing the mission of the College.
- b. If definite charges against any member of the faculty of neglect of duty be presented in writing to the President by two or more credible persons, the President shall bring a copy of the charges to the party concerned privately. If the President shall deem the charges sufficiently serious, the charges shall be brought to the Chairperson of the Board. If the President and the Chair cannot adjudicate the matter with the faculty member in question, they shall have the authority to suspend the faculty member, referring the matter to the Board, to whom the suspended faculty member may appeal. The Board may cite the faculty member to appear, and, after reasonable notice has been given in writing, proceed to hear evidence upon the preferred charge in the faculty member's presence. If the faculty member shall refuse to appear or unnecessarily delay appearance, the Board may proceed to hear the evidence and come to a final decision by a two-thirds (2/3) vote of the members of the Board.
- c. A faculty member thus discharged shall be entitled to serve to the end of the current academic term on full pay, or to retire on three (3) months' salary, unless such discharge was based on a criminal act or an act of moral turpitude.

## ARTICLE V

### Students

#### Section 1

The College shall be open to students who meet the qualifications for entrance and agree to conduct themselves in a way consistent with the purpose of the College.

#### Section 2

A student may be expelled:

- 1) For violation of rules of student conduct.

- 2) For any conduct indicating unworthiness to remain in the College.
- 3) For failure to maintain the required academic standards or failure to comply with rules of academic conduct.

#### ARTICLE VI

This constitution may be amended, provided that the amendment has been introduced at a regular meeting of the Board and adopted at the next regular meeting of the Board by a two-thirds (2/3) vote of the members of the Board present and voting.

#### ARTICLE VII

By-laws may be adopted or modified by the Board of Trustees upon a majority vote of a quorum present at any regular or duly-called special meeting of the Board.

### **1.4 Special Charter**

#### SPECIAL CHARTER OF AUGUSTANA COLLEGE, AS AMENDED

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, that Erland Carlsson, Toovey N. Hasselquist, Carl Johan P. Peterson, Ole Andrewson, Iver Lawson, John Amondson, Carl Stromberg, John Field and their successors in office, to be elected as hereinafter provided be and are hereby constituted a body corporate and politic under the name and style of the Augustana College and by that name and style shall have a perpetual succession, with power to sue and be sued, implead and be impleaded, and shall be capable in law of taking and holding by gift, grant, devise, or otherwise, and of purchasing and holding and conveying both in law and equity, any estate or interest therein, real, personal or mixed, and shall have the power to execute and fulfill all such trusts as may be confided to said corporation, and to take, hold, use, manage, lease and dispose of all such trust property as may in any manner come to said corporation charged with any trust or trusts in conformity therewith; to have and to use a common seal and to alter the same pleasure.

Section 2. The corporation shall have the power to establish and maintain a college within the State of Illinois. The control of the Corporation shall be vested in the Board of Directors of the Corporation. The Board of Directors shall have the power to alter, amend or repeal the existing Constitution and bylaws or to adopt a new constitution or bylaws in a manner not inconsistent with the Special Charter, as amended. The qualifications, number, election and terms of office of the Directors, the filling of any vacancy occurring on the Board of Directors and the persons or organizations that shall be vested with the right, power or authority to elect said Directors and to make, amend or repeal the Constitution or bylaws of the Corporation shall be set forth in the Constitution or bylaws of the Corporation, in accordance with the statutes of the State of Illinois. Directors shall hold their offices until their successors are elected and qualified. In no event, however, may the manner of the election of Directors be amended without the approval of the Division for Education of the Evangelical Lutheran Church in America.

Section 3. The Corporation is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of the distributions to organizations that qualify

as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a Corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law.) Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the Corporation, dispose of all the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) as the Board of Directors shall determine. Any such assets not so disposed shall be disposed of by the Circuit Court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Section 4. Deleted, June 29, 1948

Section 5. Deleted, June 29, 1948

Section 6. The Board of Trustees or Directors shall have power also to confer the usual degrees of Doctor of Divinity, Master of Arts and Bachelor of Arts, on such a person or persons as they may deem entitled thereto, on the recommendation of the faculty or any other literary and scientific degrees.

Section 7. Deleted Section 8. The property of said corporation, both real and personal, not exceeding in value One Hundred Thousand Dollars, shall forever be and remain free from taxation.

Section 9. This act to take effect and be in force from and after its passage and to be deemed a public act.

## **1.5 Changes to the Faculty Handbook**

- 1.5.1 Text belonging in the Faculty Handbook may be written by a variety of hands for a variety of audiences. However, in order for text to become an actual part of the Faculty Handbook, it requires a process. The process requires Faculty approval of text relating to matters that the Faculty decides, Faculty recognition of text relating to matters that the Administration and/or the Board of Trustees decides, and subsequent publication and recording through the Handbook.

1.5.2 The Faculty Council Chair, in collaboration with the Faculty Council, has the following responsibilities for the approval and recording of Faculty Handbook text.

1.5.2.1 For Approval of New Text

1.5.2.1.1 To receive recommendations for changes in the text of the Faculty Handbook.

1.5.2.1.2 To recommend to the Faculty changes in the text.

1.5.2.1.3 To notify the Faculty upon learning that the Board of Trustees or the Administration has written or rewritten a text that may belong in the Faculty Handbook.

1.5.2.1.4 To notify the Faculty when items on their agenda may require changes in the text of the Faculty Handbook.

1.5.3 The Faculty Handbook is maintained by the Dean of the College, in collaboration with the Faculty Council. Matters concerning the handbook—certainly questions or suggestions—may be brought to any of these. The Faculty Council should:

1.5.3.1 Assure that the minutes of meetings of the Faculty record approval or (for text the Faculty cannot by itself create and approve) recognition of changes in the text of the Faculty Handbook.

1.5.3.2 Bring approved or recognized changes in the text of the Faculty Handbook to the office of the Dean of the College for recording in the Faculty Handbook.

1.5.3.3 Assure that changes cite the occasion of the Faculty action (e.g., Faculty Meeting of March 15, 1861) in order to make the Faculty Handbook a documented historical record.

1.5.4 The policies set forth in the Faculty Handbook are the current policies and procedures of the College. However, these practices and procedures are subject to be changed and amended from time to time. Nothing in the Faculty Handbook should be construed as any guarantee of continued employment and the Faculty Handbook should not be construed as an employee contract.



## CHAPTER TWO: THE FACULTY: CANONS AND RESPONSIBILITIES OF MEMBERSHIP

This chapter sets forth the organization, rights and responsibilities of the faculty as academic professionals employed by Augustana College.

### 2.1 Definitions of Faculty Status

#### 2.1.1 Regularly Appointed Faculty

The members of the College who are appointed to the rank of Professor, Associate Professor, Assistant Professor, or Instructor. (See Constitution of the College, Article IV, Section 1) This definition presumes that the College awards academic rank to faculty who primarily and regularly instruct students in credit-earning coursework. Instructional and non-instructional (e.g., advising) loads comprise a faculty member's workload. The definition extends to include those who hold academic rank as librarians or as appointees to concurrent administrative positions.

##### 2.1.1.1 Full-time Faculty

Members of the Regularly Appointed Faculty who are appointed to teach and advise 24 credits per year or who have an equivalent assignment or released time as agreed by the Department Chair or Supervisor and the Dean of the College.

##### 2.1.1.2 Shared-Appointment

Faculty members of the regularly appointed faculty who hold a position shared between two faculty members as the equivalent of one full-time position. Each Shared-Appointment faculty member has the rights and privileges of a full-time faculty member except as explicitly noted in the Faculty Handbook or in the individual's annual compensation agreement.

##### 2.1.1.3 Adjunct

Adjunct Faculty are appointed to teach and advise at least 14 but fewer than 24 credits per year. Adjuncts who undergo performance reviews will be awarded voting rights after teaching 56 credits over four years. The four-year interval may be interrupted by a maximum of one year in which the faculty member does not teach at the college. Adjuncts can serve on college-wide committees to which non-tenured faculty are eligible (including Faculty Council to which they are elected by their rank).

##### 2.1.1.4 Part-time

Part-time Faculty are appointed to teach fewer than 14 credits per year. Part-time faculty who are subject to performance reviews will be awarded voting rights after teaching at least 56 credits. The four-year interval may be interrupted by a maximum of one year in which the faculty members does not teach at the college. Part-time Faculty can serve on college-wide committees to which non-tenured faculty are eligible (including Faculty Council to which they are elected by their rank).

## 2.1.2 Auxiliary Faculty/Term Employment

### 2.1.2.1 Visiting Faculty

Faculty who are expected to carry 24 credits at full salary with the possibility to carry overload credits with a corresponding compensation increase (with possible renewal up to a total of six years upon mutual agreement) with faculty without a terminal degree holding the title of Visiting Instructor and faculty with a terminal degree holding the title of Visiting Assistant Professor. These are honorific titles and therefore do not carry the voting privileges of Regularly Appointed Faculty. Full-time visiting faculty cannot be reappointed beyond their sixth year at the college. Research and service are not expected in visiting positions unless credited as part of load.

### 2.1.2.2 Artists-in-Residence

Faculty who are employed on an annual basis because of their artistic abilities. They normally give lessons or tutorials but may teach classes. They do not have voting rights.

### 2.1.2.3 Continuing Lecturer

Continuing lecturers are appointed as annually renewable, full-time, non-tenured faculty positions that are subject to regular review. Faculty holding Continuing Lectureships will have a workload of 26 credits. An optional 24-credit workload (with a concomitant reduction in salary) may be arranged to provide reduced teaching and advising responsibilities. Continuing Lecturers have the same voting rights as full-time faculty.

### 2.1.2.4 Special Academic Support Staff

Members of the Instructional Staff who are employed on an annual basis in order to provide support for specific academic programs that include teaching. Some of these positions are with rank (Librarians) while others are without academic rank such as Applied Music Staff, Clinicians, and Coaches. Full-time special academic support staff and professional faculty are eligible to vote and can serve on college-wide committees for which non-tenured faculty are eligible (including Faculty Council, to which they are elected by their rank), provided they meet the same criteria and review procedures and Adjunct regular faculty stipulated in sections 2.1.1.3 and 5.2, or are Librarians subject to review as outlined in section 5.5.

### 2.1.2.5 Professional Faculty

Professional Faculty positions at Augustana carry a 26-credit total workload. This is a non-tenure track annually renewable position with faculty voting rights that is subject to regular review. Faculty in these positions are expected to teach at least half of their load, and carry at least 4 credits in a combination of activities that directly or indirectly support

teaching and learning. Such expectations will be determined by the resources and needs of individual departments.

2.1.2.6 Emeritus Faculty

Those upon whom this title has been conferred following retirement from active service.

## 2.2 Types of Appointments

The following personnel policies govern the faculty of Augustana College, but exceptions may be made to them on such bases as previous service to Augustana, exceptional experience or attainment in activities related to the field taught, economic conditions over which the College has no control, and situations where normal procedure seems inadvisable.

### 2.2.1 Term Appointments

Term appointments are faculty appointments that neither yield credit towards tenure nor are with tenure. Among the special appointments are those given to: part-time and adjunct faculty, visiting positions, teaching fellows, auxiliary faculty, terminal appointments, coaches, librarians and faculty who perform mostly administrative assignments; courtesy appointments without salary; and faculty on unpaid or partly-paid leave without tenure credit.

### 2.2.2 Probationary Appointments

Probationary appointments are the typical initial appointments of full-time faculty and yield credit toward tenure. These are usually appointments to a ten-month academic year, tempered by the right of the college to terminate an individual for adequate cause. No person may be appointed to more than seven years of full-time faculty service at Augustana on probationary appointment (unless the tenure clock has been adjusted for a recognized and agreed upon cause). Shared-Appointment Faculty will not normally be appointed to more than nine years of shared-appointment service on probationary appointment; however, the individual tenure review schedule will take into account the cumulative number of courses taught.

### 2.2.3 Tenured Appointments

2.2.3.1 At Augustana, tenure is granted by the Board of Trustees upon recommendation by the President, after a specified process (see Chapter 3: Pre-tenure and Tenure Evaluation). The granting of tenure and promotion to associate professor takes effect at the start of the academic year that follows Board approval.

2.2.3.2 Tenure—a type of appointment recognized within the academic community as crucial to sustaining academic freedom—means the right of a faculty member to receive annual compensation agreements, tempered by the right of a college to terminate a faculty member for cause or reasons of financial exigency, bona fide program discontinuation or for medical reasons. The consensus in academe of what constitutes adequate cause

has been carefully articulated by the American Association of University Professors (AAUP). In capsule, this would be incompetence in one's field or moral turpitude. In detail, this is discussed by the AAUP in a number of statements, most fundamentally its "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," (*AAUP Policy Documents & Reports*, American Association of University Professors: Washington, D.C., 1995). Institutional cause may be for financial exigency, bona fide program discontinuation or medical reasons. (See Chapter 6: Separation from the College for more information.)

#### 2.2.4 Shared Appointments

2.2.4.1 A shared appointment is one shared between two faculty members as the equivalent of one full-time position. Each portion of a shared faculty position may be tenurable or not tenurable. The eligibility of the person for tenure shall be specified in the initial appointment.

2.2.4.2 Shared appointments are made only after consultation with the department(s) involved and in conformance with the College's personnel procedures. The fraction of the position allocated to each person is specified annually.

### 2.3 Appointment to the College

#### 2.3.1 Position Request

Departments seeking a full-time position should make a formal request to the President and the Dean of the College following procedures outlined in the Department Chair handbook and on the Academic Affairs website.

#### 2.3.2 Search Procedures

2.3.2.1 The search committee will be formed by the members of a department plus a member of a department outside the division. The Dean of the College and the Division Chair will serve in an ex officio capacity but are typically not involved in search committee meetings. This committee, in consultation with the Dean, seeks credentials of candidates and invites candidates for interviews. The recommendation of the committee is presented to the Dean of the College, who will make the final recommendation to the President for the President's approval. The final authority for hiring rests with the Board of Trustees, based upon the recommendation of the President.

2.3.2.2 Search committees in departments with three or fewer full-time faculty will follow the same pattern as the tenure review committee and include one or two outside faculty members. As in the case of the tenure review committees, outside faculty members will be appointed by the Dean of

the College, who will make the final decision after consulting the chair of the searching department or program and the Faculty Review Committee.

- 2.3.2.3 Detailed search procedures will be provided to chairs at the time that a position is approved and also appear in the Department Chair handbook. These sources should be consulted to ensure that hiring is done in a thorough, legal and ethical manner.

### 2.3.3 Appointment Procedures

The search committee makes the recommendation to the Dean who then makes a recommendation to the President. The final authority for hiring rests with the Board of Trustees. After a background check, the Dean of the College invites the successful candidate to join the faculty. The precise terms and conditions of every appointment are stated in writing and shall be in the possession of both institution and professor before the appointment is initiated. The Board, the President and the Dean of the College should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

### 2.3.4 Faculty Rank at Time of Employment

Typically, faculty without a terminal degree in the discipline or related field of study at the time of employment will be granted the rank of Instructor. An exception may be made for tenure-track faculty who anticipate terminal degree completion by the end of the first year of service. These faculty may be hired at the rank of Assistant Professor. Faculty with the terminal degree at the time of employment will be ranked no lower than Assistant Professor. Faculty who have held a particular rank at another institution will be hired at that rank.

### 2.3.5 A Note on Religious Orientation

Augustana is a college of the Evangelical Lutheran Church in America (ELCA). It does not require that a faculty member be a member of this church, but in order to fulfill its purpose as a church-related college, it does expect all of its faculty members to be intelligently sympathetic with the mission of the church.

## 2.4 Responsibilities and Duties

Note on the use of the words “term” and “semester”: “semester” is used exclusively to denote either the full fall or spring semester (or both); “term” is used more broadly to include J-Term, in addition to fall and/or spring semesters.

### 2.4.1 Teaching



- 2.4.1.1 Normal workloads – which includes both instructional and non-instructional (e.g., advising) load - for full-time faculty members represent the equivalent of 24 credit hours in the academic year. This load may be modified by the Dean of the College in individual cases, taking into account factors that appear to require an abnormal amount of effort, such as number of students, preparations, professional expression, administrative or committee responsibilities, or other responsibilities. Any workload assignment beyond the equivalent of 24 credit hours earns compensation at the current overload rate if approved by the Dean of the College.
- 2.4.1.2 Faculty are expected to meet classes at their assigned times. While some class sessions may be cancelled or rescheduled due to off-campus professional commitments, other absences should be avoided.
- 2.4.1.3 In the event of illness or family emergency, students and the Department Chair should be notified as soon as possible. Absences due to illness should be reported to Human Resources each month.
- 2.4.1.4 Faculty are responsible for submitting the following items on the dates established by the Registrar:
  - 2.4.1.4.1 Attendance reporting during the first two weeks of classes
  - 2.4.1.4.2 Final grades
- 2.4.1.5 Corrections of Errors in Grading
  - Corrections are requested through the Grade Change Request link in Arches for consideration by the Committee on Advanced Standing and Degrees. The Registrar's Office shall maintain a record of grade changes by student name and faculty name for report to the Committee.
  - 2.4.1.5.1 Normally, grade changes are made for the following reasons: (1) mistake in computation, (2) required work overlooked by the instructor, (3) mistake in transcribing, or (4) reevaluation. The Advanced Standing and Degrees Committee will use the following guidelines when approving grade changes. Grade changes resulting from the discovery of clerical or other errors by the instructor will generally be approved.
  - 2.4.1.5.2 Only in exceptional circumstances will the Committee approve a grade change, other than for an instructor error, more than one semester after the initial grade was given.
  - 2.4.1.5.3 The initial grade submitted must be presumed to reflect the faculty member's considered judgment. Hence, changes resulting from a reevaluation of a student's work must be justified by a

statement from the instructor. Except in the case of “T” grades, a student is not to be permitted to improve a grade by submitting make-up or extra credit work after the end of the course. Faculty should note that work submitted to the instructor after the end of the term cannot be evaluated to include in a change of grade. The Committee on Advanced Standing and Degrees and the Faculty have determined the last day of the term to be 6:30 p.m. on the last exam day of finals week unless an earlier date is specified in the instructor’s syllabus.

2.4.1.5.4 Should the Committee discover a pattern of seemingly excessive grade changes by a faculty member, this would be reported to the Dean of the College.

2.4.1.6 Grade Appeals

Students who believe there has been an error in reporting a grade, or who have a question or complaint about a grade, should first contact the instructor. Should it be necessary to carry the inquiry further, the Department or Division Chair and then the Associate Dean of the College, should be consulted.

2.4.1.7 Student Evaluations of Teaching.

The following college policies govern student ratings of instruction.

2.4.1.7.1 In a manner typical to higher education, Augustana College asks students to provide an evaluation of instructors and courses. The local version of such an evaluation instrument is the IDEA Center Student Rating of Instruction (SRI) form that is considered when faculty members are evaluated during pre-tenure, tenure, post-tenure and performance reviews. Appraisals of faculty teaching performance are, of course, not based solely on what can be learned from the SRI. Indeed, multiple evidences of quality classroom work are used during these reviews.

2.4.1.7.2 The IDEA form was adopted for faculty use in October, 2010. Institutional norms were to be established in 2010-2011. The College’s Institutional Researcher collects the IDEA Center forms after they have been administered and submits them to the IDEA Center for compilation and analysis. The Institutional Researcher returns a copy of the report to each individual faculty member.

2.4.1.7.2.1 The raw and summary data are the property of the College. The College maintains the quantitative database and provides quantitative

summaries to each instructor and Department Chair for each course evaluated.

2.4.1.7.2.2 Probationary faculty, Tenured Associate Professors, Full Professors, and all non-tenure track faculty must administer the form in each class section with 8 or more students.

2.4.1.7.3 The decision by a faculty member not to submit student-commented SRI response forms will not be a factor in the review process.

2.4.1.8 Academic Integrity  
Augustana College has adopted an Honor Code to govern issues of academic integrity. Procedures for responding to instances of cheating, plagiarism and other violations of academic integrity are available from the Honor Council and the Associate Dean of the College.

## 2.4.2 Research

Faculty research is encouraged by the College and is appropriate for consideration for tenure and promotion. The College does provide some resources through faculty development funds.

2.4.2.1 Research using human subjects or animals must be approved by the Institutional Review Board or the Institutional Animal Care and Use Committee.

2.4.2.2 Research Ethics and Misconduct  
Augustana College expects all research and research-related activities to be carried out in a manner consistent with the highest professional standards. The policy on scientific misconduct is written to comply with Public Health Service (PHS) regulations at C.F.R. Part 50, Subpart A and to ensure the use of good investigative practices in response to allegations of scientific misconduct that involve PHS research grants or applications for funds. This policy applies to all individuals at Augustana College engaged in research or related activities that are supported by or for which support is requested from PHS. The policy will be followed when an allegation of possible misconduct in science is received by the Dean of the College. The complete policy is available through the IRB.

2.4.2.3 Conflict of Interest for Government-Sponsored Programs  
Note: This section of the Handbook contains only the Introduction to the policy. The full text of the policy is available from the IRB.  
This policy as written is based on the final regulations issued by the National Science Foundation, on Notice Number 117 dated June 30, 1994, slated for an effective date of June 28, 1995. Modifications may be

required once other federal funding agencies adopt conflict of interest regulations. In recent years, the issue of conflict of interest has become increasingly important. University/college faculty and some staff members have taken on new and different functions in addition to the traditional roles of teaching, research and public service. Spin-off companies transferring technology developed in the laboratory, extensive consultative activities and various types of public service involvement are encouraged by both federal and state agencies and by the university/college as necessary for the public good. Governmental agencies, becoming more concerned about the extent and type of these activities as they relate to funded and proposed research, as well as scholarly activities of faculty and some staff, have issued regulations that require colleges and universities to develop, publish and enforce institutional policies that comply with certain federal mandates. Key in these policies is the requirement for regular, timely and full disclosure of actual or potential conflicts of interests as they relate to significant financial interests that could reasonably be seen by an impartial observer as affecting the design, conduct or reporting of research or educational activities funded, or proposed for funding, by an external sponsor.

#### 2.4.2.4 Statement on Royalties

(Adopted by the Faculty Review Committee October 16, 2003)  
Augustana College encourages faculty members in the publishing of textbooks and other professional works. In some cases, prior agreements stipulate the distribution of royalties among authors or sponsors. Generally, in the case of textbooks the College does not claim any portion of the income.

2.4.2.4.1 Students may be required to use a textbook or other educational material written by their instructor, or in which their instructor has a beneficial interest, only if the instructor waives or donates the royalties (or other beneficial interests) to a not-for-profit organization; or all of the following conditions are met:

2.4.2.4.1.1 The textbook has been printed and copyrighted by a recognized publishing house at its own expense.

2.4.2.4.1.2 The textbook has been made available for open sale and has not been published exclusively for the course.

2.4.2.4.1.3 The use of the textbook has been independently reviewed and approved by the Department Chair and Dean of the College.

2.4.2.4.2 Members of the Augustana faculty shall not have any financial interest in or receive compensation from the sale of unpublished material prepared for classes or laboratories. Students can be charged for photocopying costs, but no other financial benefit is allowed.

### 2.4.3 Service

Service to the College is expected and is an appropriate matter for consideration of tenure and promotion. Such contributions at Augustana College can take many forms, including service to the department, to the College, to the profession, and to the wider community. Examples of such contributions might include:

- departmental or college-wide committee work that supports our common educational and scholarly enterprise
- engagement in support of admissions
- the advising or mentoring of student groups
- leadership in a professional organization
- acting as a resource for community organizations.

Early in a tenure-track faculty member's career, it is essential that they consult with their Division and Department Chairs to strategically choose manageable service opportunities so they can focus on teaching, advising and professional activity. Augustana College expects senior faculty members to become increasingly active in service, assuming additional responsibilities over the course of their careers.

### 2.4.4 Beyond Scheduled Teaching Load

Faculty are encouraged to participate in the total program of instructional, research and extracurricular activities that have been established for Augustana students. Faculty are expected to make time available out of class on a regular basis to meet with students and to participate in the advising of first-year students and majors, as well as to act in advisory positions to officially recognized student organizations.

### 2.4.5 Conflict of Commitments

It is the policy of Augustana College to keep overloads at a minimum and to discourage regular employment outside the College. This policy does not include speaking engagements, but does cover outside teaching, regular service to a congregation and the like. All regular employment in addition to full-time service at Augustana must be approved by the Dean of the College.

### 2.4.6 Other Professional Activities

Because there is a great deal of variation in the types of outside professional activities, the following is intended to provide faculty with general guidelines; a department might have more specific guidelines. The nature of outside professional activities should be of a sufficiently high caliber to be worthy of inclusion during merit, tenure and promotion evaluations. The balance must be weighed between the gains and losses in choices of activities that might detract from direct service to the College with those that might connect the faculty member to his or her

discipline and thus strengthen long-term services the faculty member may provide. Faculty members who have doubts concerning the undertaking of outside activities are strongly encouraged to seek the advice of their Department Chair and the Dean of the College.

## **2.5 Faculty Evaluation Principles**

- 2.5.1 Augustana's Faculty Evaluation System evaluates the professional performance of faculty at every stage of the faculty member's career. It is recognized that the positions, status, and career objectives of the faculty member and the academic needs of the College, as well as the nature of academic disciplines, may change over time. The evaluation process should promote the faculty member's and the College's respective abilities to accommodate these mutually-changing expectations while seeking to ensure that the procedural and substantive rights of the faculty member and the College are protected.
- 2.5.2 The intent of the Augustana Faculty Evaluation System is to treat faculty as academic professionals who deserve to be dealt with respectfully, honestly, humanely and equitably. The evaluation process must carefully balance the concomitant needs for transparency (a system whose processes and expectations are well understood by those being evaluated) and confidentiality (a system that is able to collect and evaluate professional and student assessments of faculty performance without corroding the College's sense of academic community or undermining a faculty member's professional reputation). At all stages of the evaluation process, the overriding goal of the system is to provide constructive criticism and guidance to faculty members designed to promote their professional effectiveness and career advancement, whether at Augustana or elsewhere.
- 2.5.3 The Faculty Review Committee will perform the vital task of monitoring the Faculty Evaluation System to ensure that it is functioning as intended. The major goal of the Faculty Review Committee's oversight process should be to assure that the Faculty Evaluation System reflects on its own procedures and revises them where necessary, listens carefully to the concerns of those being evaluated by the system and retains the confidence of faculty, students and administration.
- 2.5.4 Additional details on the policies and procedures for faculty evaluation can be found in Faculty Handbook Chapter 3 on pre-tenure and tenure reviews, Chapter 4 on post-tenure reviews and promotion, and Chapter 5 on reviews for non-tenure-track faculty.

## **2.6 Participation in Personnel Decisions (Anti-Nepotism Statement)**

It is the goal of Augustana College that all faculty and staff appointments and promotions be made on the basis of merit, avoiding, even the appearance of bias. Therefore, no member of faculty or administration shall participate in any decision or recommendation relating to the appointment, promotion, merit, tenure, salary, or dismissal of a close relative or domestic partner. Beyond this, decisions related to ordinary privileges-course assignments and the

like-should, whenever practicable, not be determined by close relatives or domestic partners of the recipient, either by single decision or by participation in a collective vote.

## **2.7 Academic Garb**

All faculty members are expected to participate in academic processions in full academic garb.

## **2.8 AAUP Relationship**

The College is a member of the Association of American Colleges and Universities, an original endorser of the American Association of University Professors *1940 Statement of Principles on Academic Freedom and Tenure*. In the case of conflict between the procedures specified in that document, or from the *1970 Interpretive Comments to the 1940 Statement of Principles*, the terms of this handbook shall control. In general, this handbook reflects the historical and continuing commitment of the College to shared governance as articulated in the AAUP's 1967 Statement on Government of Colleges and Universities. The Augustana chapter of the AAUP is active in support of the principles of the association. Meetings are held on call of the local chair and delegates have been sent to state and national conventions. Membership, which is encouraged, is by application, not by solicitation.

## **2.9 Academic Freedom**

Augustana College supports the statement on academic freedom adopted by the American Association of University Professors. That statement is well-summarized as follows: A college or university is a marketplace of ideas and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. In the words of the United States Supreme Court, "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."\*

Augustana faculty shall have complete freedom to present evidence, arguments and examples conducive to the development of the topics and skills they are expected to teach. Where warranted by the requirements of a specific subject, faculty may be required to teach (and students to learn) specific materials and skills that are by predominance of informed opinion essential to the effective teaching of a discipline. Faculty are expected to treat the religious mission of the College with respect, but in areas of thought primarily interpretive and/or philosophical, or in which no general disciplinary consensus has been achieved, no assent to orthodox opinion shall be imposed on faculty as a condition of the adequate performance of their duties, nor shall such opinions be required of any student by a member of the faculty, though students may often be required to demonstrate familiarity with such opinions.

Academic freedom is essential to the protection of the rights of instructors and students. As the AAUP emphasizes, such freedom "carries with it duties correlative with rights."\*\* The primary duty of the faculty is to pursue and to state the truth as they understand it, reasonably, fairly and judiciously. Faculty have a clear responsibility to practice intellectual honesty and tolerance in their teaching. They can be expected to recognize viewpoints

distinct from their own and to permit and encourage rational and civil discussion of all perspectives relevant to the subject of instruction.

Faculty are free to use all reasonable means of discussing their subject in the classroom. Means of instruction shall not be deemed unreasonable simply because of their controversy, since tolerance of controversy is at the heart of any free academic inquiry. However, faculty may be expected to avoid the persistent intrusion of material which has no relation to their subject of instruction.

Faculty have all the freedoms of speech and expression accorded to citizens generally and when speaking or writing are free from all institutional censorship of their opinions. They may be expected, however, to refrain from implying that their institutional employer shares their point of view, especially where the issue is unsettled and the various alternatives controversial. The College assumes no responsibility for statements made by members of the faculty outside the classroom.

The protections of academic freedom belong to all Augustana faculty, without regard to rank, tenure or status of employment; that is, they belong to all persons who exercise teaching responsibilities within the College.

\* “Recommended Institutional Regulations on Academic Freedom and Tenure,” *AAUP Policy Documents and Reports* (American Association of University Professors: Washington, D.C., 1990) 21.

\*\* “1940 Statement of Principles on Academic Freedom and Tenure,” *AAUP Policy Documents and Reports* (American Association of University Professors: 1990)



## CHAPTER THREE: PRE-TENURE AND TENURE EVALUATION

### 3.1 Purpose and Objectives for Pre-Tenure and Tenure Reviews

#### 3.1.1 Pre-Tenure Reviews

These reviews have several fundamental goals. First, the pre-tenure review process strives to create in-depth assessment portrait of faculty members' full performance as teachers, scholars and community members. Second, the process converts these assessment data to meaningful performance appraisals that are communicated candidly to faculty members to help them better understand the College's expectations and needs. Third, the system's feedback to faculty members acknowledges work well done while providing clear cues about what changes to make in order to strengthen future job-specific and College-related contributions.

#### 3.1.2 Tenure Reviews

After faculty members have completed the probationary period, tenure reviews have a single goal: to make informed and fair judgments about the candidates' future potential and promise as effective teachers and advisors, productive scholars and active participants in the campus and local communities. Because probationary colleagues who are tenured become permanent members of the faculty, tenure reviews are intended to be serious, exhaustive and fair assessments.

During this process the statement of tenure and promotion expectations of the faculty member's department and/or program will inform the judgment of the College in its decision. The decision of the College regarding a candidate's tenure will ultimately be an independent assessment based on the overall criteria established in this section.

### 3.2 Schedule for Reviews

In order to provide for timely diagnostic interventions and to be able to view patterns of performance over time, material should be collected and assembled annually by the faculty member. At the same time, to ensure that the evaluation process does not become unduly burdensome or time consuming, the following schedule will be observed:

3.2.1. In years in which pre-tenure faculty are not reviewed by the FRC, they will complete a self-assessment that will be reviewed by the department chair in providing an evaluation of the candidate's progress towards departmental expectations for tenure. The chair will discuss the evaluation with the candidate by the end of each academic year. These self-assessments and department chair's evaluations will be included in the candidate's FRC pre-tenure and tenure review materials. Please refer to the faculty review preparation guidelines.

3.2.2 For tenure track faculty, pre-tenure reviews will be conducted by the Faculty Review Committee according to the following schedule:

3.2.2.1 With no years granted toward tenure – reviews in the second and fourth years with the tenure review scheduled in the sixth year.

- 3.2.2.2 With one year granted toward tenure – reviews in the second year and fall of the fourth year with the tenure review scheduled in the fifth year.
  - 3.2.2.3 With two years granted toward tenure – one review in second year with the tenure review scheduled in the fourth year.
  - 3.2.2.4 With three years granted toward tenure – one review in the second year with the tenure review scheduled in the third year.
  - 3.2.2.5 With four years granted toward tenure – one review in the first year with the tenure review scheduled in the second year. This option is only available to faculty who were previously tenured at another institution, and will only be offered as an option with mutual consent of the candidate, Department or Program chair, Division Chair, and the Dean of the College.
- 3.2.3 The tenure review by the Faculty Review Committee will be conducted in a time frame consistent with guidelines prescribed by the American Association of University Professors, except that in normal cases, no more than two years of prior full-time experience will be counted towards tenure. This provision is designed to give the faculty member maximal time to demonstrate teaching competence in the particular context of this College and to give the College sufficient opportunity to assess the faculty member's teaching potential. Any credit given towards tenure must be negotiated at the time of hire. The tenure review will follow the same format as the pre-tenure reviews, examining material for the faculty member's entire time of service at Augustana.
- 3.2.4 On request, any faculty member may delay the tenure decision by one year for personal reasons related to serious health conditions, the birth or adoption of a child, or the care of a family member. The tenure decision cannot be delayed more than three times.
- 3.2.5 Faculty to be evaluated will be notified by the Dean of the College in the spring semester prior to the year of a regularly scheduled review.

### **3.3 Process for reviews**

- 3.3.1 College-wide tenure considerations  
When the College considers candidates for tenure at least four considerations are taken into account. It is important to be aware that, while any of these factors may have an important influence on the decision to award tenure or not, only the first factor is within the control of the candidates.
- 3.3.1.1 The candidate's performance and future potential and promise as an effective teacher and advisor, productive scholar and active participant in the campus community;

- 3.3.1.2 The current staffing and future needs of the departments involved;
- 3.3.1.3 The likelihood that the College could attract more qualified candidates;
- 3.3.1.4 The financial situation of the College.
- 3.3.2 Role of the Department
  - 3.3.2.1 Department members provide valuable information on candidate performance during pre-tenure reviews. In its tenure assessment, the department should also present an overview of the department's current and future needs. Enrollment data and programmatic considerations should be included.
  - 3.3.2.2 For departments with fewer than three full-time tenured faculty members, the Department Chair, in consultation with the Division Dean and the Faculty Review Committee, will appoint a tenure review committee. This tenure review committee will consist of the tenured member(s) of the candidate's department, plus one or two tenured faculty from other departments as necessary to bring the committee up to three voting members. This should occur as soon as new tenure-track faculty are employed by the College. The outside members will remain on the committee until the time of the tenure review and will be replaced should they leave the college. External members are expected to act as full participants in the entire review process, including advising the candidate, participating in pre-tenure reviews, and rendering the tenure recommendation. In the event the department gains enough tenured members to comprise its own tenure review committee between the candidate's hire and tenure hearing, the candidate has the option to retain the previously appointed committee or to switch to the new departmental tenure review committee.
  - 3.3.2.3 Department and program members must regularly evaluate their tenure-track faculty and ultimately recommend or not recommend an individual for tenure. Department and Program Chairs will articulate this evaluation and report it to the candidate and the College through a letter that discusses the candidate's strengths and areas for needed improvement in the areas of teaching, scholarship and service. An annual department review letter will be submitted to the Dean of the College on non-review years and to the Faculty Review Committee on review years.
    - 3.3.2.3.1 Tenured members of a department (or the members of the tenure review committee formed in the event a department has fewer than three tenured members) should provide information to the Department Chair for each pre-tenure

review, and should vote on the tenure recommendation. To ensure that departmental members have all the information necessary to make informed decisions, candidates should present copies of their reports to the tenured members of the department at least two weeks before the department meets to provide feedback to the Chair. The Chair will then prepare the departmental letter in consultation with the tenured members of the department (or the tenure review committee).

3.3.2.3.1.1 If a tenure candidate teaches in an interdisciplinary program or general education course, the candidate must provide a copy of their review report to the Chair of that program. The Program Chair should review the materials and provide feedback to the chair of the candidate's home department to be included in the review letter.

3.3.2.3.2 The Department Chair will regularly observe a candidate's classes every year. Other tenured members of the department (and tenure review committee) and the candidate's interdisciplinary Program Chair should also observe the candidate's teaching at reasonable intervals and provide feedback to the Chair for the department letter.

3.3.2.3.3 The Chair will also interview a sample of departmental majors in the spring before the tenure review. A summary of these results will be included in the Chair's letter.

3.3.2.3.4 The Chair must provide a copy of the department letter to the candidate, and review its contents with the candidate, before meeting with the Faculty Review Committee for pre-tenure and tenure consideration.

3.3.2.4 In order to clearly communicate with tenure and promotion candidates, departments have been asked to craft statements of expectation for teaching and advising, scholarship, and service both for tenure and for promotion. Approved statements have been vetted by the Faculty Review Committee to ensure that they are in agreement with college standards. These statements will be used by the department members in their evaluation of candidates for tenure and promotion. Tenure candidates from departments without approved statements will rely on information provided by the Faculty Review Committee.

3.3.2.5 The Department Chair is responsible throughout the probationary period for notifying candidates of concerns about their performance at the earliest possible moment. Fairness demands that candidates be fully informed and have reasonable and sufficient time to respond to any

information that may damage their prospects for tenure, or to withdraw from the tenure process if they so choose. If the department is unable to give unqualified support to a candidate's tenure case, the Chair must provide the results of the departmental vote in the department letter for the tenure year. Further, it is the obligation of the Department Chair to share these same concerns with the Faculty Review Committee.

### 3.3.3 Role of Faculty Review Committee

- 3.3.3.1 The pre-tenure review process is designed to provide candidates and departments with all relevant information on progress toward tenure. The most likely outcome of these reviews will be an analysis of the candidate's strengths and weaknesses, and suggestions for improvement. In rare cases, however, the department and FRC may recommend that the candidate be issued a terminal annual compensation agreement.
- 3.3.3.2 For pre-tenure and tenure reviews, the candidate and candidate's Chair meet with the committee. During the review, the candidate provides a brief opening statement and answers questions from the committee. After the candidate leaves the meeting, the Department Chair then elaborates, where necessary, on the department's statement, and addresses any questions the committee has. In unusual cases FRC may ask the candidate to respond in writing to significant allegations/concerns raised during the discussion. In these situations the candidate would need to provide a response to FRC within two weeks after the request has been made. Any information not provided in the candidate's and Chair's submitted written materials and not discussed during the review meeting in the presence of the candidate cannot be introduced after this time.
- 3.3.3.3 The Faculty Review Committee evaluates each candidate based on three performance criteria: teaching and advising effectiveness, professional expression and development, and service to the College and to the community. Detailed guidelines on how to prepare a FRC review portfolio are located on the Tenure and Promotion page of the Academic Affairs webpage.
- 3.3.3.4 Following pre-tenure reviews, the Faculty Review Committee writes a statement to the candidate. The Division Representative to FRC and the department chair then meet with the candidate to discuss the Committee's observations, concerns and recommendations. The candidate or the Division Representative to the FRC may request the attendance of the Dean of the College.
- 3.3.3.5 Following tenure reviews and subsequent deliberations, the Faculty Review Committee votes (via secret ballots) on whether a candidate

should be recommended for tenure. That vote is communicated to the Dean of the College and the President.

### 3.3.4 Role of the Dean of the College, President and Board of Trustees in Tenure Decision

- 3.3.4.1 The Dean of the College participates in tenure hearings and deliberations.
- 3.3.4.2 After receiving the votes of the members of the FRC in tenure decisions, the Dean of the College presents the results of that vote, along with their own recommendation for or against each candidate, to the President. The President then determines if the candidate will be recommended for tenure to the Board of Trustees. The candidate will usually be informed of the President's recommendation within a few weeks after all tenure hearings have concluded.
- 3.3.4.3 The Trustees vote to award tenure at their May board meeting.
- 3.3.4.4 If granted, the candidate receives tenure at the beginning of the next academic year.
- 3.3.4.5 If denied tenure, candidates have the option to remain at Augustana for one more final year.

## 3.4 Preparing a Case for Pre-tenure and Tenure Reviews

- 3.4.1 Tenure and Promotion statements for all departments as well as detailed guidelines on how to prepare a FRC review portfolio are accessible on the “Faculty Review Preparation Documents” webpage. These are acknowledged as official guidelines. Candidates are required to provide the following:
  - 3.4.1.1 A case-making statement summarizing the candidate’s progress and accomplishments in meeting departmental criteria for tenure. It should include the candidate’s philosophy of teaching and learning and use evidence to support a case for effective teaching and advising, professional expression and development, service to campus and community, and contributions to Diversity, Equity and Inclusion efforts.
  - 3.4.1.2 A current curriculum vitae.
  - 3.4.1.3 Summary reports of student evaluations.
    - 3.4.1.3.1 Probationary faculty must administer the form in each class section with more than 10 students.

3.4.1.3.2 The decision by a faculty member not to submit evaluation reports with student comments will not be a factor in the review process.

3.4.2 Candidates are expected to provide representative supplemental materials that offer evidence in support of the points made in the case-making statement.

### **3.5 Review Hearing**

3.5.1 Hearings last approximately one hour.

3.5.2 The first part of each hearing consists of a brief oral presentation by the candidate, lasting approximately 5 minutes. In this presentation, the candidate should not simply repeat information already in the submitted written materials; instead, she or he may wish to:

3.5.2.1 Provide updated information that has emerged since the submission of review materials to the committee.

3.5.2.2 Draw attention to strengths, particularly those whose significance might not be immediately grasped by someone from outside of the field.

3.5.2.3 Address any issues which might reflect negatively upon the case (e.g., a relatively small number of professional activities or undistinguished teaching evaluations).

3.5.2.4 Discuss roles in the future of discipline, department and college.

3.5.3 At the conclusion of the oral presentation, the candidate responds to questions or comments by the Faculty Review Committee and the Dean of the College.

3.5.4 The candidate then leaves the hearing, and the Department Chair remains to elaborate on the department's assessment of the candidate, and to answer any questions the review committee may have.

### **3.6 Archiving Materials**

3.6.1 If candidates have supplied any hard copies of materials as part of their review, they will be notified when their supplemental materials can be retrieved.

3.6.2 Following the tenure review process, electronic materials will be archived by Academic Affairs and access removed for all individuals with whom they were shared. Should the candidate not be recommended for tenure, all materials submitted will be retained for a period of seven years following the candidate's last date of

employment by the College, as required by Illinois state employment law and federal employment regulations. Materials will be permanently deleted at the end of seven years.

### **3.7 Procedural Options Following a Negative Tenure Decision**

- 3.7.1 A candidate not recommended for tenure may request a meeting with the Chair of the Faculty Review Committee, the Dean of the College, and the President to discuss the tenure decision. This meeting must be requested by January 20 of the academic year in which the candidate was considered for tenure.
- 3.7.2 Should the candidate wish to pursue the matter further, she or he must request that the Dean of the College provide a letter explaining the reasons for the negative tenure decision. This letter of explanation becomes a part of that faculty member's personnel file. The request for this letter must be received no later than January 31 of the academic year in which the candidate was considered for tenure.
- 3.7.3 Following the receipt of the request, the administration will complete the letter no later than February 15 of the academic year in which the candidate was considered for tenure. The candidate will be notified by email when the letter is finished.
- 3.7.4 After receiving this letter of explanation, the candidate not recommended for tenure may elect to request, in writing to the Dean of the College, a rehearing by the Faculty Review Committee. Valid reasons for a rehearing are limited to the following: allegations that those involved in the tenure decision violated professional ethics, or the College's policies against discrimination, or the candidate's academic freedom; claims that a procedural error was made in the tenure review process; or claims that those involved in the decision gave inadequate consideration to the evidence. The request for a rehearing of the tenure decision must be submitted to the Dean of the College no later than March 1 of the academic year in which the candidate was considered for tenure.
- 3.7.5 Request for Rehearing and Appointment of Review Panel
  - 3.7.5.1 The request for a rehearing will be reviewed by a randomly selected panel of three former members of the Faculty Review Committee, each representing a different academic division and each coming from an academic division different from that of the candidate for tenure.
  - 3.7.5.2 The Dean of the College will poll former Division Chairs who have served at least one full three-year term in office to determine their availability and willingness to serve on such a Review Panel.
  - 3.7.5.3 From the pool of those former Division Chairs willing to serve, the Chair of the Faculty Council will randomly select the Review Panel, assuring that its membership includes former Chairs from three different divisions and excludes a representative of the tenure candidate's division. This Review Panel must be named by March 15 of the academic year in which



the candidate was considered for tenure.

3.7.5.4 The Review Panel is not asked to reevaluate evidence from the tenure case itself, but ONLY to consider whether a rehearing is warranted, based on evidence of procedural errors in the tenure review process, or of misconduct by someone involved in the process.

3.7.5.5 The Dean of the College will meet with the Review Panel to summarize the deliberations of the FRC leading to its initial tenure recommendation. The Dean of the College will not vote in the panel's proceedings and will not participate in the writing of the panel's report.

3.7.5.6 The Review Panel may examine any part of the candidate's materials submitted to the FRC, as well as any new information bearing directly on the question of whether there was error or misconduct in the FRC's process (as specified in section 3.6.4).

The Review Panel may also interview any persons it deems necessary. All records of the proceedings of the Review Panel are confidential.

3.7.5.7 Review Panel Outcomes

3.7.5.7.1 If a majority of the Review Panel recommends against a tenure rehearing, the decision shall be communicated to the candidate, the Dean of the College and the President in writing, and the tenure rehearing process shall be terminated. In this case, the original decision not to recommend the candidate for tenure shall stand.

3.7.5.7.2 If two or three members of the Review Panel recommend in favor of a rehearing, this shall be reported in writing to the President, the Dean of the College, the FRC and the candidate, together with an explanation of the possible "errors" (as specified above in section 3.7.4) that led the Review Panel to believe a rehearing of the tenure case is warranted.

3.7.5.7.3 In either case, the report of the Review Panel must be delivered to the Dean of the College and the candidate by March 31 of the academic year in which the candidate was considered for tenure.

3.7.5.8 If the Review Panel recommends a rehearing of the tenure case in question, the candidate for tenure will have one week to prepare and submit materials not already on file with the FRC to the Office of the Dean of the College. Submission of any additional materials is limited to materials deemed immediately relevant to the reasons for which the rehearing is being granted. Such materials must be submitted to the

Office of the Dean of the College not later than April 8 of the academic year in which the candidate was considered for tenure.

- 3.7.5.9 Based on the Review Panel's recommendation and report, the FRC will rehear the case, taking into consideration the candidate's originally submitted materials and any additional information that either the candidate for tenure or the FRC believes bears directly on the reasons for which a rehearing was granted. This rehearing must be scheduled between April 15 and April 30 of the academic year in which the candidate was considered for tenure.
- 3.7.5.10 This rehearing by the FRC will resemble the procedures followed in the initial tenure hearing as closely as possible. The Dean of the College will be present, as will all the members of the Faculty Review Committee. The candidate, as in the original tenure hearing, will make an opening statement followed by questions from the members of the FRC and the Dean of the College. At the conclusion of the questions and answers, the candidate for tenure will be asked to leave and the FRC will meet with the Department Chair only for further discussion of the candidate. Following this discussion, the Department Chair will be asked to leave, and the FRC will begin its deliberations.
- 3.7.5.11 Rehearing of a tenure case by FRC represents the final stage of the appeal process; no further appeal is possible. All proceedings of the Faculty Review Committee are confidential. Letters submitted to the FRC by the candidate for tenure or by members of the Augustana community become the property of the FRC and Augustana College as part of its administrative procedures and as such are covered by the same expectations of confidentiality. Copies of such letters are not to be shared with anyone beyond the members of the FRC, to whom they should be addressed, and designated members of the college administration.
- 3.7.5.12 If the Faculty Review Committee recommends against tenure for the candidate in question, it will state its reasons in writing to the candidate and the President, including a response to the findings of the Review Panel. If the Faculty Review Committee recommends that the candidate should be advanced to tenured status, it will report that decision to the President. In either case, the report of the rehearing must be submitted to the President and the candidate not later than May 1 of the academic year in which the candidate was considered for tenure.
- 3.7.5.13 Final decision, as specified in the Constitution of Augustana College, rests upon the positive recommendation of the President and the approval of the Board of Trustees during the academic year in which the candidate was considered for tenure. The long-term staffing needs of each department and the College will be taken into consideration by the President and Board of Trustees when candidates are reviewed for tenure.

Criteria that need be considered may include, but are not limited to: enrollment patterns, program changes, potential for staff additions, prospective retirements and resignations and financial considerations.

## CHAPTER FOUR: RANK, PROMOTIONS, AND POST-TENURE EVALUATION

### 4.1 Overview of Promotion System

- 4.1.1 The primary goal of promotion is to formally acknowledge the development of tenure-track faculty members' roles both within their respective disciplines and within the College. Thus, promotions will be based on factors such as evidence of development in teaching and advising, evidence of professional activity, and evidence of service to the College and community.
- 4.1.2 Candidates for promotion to ranks above Assistant Professor are considered by the Faculty Review Committee, whose recommendations are forwarded by the Dean of the College to the President of the College for final action by the Board of Trustees.
- 4.1.3 Promotions will be based on evidence of continued professional development in each of the four areas pertaining to faculty evaluation (teaching and advising, professional expression and development, campus and community service). The Faculty Review Committee will consult departmental statements on promotion standards for teaching and advising, scholarship, and service in their evaluation of candidates for promotion. It is expected that as careers develop, faculty should assume service roles outside of the home department while continuing to be professionally-active teachers and scholars. Though faculty will automatically be considered for promotion after eight years in rank (and possibly earlier given special circumstances), a promotion, like tenure, must be earned. The decision will be based on careful consideration of information from the tenured members of the department or program and other relevant sources.
- 4.1.4 It is in the interests of the College, the faculty, and the administration to provide tenured faculty with opportunities to serve the College and gain professional experience by assuming positions in administration. Therefore, members of the tenured faculty at the rank of Associate Professor who have assumed administrative duties in the College while retaining tenure will be considered full-time faculty for the purposes of promotion to Professor rank. Their time spent as administrators will count as years of service in rank for this purpose.

### 4.2 Definitions of Rank for Tenured and Tenure-track Faculty

- 4.2.1 Promotion to the rank of Assistant Professor  
A tenure-track Instructor will be promoted to the rank of Assistant Professor upon earning a Doctorate (or other appropriate terminal degree) or upon completion of a successful review and five years of service.
- 4.2.2 Promotion to the rank of Associate Professor  
Probationary faculty members with Assistant Professor rank are considered for promotion to the rank of Associate Professor by the Faculty Review Committee at the time of their tenure review. Upon receiving a favorable tenure recommendation by the Faculty Review Committee, the faculty member is automatically recommended for promotion to the rank of Associate Professor. Promotion is

effective only after (a) approval of the Faculty Review Committee's recommendations by the President and the Board of Trustees and (b) completion of the probationary period at Augustana or completion of five years in rank as an Assistant Professor at Augustana, whichever comes last.

Note: the probationary period at Augustana, as per AAUP guidelines, continues until the end of the academic year following that of the tenure decision.

#### 4.2.3 Promotion to the rank of Professor

4.2.3.1 At this highest level, promotion, like tenure, must be earned. It is expected that as careers develop, faculty should assume leadership roles within the College while continuing to show evidence of significant growth in all areas of faculty evaluation (teaching and advising, professional expression and development, campus service, community service), with meritorious achievement apparent in some portion of the record.

4.2.3.2 Tenured or tenure-track faculty at the rank of Associate Professor with an earned doctorate or appropriate terminal degree will automatically be *considered* for promotion after completion of seven years of full-time service in rank (i.e., in the eighth year), but promotion itself is not automatic. Faculty not receiving promotion would thereafter automatically be considered for promotion at two-year intervals (i.e., in the tenth year and so on). The Department Chair, the Division Chair or the Dean of the College may nominate a faculty member for early consideration once the candidate has completed five years of service at the associate rank. Promotion takes effect at the beginning of the next academic year, following a positive Faculty Review Committee recommendation and approval by the President and the Board of Trustees.

4.2.3.3 If a faculty member is tenured at another institution and has served as an Associate Professor at that institution for at least 6 years, that faculty member would be eligible to be considered for early promotion to full Professor at Augustana College. Normally a total service of 8 years as an Associate professor is required (at Augustana or elsewhere) to be considered for regular promotion to full Professor. In these cases, promotion to full Professor can occur at the time of tenure or after.

### 4.3 Academic Rank for Professional, Adjunct and Part-time Faculty

#### 4.3.1 Eligibility and Criteria

4.3.1.1 To be eligible for promotion to the academic rank of Assistant Professor or above, APT and Professional faculty must teach an average of at least 12 credits/year for the specified years of service.

4.3.1.2 APT and Professional faculty will be evaluated for promotion based upon their teaching effectiveness and effectiveness in discharging responsibilities other than classroom teaching that are in accordance with the candidate's position. Candidates for promotion are expected to demonstrate commitment to the life of the college through ongoing development in those activities for which they are responsible. For promotion procedures for APT and Professional Faculty, please see section 4.5.

#### 4.3.2 Rank at time of employment

Please refer to section 2.3.4 "Faculty Rank at Time of Employment"

#### 4.3.3 Professional, Adjunct and Part-time Faculty Ranks

- 4.3.3.1 Professional, Adjunct or Part-time Instructor: Individuals who lack a terminal degree in their area of teaching unless recommended for promotion by their Department Chair.
- 4.3.3.2 Professional, Adjunct or Part-time Assistant Professor: Individuals who possess a terminal degree in their area of teaching or individuals without a terminal degree who have been recommended by their Department Chair and approved by the Faculty Review Committee.
- 4.3.3.3 Professional, Adjunct or Part-time Associate Professor: Individuals who have served as an Assistant Professor for seven years (with at least 84 credits of teaching and advising) and who have been recommended by their Department Chair and approved by the Faculty Review Committee.
- 4.3.3.4 Professional, Adjunct or Part-time Professor: Individuals who have served as an Associate Professor for seven years (with at least 84 credits of teaching and/or advising) and who have been recommended by their Department Chair and approved by Faculty Review Committee.

### 4.4 Promotion Procedure for Tenured Faculty

4.4.1 The second post-tenure review will occur in the fall of the year that an individual is eligible for automatic consideration for promotion to full Professor (eighth year in rank), unless a one-year delay is requested by the faculty member. For that review, the Department Chair will indicate, in addition to the information typically provided, support or non-support for promotion. This letter should include the Department Chair's assessment of the promotion candidate's teaching based on review of student evaluation data for all course sections taught since the granting of tenure. Typically this would also include regular teaching observations conducted by tenured members of the department in the years leading up to promotion. For departments with fewer than three full-time faculty members at Professor rank, the Department Chair, in consultation with the Division Dean and the Faculty Review Committee, will appoint a promotion review committee composed of

additional faculty members at Professor rank from outside the department in order to constitute a promotion review committee of three voting members. This committee should be created at least one year in advance of the deadline for promotion materials. The Department Chair will consult the members of the promotion committee and include their assessment in the letter. When a Department Chair is under review for promotion, the voting members of the committee will select the letter's author. In cases of departments with no senior members, the department, in conjunction with the Division Dean, will select the author of the letter from the members of the review committee. When FRC representatives undergo review, the member's Division Dean, in consultation with the FRC and the Dean of the College, will select a replacement representative from among those faculty who have formerly served on the FRC or its predecessor, the Faculty Welfare Committee.

4.4.2 Candidates for promotion are expected to provide a report with the same elements as those required for probationary faculty in section 3.2. Tenure and Promotion statements for all departments as well as detailed guidelines on how to prepare a FRC review portfolio are located on the Tenure and Promotion webpage, which is linked on both the Faculty Review Committee and Academic Affairs webpages. The Department Chair will provide a letter summarizing the views of the entire department and stating support or nonsupport consistent with the requirements in section 4.1.1. Promotion takes effect at the beginning of the next academic year if recommended by the President and approved by the Board of Trustees.

4.4.3 Accelerated schedule of eligibility

The Provost, the Division Dean, or the Department Chair may nominate for consideration a faculty member of exceptional ability and contribution after that faculty member has completed service for five years (i.e., in the sixth or seventh year) as an Associate Professor. If a faculty member is successful in being promoted early, subsequent reviews will occur at five-year intervals starting from this new, reset review schedule. If a faculty member is not successful in being promoted early, they will stand for promotion during the regularly scheduled year eight review (early promotion may only be attempted once).

4.4.4 Evaluating teaching for promotion candidates in administrative capacities:

Those candidates for promotion to Professor rank who are serving as administrators will include evidence that their administrative work has contributed in material ways to the advancement of the teaching mission of the college in their promotion applications, which will serve as a basis for the evaluation of "teaching" for the promotion decision. Accordingly, the elements of teaching observation assessment and student course evaluation reports as evidence of teaching development in sections 4.1.3 and 3.4.1 will not be required for the years in which the candidate has served as an administrator.

## **4.5 Promotion Procedures for Professional, Adjunct and Part-time Faculty**

4.5.1 Instructors who have accumulated at least seven individual years of service (consecutive or not) averaging 12 credits per year may be promoted to Assistant Professor.

4.5.2 APT, Continuing Lecturers, and Professional faculty who have accumulated at least

seven individual years of service as Assistant Professor (consecutive or no averaging 12 credits per year may be promoted to Associate Professor. APT, Continuing Lecturers, and Professional faculty who have accumulated at least seven individual years of service as Associate Professor (consecutive or not) averaging 12 credits per year may be promoted to Professor.

4.5.3 APT, Continuing Lecturers, and Professional faculty may be promoted to Associate Professor or to Professor after six years of unusually meritorious service in the previous rank, typically involving outstanding and varied teaching. Scholarly achievement and/or notable service to the college may also be considered at the candidate's discretion.

4.5.4 To be considered for promotion, [an APT faculty] candidate must be nominated in writing by the Department Chair. This letter must include an evaluation of the candidate's teaching based on student course evaluations and at least two classroom observation visits conducted by tenured members of the department in the year the candidate is nominated. The candidate is expected to provide a report with the same elements as those required for probationary faculty in section 3.2. In addition, candidates will provide electronically a copy of the personal statement, CV and student course evaluation reports. The personal statement is a case-making statement regarding teaching, advising, if applicable, evidence of student learning, and evidence of engagement in the discipline and in the life of the College. Candidates may at their discretion supply supplemental materials similar to those described for probationary faculty.

## **4.6 Post-tenure Review Process**

4.6.1 Scheduling and purpose of reviews

4.6.1.1 The first two post-tenure reviews will occur at four-year intervals (year four after tenure; year eight after tenure) to correspond with consideration for promotion. These reviews will be conducted by the entire Faculty Review Committee, except when the second review is preceded by an early promotion to Professor rank, in this case, the review will be conducted by a three-person panel of the Faculty Review Committee. (Early promotion can only be attempted once before Full Professor review). Thereafter, post-tenure reviews will occur at five-year intervals. Full Professors will be provided with three options (2/8/18 Faculty meeting): 1) A meeting and review of materials with the Dean of the College, Division Chair and Department/Program Chair; 2) A meeting and review of materials with the Department/Program Chair and Faculty Review Committee; 3) A review of materials without a meeting. Faculty are expected to participate in the post-tenure review process as scheduled. Participation in the review process is a prerequisite for PMA funding and consideration for sabbatical leave.

4.6.1.2 Such reviews assess each tenured colleague's job performance, identifying areas of excellence and opportunities for growth, as well as suggesting



possible resources to support that growth. The process, style and tone of this review closely follow that of pre-tenure reviews. Preparing for the review process encourages faculty members to clarify and refine their professional objectives and to consider new areas of development. The review itself aspires to help each faculty member chart a course through the various career stages of a professional educator, and to help the faculty member harmonize his or her needs and goals with those of the College.

- 4.6.1.3 Each post-tenure review results in a written response from the Faculty Review Committee.

#### 4.6.2 Preparing a case for post-tenure reviews

##### 4.6.2.1 Post tenure review

Tenure and Promotion statements for all departments as well as detailed guidelines on how to prepare a FRC review portfolio are located on the “Faculty Review Preparation Documents” webpage. Candidates are required to provide the following:

- 4.6.2.1.1 A case-making statement summarizing the candidate’s progress and accomplishments in meeting departmental criteria for promotion. It should include the candidate’s philosophy of teaching and learning and use evidence to support a case for effective teaching and advising, professional expression and development, service to campus and community, and contributions to Diversity, Equity and Inclusion efforts.

- 4.6.2.1.2 A current curriculum vitae

- 4.6.2.1.3 Summary reports of student evaluations. The decision by a faculty member not to submit course evaluation reports with student comments will not be a factor in the review process.

- 4.6.2.2 Candidates should provide representative supplemental materials that offer evidence in support of the points made in the candidate’s report.

- 4.6.3 Department members provide valuable information on candidate performance during post-tenure reviews. This information is reported to the Faculty Review Committee in the form of a letter provided by the Department. The letter will address the candidate’s performance, particularly in the areas of teaching and advising, scholarship and professional activity, and service, in terms of the department’s guidelines for tenure and promotion decisions. In the case of a tenured faculty member being reviewed prior to promotion to Professor rank, this letter should be informed by input gathered by the Chair from the tenured faculty members in the candidate’s department (or from the candidate’s promotion review committee, in the case of small departments). When a Department Chair is under review, the department will discuss the letter and select the author. In cases of small departments with few or no senior members, the department, in conjunction with the Dean of the College, will select the author of the letter.

## 4.7 Review Components

Detailed guidelines on how to prepare a FRC review portfolio are located on a linked page of the Academic Affairs webpage.

4.7.1 Teaching and advising effectiveness is understood and evaluated in terms of, but not limited to, the following:

4.7.1.1 The ability to communicate information and ideas and the capacity to encourage and promote learning in the classroom.

4.7.1.2 The overall organization of the courses taught.

4.7.1.3 Evidence of an ongoing effort to remain informed about and intellectually engaged in current developments in the field.

4.7.1.4 The faculty member's course management skills.

4.7.1.5 Evidence of student learning.

4.7.2 Professional Activity

4.7.2.1 Professional Expression (publications, performances and presentations). Assessment of the quality of professional expression will rest on such considerations as the prestige of the publisher or journal, the prominence of the conference or venue, exhibit or performance, the comments of published reviews, the existence and number of citations of the work and evaluations by respected members of the discipline. Often these quality assessments can be made in consultation with tenured colleagues from the faculty member's discipline or from other participants in enrichment experiences. Occasionally, external sources will have to be consulted to validate the quality of professional activity. Activity in this regard can be understood and evaluated in terms of, but not limited to, behaviors and practices such as the following:

4.7.2.1.1 The faculty member publishes a book (or book chapter), a monograph, an article in a scholarly journal, a musical composition or arrangement, a review of an article, book, or artistic production, or a contribution to an encyclopedia, gallery catalog, or brochure.

4.7.2.1.2 The faculty member presents a paper (or poster) at a professional meeting, or exhibits a painting, sculpture or other creative artwork. The faculty member performs in or directs, stages or designs costumes/sets for, a musical, theatrical or dance production.

- 4.7.2.1.3 The faculty member gives an invited lecture at another college, or a presentation to a museum or area school audience. The faculty member works as a consultant or with governmental commissions (e.g., historical preservation) in his or her field.
- 4.7.2.1.4 The faculty member is elected to a learned society or receives an honor or prize for academic distinction.
- 4.7.2.1.5 Professional expression is not limited to a traditional disciplinary focus. It may also include a contemporary focus on the scholarship of the teaching and learning process itself.

4.7.2.2 Professional Development (organizational and other professional activities). Determination of the quality of the active, off-campus aspects of professional development will primarily hinge on the prominence of the organization or professional meetings involved. The value of other aspects of professional development will depend on the degree of intensity or effort the faculty member devotes to the various projects. Often these quality assessments can be made in consultation with tenured colleagues from the faculty member's discipline or from other participants in enrichment experiences. Occasionally, external sources will have to be consulted to validate the quality of professional activity. Activity in this regard can be understood and evaluated in terms of, but not limited to, behaviors and practices such as the following:

- 4.7.2.2.1 The faculty member belongs to, serves on a committee or board of, or holds an elective office in, a relevant professional organization.
- 4.7.2.2.2 The faculty member attends, or serves as an organizer, presider, or discussant at, a professional meeting.
- 4.7.2.2.3 The faculty member pursues additional coursework or a program of disciplined reading and study, prepares a grant proposal or participates in external visitations in his or her field.
- 4.7.2.2.4 The faculty member attends teaching-related conferences and participates in on-campus opportunities such as Teaching Observation Groups and the Center for Faculty Enrichment workshops.

#### 4.7.3 Service

4.7.3.1 The College expects faculty to be engaged beyond the stated teaching and professional expression expectations of the position. Information about the quality of the faculty member's involvement in campus service will be secured from such sources as Department Chairs and tenured colleagues, committee chairs, the Deans and Associate Deans, the directors of

foreign study and the honors programs, advisors to student organizations and the admissions office. Campus service can be understood and evaluated in terms of, but not limited to, behaviors and practices such as the following:

4.7.3.1.1 The faculty member serves her or his department as the Chair or as a leader in curricular development.

4.7.3.1.2 The faculty member serves the College as a member of the Faculty Council or a college committee, a participant in student recruitment activities, a peer reviewer or a participant in first-year sequence, honors or foreign term programs.

4.7.3.1.3 The faculty member serves a student group as a sponsor, advisor or guest speaker.

4.7.3.1.4 The faculty member is active in assessment planning and procedures.

4.7.3.2 Public service can be understood as involvement in the community that is generally related to the faculty member's professional role. Assessment of the quality of the faculty member's involvement in public service will be based largely on information from representatives of the community organizations involved. It can be evaluated in terms of, but not limited to, behaviors and practices such as the following:

4.7.3.2.1 The faculty member participates in, or serves as an uncompensated consultant for, a civic or community organization.

4.7.3.2.2 The faculty member serves as an invited speaker to a community group.

## CHAPTER FIVE: EVALUATION FOR NON-TENURE TRACK FACULTY

### 5.1 Overview

Detailed guidelines on how to prepare a FWC review portfolio are located on a linked page of the Academic Affairs webpage

- 5.1.1 Once every five years, non-tenure track faculty who meet the parameters for voting rights in section 2.1 will have the option to participate in a performance review in order to gain or retain those voting rights. Faculty who intend to participate in review should notify their Department Chair and FRC representative by June 1 of the academic year preceding the review.
- 5.1.2 Performance reviews will differ from tenure reviews, as they will be aimed at helping the Faculty Review Committee better understand the reviewee's performance in the context of their specific duties and at providing feedback regarding their effectiveness.

### 5.2 Process for reviews

- 5.2.1 Process for non-tenure-track faculty other than librarians (see section 5.6)
  - 5.2.1.1 A performance review consists of the candidate's self-study report, supporting materials and a meeting with a three-person panel of the Faculty Review Committee. Detailed guidelines on how to prepare a FRC review portfolio in accordance with section 5.3 are located on the "Faculty Review Preparation Documents" webpage and are acknowledged as the official guidelines.
  - 5.2.1.2 Each Department Chair or Program Coordinator is expected to produce a brief report and commentary for the Faculty Review Committee and to discuss its contents with the candidate. In order to do that, they should have actually observed classroom work or other group instruction and they should have access to student evaluations. The Faculty Review Committee does not specify the number of observations that should be logged in, the scope of the chairperson's report, nor the appropriate degree of scrutiny when examining student evaluations.
  - 5.2.1.3 After the review, the Faculty Review Committee will write a letter describing the candidate's achievements and any professional challenges. If the candidate would like to discuss this letter after the review, he or she should contact the appropriate Division Chair or the Chair of the Faculty Review Committee.
- 5.2.2 Process for reviewable administrators with lab, clinical, or internship responsibilities:

- 5.2.2.1 A performance review consists of the candidate's short self-study report, supporting materials and a meeting with your Review Committee (composed of Department Chair, Division Chair, and the Dean of the College). The candidate should provide three (3) copies of this report, one for each member of the Review Committee. The candidate will provide a copy to the Program Coordinator. In addition, please provide electronically in a single file, a copy of your statement, CV, and any other available documentation to the Dean of the College's office.
- 5.2.2.2 Each Department Chair is expected to produce a report, using a standardized performance evaluation format, and commentary for the College and to discuss its content with you. If there has been a recent change in the Department Chair, the current and the most recent Chair will each be asked to complete the performance evaluation form.
- 5.2.2.3 After the review, the Review Committee will write a letter describing the candidate's achievements and any professional challenges. If the candidate would like to discuss this letter after the review, he or she should contact any member of the Review Committee.

### **5.3 Evaluation Components and Review Materials**

- 5.3.1 Required Materials. Faculty members should provide the materials listed below.
  - 5.3.1.1 A personal statement that includes discussion of responsibilities, achievements, and goals. The faculty member should describe the responsibilities associated with the faculty member's current position. The "achievements" section should explain and provide evidence of effectiveness in teaching and in any non-teaching roles associated with the position, including evidence of commitment to DEI. The "goals" section should address what the faculty member hopes to achieve as a professional in the next five years.
  - 5.3.1.2 A current curriculum vitae
  - 5.3.1.3 Course evaluation summary sheets from courses taught in the last five years.
  - 5.3.1.4 Representative syllabi from courses most frequently taught in the last five years.
- 5.3.2 Supporting materials. Select supporting materials are appreciated as evidence of the faculty member's professional effectiveness but are not required. Supporting materials might include representative samples of assignments, rubrics, student work, student feedback, evidence of professional development or accomplishments associated with the faculty member's position, etc.

## **5.4 Review Meeting**

The candidate and Department/Program Chair meet with the Review Committee. Candidates present a brief statement and then respond to questions/comments from the Committee. The Department/Program Chair then meets separate with the Committee.

## **5.5 Review and Promotion Process for Librarians**

5.5.1 Librarians usually will begin employment at Augustana College at the Instructor level. Exceptions based on previous library experience may be made by the Provost, in consultation with the Library Director.

5.5.2 Librarians will complete annual reviews with the Library Director.

5.5.3 After five years of service (in the sixth year), librarians will participate in a review similar to that required for tenured and tenure-track faculty. Performance reviews will be aimed at helping the Faculty Review Committee better understand the librarian's performance in the context of their specific duties and at providing feedback regarding their effectiveness.

5.5.4 Using the criteria noted in the Review and Promotion Guidelines for Librarians document located on the "Faculty Review Preparation Documents" webpage, the FRC will vote whether to recommend the candidate for promotion to Assistant Professor. Final approval rests upon the positive recommendation of the President and the approval of the Board of Trustees. Librarians who are not promoted to the rank of Assistant Professor in the first five-year review are eligible for reconsideration after two years. Performance reviews occur every five years thereafter.

5.5.5 After the first performance review, librarians will be reviewed by the FRC at five year intervals.

5.5.6 Librarians will not be eligible to achieve the rank of Associate Professor or of full Professor, nor will they be eligible for tenure.

## **5.6 Evaluation Materials Librarians Submit to the Faculty Review Committee**

5.6.1 See the "Faculty Review Preparation Documents" webpage for detailed instructions on what, where, and when to submit the portfolio. Faculty librarians should provide the materials listed below:

5.6.1.1 A five- to seven-page personal statement that includes an explanation of "responsibilities" that are a part of the position, including instruction and other activities that support teaching and learning; individual "goals" as a teacher and a professional that include instructional philosophy, strategies and objectives, efforts related to DEIA, and plans for future instructional and professional development; and notable "achievements" in terms of monitoring and assessing effectiveness, steps taken to strengthen teaching, recognitions received for professional work, and demonstrating commitment to DEIA.

#### 5.6.1.2 Curriculum vitae.

5.6.2 Candidates are not required to solicit letters of support. Comments from students or colleagues should be directed to the review committee for inclusion in the librarian's materials.

5.6.3 Supporting materials. Select supporting materials are appreciated as evidence of the librarian's effectiveness but are not required. Supporting materials might include copies of class material, student evaluations and/or evidence of assessment, samples of professional work, reviews of professional work or other evidence of its quality, etc.

5.6.4 A primary source of information is the librarian's portfolio. Information will be gathered from a variety of sources such as peer observations and reviews, input from the Library Director, and student feedback. Student feedback will be obtained by using instruments designed or adopted by the librarians to evaluate instruction and reference assistance, respectively. Examples of handouts, PowerPoint presentations, etc. will be included. Reviewers may also consider such information as letters from students and/or various indicators that the librarian has provided special learning opportunities for some students.



## CHAPTER SIX: SEPARATION FROM THE COLLEGE

### 6.1 Resignation

- 6.1.1 In order to give the College adequate time in which to find replacements, faculty members expecting to resign should so inform their Department Chair and the Dean of the College as early as they can, usually not later than March 1.
- 6.1.2 Concerning the ethics of recruitment and resignation, the faculty and administration of Augustana College endorsed the following statement approved by the Association of American Colleges and the AAUP and published in "Liberal Education," March, 1961: The standards set forth below are commended to administration and faculties in the belief that they are sound and should be generally followed. They are predicated on the assumption that proper provision has been made by employing institutions for timely notice to probationary faculty members and those on term appointments with respect to their subsequent status. In addition to observing applicable requirements for notice of termination to probationary faculty members (part-time instructors not included) not later than March 15 of each year of their status the following fall, including rank and (unless unavoidable budget procedures beyond the institution forbid) prospective salary.
  - 6.1.2.1 Negotiations looking to the possible appointment for the following fall of persons who are already faculty members of other institutions, in active service or on leave of absence and not on terminal appointment, should be begun and completed as early as possible in the academic year. It is desirable that, when feasible, faculty members who have been approached with regard to another position inform the appropriate officers of their institution when such negotiations are in progress. The conclusion of a binding agreement for the faculty members to accept an appointment elsewhere should always be followed by prompt notice to their institution.
  - 6.1.2.2 A faculty member should not resign in order to accept other employment as of the end of the academic year later than May 15, or 30 days after receiving notification of terms of continued employment the following year, whichever date occurs later. It is recognized, however, that this obligation will be in effect only if institutions generally observe the time factor set forth in the following paragraph for new offers. It is also recognized that emergencies will occur. In such an emergency the faculty member may ask the appropriate officials of their institution to waive this requirement, but they should conform to their decision.
  - 6.1.2.3 To permit a faculty member to give due consideration and timely notice to their institution in the circumstances defined in paragraph 1 of these

standards, an offer of appointment for the following fall at another institution should not be made after May 1. The offer should be a “firm” one, not subject to contingencies.

6.1.2.4 Institutions deprived of the services of faculty members too late in the academic year to permit their replacement, by securing the members of other faculties in conformity to these standards and institutions otherwise prevented from taking timely action to recruit from other faculties, should accept the necessity of making temporary arrangements or obtaining personnel from other sources, including new entrants to the academic profession and faculty personnel who have retired.

6.1.2.5 Except by agreement with their institution, a faculty member should not leave or be solicited to leave a position during an academic year for which an appointment is held.

## **6.2 Retirement**

In compliance with federal and state law, no faculty member is required to retire at any specific age. Because faculty retirements impact hiring needs, faculty members are encouraged to communicate with the Dean of the College and the President of the College regarding their particular retirement intentions.

## **6.3 Non-Reappointment**

The decision not to reappoint a faculty member without tenure may be with or without cause. Notice of non-reappointment of full-time and shared-appointment faculty will be given in writing:

- 6.3.1 Not later than March 1 of the first academic year of service, if service is to terminate at the end of the first year.
- 6.3.2 Not later than December 15 of the second academic year of service, if service is to terminate at the end of the second year.
- 6.3.3 At least 12 months before the expiration of an appointment after two or more years of service, but not later than May 15 prior to the terminal year.

## **6.4 Dismissal**

### **6.4.1 Grounds for dismissal**

Dismissal of a faculty member who has tenure or whose term appointment has not expired can occur due to:

- 6.4.1.1 Demonstrably bona fide financial exigency as declared by the Board of Trustees;

- 6.4.1.2 Bona fide discontinuance of a program or area of instruction for reasons other than financial exigency;
- 6.4.1.3 Demonstrable medical disability that prevents the faculty member, with or without reasonable accommodation, from performing the essential functions of the position; or
- 6.4.1.4 Moral turpitude, gross negligence or incompetence in one's field. Moral turpitude, gross negligence or incompetence in one's field includes such conduct as:
  - 6.4.1.4.1 Repeated or serious violations of College policies;
  - 6.4.1.4.2 Repeated failure or refusal to perform satisfactorily academic or other duties in connection with the faculty member's position at the College despite oral and written warnings;
  - 6.4.1.4.3 Theft or misappropriation of College funds, supplies or equipment;
  - 6.4.1.4.4 Appropriation of another person's work without appropriate credit;
  - 6.4.1.4.5 Deliberate or serious violations of the rights or freedoms of other faculty members, employees or students;
  - 6.4.1.4.6 Falsification of credentials or experience;
  - 6.4.1.4.7 Conviction of a felony or of a crime involving moral turpitude or relating to the faculty member's fitness to practice his or her profession.

## 6.4.2 President and Faculty Review Committee Role

- 6.4.2.1 When reasons arise to question whether adequate cause/reason exists for dismissal of a faculty member who has tenure, or whose term appointment has not expired, the President or the President's designee, in consultation with that faculty member, may terminate the relationship at that point by mutual agreement.
- 6.4.2.2 If the matter is not resolved by mutual consent at that point, the Faculty Review Committee shall informally inquire into the situation to effect a resolution, if possible, and if no resolution is achieved, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be instituted.

6.4.2.3 If the Committee recommends that said proceedings begin, or if the President, after considering a recommendation of the Committee favorable to the faculty member, concludes that dismissal proceedings should be undertaken, action will be commenced under the procedures that follow except where there is disagreement.

6.4.2.4 A statement with reasonable particularity of the grounds for dismissal should be jointly formulated by the President and the Committee; if there is disagreement, the President or the President's designee should formulate the statement.

### 6.4.3 Formal Proceedings

#### 6.4.3.1 Commencement of proceedings

6.4.3.1.1 Formal proceedings to consider dismissal are commenced by a written communication addressed to the faculty member by the President informing the faculty member of the grounds for dismissal and informing the faculty member that, at the faculty member's written request, a hearing will be conducted by the Faculty Review Committee at a specified time and place to determine whether the faculty member should be dismissed from the faculty for the grounds stated.

6.4.3.1.2 In setting the date of the hearing, sufficient time should be allowed the faculty member to prepare a defense, but the hearing should not be set more than 30 days after the faculty member receives the statement of grounds, absent compelling reasons.

6.4.3.1.3 The faculty member should state in reply whether he or she wishes a hearing and shall also answer in writing, not less than one week before the hearing, the statement of grounds for dismissal in the President's letter.

6.4.3.1.4 If no hearing has been requested by the faculty member, he or she shall promptly answer the statement of grounds for dismissal in writing, prior to the consideration of the matter by the Faculty Review Committee without a hearing.

### 6.4.4 Procedures Without Hearing

6.4.4.1 If a hearing has not been requested by the faculty member, the Faculty Review Committee shall consider the case on the basis of the grounds for dismissal in the President's letter, the faculty member's answer and other obtainable information and decide whether grounds for dismissal exist.

6.4.4.2 The President or the President's designee has the option of attendance at the Committee's meeting.

#### 6.4.5 Hearing Procedures

6.4.5.1 If the faculty member requests a hearing, the following procedures shall apply:

6.4.5.1.1 The faculty member shall be entitled to attend the hearing, with counsel, if he or she so chooses.

6.4.5.1.2 The President or the President's designee may attend the hearing and assist in developing the case and presenting evidence or witnesses in support of dismissal.

6.4.5.1.3 The Faculty Review Committee shall determine the order of proof, conduct the questioning of witnesses and secure the presentation of evidence relevant to the determination of the issues. The faculty member, the faculty member's counsel and the President or the President's designee may also question witnesses who testify orally, within reasonable limits.

6.4.5.1.4 The Faculty Review Committee, after consultation with the faculty member and the President, shall determine whether the hearing is conducted publicly or in private. Absent compelling reasons, the hearing shall be conducted in private.

6.4.5.1.5 The Faculty Review Committee shall exercise its best efforts, if needed, to assist the faculty member in securing the attendance of witnesses.

6.4.5.1.6 The faculty member shall have the right to confront adverse witnesses, except for compelling reasons as determined in the discretion of the Faculty Review Committee. Where compelling reasons move the Committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as any statements or information provided by such witness, shall nevertheless be disclosed to the faculty member. Subject to these safeguards, written or oral statements may when necessary be taken outside the hearing and reported to the Committee.

6.4.5.1.7 Any exhibits or written statements or other evidence shall be made a part of the record of the proceedings.

6.4.5.1.8 It shall not be necessary to follow formal rules of evidence or court procedure.

6.4.5.2 The Faculty Review Committee shall reach its decision in conference, on the basis of the testimony and evidence presented. The Committee may reach a decision promptly, without having the record of the hearing transcribed, when it believes that a just decision may be reached by this means; or it may await the availability of the transcript if it believes its decision would be aided thereby. The Committee should make explicit findings with respect to each of the grounds for removal presented and issue a reasoned written opinion.

6.4.5.3 Publicity concerning the Faculty Review Committee's decision should be withheld until after the President has had an opportunity to consider the Committee's decision. Any release to the public shall be made through the President's office.

6.4.5.4 The President and the faculty member should be notified of the decision in writing and should be given a copy of the record of the proceedings and any witness statements, exhibits, and the transcript, if a transcript has been prepared.

6.4.5.5 Publicity concerning the Faculty Review Committee's decision may be properly withheld until consideration of the case has been given by the President and the Board of Trustees.

#### 6.4.6 Request for Reconsideration

If the President does not agree with the decision of the Faculty Committee, the President shall resubmit the case to the Committee for reconsideration with a statement of questions or objections. The Committee shall then reconsider the case in light of such questions or objections, holding a further hearing and receiving new evidence if necessary and rendering a new decision in the same manner as before.

#### 6.4.7 Decision by the President

If the President disagrees with the decision of the Committee after reconsideration, the President shall make the final decision as to whether dismissal is appropriate and submit his or her reasons to the Committee and the faculty member.

#### 6.4.8 Consideration by Board of Trustees

In the event the President has made the decision that dismissal is appropriate, in spite of a recommendation by the Committee to the contrary, the faculty member shall have the right to appear before the Board of Trustees, or a Committee of the Board of Trustees constituted for that purpose, at which time the faculty member may present his or her side of the case and the Committee's recommendation; the record of the hearing and any transcripts, witness statements or exhibits; but no new

evidence or testimony shall be allowed unless the Board of Trustees or the Board's Committee shall choose to allow such evidence. Either party may bring counsel to this hearing. The Board of Trustees or Board Committee will conduct the hearing and, in consultation with the President, make the final decision.

## CHAPTER SEVEN: FACULTY AND PROGRAM DEVELOPMENT

### 7.1 Leaves of Absence

#### 7.1.1 General conditions

- 7.1.1.1 In general, the following conditions must be set forth in writing prior to the approval of the leave request in all cases involving leaves of absence: the duration of the leave and its purposes, the extent to which salary and fringe benefits will be affected and whether or not the time of the leave will be considered toward tenure or toward promotion and sabbatical eligibility.
- 7.1.1.2 To be eligible for an approved leave of absence without loss of accrued benefits, a faculty member must have at least one year's service to Augustana. When any of the leaves of absence listed below result in less than full-time service for one semester or more, a non-tenured faculty member may petition the Dean of the College to delay tenure consideration by one year. If approved, the effect would be to remove the year in which the leave took place from the probationary period served, thus postponing tenure consideration by one year.
- 7.1.1.3 Members of the faculty retain their voting rights while on leave of absence. Their replacements, being Visiting Faculty, do not have voting rights.

#### 7.1.2 Professional Leaves of Absence

- 7.1.2.1 Requests for professional leaves will be considered when faculty initiate or are invited to take part in career-related activities outside the College that it determines are in its interest to encourage.
- 7.1.2.2 Such leaves are normally granted for up to two years, upon approval of the Dean of the College and President.
- 7.1.2.3 The specific conditions of such leaves do not normally include credit toward tenure in the case of non-tenured faculty, but exception can be made with the approval of the Dean of the College and President.
- 7.1.2.4 The salary increase at the end of the leave will be determined by the President with consideration for how the professional activities during the leave will affect future service to the College.

#### 7.1.3 Leaves of Absence for Academic Study

- 7.1.3.1 The purpose of such leaves is to enable faculty members to be free of College responsibilities in order to do advanced study in their fields,



leading to a terminal degree.

- 7.1.3.2 A faculty member shall be eligible for this leave, provided they have served at least a year as a full-time faculty member of the College.
- 7.1.3.3 It is expected that leaves of absence for academic study will normally not exceed one year. Faculty members are considered employees of the College during the period of the leave.
- 7.1.3.4 While the faculty member would receive no salary from the College during this time, the following would remain in effect during the leave:
  - 7.1.3.4.1 Faculty member is allowed to maintain, at their expense, participation in the medical insurance plan.
  - 7.1.3.4.2 Tuition exchange/remission benefits would continue.
  - 7.1.3.4.3 The College will make special arrangements for the retirement program (TIAACREF) with the faculty member when they are on a leave of absence for academic study.

## **7.2 Pre-Tenure Paid Leave**

- 7.2.1 Augustana supports faculty in their efforts to conduct scholarship even as we encourage excellent teaching. In order to encourage faculty to develop substantial scholarly or artistic production, Augustana provides an opportunity for a pre-tenure paid leave.
- 7.2.2 Conditions
  - 7.2.2.1 Teaching faculty members hired in a tenure-track position are eligible for a one-semester, 8-credit pre-tenure paid leave.
  - 7.2.2.2 Teaching faculty members hired with three or more years credited towards tenure are not eligible for a pre-tenure paid leave.
  - 7.2.2.3 Interested faculty members must apply for the pre-tenure paid leave in the fall of the academic year preceding the intended leave. The chair of the department will make a written statement to the Faculty Review Committee. This should include information regarding the benefits that might accrue to the applicant, to the department and to the College if the leave were granted. The Chair should also comment on the effect of the person's absence on the department. This should include possible arrangements for the courses normally taught during the pre-tenure paid leave. This statement is to be submitted to the Office of the Dean of the College on the same day that the pre-tenure paid leave application is due.

- 7.2.2.4 The Faculty Review Committee will approve all proposals which specifically aim to produce peer-reviewed publication or equivalent artistic production during the pre-tenure years.
- 7.2.2.5 Pre-tenure paid leaves may be for one semester (8 credits) only. An academic year with a pre-tenure paid leave will be compensated at the full academic year salary. Overloads are not permissible during the leave year.
- 7.2.2.6 The semester in which a pre-tenure paid leave is taken must follow the first pre-tenure review and be before the end of the second academic year following the year of the first pre-tenure review. The semester in which a pre-tenure paid leave is taken must be before the semester in which the tenure review is conducted.
- 7.2.2.7 The pre-tenure paid leave will not be scheduled in an academic year in which a faculty member has already been granted any other form of leave. Tenure track faculty members are encouraged to take a pre-tenure paid leave in the academic year immediately following the first pre-tenure review. The faculty member is expected to return from the pre-tenure leave for at least one year of full-time service. Faculty members who do not return for a full academic year must reimburse the college for all or a prorated amount of the salary received during the leave.

### 7.3 Sabbatical Leaves

Augustana supports faculty in their efforts to conduct scholarship even as we encourage excellent teaching. In order to encourage faculty to develop substantial scholarly or artistic production, Augustana provides faculty an opportunity for sabbatical leaves. (Definition: A *sabbatical year* is the academic year in which a sabbatical is taken.)

#### 7.3.1 Conditions

- 7.3.1.1 Full-time, tenured individual-appointment and shared-appointment members of the teaching faculty are eligible for a sabbatical leave. Faculty members without tenure are not eligible for a sabbatical leave.
- 7.3.1.2 For a first sabbatical, at least seven full years (fourteen semesters, excluding summer school and J-Term, but including the semester of the pre-tenure paid leave) of full-time service in a tenure-track position at Augustana must precede the sabbatical year. Faculty are eligible to apply for a sabbatical only after they have been awarded tenure at Augustana. For subsequent sabbaticals, there must be at least six full years (twelve semesters, excluding summer school and J-Term) of full-time service between sabbatical years, except as provided for in 7.3.1.8, below. The workload that counts toward a sabbatical need not be consecutive. Faculty who take on administrative responsibilities maintain their eligibility for a sabbatical upon returning to full faculty status and their

time in administration counts towards full-time service eligible for a sabbatical.

- 7.3.1.3 The faculty member must apply for the sabbatical in the year preceding the sabbatical year. Applications are considered near the end of fall semester. The intention is that a member of the faculty is granted a sabbatical once every seven years.
- 7.3.1.4 All faculty benefits will continue during the period of the sabbatical. Persons on sabbatical shall receive the salary increases and time toward promotions to which they would be entitled if they were on campus.
- 7.3.1.5 Remuneration from outside Augustana (e.g., foundation grants, an advance from a publisher) will not be deducted from the sabbatical salary. However, if the purpose of the grant is to replace salary, the faculty member shall be considered for a leave of absence.
- 7.3.1.6 Sabbatical awards for professional activity are available annually. Applicants for leaves are encouraged to apply to the Faculty Research Committee.
- 7.3.1.7 The Dean of the College will, following consultation with the Department Chair, determine if and how courses normally taught by a faculty member on sabbatical leave will be covered. The faculty member should not be scheduled for overloads in the sabbatical year.
- 7.3.1.8 If the College requests a faculty member delay an approved sabbatical, eligibility for the subsequent sabbatical will not be delayed. In no case will the College request a delay longer than one year.
- 7.3.1.9 Faculty Vote  
If a faculty member chooses not to apply for a sabbatical when they are eligible, subsequent requests for a sabbatical will be considered, and if granted will reset the sabbatical clock.

## 7.3.2 Duration and compensation

### 7.3.2.1 Individual appointments

The sabbatical results in a one-semester-or-more leave from teaching and advising. The reduction in teaching/advising credit is intended to occur during the leave, not spread out through a year. The standard reduction is 8 credits (two 4-credit courses) which results in no salary reduction (compensation is at the full academic year salary). A second option is the 12-credit reduction (three 4-credit courses), which results in an 8% salary reduction (compensation is 92% of the full academic year salary). In consultation with the Dean and Department Chair, candidates choose how to distribute their remaining teaching credit

obligations between J-Term and their teaching semester (i.e., 16 or 12 credits out of their 24-credit standard teaching load). A third option is a full 24-credit reduction (six 4-credit courses), which results in a 50% salary reduction (compensation is 50% of the full academic year salary).

#### 7.3.2.2 Shared appointments

7.3.2.2.1 Duration: A one-semester sabbatical leave for faculty members with a shared appointment cannot exceed a total of 12 credits released. It is up to the Shared- Appointment faculty members and the Dean of the College to determine how the 8 or 12 credits will be apportioned. A two-semester sabbatical leave cannot exceed 24 credits released. The faculty members, Department Chair(s) and the Dean of the College will determine how the credits will be apportioned.

7.3.2.2.2 Compensation: For an 8-credit sabbatical leave, each member of a shared appointment will receive 100 percent of their proportion of the full shared-appointment salary. For 12-credit leave shared appointment, faculty will receive 92 percent of full shared-appointment salary. For a full, 24-credit leave, the shared-appointment faculty will receive 50 percent of the full shared-appointment salary.

#### 7.3.3 Review Procedures and Deadlines

7.3.3.1 Applicants will submit to the Dean of the College and their Department Chair a detailed statement of how the leave will be used. An applicant who serves as Department or Division Chair should confer with the Dean of the College before submitting a letter of application. The plan should include the following:

7.3.3.1.1 Length of service at Augustana as of the date of the beginning of the leave

7.3.3.1.2 Inclusive dates of proposed leave

7.3.3.1.3 A list of previous leave periods with a brief description of the outcome of the previous sabbatical/leave.

7.3.3.1.4 A detailed description of the nature and scope of the program, including where the leave will be spent (minimum of 200 words)

7.3.3.1.5 The relationship of the proposed program to the applicant's research, professional, or creative interests. This should include the anticipated results in terms of publication or other forms

of professional recognition and the benefits to the educational program of the College

7.3.3.1.6 A statement of supplementary sources of financial assistance and the effect on the proposed program if these sources do not become available

7.3.3.1.7 Any reason the leave must be taken at the time proposed (e.g., continuation of a project already initiated, receipt of a fellowship, or publisher's deadline).

7.3.3.2 Interested faculty members must apply for the sabbatical in the fall of the academic year preceding the intended leave.

7.3.3.3 The chair of the department will make a written statement to the Faculty Review Committee. This should include information regarding the benefits that might accrue to the applicant, to the department and to the College if the leave were granted. The Chair should also comment on the effect of the person's absence on the department. This should include possible arrangements for the courses normally taught during the sabbatical. This statement is to be submitted to the Office of the Dean of the College on the same the sabbatical application is due.

7.3.3.4 The Faculty Review Committee will review the materials and make a recommendation to the President. The Dean of the College will inform the applicant of the decision in writing as soon as possible, but no later than the first week in January following Christmas recess.

7.3.3.5 If the recommendation is negative, the Committee will provide the applicant with a written rationale. Applicants are entitled to reconsideration if they can provide new evidence related to the rationale for rejection. The applicant may appear in person at this second hearing.

#### 7.3.4 Voting Rights During Sabbatical

7.3.4.1 Members of the faculty retain their voting rights while on sabbatical.

7.3.4.2 Their replacements, being Visiting Faculty, do not have voting rights.

#### 7.3.5 Post-Sabbatical Obligations

A report of the work is provided to the Faculty Review Committee at the individual's next review and presented to the faculty in an appropriate forum. The faculty member is expected to return from the sabbatical leave for at least one year of full-time service. Faculty members who do not return for a full academic year, must reimburse the college for all or a prorated amount of the salary received during the leave. Waivers may be granted by the Dean of the College in consultation with the President only in

cases of exceptional personal circumstances or of it serves the interest of the College. Accepting a position at another institution is typically not considered an exceptional circumstance.

## **7.4 Reassigned Time for Major Projects**

- 7.4.1 All tenure-track and tenured faculty who have taught at Augustana for one full year, and who are nearing completion of a major scholarly or artistic project are eligible for up to four credits of reassigned time. Work in any of the scholarly areas of discovery, teaching, integration and application are eligible. Under most circumstances it is expected that faculty will have taught a full teaching load in the year prior to requesting this reassigned time benefit. Typically these awards will not be given to faculty members from the same department at the same time.
  - 7.4.1.1 The Office of the Provost may support reassigned time for up to three faculty members annually.
  - 7.4.1.2 Priority will be given to requests from faculty members who have not yet received reassigned time or any other leaves.
- 7.4.2 Applications for a release are due by the first Friday in October of the year preceding that in which the leave is to be taken and should be emailed directly to the Provost. Applicants will be notified by the end of November.
- 7.4.3 An application should include description of the project (up to four pages), the project's status and how the reassigned time will be used, as well as a brief curriculum vitae. Please include a supporting letter from your Department Chair as well as confirmation of outside commitment such as a contract from a publisher.
- 7.4.4 Responsibilities of the Grantee
  - 7.4.4.1 Acknowledgement of Augustana financial assistance in products produced from work during reassignment.
  - 7.4.4.2 A brief (1-2 page) report detailing the results of the professional activity, including where the work was performed and/or published. This should be submitted to the Provost by the first Friday of the semester following the reassigned time.

## **7.5 Professional Allowances**

- 7.5.1 Professional Meeting Allowance
  - 7.5.1.1 The faculty member's Professional Meeting Allowance, currently is \$750.00 and may be accumulated over a consecutive two-year period. This Professional Meeting Allowance *may not* be used for professional memberships, subscriptions, books, software or other intellectual property items.

7.5.1.2 These funds may be used only for expenses related to travel, lodging, incidental costs and registration fees related to:

7.5.1.2.1 Attendance at meetings of professional associations;

7.5.1.2.2 Training workshops related to teaching or administrative responsibilities;

7.5.1.2.3 Travel directly correlated with assigned curricular responsibilities.

## 7.5.2 Supplemental Professional Meeting Allowance

## 7.5.3 Allowance for Advising New Students

7.5.3.1 Advisers of first-year students receive compensation in the form of a \$1000 professional development stipend.

7.5.3.2 Each spring, faculty are asked by the advising program to volunteer to serve as advisers to first year students. Each volunteer chosen to advise receives the stipend.

7.5.3.3 The stipend can be used for professional travel, memberships, subscriptions, educational technology, and other job- related expenses.

7.5.3.4 Advisers of first-year students are expected to:

7.5.3.4.1 Participate in adviser activities at fall orientation.

7.5.3.4.2 Participate in adviser training activities at the beginning of the fall semester and through the year.

7.5.3.4.3 Frequently interact with all students in their advising group, with these minimums:

7.5.3.4.3.1 At least one individual meeting with each student during the first two weeks of school

7.5.3.4.3.2 At least one individual registration conference each semester

7.5.3.4.3.3 At least one group registration meeting in the fall and spring semesters

7.5.3.4.3.4 At least one other group activity in fall semester

7.5.3.4.3.5 At least one individual contact (in person, via email, or by phone) with advisees every month during the remainder of the academic year.

7.5.3.4.4 Serve as an active academic adviser for each of the students in the advising group until those advisees declare their major (if necessary, through the students' sophomore year).

#### 7.5.4 Travel Expenses and Reimbursements

7.5.4.1 Travel expenses are limited to those incurred that, considering all circumstances, are not lavish or extravagant.

7.5.4.2 Faculty should follow procedures outlined by the Business Office for requesting reimbursements or reconciling p-card transactions with professional travel. Receipts are required for all association expenditures.

### 7.6 Other Support for Faculty Scholarship

The Academic Affairs Office maintains a listing and description of other internal and external funding sources. Further information is available on the Academic Affairs website. Other internal sources include:

- Faculty Research Grant
- Faculty Summer Research Stipend
- New Faculty Research Awards
- Presidential Research Fellowship
- Sabbatical Leave Grant
- Student Research Assistantships
- Grant Proposal Incentive Award
- Faculty-Student Summer Research Fellowships
- Humanities Fund
- Academic Initiatives Fund



## CHAPTER EIGHT: FACULTY GOVERNANCE

### 8.1 Rights to Voice and Vote

All members of the all regularly appointed faculty (see College Constitution, Faculty Handbook Chapter 1: “Definitions of Faculty Status,”) have voice in meetings of the Faculty and Faculty Council and in Faculty Forums. The right to vote and to be elected to positions is delineated below.

- 8.1.1 Those eligible to vote in meetings of the full faculty and to serve on college-wide committees, (except in the case of committees whose membership eligibility is set otherwise), including the Faculty Council, must meet two criteria.
  - 8.1.1.1 First, they must be full-time employees of the College who teach 12 or more credits in the current year, full-time librarians, partners in a shared faculty appointment or special academic support staff who meet with additional stipulations set in 2.1.2.5 (“Definitions of Faculty Status: Special Academic Support Staff”) or are adjunct or part-time faculty qualified to vote under the provisions of 8.1.2.
  - 8.1.1.2 Second, they must be subject to peer review and undergo review at the appropriate time by the Faculty Review Committee.
- 8.1.2 All adjunct and part-time faculty who have been substantially involved as teachers in the college for the previous four years, and will be teaching in the college in the following year, will be eligible to vote in meetings of the full faculty and to serve on college-wide committees for which non-tenured faculty are eligible (including the Faculty Council, where they may be elected in the normal way in their ranks), provided that they are subject to performance review by the Faculty Review Committee. Faculty will be said to be substantially involved in the college for the previous four years whenever they have taught an average of twelve credits per year over the four years. The four-year interval may be interrupted by a maximum of one year in which the faculty member does not teach in the college.
- 8.1.3 Questions of equivalency in determining teaching credit are to be decided by a recommendation from the Dean of the College submitted to and subject to the approval of the Nominations and Rules Committee. Activities that are to be considered for the assignment of equivalency credit are those in which the faculty who participate (a) provide direct instruction (b) assign a grade and (c) give credit that students may apply toward graduation.
- 8.1.4 Faculty thus eligible may also vote (with certain restrictions for members of a joint appointment) within their divisions.
- 8.1.5 One retains one’s voting rights when on leave of absence or sabbatical leave.

## **8.2 Faculty Meetings**

- 8.2.1 The Faculty shall:
  - 8.2.1.1 Determine regulations for admission, promotion and graduation of students.
  - 8.2.1.2 Adopt aims and policies of instruction and recommend course of study to the Board of Trustees.
  - 8.2.1.3 Establish standards, time and manner of examinations.
  - 8.2.1.4 Recommend candidates for degrees.
  - 8.2.1.5 Consider measures whereby the intellectual, social and spiritual life of the campus may be enriched and ennobled and the cultural aims of the College achieved.
  - 8.2.1.6 Establish such committees as it deems necessary for its various functions.
  - 8.2.1.7 Have the power to suspend or expel students for cause.
  - 8.2.1.8 Recommend to the Board of Trustees the length of the academic year.
- 8.2.2 The Faculty shall meet at least twice each semester. Faculty meetings will not normally be held during J-Term.
- 8.2.3 The Faculty retains the right to convene in extraordinary session upon petition of the Faculty Council (by simple majority vote), 25 percent of its full-time membership or upon call of the President.
- 8.2.4 The Faculty Council Chair presides at meetings of the Faculty. In the absence of the Faculty Council Chair, the Chair-elect of the Faculty Council presides.
- 8.2.5 The Faculty Council, in consultation with the Provost and Academic Affairs prepares the agenda.
- 8.2.6 At these meetings, all members of the Faculty may address the assembly. Those who are members of the Voting Faculty (see “Rights to Voice and Vote”) may also make motions and vote.
- 8.2.7 The Faculty retains responsibility for the proper discharge of these powers and obligations.

## **8.3 Faculty Council**

- 8.3.1 Composition
  - 8.3.1.1 The Faculty Council consists of 10 members elected from the voting faculty: Chair and Chair-elect, 2 full Professors, 2 Associate Professors, 2

- tenure-track Assistant Professors, and two non-tenure-track faculty.
- 8.3.1.2 The Chair-elect of Faculty Council must be a tenured member of the faculty.
- 8.3.1.3 The Chair-elect shall become the Chair of the Faculty Council in the second year of his or her term.
- 8.3.1.4 Should an academic division not be represented in the composition of the Faculty Council for any academic year, the member of that division who received the most votes will be appointed to the Council for a one-year term. In such instances, the total number of Faculty Council members may exceed 10.
- 8.3.1.5 Should any Faculty Council member resign, the Nominations and rules Committee, in consultation with the Chair of Faculty Council, will appoint a replacement to serve out the unexpired term.
- 8.3.1.6 If a Faculty Council member elected by rank is promoted during that member's term, the member may serve out his or her term unless the member feels unable to continue to represent those in the faculty rank in which he or she was elected. If a member resigns for this reason, guidelines for replacing a member outlined in 8.3.1.4 shall be followed.
- 8.3.1.7 Any faculty member, administrator, staff, or student delegate from the Student Government Association shall have the privilege of attending the open meetings of the Faculty Council.
- 8.3.2 Election and Period of Service
- 8.3.2.1 Election procedures
- 8.3.2.1.1 The Nominations and Rules Committee shall ask faculty members whether they are willing to serve as Chair-elect or as a member of Faculty Council.
- 8.3.2.1.2 The Nominations and Rules Committee shall prepare a ballot of names of all faculty who are willing to serve as Chair-elect of Faculty Council.
- 8.3.2.1.3 Each voting faculty member shall vote for one candidate to serve as Chair-elect of Faculty Council.
- 8.3.2.1.4 From the candidates, the person receiving the most votes on this ballot shall be elected Chair-elect.
- 8.3.2.1.5 After the Chair-elect has been elected, the Nominations and Rules Committee shall prepare a ballot for each rank by listing

all in that rank who are willing to serve on Faculty Council.

8.3.2.1.6 Each Voting faculty member within an academic rank (the rank to be held during the forthcoming year) shall vote for one candidate.

8.3.2.1.7 The candidate receiving the most votes within their rank shall be elected to Faculty Council.

#### 8.3.2.2 Period of Service

8.3.2.2.1 A period of service of office consists of two academic years.

8.3.2.2.2 Periods of service for faculty elected within the same rank shall be staggered.

8.3.2.2.3 The Chair and Chair-elect may not be on sabbatical or teaching off campus during their period of service – J-Term excepted.

8.3.2.2.4 Faculty Council members elected by rank may take up to one academic term off for sabbatical, off-campus teaching, or other reasons that would impede their ability to serve. In their absence, the Faculty Council Chair, in consultation with Nominations and Rules, will appoint a replacement. Faculty members who will be away from campus for more than one academic term are ineligible to serve on Faculty Council.

8.3.2.2.5 A faculty member may not serve more than three consecutive two-year periods of service (6 years in total) on the Faculty Council. This term limit applies to service on the Faculty Council in any position.

8.3.2.3 Faculty members who serve as the Chair of a division, the Educational Policies Committee, or the General Education Committee may not serve on Faculty Council.

#### 8.3.3 Responsibilities of Faculty Council

8.3.3.1 The Faculty Council shall help keep the faculty informed about current and emergent challenges and opportunities which face us, will encourage productive discussions within the faculty about those challenges and opportunities, about the options that might be available to us and the consequences of various options.

8.3.3.2 Faculty Council shall advocate for the concerns and interests of the faculty.

- 8.3.3.3 Faculty Council will serve as advocates for the academic program, and for the mission of the College.
- 8.3.3.4 The Faculty Council shall serve as a consultative body for the administration.
- 8.3.3.5 The Faculty Council shall bring matters to full faculty for consideration.
- 8.3.3.6 The Faculty Council shall facilitate communication between the faculty, administration and Board of Trustees.

#### 8.3.4 Responsibilities of Faculty Council Chair

- 8.3.4.1 Faculty Council Chair shall request that the President, Provost, and other administrative officers of the College furnish such reports and information as may be necessary for conducting the business of the Faculty Council.
- 8.3.4.2 Faculty Council Chair shall lead Faculty Council meetings.
- 8.3.4.3 Faculty Council Chair shall preside over faculty forums.
- 8.3.4.4 Faculty Council Chair shall monitor the approval and recording of new Faculty Handbook text.
- 8.3.4.5 With the Chair-elect, Faculty Council Chair shall observe the Fall and Spring meetings of the Board of Trustees.
- 8.3.4.6 Faculty Council Chair shall work collaboratively and in consultation with the Chair-elect in order to ensure a smooth leadership transition.

#### 8.3.5 Meetings of the Faculty Council

##### 8.3.5.1 Meeting Schedule

- 8.3.5.1.1 The Faculty Council will meet with the Dean of the College at least four times each semester.
- 8.3.5.1.2 The Faculty Council determines the time and place of its meetings and notifies the full faculty in advance of each meeting.
- 8.3.5.1.3 Members of the administration may request a meeting with the Faculty Council to discuss matters relevant to the faculty.

##### 8.3.5.2 Meeting Attendance

- 8.3.5.2.1 The President shall attend a minimum of one Faculty Council meeting per semester.
- 8.3.5.2.2 The Faculty Council shall request that other members of the President's Cabinet attend meetings as necessary.
- 8.3.5.2.3 Meetings shall be open to the full faculty, administrators, staff, and any delegates from Student Government Association. If the Faculty Council determines that an issue needs to be discussed in confidence, they may elect to close that portion of the meeting from outside attendance.

#### 8.3.5.3 Meeting Procedures

- 8.3.5.3.1 The Chair of Faculty Council will chair meetings. In the absence of the Chair, the Chair-elect will chair the meeting.
- 8.3.5.3.2 The Faculty Council Chair and Chair-elect prepare the meeting agenda. The Dean of the College should receive timely advance notice of the proposed agenda. Faculty shall normally be notified of the subjects under discussion at least three days ahead of a meeting and be reminded of their right to contribute to the agenda and the discussion; a formal agenda should be circulated 24 hours before the meeting and minutes issued within 48 hours afterward.
- 8.3.5.3.3 Non-Faculty Council members present at the meeting may request to be recognized by the Chair to speak on issues under discussion by the Council.
- 8.3.5.3.4 A portion of each meeting will be designated for Non-Faculty Council members in attendance to raise new business.

#### 8.3.6 Review of the Faculty Council

Nominations and Rules will conduct periodic reviews of the composition, charge and performance of the Faculty Council. Results of the reviews will be provided to the Council for their consideration and action. The first review will occur in 2023 and will recur at five-year intervals.

### 8.4 Faculty Forum

- 8.4.1 The term "Faculty Forum" is reserved for meetings about subjects of general interest to the faculty.
- 8.4.2 No business is transacted. No motions are made.

- 8.4.3 The call to a Forum is made by the Faculty Council or the Faculty.
- 8.4.4 Faculty Council Chair presides at the Forum.

## 8.5 Academic Departments

The Academic Department is the fundamental organizational unit of the faculty and curriculum. A department consists of faculty within one discipline, or within closely related disciplines, and is administered by a Department Chair. Each department offers a departmental major; many offer a major for secondary school teaching; most also offer a minor. (See *College Catalog: Organization of the Curriculum, Academic Divisions and Departments.*)

### 8.5.1 Department Chair

- 8.5.1.1 Duties of Department Chairs include, but are not limited to, such concerns as:
  - 8.5.1.1.1 Departmental governance, supervision of curriculum and scheduling, monitoring departmental faculty matters and student matters, departmental budget management, departmental facilities and clerical management, and representing departmental views.
  - 8.5.1.1.2 Representing departmental views to other College bodies and communicating to members of the department relevant information from extra-departmental sources.
  - 8.5.1.1.3 Serving as advisory members of the Faculty Review Committee when individuals within their department are under consideration.
  - 8.5.1.1.4 Recommending faculty in their departments for tenure, promotion, sabbatical leaves, etc. and providing annual evaluations to non-tenured faculty.
  - 8.5.1.1.5 Serving on the search committee with the appropriate division chair and Dean of the College in seeking candidates for faculty appointment.
- 8.5.1.2 Selection
  - 8.5.1.2.1 Department Chairs are appointed by the President for a three-year period of service after recommendation by the Dean of the College. Department Chairs may be reappointed.
  - 8.5.1.2.2 Before the beginning of a new period of appointment, the Dean of the College will solicit information from department members before making a recommendation to the President.

## 8.6 Academic Divisions

Academic Departments are grouped into four Academic Divisions, generally on the basis of shared disciplinary subject material or methodologies. Each Division is administered by a Division Chair elected from within the Division.

8.6.1 Duties of division chairs include:

- 8.6.1.1 Acting as divisional representatives on the Faculty Review Committee.
- 8.6.1.2 Representing divisional views to other College bodies and communicating to members of the division relevant information from extra-divisional sources.
- 8.6.1.3 Participating with the President, Dean of the College and Department Chairs in interviewing and selecting candidates for membership on the faculty.
- 8.6.1.4 Coordinating academic planning within the academic divisions of the College.
- 8.6.1.5 Advising Department Chairs on the preparation of tenure, pre-tenure, post-tenure, promotion and sabbatical.

8.6.2 Selection of division chair

- 8.6.2.1 Only tenured, Delegate Faculty are eligible to serve
- 8.6.2.2 Division Chairs are elected from within divisions for three-year periods of service, staggered among the divisions. Chairs may be elected for more than one three-year-period, but not for more than two consecutive periods.
- 8.6.2.3 Faculty members who will be absent from their teaching responsibilities, or from the campus, for two or more semesters during the year, automatically relinquish division chair assignments for the time they are absent and must be replaced by election within the division.
- 8.6.2.4 Chairs who will be absent from their teaching responsibilities, or from the campus, for one semester or less (J-Term excepted), may be replaced by Faculty Review Committee and the Dean. Typically, the prior Division Chair fills in during such absences.
- 8.6.2.5 Voting Faculty, as defined in “Rights to Voice and Vote” are eligible to vote in the election of their Division Chair and on other divisional business (cf. Senate Minutes of 7 April 1888). An exception applies to members of a Shared appointment who have teaching responsibilities in departments in two or more divisions may vote in those divisions.
- 8.6.2.6 Division Chairs may not serve on the Budget Committee, the Educational Policies Committee, the General Education Committee, the Nominations and Rules Committee, or on the Faculty Council during their period of service (see 8.3.2.3).



## 8.7 Faculty Governance of the Curriculum

### 8.7.1 Departmental Role

Changes in courses normally begin in the department that offers them. A member of the department formally proposes a change and, if the department votes to approve, the proposal is sent to the department's Division Chair for placement on the agenda of a division meeting or to the chair of the General Education Committee or Educational Policies Committee for Interdisciplinary programs that are not themselves departments—e.g., Liberal Studies, Asian Studies, Women's Studies. The forms required for these proposals are available online. Proposals that require faculty hiring should be vetted through the Office of Academic Affairs.

### 8.7.2 Divisional Approval

Divisions approve new programs of study (i.e. majors, minors), changes to existing programs of study, new courses or changes in existing courses for all departments in the division. Divisions do not approve courses for General Education designations.

8.7.3 The General Education Committee acts on proposals received from faculty members with the approval of their academic department/program. The committee also provides oversight and develops initiatives related to the General Education program. Following each meeting, the committee circulates a report of its actions to full faculty. Faculty members have one week following the dissemination of the report to request that an item be sent back to the committee for further discussion. If a faculty member's concerns are not resolved by the committee, the item in question will come before the full faculty for consideration. If no scheduled full faculty meeting will allow for this discussion to occur before registration for the next semester begins, the Chair of the General Education Committee can call a special faculty meeting. At least 25 percent of eligible voting faculty in attendance shall constitute a quorum for this special meeting. The General Education Committee must approve:

8.7.3.1 All First-Year Inquiry (FYI) and Liberal Studies Composition (LSC) courses. FYI courses approved by the General Education Committee are then brought to the full faculty for final approval. LSC courses approved by the General Education Committee are then sent to the Educational Policies Committee for approval before being sent to the full faculty.

8.7.3.2 All courses requesting learning perspective designations.

8.7.3.3 All learning communities

8.7.3.4 All courses requesting suffix (i.e. I, G, D, Q) designation.

8.7.3.5 Criteria necessary for approval of the various course designations. The approval forms are available online and must be submitted with a course

syllabus.

- 8.7.3.6 New courses seeking General Education designations (LPs, Suffixes, LCs) will be reviewed by both the General Education Committee and EPC. First, Gen Ed will review the LP/Suffix/LC proposal(s) and then EPC will review the new course proposal. If EPC suggests any major revisions to a proposal already approved by Gen Ed, EPC will return the proposal to Gen Ed to address any changes that may impact the integrity of the Gen Ed designation(s). Proposals for LP/Suffix/LC designations for existing courses will be reviewed by the General Education Committee only.
- 8.7.3.7 The committee may grant one-time approvals in the case of urgent curricular matters limited to: new First-Year Inquiry (FYI) course proposals submitted by faculty members in their first year of teaching at Augustana College; General Education designations for new courses to be taught by new faculty hires in their first two semesters at Augustana (submitted by Department Chair); General Education courses/designations that address a critical, unmet need in the curriculum, as defined by EPC or Gen Ed.

#### 8.7.4 Educational Policies Committee

The Educational Policies Committee acts on proposals (i.e. courses, programs of study, academic policies) received from the Divisions, the General Education Committee and other faculty committees dealing with academic policy issues. It also develops initiatives itself. Following each meeting, EPC circulates a report of its actions to full faculty. Faculty members have one week following the dissemination of the report to request that an item be sent back to the committee for further discussion. If a faculty member's concerns are not resolved by the committee, the item in question will come before the full faculty for consideration. If no scheduled full faculty meeting will allow for this discussion to occur before registration for the next semester begins, the Chair of EPC or the General Education Committee can call a special faculty meeting. At least 25 percent of eligible voting faculty in attendance shall constitute a quorum for this special meeting. If no faculty member makes such a request, actions involving routine curricular changes stand approved. Examples of routine curricular changes would include the introduction or discontinuation of courses, alteration of departmental requirements and other course-related changes that have little or no effect on staffing, class sizes, or the philosophy or ecology of College requirements.

- 8.7.4.1 The committee may grant one-time approvals in the case of urgent curricular matters limited to: New courses to be taught by new faculty hires in their first two semesters at Augustana (submitted by Department Chair); New courses that address a critical, unmet need in the curriculum, as defined by EPC or Gen Ed.

#### 8.7.5 Faculty

Curricular proposals judged to be not routine but weighty—in the judgment of the President and the Chair of the Faculty Council in consultation with the Faculty Council, are brought for final decision to a Faculty Meeting for faculty-wide discussion and the vote of the Voting Faculty.

### 8.8 Faculty Committees Responsibilities

Faculty Committees shall notify the Faculty Council of matters under their consideration that may significantly affect faculty, the academic program, or the mission of the College.

## CHAPTER NINE: LIBRARY AND COPYRIGHT POLICIES

### 9.1 Policies of the Thomas Tredway Library

The Thomas Tredway Library plays an integral role in student learning at Augustana. The library maintains print collections and provides access to a wealth of licensed, online scholarly resources. The staff depends upon active collaboration with the faculty and is pleased to provide each faculty member with an orientation to its many services.

#### 9.1.1 Library services

- 9.1.1.1 Information Literacy: Instruction is provided to help students learn about Library resources and research methods. Instruction is provided in collaboration with the classroom faculty and in conjunction with an assignment. Information literacy is a skill set in Augustana's General Education plan. Librarians work with many Liberal Studies instructors to help students build a foundation in research skills. They also work with upper-division courses, focusing on research skills in specific disciplines. In addition, a reference librarian is available for appointments or immediate consultation during most hours the Library is open.
- 9.1.1.2 Requesting resources: Requests for new Library materials should be directed to the librarian who serves as liaison to the instructor's division. The Library will make every reasonable effort to fill requests provided funds are available and the requested resources are relevant to the educational mission of the College as reflected in the curriculum.
- 9.1.1.3 Interlibrary loan: The Library is a member of I-Share, a large academic library consortium in Illinois. A statewide courier service throughout the State of Illinois speeds the delivery of materials from one library to another. The Library also obtains materials electronically and from libraries worldwide. Contact Library staff for assistance.

#### 9.1.2 Statement of Intellectual Freedom

- 9.1.2.1 Librarians significantly influence or control the selection, organization, preservation and dissemination of information. In a political system grounded in an informed citizenry, librarians are members of a profession explicitly committed to intellectual freedom and the special obligation to ensure the free flow of information and ideas to present and future generations. (American Library Association Policy Manual, 54.16)
- 9.1.2.2 In order to enable this free flow of information and ideas, planning and actions are taken based on consideration of the library users' rights to confidentiality and access.

### 9.1.3 Confidentiality

- 9.1.3.1 The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to “information sought or received, and materials consulted, borrowed, acquired,” (American Library Association Code of Ethics) and includes database search records, reference interviews, circulation records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services. The American Library Association recognizes that law enforcement agencies and officers may occasionally believe that library records contain information which may be helpful to the investigation of criminal activity. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the American judicial system provides the mechanism for seeking release of such confidential records: the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction. [American Library Association Policy Manual, 52.4]
- 9.1.3.2 Libraries are impartial resources providing information on all points of view, available to all persons regardless of age, race, religion, national origin, social or political views, economic status, or any other characteristic. The role of libraries as such a resource must not be compromised by an erosion of the privacy rights of library users. (Intellectual Freedom Manual, p. 133)
- 9.1.3.3 Library Records Confidentiality Act
- 9.1.3.3.1 The registration and circulation records of a library are confidential information. Except pursuant to a court order, no person shall publish or make any information contained in such records available to the public.
- 9.1.3.3.2 For the purpose of this Section, (i) “library” means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) “registration records” includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) “circulation records” includes all information identifying the individual borrowing particular books or materials. (Illinois Law ch75 ILCS 70/1)

### 9.1.4 Augustana College Library Bill of Rights

- 9.1.4.1 Books and other library resources will be provided for the interest, information and enlightenment of the Augustana community. Materials

will not be excluded because of the origin, background or views of those contributing to their creation.

- 9.1.4.2 The Augustana College Library will seek to provide materials and information presenting points of view on current and historical issues. Materials will not be proscribed or removed because of partisan or doctrinal disapproval.
- 9.1.4.3 The Augustana College Library will challenge any censorship in the fulfillment of its responsibility to provide information and enlightenment.
- 9.1.4.4 The Augustana College Library will cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- 9.1.4.5 A member of the Augustana College community's right to use a library will not be denied or abridged because of origin, age, background or views.

## 9.2 Photocopying and Copyright Infringement Policy

### 9.2.1 Introduction

Members of the Augustana College community are often faced with questions regarding the appropriate use of works created by others including books, articles, video, music, images, and other intellectual property. The purpose of the Augustana College Copyright Policy is to provide answers to some of those questions, along with an overview of how federal copyright laws impact activities at Augustana College.<sup>1</sup>

### 9.2.2 Copyright Protections

9.2.2.1 Copyright is a form of protection provided by federal copyright laws to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. The 1976 Copyright Act generally gives the copyright holder the exclusive right to authorize others to reproduce the work, prepare derivative works based upon the work, distribute copies of the work to the public by sale or other transfer of ownership, and perform or display the work publicly.

9.2.2.2 There are many things that are not protected by copyright including the following: facts and ideas; titles; processes, methods, systems, and procedures; constitutions and laws of state governments; all works prepared by the United States Government; and materials that have passed into the public domain.

9.2.2.3 Copyright occurs automatically at the creation of new work. Work is copyrighted the moment it is fixed in a tangible medium of expression. Formal procedures such as copyright notice, registration, or publication are *not* required to obtain copyright.

9.2.2.4 It is illegal for anyone to violate any of the rights provided by the copyright law to the owner of copyright. These rights, however, are not unlimited in scope. Of important note, federal copyright law allows for many exceptions to use copyrighted works for educational purposes.

### 9.2.3 Using Copyrighted Works

Many occasions will arise when one may want to use the copyrighted works of others. The first step in this process is to determine whether in fact the work is copyrighted. Because copyright protection arises automatically when an original work

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<sup>1</sup> Much of this policy is taken with permission from Smith College, Marquette University, Providence College, University of Michigan, the Association of Research Libraries and from copyright legislation and legislative guides.

is fixed in a tangible medium of expression, most works are indeed copyrighted. Copyright lasts from the moment it is created until 70 years after the death of the author, except for works produced by a company or employer in which case the copyright lasts 95 years from the date of publication. Certain very old works and material created by the United States government are in the “public domain” and may be freely used. Other copyrighted work may be used under the doctrine of “fair use.” In addition, face to face classroom use of copyrighted materials is allowed quite freely.

- 9.2.3.1 Public Domain Works-Works that are in the “public domain” are not protected by copyright and may be freely used. A chart found in Appendix A details works that are in the public domain.
- 9.2.3.2 Fair Use-The fair use doctrine, provided for by the Copyright Act, addresses the needs of educators, scholars and students by mitigating the rights of copyright owners. Fair use allows limited use of copyrighted material without permission for purposes such as criticism, parody, news reporting, research and scholarship, and *teaching*. There are four “fair use factors” that assist in evaluating whether a particular use of copyrighted work is fair. An analysis utilizing the four factors must be completed every time a copyrighted work is used as there are no hard and fast rules. While all four factors must be considered, not all factors have to be in favor of use to make the use fair.
  - 9.2.3.2.1 Factor 1 - Purpose and character: Review whether the copyrighted work will be used for nonprofit, educational or commercial use. Courts have found the absence of financial gain alone is insufficient for a finding of fair use. Using works for educational purposes is a factor favoring fair use. The scale tips further in favor of fair use if access is restricted to students in a particular class through a password protected Moodle site or similar medium.
  - 9.2.3.2.2 Factor 2 - Nature of copyrighted work: Consider the nature of the work; in particular, analyze whether the work is fact-based or creative work, whether it has been published, and whether it is out of print. For example, photocopies from a newspaper are more likely to be considered fair use than is the duplication of materials prepared for public consumption.
  - 9.2.3.2.3 Factor 3 - Amount used, substantiality or portion: Using a small portion of a whole work would weigh towards fair use. Consider the proportion of the larger work that is copied and used and the significance of the copied portion.
  - 9.2.3.2.4 Market effect: A use is more likely to be fair if it does not harm the potential market for the value of the copyrighted work. The



market effect factor is considered the most determinative of the four factors.

9.2.3.2.5 For assistance in analyzing these factors for individual cases, consider utilizing the “Fair Use Checklist” located on the Columbia University Libraries Copyright Advisory Office website: <http://copyright.columbia.edu/fair-use-checklist.html#>.

9.2.3.1 Classroom Use- The rules governing use of materials in a face-to-face classroom are broader than fair use, and those rules give more freedom to copy, display and distribute in class. Instructors may display or perform a work in class without obtaining permission *or* doing a fair use evaluation when your use is for instructional purposes in face-to-face teaching at a nonprofit educational institution.

#### 9.2.4 Fair Use Guidelines for Using Printed Materials

There are certain widely accepted parameters for use of copyrighted materials for educational fair use per federal copyright law. Guidelines found in Appendix B may prove helpful in determining what has been deemed fair use.

#### 9.2.5 Fair Use Guidelines for Course Management Systems and Electronic Reserves

9.2.5.1 When it comes to copyright, digital works are no different than print works. Making materials accessible through course management systems or electronic reserve systems raises significant copyright issues. It violates copyright law to use course management systems as a substitute for the purchase of books or other printed materials when a substantial portion of the material is required for educational purposes. The same copyright and fair use principles that apply to educational use of copyrighted works in printed form apply equally to their use in digital form. Making an electronic copy of a copyrighted work by any means is considered to be a reproduction and is subject to applicable copyright law, including the fair use doctrine (set forth above). Permission may be required for the use of copyrighted material as electronic course content even when such material is:

9.2.3.1.1 available elsewhere on the internet;

9.2.3.1.2 being used in a course for the first time, or;

9.2.3.1.3 characterized for purposes of course use as optional, supplemental, or ancillary reading material, rather than as required, assigned, or recommended reading material.

9.2.5.2 No one should post digital course content consisting of copyrighted material without first either:

- 9.2.5.2.1 obtaining the permission of the copyright owner; or
- 9.2.5.2.2 determining in good faith after reasonable inquiry, and with the benefit of resources made available by the College for these purposes, that the intended use qualifies as fair use or other exempt or licensed use for which permission is not required.
- 9.2.5.3 In general, if permission and possible payment of royalties would be required to include the material in a printed course compilation, permission may also be required when making that material in digital form. Course reserves are to be used only as a supplement to assigned course texts and/or licensed course compilations. When readings are used as central course material in lieu of a textbook, licensed course compilations may be required. Course readings on electronic reserve must comprise only a small portion of the total assigned readings for any course and materials included in "course packets" should not be included in electronic reserve systems for that course (i.e., use one method or the other for a particular reading, not both).
- 9.2.5.4 As a matter of fair use and without permission from the copyright holder, the library may scan short items or excerpts from longer items (such as an article from a journal, a chapter from a book or conference proceedings, or a poem from a collected work). With permission from the copyright holder, the library may scan an entire work (such as a complete book or technical report).
- 9.2.5.5 Whenever possible, is it preferable to link to materials already legally available online through the library web site or another site, rather than scanning and posting a digital copy.
- 9.2.5.6 As far as technology allows, access to copyrighted digital course content should be limited to students enrolled in the course, the faculty teaching the course, and other individuals requiring access for purposes of conducting the course. Access should be terminated when students have completed the course.

## 9.2.6 Fair Use & Multimedia

Copyright laws must be considered when showing a film on campus or making copies of other multimedia. When showing films on campus, the key determination is whether the viewing would constitute a "public performance," and, if so, whether there are any exceptions that would allow you to proceed without obtaining a license. A performance is public if it is in a public place *or* if it is in any place where a substantial number of people who are not members of a family or who are not acquaintances of each other. If the movie is for entertainment purposes, you need to get a clearance or license for its performance. It is not necessary to obtain permission if you show the movie in the course of "face-to-face teaching activities" in a

nonprofit educational institution, in a classroom or similar place devoted to instruction, if the copy of the movie being performed is a lawful copy. This exemption encompasses instructional activities relating to a wide variety of subjects, but it does not include performances for recreation or entertainment purposes, even if there is cultural value or intellectual appeal. See Appendix C for generally accepted multimedia fair use guidelines.

## 9.2.7 How to Obtain Copyright Permission

- 9.2.7.1 If “fair use” does not apply to a particular situation, then permission must be obtained from the copyright holder prior to use of the materials. It is best to obtain permission in writing (including email) and to retain a copy of such permission. The first step in obtaining permission is to identify the copyright holder. For many works, the publisher is the copyright holder. Look for a copyright notice such as “© 2008 ABCD Press.” An increasing number of publishers prefer that permission requests are made using a form on their websites. Other may require that you made your request via fax or email. If the copyright holder does not have a set form for permission requests, consider mailing a letter and including a self-addressed stamped envelope for reply.
- 9.2.7.2 Not all works will include a copyright notice and in certain cases, the copyright may have changed hands since the time the notice was printed. It may be impossible to identify and locate the copyright holder for certain works, especially older material. Such works are called “orphan works.” Users of orphan works should document all efforts made to identify the copyright holder and obtain permission.
- 9.2.7.3 There are a number of organizations available to help identify and contact copyright holders. The Thomas Tredway Library staff are available to help assist with obtaining copyright permission.

## 9.2.8 Course Packets

Course packets or “anthologies” (collections of articles, or chapters bound together) are perceived as substituting for textbooks and thereby reducing the potential market for copyrighted publications. Every article or chapter in a course packet, if derived from copyrighted material, requires permission, either from the copyright owner (usually the publisher) or through a royalty fee paid to the Copyright Clearing Center. Permission needs to be requested for each term in which the course pack is assigned. Each item in the packet must also include a notice of copyright. Students or other purchasers of course packets may only be charged actual cost which may include the cost of processing copyright permissions, any royalty fees required by the copyright holder, and actual copying charges. Adequate time (8 weeks at a minimum) should be allowed for obtaining copyright permissions. Augustana’s bookstore is able to obtain the necessary permissions on behalf of faculty members.

## 9.2.9 Student Use of Copyrighted Materials

- 9.2.9.1 Students may download and print a copy of the electronic reserve material for the course(s) they are enrolled in or make a copy of a few pages of a book or journal article for the limited purpose of private study, scholarship or research. Under no circumstances may a student download and print a copy of the electronic reserve material for a course he or she is not enrolled in.
- 9.2.9.2 A student may not reproduce an entire book or substantial portions thereof, an entire chapter of a book, or a journal without permission from the copyright owner. Many such materials are already available by license online through the library.
- 9.2.9.3 Students should not share or distribute the electronic reserve or copyrighted materials with other students, friends, family, or business colleagues, even if the recipient is a student enrolled in the same course.
- 9.2.9.4 Students may not use electronic reserve material or copyrighted materials they have been given access to for commercial purposes or where such use would have an indirection relational to commercial activity. Materials provided to the students via electronic reserves should not be sold to or exchanged with anyone. Selling or exchanging such materials via online bookstores, online auction sites, coursebook exchange programs, classmates, or individuals violates copyright law.
- 9.2.9.5 If a student wishes to disseminate copyrighted materials to multiple recipients, the student should consult the library staff. Normally, the student or the library will be required to obtain permission from the copyright holder by contacting the copyright owner directly, the publisher or a collective rights organization such as the Copyright Clearance Center, Inc. (CCC). No student should engage in such widespread distribution without first obtaining permission.

## 9.2.10 Attribution

Copies of copyrighted works, regardless of their format, should include proper attribution and copyright notices. The following notice will be included with every reserve reproduction:

NOTICE CONCERNING COPYRIGHT LAW

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE)

GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL. AUGUSTANA COLLEGE STRICTLY FORBIDS ANY COPYING OR DISTRIBUTION OF E-RESERVE MATERIALS FOR TRANSMISSION TO OTHERS.

UNAUTHORIZED ELECTRONIC TRANSMISSION OF RESERVE MATERIAL MAY MAKE THE USER LIABLE FOR COPYRIGHT INFRINGEMENT.

### 9.2.11 Augustana Copyright Assistance

The Director of the Library serves as the main copyright resource for the College. The Director of the Library exercises general oversight of the copyright function for the College and serves as the final authority for denials of requests made through the library. The Bookstore Manager exercises general oversight of copyright issues related to the Copy Center and Course Packets.

### 9.2.12 Copyright Resources on the Internet

Resource and Website

US Government Copyright Site

<http://www.copyright.gov>

Crash Course in Copyright

<http://www.utsystem.edu/OGC/IntellectualProperty/>

(University of Texas)

The Campus Guide to Copyright

<http://www.copyright.com/Services/copyrighttocampus/>

Compliance for Academic  
Institutions

Association of Research

Libraries

<http://www.arl.org>

Columbia University Fair

<http://copyright.columbia.edu/fair-use-checklist.html#>. Use Checklist

## Appendix A

### Public Domain Works

Type / Date of Work	Protected From	Term
Works created by the US Government or its employees	No protection – government works are in the public domain and may be freely used	NA
Created 1/1/78 or after	When work is fixed in tangible medium of expression	Life + 70 years <sup>1</sup> (or if work of corporate authorship, 95 years from publication, or 120 years from creation <sup>2</sup> , whichever is first)
Published before 1923	Now in public domain	None

Published between 1923-1963	When published with notice <sup>3</sup>	28 years + could be renewed for 67 years; if not so renewed, now in public domain
Published 1964-77	When published with notice	28 years from 1 <sup>st</sup> term; now automatic extension of 67 years for 2 <sup>nd</sup> term
Created before 1/1/78 but not published	1/1/78, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12/31/2002, whichever is greater
Created before 1/1/1978 but published between then and 12/31/2002	1/1/1978, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12/31/2047, whichever is greater

1 Term of joint works is measured by life of longest-lived author

2 Works for hire, anonymous and pseudonymous works also have this term. 17 U.S.C. § 302(c).

3 Under the 1909 Act, works published without notice went into the public domain upon publication. Works published without notice between 1/1/78 and 3/1/89, effective date of the Berne Convention Implementation Act, retained copyright only if efforts to correct the accidental omission of notice was made within five years, such as by placing notice on unsold copies. 17 U.S.C. § 405.

**Appendix B**  
Educational Fair Use

<b>Single Copies for Scholarly Needs or Library Reserve</b>	
One chapter from a book	
One article from a journal issue or newspaper	
Multiple excerpts from a single book or journal issue will be accepted only if the total length of the submission is 10% or less of the total length of the book or journal issue	
A short story, short essay or short poem	
A chart, diagram, drawing, graph, cartoon or picture	
<b>Multiple Copies for Classroom Use</b>	
Include a prominent copyright notice and meet the tests for <i>brevity</i> , <i>spontaneity</i> , and <i>cumulative effect</i>	
<p><b>Brevity:</b></p> <p><u>Prose</u> – either (1) a complete article, story or essay of less than 2500 words, or (2) an excerpt from any prose work of not more than 1000 word or 10% of the work, whichever is less, but in any event an excerpt of up to 500 words</p> <p><u>Poetry</u> – (1) a complete poem if less than 250 words and if printed on not more than two pages, or (2) an excerpt of not more than 250 words (<i>Each of the numerical limits may be expanded to permit the completion of an unfinished prose paragraph or line of a poem</i>)</p> <p><u>Illustration:</u> One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue</p> <p><u>Special Works:</u> Certain works in poetry or prose which may combine language with illustrations which fall short of 2500 words, may not be reproduced in their entirety. However, an excerpt comprising not more than two of the published pages of such a work, and containing not more than 10% of the words found in the text, may be reproduced.</p>	
<b>Spontaneity:</b> The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission	
<b>Cumulative effect:</b> The copying of the material is only for one course and limited to one copy per student. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during a term. There shall be not more than nine (9) instances of such multiple copying for one course during a term.	

Source: HR 2223, § 107; Association of American Publishers [www.publishers.org](http://www.publishers.org)

**Appendix C**  
Generally Accepted Multimedia Fair Use

<b>Media</b>	<b>Allowable Portion for Fair Use</b>
Motion Media (e.g., video)	Up to 10% or 3 minutes, whichever is less
Text material	Up to 10% or 1000 words, whichever is less
Music, Lyrics, Music Video	Up to 10%, but no more than 30 seconds
Illustrations, Photographs	No more than 5 images from an artist/photographer, or no more than 10% or 15 works from a published collective work
Numerical Data Sets (e.g., databases)	Up to 10% or 2500 fields, whichever is less



## CHAPTER TEN: ALL-COLLEGE POLICIES

### 10.1 Equal Opportunity/Non-discrimination

Augustana College is an equal opportunity employer and is in compliance with the requirements of Title IX of the 1972 Education Amendments, Section 504 of the Rehabilitation Act of 1973, as amended, Title VII and all other applicable state, federal and local laws. Augustana College administers its educational programs under its policy that all admissions criteria, services, programs, employment (including recruitment, hiring, promotion, renewal of employment, selection for training, discharge, discipline and tenure decisions), and housing shall be maintained at all times on a non-discriminatory basis, without regard to race, color, religion, sex, sexual orientation, gender, gender identity, gender expression, national origin, ancestry, age, marital status, physical or mental handicap, disability, military status, or any other unlawful basis. Evidence of practices that are inconsistent with this policy should immediately be reported to a Compliance Officer, or in the case of sex or gender discrimination, to a Title IX/Deputy Title IX Coordinator, as outlined in the Policy against Discrimination and Harassment and the Policy Against Sexual Misconduct and Title IX Sexual Harassment. If a Compliance Officer or a Title IX/Deputy Title IX Coordinator is the subject of the complaint or a party to the complaint, the report may be made to a different Title IX/Deputy Title IX Coordinator or to the Provost.

### 10.2 Code of Conduct and Ethics

A faithful commitment to the mission of Augustana College requires the ethical conduct and decision-making of the entire community. This Code of Conduct sets out basic principles to guide us in achieving this. This Code is supplemented by the policies and procedures outlined in the Employee Handbook and the Whistleblower Policy, together providing a framework for making decisions we can stand by and a process to report concerns of violations.

Maintaining our reputation for integrity requires that we examine our behaviors and actions from an outside perspective. In other words, we must ask ourselves how certain behavior or conduct might appear to others, including students, parents, and co-workers. It is important that we avoid engaging in conduct or activity that raises questions as to the College's honesty or impartiality or creates even the appearance of unethical conduct.

Employees who violate the standards in this Code will be subject to disciplinary consequences. If you are in a situation that you believe may violate or lead to a violation of this Code, follow the guidelines described in Section 5 of this Code or the accompanying Whistleblower Policy

This Code should also be provided to and followed by the College's agents and representatives, including consultants.

#### 1. Conflict of Interest: Understanding what it is and what to do about it

A "conflict of interest" exists when your private interest interferes in any way with the interests of the College. A conflict situation can arise when you take actions or have interests that may

make it difficult to perform College work objectively and effectively. A conflict situation can also arise when you benefit personally, either directly or indirectly, from activities conducted on behalf of the College as an employee or consultant. The following situations are examples of conflicts of interests that must be avoided:

- Use of or disclosure of confidential information for personal gain
- Use of College time, facilities or equipment for personal purposes. The following situations are examples of conflicts of interest that must be avoided or discussed with the Provost/Dean of the College prior to engaging in the activity: use of College time, facilities or equipment for personal profit that does not align with the expectations of the College (related to teaching and advising, professional activity and scholarship, and service to the College, community and the profession).

All decisions made by you in the course of your professional responsibilities are to be made only on the basis of your desire to promote the best interests of the College. This is also described in the College's conflict of interest policy for the Board of Trustees.

Working for another institution of higher education or another employer outside your employment with the College may create a conflict of interest. Prior to engaging in any outside employment, you should talk with your supervisor and get his or her approval. Performing consulting services can also present a conflict of interest, and you must inform your supervisor and obtain his or her approval before performing consulting services of any kind.

Acceptance of gifts in a business relationship can also result in a conflict of interest. Accepting small gifts which are commonly given in business relationships such as mugs, pens, and other office gadgets does not present a concern. You should not, however, accept the following gifts: (1) cash gifts, (2) gifts not consistent with customary business practices, (3) gifts that feel excessive in value, (4) gifts that might look like a bribe or payoff, and (5) gifts that violate any other College policies, laws or regulations. Please discuss with your supervisor any gifts or proposed gifts that you are not certain are appropriate. If you receive a gift that is valued in excess of \$200, you must disclose your receipt of the gift to the President's Office.

Conflicts of interest may not always be clear-cut, and any question should be forwarded to your supervisor, the Human Resources Director, or the General Counsel. When in doubt, the best solution is simply to disclose your potential conflict of interest to your supervisor. Often times, simply disclosing the situation is also the required solution.

## 2. Relationships Between Employees and Students

In order to foster an environment for learning and to avoid the potential for exploitation, Augustana College employees are prohibited from engaging in any relationship with students of Augustana which may reasonably be perceived as a dating, romantic, or sexual relationship (referred to in this Policy as "amorous relationships"). This prohibition of amorous relationships with students applies even if the relationship is considered by both parties to be consensual. This prohibition also applies to amorous relationships with students that the parties may describe as a single interaction, casual or serious, or short or long duration.

When an amorous relationship with a student exists prior to the hire of an employee or prior to the enrollment of a student, the employee or potential employee must notify human resources of the relationship. This relationship will be exempted from this policy provided it does not violate any other College policies regarding conflict of interest, nepotism or personal relationships, and any other requirements related to the relationship are followed. In the case of an amorous relationship existing prior to an employee's hire, the disclosure must be made prior to or at the time of hire. In the case of an amorous relationship existing with an individual prior to their enrollment as a student, the employee must disclose the relationship prior to the student's enrollment.

An employee who violates this all-college policy will be subject to discipline up to and including dismissal in a manner consistent with other college policies.

3. Confidential Information

As employees, it is likely that we will come into contact with information related to the College that is confidential. Regardless of how you come across confidential information, you are expected to maintain the confidentiality of the information and not misuse the confidential information. While it is not possible to list every item that is confidential, a good rule of thumb is to consider information that is not made available to the public as confidential. The information that the College deems appropriate to share with the public is typically available on the College's website. The obligation to preserve confidential information continues even after your employment ends.

4. Outside Activities and Statements to the Public

We know you have interests outside of work, and these include interests in political and governmental activities as well as supporting particular principles, issues, parties or candidates.

Regardless of the personal activity, be sure that it is done on an individual basis, and not as a representative of Augustana College. If you believe personal activities or statements you are making could be interpreted as being made on behalf of the College, you should clarify with a statement along the lines of: "These are my personal opinions, and are not intended to represent the views or opinions of my employer, Augustana College." This is particularly important when you engage in political campaigning, as Augustana College's status as a tax exempt entity forbids the College or its representatives from campaigning for or against candidates for elected office.

Similarly, no statements may be made to the public on behalf of the College or as a representative of the College without prior notice and permission from Communication & Marketing.

5. Social Media

You should use good judgment and common sense when using social media for both work-related and personal reasons. It is important to remember that everything you post using social media is public or can easily be made public, even if you delete it. Be sure to think twice about how a statement you make on social media will be interpreted by those who see it.

6. Reporting Suspected Violations and Employee Protection

Maintaining an ethical work environment means that you might have to report a concern about potentially unethical or improper activities. It is important to understand your options and obligations in such a situation, and how the College will protect you from retaliation. All employees are expected to report behavior which is believed to be illegal, unethical, or otherwise in violation of College policies. The Augustana College Whistleblower Policy (below) provides details regarding what steps an employee can take to report a concern.

### Augustana College Whistleblower Policy

This policy describes the procedures to be followed when reporting and investigating allegations of suspected unlawful or improper activities. It also outlines the College's commitment to protect persons who file reports of suspected improper activities, called "whistleblowers", from retaliation.

College internal controls and operating procedures are intended to deter, detect and prevent improper activities. Violations, both intentional and unintentional, of laws, policies and procedures may still occur, and may jeopardize the College's resources or even the safety of others. We all have a responsibility for good stewardship of College resources. As a steward of College resources, it is important that concerns regarding improper behaviors or conduct are reported. When reported, Augustana College will investigate the allegation and will take action deemed appropriate to address the situation as outlined in this policy. Augustana College will also protect those employees who, in good faith, report concerns.

Augustana College will not retaliate against an employee, student or other person who has, in good faith, reported suspected improper activity. The College has a zero tolerance policy with regards to retaliation. The prohibition against retaliation does not, however, prohibit managers or supervisors from exercising legitimate supervisory responsibilities within the usual scope of their duties, the College's workplace expectations, or other College policies and valid performance related factors.

### Reporting Suspected Improper Activities

For purposes of this policy, "improper activities" are defined as follows:

- a. a violation of College policy that could result in significant risk to the health, safety or well-being of members of the Augustana community or others;
  - b. false or misleading financial reporting;
  - c. unauthorized destruction, alteration, or manipulation of College records, including electronic records;
  - d. a violation of local, state or federal laws (individuals wishing to report discrimination or harassment in the workplace should review the College's Policy Against Discrimination & Harassment);
  - e. the use of College property, resources, or authority for personal gain or other non-College purposes except as provided under College policy.
1. All employees are expected to report such improper activities. All other individuals, including students, are strongly encouraged to report improper activities. If you are unsure whether a matter is an improper activity as defined above, but the behavior seems unethical or improper, report it by following the steps outlined below.

2. Allegations of suspected improper activities can always be made verbally. It is helpful to also prepare your concerns in writing to assure a clear understanding of the issues raised. The written report should contain as much specific information as possible.
3. When possible, discuss your concern with your supervisor. This is the basic guidance for all situations. In cases where you do not feel comfortable discussing an issue with your supervisor, you may report your concern to the Vice President of Business & Finance. If that alternative is also not appropriate, or if you are not an employee of the College, you may address your concerns to the President of the College or the General Counsel, or to any other member of the Cabinet. If a suspected violation involves the President of the College or a Cabinet member, reports can be made to the General Counsel or to the Chair of the Board of Trustees.

### *Investigation of Complaints and Protection from Retaliation*

When a person reports suspected improper activities or other violations of Augustana policies to an appropriate individual, the report is a Protected Disclosure. College employees, students and others who make a Protected Disclosure are protected from retaliation for having made the report. Employees, students and others are also protected from retaliation from cooperating in the College's investigation of a Protected Disclosure.

Any employee who believes he/she has been subjected to or affected by retaliatory conduct for making a Protected Disclosure or participating in the investigation of a Protected Disclosure should report this concern to the Director Human Resources. If the Director of Human Resources is the source of or otherwise involved in the retaliatory conduct, then the matter should be reported to the General Counsel of the College or a Cabinet member. If an employee believes that reporting the alleged retaliatory behavior will be ineffectual or of a report has been made and the retaliatory conduct has not ended, the employee should report the matter to another Cabinet member.

All reports of improper activities will be investigated promptly and with discretion, and all information will be handled on a "need to know" basis. At the conclusion of an investigation, remedial and/or disciplinary action (up to and including termination) will be taken as the College deems necessary.

Students or employees who make allegations known to be untrue or with reckless disregard for the truth or in bad faith may be subject to disciplinary action.

### **10.3 Policy Against Discrimination and Harassment**

It is the policy and commitment of Augustana College to provide an environment free from discrimination and harassment based upon an individual's actual or perceived race, color, religion, national origin, service in the uniformed service (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, disability, genetic information, gender identity, gender expression, sexual orientation, order of protection status, work authorization status, or any other classification protected by law in matters of admissions, employment, housing, or services or in the educational programs and/or activities operated by the College.

Harassment, whether verbal, physical, emotional, financial, or visual, that is based on any of these characteristics, is a form of discrimination. This includes harassing conduct that impacts job benefits, or interferes unreasonably with an individual's academic or work performance, or creates what a reasonable person would perceive to be an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence. Conduct that meets the scope and definition of the Policy Against Sexual Misconduct and Title IX Sexual Harassment will be handled under the grievance procedures of that Policy.

Some examples of what may be considered discrimination or harassment, depending on the facts and circumstances, include the following:

- **Verbal behaviors:** derogatory comments regarding a person's race, color, gender, sexual orientation, religion, ancestry, ethnic heritage, mental or physical disability, age, appearance or other classification protected by law; threats of physical harm or distribution of written or graphic material having such effects. Derogatory gestures or the display of signs or pictures that may be offensive to others may also be examples of physical harassment.
- **Physical behaviors:** physical contact including touching, hitting, pushing or other aggressive contact.
- **Sexual behaviors:** unwelcome verbal or physical conduct of a sexual nature such as sexual advances, demands for sexual favors or other unwelcome verbal or physical conduct of a sexual nature.

Conduct may be considered harassment if:

- It is unwelcome; and
- Submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity; or
- Such conduct is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

It is expected that each and every member of the Augustana community will assist and support the College in its prohibition of discrimination and harassment. All employees of Augustana College are required to promptly report suspected violations of this Policy, even if the individual who was or is the victim has not filed a complaint. The report can be made to a supervisor, the Director of Human Resources, the Dean of Students Office, or in the case of sex discrimination, the Chief Title IX Coordinator or a Deputy Title IX Coordinators.

## SCOPE OF POLICY

This policy applies to all employees, including faculty, staff and administrators, of the College, as well as all students, guests and visitors of the Augustana community.

## **REPORTING PROCEDURES**

Sexual or other harassment can occur intentionally or unintentionally. A member of the Augustana community who feels harassed by an employee of the College, a student, guest, or any third-party (such as a supplier or vendor) should make this concern known by:

- If possible, telling the person who is engaging in the conduct or communication that their actions are offensive to you and that those actions must stop. Individuals who are not comfortable communicating directly with the person should skip this step.
- Inform your manager, or any member of the Office of Human Resources, Chief Title IX Coordinator or Deputy Title IX Coordinators, the Dean of Students Office, or a member of the Residential Life staff of the offensive behavior. This can be done by meeting in person or in writing.
- Follow up a verbal complaint with a written report of the complaint. It is helpful for allegations of improper behavior to be put in writing to assure a clear understanding of the behaviors and the issues raised. The written report should contain as much specific information as possible.
- Please see the College's Policy Against Sexual Misconduct and Title IX Sexual Harassment for additional options in reporting sex discrimination, including sexual & interpersonal conduct.

All complaints of harassment or discrimination will be kept as confidential as possible. The College will promptly and thoroughly investigate alleged behavior that would constitute a violation of this Policy Against Discrimination and Harassment and will take steps necessary to stop behavior that violates this Policy. The investigation and grievance procedures may vary depending on the type of discrimination reported, the nature of the allegations reported and where they occurred, as well as the classification of the individual accused of a violation (i.e, student, employee or faculty member). If you feel that your complaint has not received appropriate attention, you should discuss your concern with the Director of Human Resources, Chief Title IX Coordinator, or Deputy Title IX Coordinators, the Dean of Students Office, or the General Counsel of the College.

## **RETALIATION PROHIBITED**

It is central to the values of Augustana College that any individual who believes they may have been the target of prohibited discrimination or harassment feel free to report their concerns without fear of retaliation or retribution. The College strictly prohibits retaliation against an employee or any other individual who opposes or reports in good faith any practices prohibited under this Policy, including bringing a complaint of discrimination or harassment, assisting someone with such a complaint, attempting to stop such discrimination or harassment, or participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. Any individual who believes they have been subjected to or affected by retaliatory conduct for reporting a suspected

violation of this Policy or participating in an investigation should report the concern immediately to the Director of Human Resources, the General Counsel, the Dean of Students Office or the Chief Title IX Coordinator or Deputy Coordinators.

**Reporting Options Outside of the College.** The College has established this Policy to establish a process for the prompt and effective resolution of concerns of students and employees. Individuals have the right, however, to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) to file a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after the IDHR has completed its investigation of a complaint.

#### Contact Information:

- Illinois Department of Human Rights (IDHR)  
Chicago: 312-814-6200 or 800-662-3942  
Chicago TTY: 866-740-3953
- Illinois Human Rights Commission (IHRC)  
Chicago: 312-814-6269  
Chicago TTY: 312-814-4760
- United States Equal Employment Opportunity Commission (EEOC)  
Chicago: 800-669-4000  
Chicago TTY: 800-869-8001

An employee or student who has been physically harassed, threatened or assaulted may also have grounds for criminal charges, such as assault or battery.

#### False and Frivolous Complaints

False and frivolous charges refer to cases where the accuser is using a claim of prohibited harassment or discrimination to accomplish some other end other than stopping prohibited harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for someone accused of prohibited harassment or discrimination, a false and frivolous charge is a severe offense that can itself result in disciplinary action.



## 10.4 Policy Against Sexual Misconduct and Title IX Sexual Harassment

It is the policy of Augustana College to provide a work and educational environment free from all forms of sex discrimination. Accordingly, Augustana has established this Policy Against Sexual Misconduct and Title IX Sexual Harassment (“Policy”) that articulates the College’s behavioral standards and descriptions of prohibited conduct. The Policy and related procedures—the Title IX Sexual Harassment Investigation and Resolution Procedures (“Title IX Sexual Harassment Procedures”) and Sexual Misconduct Investigation and Resolution Procedures (“Sexual Misconduct Procedures”)—outline the College’s approach to addressing reports of Title IX Sexual Harassment and Sexual Misconduct, and other alleged or suspected violations of this Policy, taking into account the College’s status as a private institution of higher education and its unique mission and culture. Augustana College is committed to the prompt and equitable resolution of all alleged or suspected violations of this Policy about which the College knows or reasonably should know to the fullest extent possible under the circumstances.

The College is committed to complying with the requirements of Title IX of the Education Amendments of 1972 (“Title IX”) and the U.S. Department of Education’s regulations implementing Title IX, the Violence Against Women Reauthorization Act of 2013, and the Illinois Preventing Sexual Violence in Higher Education Act. The College is also committed to complying with Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Illinois Human Rights Act (“IHRA”), which prohibit discrimination on the basis of sex in employment (Title VII and IHRA) and in higher education and places of public accommodation (IHRA).

Consistent with the College’s Non-Discrimination Notice and the U.S. Department of Education’s implementing regulations for Title IX of the Education Amendments of 1972 (“Title IX”) (*see* 34 C.F.R. § 106 *et seq.*), the College prohibits Sexual Harassment that occurs within its education programs and activities.

Administrators, faculty members, staff, students, contractors, guests, and other members of the College community who commit Sexual Harassment or engage in other forms of sexual misconduct are subject to the full range of College discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sexual Harassment or other forms of sexual misconduct ongoing remedies as reasonably necessary to restore or preserve access to the College’s education programs and activities.

### SCOPE OF THIS POLICY

This Policy applies to all students, faculty, and staff of the College, and to guests and visitors, including third parties such as contractors, consultants, and vendors doing business or providing services to the College. The College’s ability to implement grievance procedures against individuals who are not members of the College Community is limited.

This Policy prohibits Sexual Harassment meeting specific definitions according to the Title IX regulations, as well as other sexual misconduct, not falling under specific Title IX regulatory definitions but prohibited by other policies and Augustana College.

This Policy applies to Title IX Sexual Harassment that occurs in the United States and within the College's Education Programs and Activities and is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the College community. As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Reports or complaints of Title IX Sexual Harassment will be governed by the College's Title IX Sexual Harassment Procedures.

This Policy also applies to Sexual Misconduct that occurs on-campus and off-campus, when the off-campus conduct: (i) occurs during a College sponsored employment or education activity or program; (ii) adversely impacts the education or employment of a member of the College community; or (iii) otherwise threatens the health and/or safety of a member of the College community. As further defined herein, Sexual Misconduct includes sex-based discrimination and harassment that does not fall within the definition of Title IX Sexual Harassment. It also includes Title IX Sexual Harassment that occurs outside the College's Education Programs and Activities or outside the United States (such as in a study abroad program). Reports or complaints of Sexual Misconduct will be governed by the College's Sexual Misconduct Procedures.

Where a complaint or report alleges conduct that allegedly or potentially includes acts of both Title IX Sexual Harassment and Sexual Misconduct, and where the allegations involve the same parties or are otherwise materially related, the allegations will be consolidated and addressed using the Title IX Sexual Harassment Procedures.

## **DEFINITIONS OF PROHIBITED CONDUCT**

### **A. TITLE IX SEXUAL HARASSMENT**

"Title IX Sexual Harassment" is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

#### **1. Quid Pro Quo Sexual Harassment**

Quid Pro Quo Sexual Harassment is an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

When a college employee, either explicitly or implicitly, makes a student's submission to unwelcome sexual conduct a term or condition of, or uses the student's submission to or rejection of unwelcome sexual conduct, as a basis for determining:

- (a) Whether the student will be admitted to the institution or any other learning institution;
- (b) The educational performance required or expected of the student;

- (c) The attendance or assignment requirements applicable to the student;
- (d) What courses, fields of study or programs, including honors and graduate programs, the student will be admitted to
- (e) What placement or course proficiency requirements are applicable to the student;
- (f) The quality of instruction the student will receive;
- (g) The student's tuition or fee requirements;
- (h) The student's scholarship opportunities;
- (i) The extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
- (j) Any grade the student will receive in any examination, course, or program of instruction;
- (k) The student's progress towards successful completion or graduation from the program in which the student is enrolled in; or
- (l) What degree the student will receive.

## **2. Hostile Environment Sexual Harassment**

Hostile Environment Sexual Harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the College's education programs and activities.

## **3. Sexual Assault<sup>2</sup>**

"Sexual Assault" includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

- (a) "Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
- (b) "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- (c) "Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical

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<sup>2</sup> The College's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.

(d) “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

(e) “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.

(f) “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Illinois law.

#### **4. Domestic Violence<sup>3</sup>**

“Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Illinois and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim who is cohabitating or has cohabitated with the victim as a spouse or intimate partner, shares a child in common with the victim; or commits acts against a youth or adult against an adult or youth victim who is protected from those acts under the family or domestic violence laws of Illinois.

#### **5. Dating Violence**

“Dating Violence” is violence committed by a person –

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship will be determined based on a consideration of the following factors:

- ☐ The length of the relationship;
- ☐ The type of relationship; and
- ☐ The frequency of interaction between the persons involved in the relationship.

#### **6. Stalking**

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<sup>3</sup> The College’s definition of domestic violence is updated to the wording from the Violence Against Women Act Reauthorization Act of 2022. This is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of “Domestic Violence” as defined by 34 U.S.C 12291(a)(8). See 34 C.F.R. § 106.30(a) for further information.

“Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- ☐ Fear for their safety or the safety of others; or
- ☐ Suffer substantial emotional distress.

## 7. Other Definitions<sup>4</sup>

**Economic abuse**, in the context of domestic violence and dating violence, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- (A) restrict a person’s access to money, assets, credit, or financial information;
- (B) unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or
- (C) exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty

**Technological abuse** means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, stalking, or sexual misconduct and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of information technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

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<sup>4</sup> These definitions are added based on the changes to 34 U.S.C 12291(a)(8) by the Violence Against Women Act Reauthorization Act of 2022.

## **Important Information on Consent, Capacity & Coercion as they relate to Sexual Misconduct and Title IX Sexual Harassment**

Consent refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. Consent to engage in sexual activity must be informed, freely given, and mutual. Consent does not exist if a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation or sexual activity. This includes incapacitation due to (1) the use or influence of alcohol or drugs, (2) being asleep or unconscious, or (3) a mental disability. Incapacitation due to drug or alcohol use is a state beyond drunkenness or intoxication. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. Facts that will be considered in determining a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- Control over physical movements (for example, inability to or difficulty with walking or standing without assistance);
- Awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in a sexual interaction);
- Ability to effectively communicate (for example, slurring speech, difficulty finding words).

A person may appear to be giving consent but may not have the capacity to do so. When determining whether a person has the capacity to provide consent, the College will consider whether a sober, reasonable person in the same position (as the respondent) knew or should have known whether the other party (complainant) could or could not consent to the sexual activity. It is important that anyone engaging in sexual activity be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity. Use of drugs or alcohol by the respondent is not a defense against allegations of sexual misconduct and does not diminish the personal accountability of the respondent.

Consent must be ongoing, throughout each instance of sexual activity, and for each form of sexual contact.

Consent cannot be assumed by: silence; lack of verbal or physical resistance or submission resulting from the use of force; a person's manner of dress; or the existence of a prior or current relationship. When determining whether a person has provided consent for sexual activity, the College will consider whether a sober, reasonable person in the same position (as the respondent) knew or should have known whether the other party (complainant) consented to the sexual activity.

If coercion, intimidation, threats, or physical force are used, there is no consent. Coercion refers to behavior that would compel an individual to do something against their will based on fear of harm to self or others. Coercion may involve intimidation, manipulation, or threats of severely damaging consequences. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. When determining whether a person has been subjected to coercion, the College will consider whether a sober, reasonable person in the same position would have felt coerced to participate in the sexual activity. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of the behavior, (b) the intensity of the behavior, (c) the duration of the behavior, and (d) severity of the threats or consequences.

Consent cannot be given by those who are under the legal age of consent (17 years in Illinois).

There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim.

A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent can be withdrawn at any time. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

## **B. SEXUAL MISCONDUCT**

Complaints involving allegations of sex discrimination that do not constitute Title IX Sexual Harassment as defined above may constitute Sexual Misconduct. Complaints of Sexual Misconduct are resolved using the Sexual Misconduct Investigation and Resolution Procedures (“Sexual Misconduct Procedures”). “Sexual Misconduct” is prohibited by this Policy and includes “Non-Title IX Sexual Harassment” and “Sex Discrimination” as defined below:

### **1. Non-Title IX Sexual Harassment**

Non-Title IX sexual harassment (“sexual harassment”) is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature, without regard to whether the parties are of the same or different genders or gender identities. It includes:

- (a) Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, Economic and/or Technological Abuse as defined above, that occurs outside of the College’s Education Programs or Activities or outside the United States;
- (b) Unwelcome conduct that does not rise to the level of Hostile Environment Sexual Harassment, as defined in this Policy, but that:
  - is sufficiently serious (severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
  - that has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.
- (c) Inducing Incapacitation for Sexual Purposes. Inducing incapacitation for sexual purposes means using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact. This also includes causing or inducing a person, when consent is not present, to touch, fondle, or contact oneself or someone else in a sexual nature.
- (d) Sexual Exploitation. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.

Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to

- or having the effect of embarrassing an individual who is the subject of such images or information
- Exceeding the boundaries of consent
- Engaging in non-consensual voyeurism
- Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals
- Possessing, distributing, viewing or forcing others to view illegal pornography

## 2. Sex Discrimination

(a) Sex Discrimination means material, adverse treatment of a person or group on the basis of sex. Discrimination occurs when persons are excluded from participation in, or denied the benefits of, any College program or activity on the basis of a protected status.

(b) Pregnancy discrimination is a type of Sex Discrimination and means treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

## OTHER DEFINITIONS

**Complainant:** the party who has alleged Sexual Misconduct or Title IX Sexual Harassment or to whom Sexual Misconduct or Title IX Sexual Harassment was directed.

**Respondent:** the party who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct or Title IX Sexual Harassment

**Third Party Reporter/Witness:** An individual who reports conduct that could constitute Sexual Misconduct or Title IX Sexual Harassment occurring between or directed towards individuals other than him/her/themselves.

**“Education Programs and Activities”** refers to all the operations of the College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Title IX Sexual Harassment occurs, including Title IX Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the College.



### **Understanding Hostile Environment Sexual Harassment**

In considering whether a hostile environment exists for purposes of both Title IX Sexual Harassment and Sexual Misconduct, as defined above, the College will consider the totality of the circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The College encourages members of the College Community to report any and all instances of sexual harassment, even if they are unsure whether the conduct rises to the level of a Policy violation. Some specific examples of conduct that may constitute Hostile Environment Sexual Harassment and/or sexual harassment if unwelcome include, but are not limited to:

- Repeated comments about a person's physical appearance;
- Sexually suggestive remarks, insults, jokes, humor, or innuendo;
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes
- Displays of sexually suggestive material, including sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Unwelcome advances or conduct such as touching, patting, caressing, kissing or sexual propositions; and
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Sexual advances accompanied by threat of punishment or promise of reward including the withholding or giving of grades and promotions.
- E-mail and Internet use that violates this policy.

## **RETALIATION**

“Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or the Illinois Preventing Sexual Violence in Higher Education Act, or because an individual has, in good faith, opposed any practices forbidden under this Policy or made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy or the related Sexual Misconduct Procedures or Title IX Sexual Harassment Procedures.

It is a violation of College Policy to engage in Retaliation. This includes action taken against a bystander who intervened to stop or attempted to stop Sexual Misconduct or Title IX Sexual Harassment. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

The College will take immediate and responsive action upon receiving any report of Retaliation and may pursue disciplinary action as appropriate.

Reports or Formal Complaints of Retaliation based on a complaint of Title IX Sexual Harassment or participation in the Title IX Sexual Harassment Procedures may be made as outlined in the reporting sections below, and will be processed in the same manner as a report or Formal Complaint of Title IX Sexual Harassment.

Reports of Retaliation based on a complaint of Sexual Misconduct or participation in the Sexual Misconduct Procedures may be made as outlined in the reporting sections below, and will be processed in the same manner as a report of Sexual Misconduct.

The College retains discretion to consolidate a report or Formal Complaint of Retaliation with a report or Formal Complaint of Title IX Sexual Harassment or Sexual Misconduct, as the case may be, for investigation and/or adjudication purposes if the two complaints share a common nexus.

Individuals who engage in Retaliation as defined by this Policy may be subject to disciplinary action that may include, but is not limited to, the sanctions listed in the Title IX Procedures or the Sexual Misconduct Procedures, up to and including dismissal or other separation from the College.

## **REPORTING SEXUAL MISCONDUCT, TITLE IX SEXUAL HARASSMENT, AND RETALIATION**

Contact the Title IX Coordinator or Deputy Title IX Coordinators with any questions about this Policy or to file a complaint of sex discrimination, including sexual harassment, sexual misconduct, or retaliation. The College's Title IX Coordinator is Jennie Hemingway, who can be reached at 309-794-7313 or at [titleIX@augustana.edu](mailto:titleIX@augustana.edu). While Dr. Hemingway is the Title IX Coordinator, all of the following individuals serve as Deputy Title IX Coordinators for the College and may be contacted with questions, or receive complaints. In addition to the Title IX Coordinators, the Office of Public

Safety and Police can receive reports of Policy violations and oversee investigations of alleged Policy violations.

**Chief Title IX Coordinator:** Jennie Hemingway, Ph.D., Director of Access Compliance 309-794-7313.

As the Chief Title IX Coordinator, Jennie Hemingway is responsible for enforcement of Title IX at the College. Jennie can receive complaints from any individual regarding Title IX. She is responsible for outreach and education regarding the College's prohibition of sex discrimination, the process for addressing concerns of sex discrimination, and the forms of sex discrimination.

**Deputy Title IX Coordinator:** Mindy Zumdom, Director of Human Resources, 309-794-7452.

As Deputy Title IX Coordinator, Human Resources Director Mindy Zumdom can receive complaints from any individual regarding Title IX. She and the Human Resources staff will handle reports of staff and administrative employee violations of the College's policy and will be responsible for employee training regarding the College's prohibition of sex discrimination and the process for addressing concerns of sex discrimination.

**Deputy Title IX Coordinator:** Chris Beyer, Director of Residential Life, 309- 794-2686.

As a Deputy Title IX Coordinator, Chris Beyer is primarily responsible for organizing student training required under Title IX. Chris can also receive a complaint of a violation of Title IX from any member of the Augustana community.

**Deputy Title IX Coordinator:** Laura Schnack, Associate Dean of Students, 309-794-7533.

As a Deputy Title IX Coordinator, Laura Schnack coordinates with the Chief Title IX Coordinator when a student has reported or is accused of violating the College's policy. Dean Schnack can also receive a report of a violation of Title IX from any individual.

**Deputy Title IX Coordinator:** Greg Domski, PhD Associate Dean of Academic Strategic Priorities, 309-794-3482.

As a Deputy Title IX Coordinator, Greg Domski coordinates with the Title IX Coordinator when a faculty member has reported or is accused of violating the College's policy. Dean Domski can also receive a report of a violation of Title IX from any individual.

**Deputy Title IX Coordinator:** Chad Gunnelson, Director of Track & Field/Cross Country, 608-658-6538

As a Deputy Title IX Coordinator, Chad Gunnelson coordinates with the Chief Title IX Coordinator regarding athletic compliance with Title IX and NCAA policies. Coach Gunnelson can receive a report of a violation of Title IX from any member of the Augustana College community.

**Office of Public Safety & Police: 309-794-7711****Tom Phillis, Chief of Police**

Chief Phillis can receive a complaint of a violation of this Policy from any member of the Augustana community. Chief Phillis oversees the investigation of student complaints of Title IX violations under this Policy.

Any person may report sex discrimination. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in a Title IX Coordinator receiving the report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

In addition to reporting to a Title IX Coordinator, any person may report Title IX Sexual Harassment or Sexual Misconduct to any College employee with managerial authority over other employees, including cabinet members, deans, department heads, unit supervisors, and other managers (collectively “Reporting Officials”) who must promptly forward such report of Title IX Sexual Harassment or Sexual Misconduct to the Title IX Coordinator.

**Campus Conduct Hotline**

The College has a campus conduct hotline (1-866-943-5787) for individuals to report matters **anonymously**. This means that it is not necessary to disclose names or any other identifying information. Reports received through this hotline relating to alleged violations of the Policy Against Sexual Misconduct and Title IX Sexual Harassment will be forwarded to a Title IX Coordinator who will respond to the complaint. The College’s ability to respond effectively, or at all, may be limited if the reporter wishes to remain anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to a Title IX Coordinator, as described above.

**Electronic Reporting**

Reports of a potential violation of this Policy may also be filed electronically at: [www.augustana.edu/titleIX](http://www.augustana.edu/titleIX). An electronic report may be made anonymously. As noted, the College’s ability to respond effectively may be limited if the reporter remains anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to a Title IX Coordinator, as described under the reporting obligations section of this policy.

**VICTIM AND THIRD PARTY/BYSTANDER REPORTING**

Anyone who feels that s/he/they has been the victim of sex discrimination, sexual harassment, sexual misconduct, or other interpersonal misconduct as defined in the Policy is encouraged to bring it to the attention of a Title IX Coordinator or to the Office of Public Safety and Police for assistance. Bystanders and third parties who have information they believe could constitute a violation of this Policy are also encouraged to inform a member of the Title IX Team, or utilizing the Campus Conduct Hotline or the College’s electronic reporting option outlined below. Reports will be treated as confidential as possible. This means that the Title IX Team will share information gathered through reports and any investigation on a need to know basis only.

The Title IX Team at Augustana College consists of the Chief Title IX Coordinator, the Deputy Title IX Coordinators, and the Chief of the Office of Public Safety and Police. The Title IX Team is responsible for ensuring the prompt and impartial review, investigation and resolution of all reports of alleged violations of the Policy, along with the provision of interim remedies and measures to support all individuals involved and to ensure that they are treated with dignity and care.

## **REPORTING OBLIGATIONS**

With the exception of the confidential resources identified below, all College employees who receive a report of or otherwise become aware of sex discrimination, sexual harassment, sexual misconduct or other interpersonal misconduct are obligated to promptly inform the Title IX Coordinator (either the Chief Title IX Coordinator or one of the Deputy Title IX Coordinators) or the Office of Public Safety and Police, all the alleged details of the incident, unless they are expressly prohibited by law from disclosing such information. With the exception of students employed in Residential Life, Augustana College students who are also employed by the College are not included in this reporting requirement.

At Augustana, counselors in the Counseling Center and the Campus Pastor are not required to disclose the information obtained while serving in these roles as they have professional obligations to maintain the confidentiality of their clients. These employees can also help individuals understand their options for proceeding with their complaint. More information about these confidential resources is provided below. Confidential Advisors (see below) are also not required to disclose information to the College.

## **CONFIDENTIAL RESOURCES**

Individuals who feel they have been victims of sexual misconduct may require time and support in reaching the decision as to whether to make formal complaints. There are confidential resources on campus and in the community available to individuals who do not wish to make a formal report to campus authorities or who wish to speak with a confidential resource in addition to making a formal report. Information disclosed to a confidential resource will not be shared with other individuals. These resources generally only report to the College the fact that an incident occurred without revealing any personally identifying information. This also means that disclosures to a confidential resource will not result in a College investigation into an incident. These confidential resources include:

### **Confidential resources on campus**

Counseling Services 309-794-7357

Counselors at Counseling Services can provide emotional and medical support in a safe and confidential space. They are not required to disclose your identifying information as they have professional obligations to maintain the confidentiality of their clients. They can also help you think through your options for filing a formal report.

Campus Chaplain, Office of Campus Ministries, 309-794-7213

### Confidential Advisors

Through a partnership, the College has arranged for the availability of confidential advisors employed by Family Resources – Survivor Services to provide emergency and on-going support to survivors of sexual assault. Confidential Advisors may, but are not required to, serve as Advisors of Choice.

### **Confidential resources in the community**

Family Resources -Survivor Services of the Quad Cities – 24 Hour Free Crisis Line 309-797-1777  
<http://www.famres.org/services/survivor-services>

Family Resources- Survivor Services is a community based program that serves the needs of women, men, children and families whose lives have been affected by domestic or sexual violence, human trafficking, or other violent crimes.

Illinois Domestic Violence Help Line: 1-877-863-6338  
<http://www.dhs.state.il.us/page.aspx?item=30275>

National Sexual Assault Telephone Hotline: 800-656-HOPE (4673)

Rape, Abuse, and Incest National Network: <https://www.rainn.org>

### **OFF-CAMPUS REPORTING & OTHER REPORTING INFORMATION**

The College encourages all individuals who feel they have been victims of sexual misconduct or other interpersonal misconduct (also referred to as complainants) to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence. Seeking medical attention preserves the full range of options, including the options of working through the College's grievance procedures and/or filing criminal complaints.

Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17<sup>th</sup> Street, Rock Island, telephone 309-779-5000. Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient.

A complainant has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College or to pursue both processes consecutively or concurrently.

#### **Rock Island City Police**

Emergency Reporting – Dial “911”

Non-Emergency Reporting (309) 732-2677

A complainant also has the right not to pursue any complaint. Unless deemed necessary by the Title IX team or requested by an alleged victim, the College will not contact law enforcement outside of the College Office of Public Safety and Police. In addition to having the option of pursuing a criminal complaint, victims also have the option of exploring whether they might be entitled to an order of protection, no contact order, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders see <http://www.illinoisattorneygeneral.gov/women/victims.html>.

The Title IX team will assist victims with transportation to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request and with accessing all appropriate resources and support, including on- and off-campus confidential victim services and sexual violence crisis support.

Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Augustana's authority to sanction members of the College community applies only to the violation of College rules, policies and procedures. Legal action to pursue either civil or criminal proceedings may be initiated by contacting the police or the State's Attorney. Students who believe they are the victims of a crime as defined by federal and state laws are encouraged to report to law enforcement authorities as the legal system of the State of Illinois offers recourse through law enforcement officials and the courts. The College's Chief Title IX Coordinator and the Augustana College Office of Public Safety and Police are available to assist students with any reports they might wish to make to law enforcement authorities.

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 or visiting [www2.ed.gov/about/list/ocr/complaintintro.html](http://www2.ed.gov/about/list/ocr/complaintintro.html).

## **PRESERVING EVIDENCE**

Individuals are encouraged to do everything possible to preserve evidence by making certain that the crime scene is not disturbed and any physical evidence is preserved. Individuals who believe they are victims of sexual misconduct should avoid bathing, using the toilet, rinsing one's mouth or changing clothes, where possible. Clothing that was worn at the time of the incident should be placed in a paper bag, not a plastic one. Bedding should not be laundered or discarded. All forms of electronic communication that occurred before, during, or after the assault should be preserved.

Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient. Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17<sup>th</sup> Street, Rock Island, telephone 309-779-5000.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of investigations.

## **ADDITIONAL REPORTING INFORMATION**

### Timing of Report

The College encourages individuals to report as soon as practically possible, but there is no time limit on reporting. The College will undertake an investigation of past events made by individuals currently participating in, or attempting to participate in, the education program, but the College cannot typically impose disciplinary sanctions on an individual who is no longer a member of the Augustana community (e.g., a student who has graduated or an individual who is no longer in the employ of the College).

### Amnesty

In order to encourage the reporting of alleged sexual or interpersonal misconduct, the College will not pursue disciplinary action against any student (including a Complainant or third party witness) who reports in good faith or is involved in the investigation of an alleged violation of this Policy and who has violated College policy regarding alcohol or other drugs, provided that such violations did not/do not place the health or well-being of any other person at risk. While disciplinary action will not typically be pursued for violations of the College's alcohol or drug policies in such circumstances, the College may pursue educational interventions where appropriate.

### Applicable Adjudication Procedures

Individuals who file a report of an alleged violation under this Policy will be informed in writing of the applicable investigation and adjudication procedures; this may be updated as additional facts or information becomes available during the Complaint.

## **10.5 Reporting Harassment and Discrimination**

### **10.5.1 Role of Compliance Officers**

- 10.5.1.1 The Compliance Officers are responsible for overseeing the implementation of the Policy Against Harassment and Discrimination for faculty. The Compliance Officers oversee all harassment and discrimination complaints and ensure proper procedures are followed in each case. The Compliance Officers may also serve in the role of a Title IX/Deputy Title IX Coordinator. Title IX Coordinators will oversee the implementation of the Policy Against Sexual Misconduct and Title IX Sexual Harassment. In addition, the Compliance Officers and Title IX/Deputy Title IX Coordinators are available to explain complaint procedures, answer questions and ensure that appropriate actions are taken.



The Compliance Officers for the College are:

- (1) Associate Academic Dean of the College, Bahls Center
- (2) Dean of Students, Bahls Center
- (3) Director of Human Resources, Sorensen Hall.
- (4) Title IX Coordinator, Bahls Center

When there is a conflict of interest, or if the Compliance Officers are unavailable, any of the Title IX/Deputy Title IX Coordinators can serve as a Compliance Officer.

- 10.5.1.2 Records of all complaints against faculty are maintained by the Compliance Officers. The Compliance Officers track the report and confirm incident rate for statistical purposes. Annually, a report will be given to the College President summarizing the data. These records will be held in confidence.

#### 10.5.2 Reporting Requirements

- 10.5.2.1 All faculty, staff, administrators and students are required to promptly report any suspected violations of the Policy Against Harassment and Discrimination and known or suspected violations of the Policy Against Sexual Misconduct and Title IX Sexual Harassment, even if the individual who was the victim has not filed a complaint. The report should be directed to a Compliance Officer. Violations of the Policy Against Sexual Misconduct and Title IX Sexual Harassment should be directed to a Title IX/Deputy Title IX Coordinator. A Compliance Officer may also serve as a Title IX Coordinator.
- 10.5.2.2 The College has a legal obligation to investigate alleged incidents of harassment and discrimination. Therefore, even if a potential victim chooses not to pursue the complaint procedures set forth in this policy, the College still retains the right to fully investigate the matter and take appropriate actions consistent with its findings.
- 10.5.2.3 The procedures set forth in this section are applicable only when the alleged offender is a faculty member. In situations where the alleged offender is a student, employee, or third party, the investigation and grievance procedures will vary.

## 10.6 Informal and Formal Complaint Procedures

These complaint procedures shall govern when a faculty member is accused of violating the Policy Against Discrimination and Harassment, other than allegations of sex discrimination. Allegations of sex discrimination will be governed by the grievance procedures outlined in Section I of the All Employee Handbook (see Investigation and Grievance Procedures for Sexual Misconduct and Title IX Sexual Harassment). Individuals who think they are the victims of harassment or discrimination, other than sex harassment or sex discrimination, may file either an informal or formal complaint as outlined below.

### 10.6.1 Informal Complaint Procedures

10.6.1.1. The informal complaint procedure attempts to resolve the situation informally with a meeting between the complainant, the alleged offender and a Compliance Officer. The informal complaint procedure may be skipped if a Compliance Officer determines it would be inappropriate or unproductive in the particular situation. When an informal complaint is made, the following will occur:

- 10.6.1.1.1 The complainant will be requested to put their informal complaint in writing.
- 10.6.1.1.2 The Compliance Officer will discuss the situation with the complainant and answer any questions.
- 10.6.1.1.3 The Compliance Officer will notify the alleged offender that an informal complaint has been filed against them and will give them a copy of the Policy Against Discrimination and Harassment. The Compliance Officer will also advise the individual alleged to violate the College policies of the College's prohibition of any retaliatory action against the complainant.

10.6.1.1.4 The Compliance Officer will meet with the complainant and the alleged offender, separately. Through this investigative process, the Compliance Officer will determine whether or not the complaint is founded. A complaint is founded when the alleged conduct would constitute a violation of the College's Policy Against Discrimination and Harassment. If the complaint is not founded the procedure under this policy ends. The matter may be referred to another college resource for additional information, such as the Bias Education and Support Team. If the Compliance Officer's initial investigation shows that the complaint is founded, then Compliance Officer will determine whether to hold an informal meeting with both parties present or appoint a mediator. There will be only one meeting, either informal or mediated, with the parties.

10.6.1.2 If a resolution between the parties is agreed upon, it will be put in writing and signed by both parties. A copy of this agreement will be kept by the Compliance Officer.

- 10.6.1.3 If there is no resolution, the Compliance Officer will notify the complainant of the right to file a request for a formal hearing.
- 10.6.1.4 The purpose of the informal complaint is to quickly and appropriately resolve the situation. An informal complaint concludes when:
  - 10.6.1.4.1 The complainant voluntarily withdraws the informal complaint. This may be accomplished by notifying the Compliance Officer in writing;
  - 10.6.1.4.2 The Compliance Officer finds the complaint alleges conduct that would, even if true, not constitute a violation of the College's Policy Against Discrimination and Harassment. This conclusion does not preclude the complainant from filing a formal complaint;
  - 10.6.1.4.3 The Compliance Officer finds that further efforts at an informal resolution would be futile. The Compliance Officer will at this point advise the complainant of their option to file a request for a formal hearing; or
  - 10.6.1.4.4 A resolution is reached between the complainant and the individual alleged to have violated College policy. The resolution must be in writing and a copy of the agreement will be filed with the Compliance Officer. The incident that is the subject of an informal complaint that is satisfactorily resolved may not be the basis of a subsequent complaint or formal hearing request under the College policies unless there is a breach of the agreement by the individual alleged to have violated College policy. A resolution agreement between the parties does not constitute a formal finding of harassment or discrimination by the College. However, the agreement may be considered in future incidents involving the alleged offender.

#### 10.6.2. Formal Complaint Procedures

Anyone who believes that he or she is the victim of harassment or discrimination, other than sex discrimination or harassment, may file a formal complaint with a Compliance Officer., Employees who believe that they are a victim of sex discrimination, including sexual harassment, may file a complaint as outlined in the Policy Against Sexual Misconduct and Title IX Sexual Harassment.

Upon the timely filing of a formal complaint, the College will initiate an investigation to determine whether a violation of College policies has occurred and impose appropriate disciplinary sanctions. This investigation may be completed by the Compliance Officer, or a designee.

- 10.6.3 A determination of whether the Policy was violated will be made by the Provost, or their designee, based on information gathered in the investigation. The decision of the Provost (or their designee), will be final and is not subject to appeal. If, however, the Provost recommends separation of a faculty member from the College, the

separation will be handled in accordance with any existing and applicable faculty handbook provisions relating to separation from the College. In some cases, the College may not be able to determine that a Policy violation occurred; in such a situation, the College may still require action to be taken to promote a healthy and respectful environment.

#### **10.6.4 The Advisory Committee on Harassment and Discrimination**

Under the Policy Against Sexual Misconduct and Title IX Sexual Harassment, formal hearings are brought before the Advisory Committee on Harassment and Discrimination. Included on the Committee are at least two administrators, two faculty and one support staff member. A minimum of four administrators, four faculty members and two support staff members will receive training regarding their role as a Committee member. Members selected will sit on the Committee for a three-year term; forced removal is for good cause only. Though all members will be trained, only three members will be selected for a hearing as needed. Whenever a member has a conflict of interest or even the appearance of a conflict, that member shall not sit for the hearing creating that conflict. The presiding chairperson for each hearing shall be selected by the three members of the Committee, first from the faculty members on the Committee if available.

### **10.7 Complaint Procedures/Allegations of Sex Discrimination**

As noted above, allegations of sex discrimination, shall be governed by the College's Policy Against Sexual Misconduct and Title IX Sexual Harassment (See Section 10.4 above). The Investigation & Grievance Procedures for Sexual Misconduct and Title IX Sexual Harassment, in Section I of the All-Employee Handbook shall apply to claims of sex discrimination.

As is outlined in more detail in those policies, informal resolution procedures are available to address Formal Complaints.

### **10.8 Legal Recourse**

Some forms of harassment or discrimination may violate state, federal and local laws. At any time, a complainant may exercise their right to institute legal proceedings before a federal or state agency and/or through the police department. The institution of such legal proceedings may be in addition to, or instead of, pursuing the procedures set forth herein.

### **10.9 Confidentiality**

Augustana College is committed to balancing the interests of all parties involved in complaints of discrimination and harassment and will attempt to keep the complaint, including the name of the complainant and the alleged offender, as confidential as possible. However, the College recognizes that there are certain situations that may require disclosure of information and such information will be disclosed to individuals with a genuine need to know the information, or when the need to investigate warrants such disclosure. Further,

when credible information received through an investigation shows that there may be violations of other College policies, then the appropriate officials will be notified.

## **10.10 Contact Names and Phone Numbers**

### **Compliance Officers:**

Associate Dean of Academic Strategic Priorities, Dr. Greg Domski (309) 794-3482  
Director of Human Resources, Mindy Zumdom (309) 794-7352  
Dean of Students, Dr. Wesley Brooks (309) 794-7533  
Title IX Coordinator, Dr. Jennie Hemingway (309) 794-7313

### **Title IX Coordinator/Deputy Coordinators:**

Title IX Coordinator, Dr. Jennie Hemingway (309) 794-7313  
Director of Human Resources, Mindy Zumdom (309) 794-7352  
Associate Dean of Academic Strategic Priorities, Dr. Greg Domski (309) 794-3482  
Assistant Dean of Students, Laura Schnack (309) 794-7533  
Director of Residential Life, Chris Beyer (309) 794-2686  
Director of Track & Field/Cross Country, Chad Gunnerson (608) 658-6538

## **10.11 Students with Disabilities**

10.11.1 In compliance with state and federal law, it is the College's policy that a qualified student with a "disability" will not be excluded from participation in any program or activity of the College. The term "disability" is defined at length in the applicable state and federal laws. In addition, the College does not discriminate against students with a "disability" in admission decisions or access to any of the College's programs or activities.

10.11.2 Any student who seeks a reasonable accommodation of a "disability" or has questions regarding accommodations or particular facilities and services, should contact the Office of Disability Services (Olin 318) at [disabilityservices@augustana.edu](mailto:disabilityservices@augustana.edu).